

# Fiscal Note & Local Impact Statement

127<sup>th</sup> General Assembly of Ohio

Revised

Ohio Legislative Service Commission  
77 South High Street, 9<sup>th</sup> Floor, Columbus, OH 43215-6136 ♦ Phone: (614) 466-3615  
♦ Internet Web Site: <http://www.lsc.state.oh.us/>

---

BILL: **H.B. 306** DATE: **November 19, 2008**  
STATUS: **As Reported by House Criminal Justice** SPONSOR: **Rep. Latta**  
LOCAL IMPACT STATEMENT REQUIRED: **Yes**  
CONTENTS: **Fingerprinting requirements**

---

## State Fiscal Highlights

STATE FUND	FY 2009 – FUTURE YEARS
<b>General Revenue Fund (GRF) and/or Other State Funds of the Attorney General</b>	
Revenues	- 0 -
Expenditures	Potential, likely minimal if that, annual cost for state's BCII to process additional fingerprint impressions
<b>Various funds of state law enforcement entities</b>	
Revenues	- 0 -
Expenditures	Potential increase, perhaps exceeding minimal annually for certain state law enforcement entities, to: (1) establish and maintain fingerprinting capability, or (2) transport certain persons to other jurisdictions for immediate fingerprinting

Note: The state fiscal year is July 1 through June 30. For example, FY 2009 is July 1, 2008 – June 30, 2009.

- **Attorney General's Bureau of Criminal Identification and Investigation (BCII).** The bill expands the list of local enforcement agencies for which BCII is required to provide fingerprint impression sheets. Currently, BCII is part of an intra-state and national effort to install and operate electronic criminal booking stations that include the taking and processing of fingerprints. To the degree then that the use of these booking stations in Ohio is becoming more widespread in local criminal justice agencies, and as a result more information is being processed electronically as opposed to manually, it seems very likely that fingerprint impression sheets are being used less and less. From LSC fiscal staff's perspective, this suggests that any additional annual operating expenses for BCII in order to produce and distribute more fingerprint impression sheets are likely to be no more than minimal, if that. In the context of state expenditures, a minimal increase means an estimated cost of less than \$100,000 per year.
- **State law enforcement entities.** LSC fiscal staff's research suggests that some state law enforcement agencies, in particular the Ohio State Highway Patrol, may incur one-time expenses and possibly ongoing annual operating expenses in excess of minimal to comply with the bill's immediate fingerprinting provision. In the context of state expenditures, "in excess of minimal" means an estimated annual cost of \$100,000 or more.

## *Local Fiscal Highlights*

<b>LOCAL GOVERNMENT</b>	<b>FY 2009 – FUTURE YEARS</b>
<b>Local Law Enforcement Agencies</b>	
Revenues	- 0 -
Expenditures	Potential increase, likely to exceed minimal annually in certain local jurisdictions, to: (1) establish and maintain fingerprinting capability, or (2) transport certain persons to other jurisdictions for immediate fingerprinting

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **Local law enforcement agencies.** The uncertainties relative to the impact of the bill's fingerprinting requirement on local law enforcement agencies include, but are not limited to: (1) the number and identity of the agencies that currently lack the necessary fingerprinting capability, (2) the number of persons in any of those affected local jurisdictions that will have to be fingerprinted immediately that would not otherwise have been fingerprinted immediately, and (3) the way in which any of those affected local jurisdictions will perform this required activity and at what cost. That said, LSC fiscal staff's research to date suggests that certain local law enforcement agencies will incur one-time and possibly ongoing annual operating expenses in excess of minimal. For the purposes of this fiscal analysis, a cost in excess of minimal means an increase in expenditures estimated at more than \$5,000 for any affected local jurisdiction.

---

## *Detailed Fiscal Analysis*

### Overview

Most notably for the purposes of this fiscal analysis, the bill amends current law regulating the requirement of local law enforcement agencies to take fingerprints of certain persons as follows:

- Requires the chief administrative officer of certain law enforcement agencies to immediately take the fingerprints of persons arrested or taken into custody for specified offenses.
- Requires that, if a court learns at any time that a person's fingerprints have not been taken, the court order the person to appear before the appropriate law enforcement to have the person's fingerprints taken and processed.

### Bureau of Criminal Identification and Investigation

Existing law requires that the Office of the Attorney General's Bureau of Criminal Identification and Investigation (BCII) furnish fingerprint impression sheets to each sheriff, chief of police, and person in charge of every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution within the state. The bill further expands this list by including the chief administrative officer of any other law enforcement agency in the state.

The Office of the Attorney General may experience a minimal increase in the annual costs related to printing and distributing additional fingerprint impression sheets to additional state and local law enforcement agencies. However, it seems more likely that existing distributions will be reallocated to accommodate changes in demand as additional agencies begin their own processes for taking fingerprints. It should also be noted that BCII is part of an intra-state and national effort to install and operate electronic criminal booking stations that include the taking and processing of fingerprints. To the degree then that the use of these booking stations in Ohio is becoming more widespread in local criminal justice agencies, and as a result more information is being processed electronically as opposed to manually, it seems very likely that fingerprint impression sheets will be used less frequently in the future. Thus, from LSC fiscal staff's perspective, any additional annual operating expenses for BCII are likely to be no more than minimal, if that. In the context of state expenditures, a minimal increase means an estimated cost of less than \$100,000 per year.

