

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

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

BILL: **H.B. 306** DATE: **May 8, 2008**
STATUS: **As Introduced** SPONSOR: **Rep. Latta**
LOCAL IMPACT STATEMENT REQUIRED: **Yes**
CONTENTS: **Fingerprinting requirements**

State Fiscal Highlights

STATE FUND	FY 2009 – FUTURE YEARS
General Revenue Fund (GRF) and/or Other State Funds of the Attorney General	
Revenues	- 0 -
Expenditures	Potential, likely minimal if that, annual cost for state's BCII to process additional fingerprint impressions

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 more than \$100,000 per year.



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008 – FUTURE YEARS
Local Law Enforcement Agencies	
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.** As of this writing, from LSC fiscal staff's perspective, the uncertainties relative to 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 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.

State fiscal effects

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.

At the time of this writing, LSC fiscal staff has not received responses to inquiries posed to the Office of the Attorney General regarding the annual cost, if any, of producing and distributing additional impression sheets statewide. Absent a response, LSC fiscal staff is uncertain as to whether BCII will incur any additional annual operating expenses, and if so, their magnitude. That said, it should 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 are being used less frequently. Thus, previously noted uncertainties aside, from LSC fiscal staff's perspective given current fingerprint processing technology, 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 more than \$100,000 per year.

Local fiscal effects

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),¹ it appears that this requirement may in fact generate a noticeable increase in the expenditures for certain local 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).² 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.³ 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 local law enforcement agency establishing its own fingerprinting capability. A local 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).

¹ 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.

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

³ 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.

As of this writing, from LSC fiscal staff's perspective, the uncertainties relative to 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.

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

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