



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

**Bill:** [H.B. 248 of the 128th G.A.](#) **Date:** January 15, 2010  
**Status:** As Introduced **Sponsor:** Rep. Garrison

**Local Impact Statement Procedure Required:** No — No local cost

**Contents:** Increases minimum sentence for the murder of a victim under 13 years of age

### State Fiscal Highlights

| STATE FUND  | FY 2010-25 | FY 2026-FUTURE YEARS  |
|---|------------|---|
| <b>General Revenue Fund-Department of Rehabilitation and Correction</b> |            |   |
| Revenues  | - 0 -      | - 0 -   |
| Expenditures  | - 0 -      | Annual increases in incarceration costs likely in excess of \$1 million |

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

- The additional years imposed for a murder sentence, as prescribed by the bill, would create an additional 40 inmate years to be served beginning at the time the minimum sentence would end under current law. Based on the current average cost to incarcerate an offender for one year (\$25,284), 40 additional offender years will increase the Department's annual incarceration costs by approximately \$1.0 million.

### Local Fiscal Highlights

- No direct fiscal effect on the revenues and expenditures of the state's political subdivisions.

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## Detailed Fiscal Analysis

### Overview

The bill essentially increases the penalty for a person convicted of or pleading guilty to murder when the victim is less than 13 years of age and the person is not subject to sentencing under the Sexually Violent Predator Sentencing Law, and specifies that the increased penalty is imprisonment for an indefinite term of 20 years to life rather than an indefinite term of 15 years to life as under current law.

### State fiscal effect

Based on their examination of recent prison intake data, the Department of Rehabilitation and Correction's Bureau of Research determined that about eight offenders each year are convicted and sentenced to prison for the murder of a person less than 13 years of age, and who are not subject to the Sexually Violent Predator Sentencing Law. The Bureau of Research also determined that if these eight offenders were sentenced to the five additional years as prescribed by the bill, the resulting stacking effect would create an annual increase of about 40 additional years served. Based on the current average cost to incarcerate an offender for one year (\$25,284), 40 additional offender years will increase the Department's annual incarceration costs by approximately \$1.0 million.

It is also important to point out that, since the offenders affected by the bill's sentencing changes would already be serving, under current law, a minimum of 15 years, there would be no fiscal impact for at least 15 years. Since some of these offenders currently serve terms longer than the minimum 15 years, the observable fiscal impact of the bill may not emerge until 20 or 25 years following its effective date.

### Local fiscal effect

The bill creates no direct fiscal effect on the revenues and expenditures of the state's political subdivisions.