## State and local law enforcement agencies

### Fingerprinting

The bill requires the chief administrative officer of law enforcement agencies other than county sheriffs or municipal chiefs of police (which is required under current law) to immediately take, or cause to be taken, the fingerprints of persons arrested or taken into custody for specified offenses. Based on previous conversations with the Buckeye State Sheriffs' Association (BSSA),<sup>1</sup> it appears that this requirement may in fact generate a noticeable increase in the expenditures of certain law enforcement agencies.

As of October 2007, there were 874 "local law enforcement agencies" operating in the state (not including the 88 county sheriffs departments).<sup>2</sup> This total number included municipally operated agencies, as well as other agencies authorized by current law, for example, those operated by townships, colleges and universities, amusement parks, hospitals, and park systems. At the time of this writing, LSC fiscal staff is uncertain whether or not BCII is currently providing fingerprint impression sheets to these other local law enforcement agencies. However, a quick survey by LSC fiscal staff of certain township police departments indicates that these law enforcement agencies do not have any fingerprinting equipment currently in operation, other than that used for citizen generated background checks. Of the 874 local law enforcement agencies that were in operation as of October 2007, 186 were agencies other than those operated by a municipality (i.e., townships, colleges and universities, amusement parks, hospitals, and park systems).

Based on LSC fiscal staff's research, the bill's fingerprinting requirement could be implemented in one of two ways. First, the arresting agency may immediately transport the person being arrested to the nearest law enforcement agency with the capability of taking and processing offender fingerprints, for example, a county sheriff's or municipal chief's of police office, or a municipal or county jail. As a result, presumably, the arresting agency incurs additional time and transportation costs, as officers would have to travel to and from their jurisdictions.<sup>3</sup> It should also be noted that it is often the case that a county sheriff performs most of the fingerprinting duties within the county, as most municipal police departments have disbanded their internal booking systems and instead rely on the services of the sheriff.

The second way in which the bill's fingerprinting requirement could be implemented would involve a law enforcement agency establishing its own fingerprinting capability. A law enforcement agency opting to do so would need to procure fingerprinting machines and equipment (Webcheck, Automated Fingerprint Information System (AFIS), or standard ink card stations). The one-time cost to establish a fingerprinting station is estimated at \$6,200 (the cost of an AFIS machine), plus additional costs in other staffing and related equipment costs (i.e., computer work station, desk, and chairs).

---

<sup>1</sup> These conversations were in relation to Am. Sub. S.B. 163 of the 127th General Assembly, which was enacted April 29, 2008 and sent to the Governor for action.

<sup>2</sup> This data was compiled by the Office of the Attorney General and provided to LSC in October 2007.

<sup>3</sup> Currently, these local law enforcement agencies could issue a summons to the arrested person. In these cases, it is LSC fiscal staff's understanding that it would be the court's or incarcerating entity's responsibility to ensure that the person has been fingerprinted, under current law.

From LSC fiscal staff's perspective, the uncertainties relative to the impact of the bill's fingerprinting requirement on state and local<sup>4</sup> law enforcement agencies include, but are not limited to: (1) the number and identity of the agencies that currently lack the necessary fingerprinting capability, (2) the number of persons in any of those affected jurisdictions that will have to be fingerprinted immediately that would not otherwise have been fingerprinted immediately, and (3) the way in which any of those affected jurisdictions will perform this required activity and at what cost. That said, LSC fiscal staff's research to date suggests that certain law enforcement agencies may incur one-time and possibly ongoing annual operating expenses in excess of minimal. For the purposes of this fiscal analysis, a cost in excess of minimal means: (1) for any affected local law enforcement agency, an expenditure increase estimated at more than \$5,000 per year, and (2) for any affected state law enforcement entity, an expenditure increase estimated at \$100,000 or more per year.

*LSC fiscal staff: Jamie L. Doskocil, Senior Budget Analyst*

*HB0306HR.doc/rh*

---

<sup>4</sup> According to representatives of the Ohio State Highway Patrol, the bill will essentially require troopers to fingerprint all persons arrested for operating a vehicle while under the influence (OVI). Under current law and practice, such persons would likely be fingerprinted when they appear in court. Annually, the Patrol arrests approximately 26,000 persons statewide for misdemeanor OVI offenses. Currently, Patrol posts are not equipped with booking stations. If enacted, the Patrol will either need to establish booking stations within each Patrol post, presumably, at a minimum, with ink-card fingerprinting stations, or transport those persons to the nearest sheriff's office, or municipal police department. In terms of costs, the Patrol could realize some manner of increased costs due to transportation, the need to establish and maintain internal booking stations if they choose to do so, and what could be deemed "opportunity costs" resulting from detailing officers to additional administrative tasks.