

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **S.B. 27** DATE: **June 25, 2007**
STATUS: **As Introduced** SPONSOR: **Sen. Kearney**
LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**
CONTENTS: **Booster seats**

State Fiscal Highlights

STATE FUND	FY 2008	FY 2009	FUTURE YEARS
General Revenue Fund (GRF)			
Revenues	Potential gain in locally collected court costs	Potential gain in locally collected court costs	Potential gain in locally collected court costs
Expenditures	- 0 -	- 0 -	- 0 -
Child Highway Safety Fund (Fund 4T4)			
Revenues	Potential gain, dependent on the number of booster seat violations	Potential gain, dependent on the number of booster seat violations	Potential gain, dependent on the number of booster seat violations
Expenditures	Potential increase, commensurate with potential revenue gain	Potential increase, commensurate with potential revenue gain	Potential increase, commensurate with potential revenue gain
Victims of Crime/Reparations Fund (Fund 402)			
Revenues	Potential gain in locally collected court costs	Potential gain in locally collected court costs	Potential gain in locally collected court costs
Expenditures	- 0 -	- 0 -	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 – June 30, 2008.

- **Court cost revenues.** Violations of the bill's booster seat requirement creates the potential for the state to gain locally collected court cost revenues that are deposited in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 402). As of this writing, however, the magnitude of that potential revenue gain for either state fund annually is uncertain.
- **Child Highway Safety Fund (Fund 4T4).** Any fines collected pursuant to a violation of the bill's booster seat requirement would be directed for deposit in the state treasury to the credit of the Department of Health's existing Child Highway Safety Fund (Fund 4T4). As of this writing, LSC fiscal staff is unable to estimate the potential gain in revenues that might accrue to Fund 4T4 annually.



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
Counties and Municipalities			
Revenues	Potential gain in court costs	Potential gain in court costs	Potential gain in court costs
Expenditures	Potential increase in criminal justice system operating expenses, not likely to exceed minimal	Potential increase in criminal justice system operating expenses, not likely to exceed minimal	Potential increase in criminal justice system operating expenses, not likely to exceed minimal
Townships			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential increase in law enforcement operating expenses, not likely to exceed minimal	Potential increase in law enforcement operating expenses, not likely to exceed minimal	Potential increase in law enforcement operating expenses, not likely to exceed minimal

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

- ***Criminal justice system expenditures.*** If most of the violations are citation-based minor misdemeanors, then, to the degree the bill's booster seat requirement creates tangible enforcement costs for county, municipal, and township law enforcement agencies and case processing costs for county and municipal criminal justice systems, those operating expenses appear unlikely to exceed minimal annually.
- ***Revenues.*** For each guilty plea or conviction for a violation of the booster seat requirement, the county court or municipal court processing the matter would likely collect related court cost revenues. As of this writing, however, the magnitude of that potential revenue gain is uncertain.

Detailed Fiscal Analysis

Overview

For the purposes of this fiscal analysis, the bill most notably:

- Requires certain children who are between four and eight years of age to be secured in a booster seat.
- Makes a violation of the requirement a minor misdemeanor on a first offense, and a misdemeanor of the fourth degree on each subsequent violation.
- Directs the fines collected for violations of the requirement for deposit in the state treasury to the credit of the Department of Health's Child Highway Safety Fund (Fund 4T4).

Misdemeanor sentences and fines

Table 1 below outlines the potential sentences and fines associated with the bill's two misdemeanor offenses. These sentences and fines reflect current law for certain misdemeanors generally and are unchanged by the bill.

**Table 1
Sentences and Fines for Certain Misdemeanors Generally**

Offense Level	Maximum Fine	Term of Incarceration
4th degree Misdemeanor	\$250	Possible jail term of not more than 30 days
Minor Misdemeanor	\$150	Citation issued; No arrest

Local fiscal effects

Criminal justice system expenditures

For the purposes of this fiscal analysis, LSC fiscal staff assumes that the bulk of the violations that occur subsequent to the bill's enactment will result in a law enforcement officer issuing a citation for the commission of a minor misdemeanor rather than arresting a person for the commission of a misdemeanor of the fourth degree. In lieu of making a court appearance on the citation, a person may pay the amount of fines and costs to the office of the clerk of the court in person or by mail. If most of the violations are in fact citation-based minor misdemeanors, then, to the degree the bill's booster seat requirement creates tangible enforcement costs for county, municipal, and township law enforcement agencies and case processing costs for county and municipal criminal justice systems, those operating expenses appear unlikely to exceed minimal annually.

Revenues

For each guilty plea or conviction for a violation of the booster seat requirement, the county court or municipal court processing the matter would likely collect related court cost revenues. As of this writing, however, the magnitude of that potential revenue gain is uncertain.

State fiscal effects

Child Highway Safety Fund

Current law directs fines collected for violations of the state's existing child restraint law for deposit in the state treasury to the credit of the Department of Health's Child Highway Safety Fund (Fund 4T4) and requires the money in the fund to be used by the Department only to defray the cost of designating hospitals as pediatric trauma centers and to establish and administer a child highway safety program. Any fines collected pursuant to a violation of the bill's booster seat requirement would also be directed for deposit in Fund 4T4. As of this writing, LSC fiscal staff is unable to estimate the potential gain in revenues that might accrue to Fund 4T4 annually.

Court cost revenues

As a result of violations of the booster seat requirement, it is possible that some persons whose conduct would not have been criminal under current state law will be cited and fined. This creates the potential for the state to gain locally collected court cost revenues that are deposited in the state treasury to the credit of the General Revenue Fund (GRF) and the Victims of Crime/Reparations Fund (Fund 402). State court costs for a misdemeanor conviction total \$24, with \$9 of that amount being credited to Fund 402 and the remainder, or \$15, being credited to the GRF. As of this writing, however, the magnitude of that potential revenue gain for either state fund annually is uncertain.

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