



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 265 of the 129th G.A. **Date:** January 30, 2012
Status: As Reported by House Criminal Justice **Sponsor:** Reps. Slaby and O'Brien

Local Impact Statement Procedure Required: No

Contents: Prosecuting attorneys allowed to demand a jury trial

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2012 – FUTURE YEARS

Counties and Municipalities (criminal justice systems)

Revenues	- 0 -
Expenditures	Potential minimal annual increase due to a few additional jury trials

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

- As a result of the bill, there may be a slight increase in the number of felony cases terminated via a jury as opposed to a bench trial, with the former generally consuming more time and effort than the latter. The additional resulting local adjudicative, investigative, prosecutorial, and defense costs would be minimal annually, and are probably best viewed as time and effort no longer readily available to perform other duties and responsibilities.

Detailed Fiscal Analysis

The bill allows a prosecuting attorney or other person responsible for prosecuting a case to demand a jury trial in felony cases. As a result, courts of common pleas may experience an increase in the number of jury trial-related expenditures, as jury trials generally consume more time and money than bench trials. Prosecutors and public defense counsel may also experience an increase in the amount of time spent to try a case, which could result in less time and effort being available to perform other duties and responsibilities. After conversations with the various interested parties, including the Ohio Prosecuting Attorneys Association and the Office of the State Public Defender, LSC fiscal staff has concluded there will be very few circumstances in which a prosecutor would want to demand a jury trial. Thus, to the degree that the bill may increase a local criminal justice system's annual operating expenses in any measurable sense, it would be minimal.

The following table contains felony case termination data for calendar years 2007 through 2010 gathered from the *Ohio Courts Statistical Report*, which is issued annually by the Supreme Court of Ohio. As seen in the table, the number of felony cases that actually go to trial is relatively small, running roughly 2,000 to 3,000 per year, or about 3% of the total number of felony case terminations statewide. This data further shows that two-thirds of those cases terminated by trial were done so via a jury; the remaining one-third, anywhere from approximately 600 to 1,000 per year, were terminated by bench trial. These bench trials are cases where a prosecutor could have demanded a jury trial, if the bill had been in effect at that time.

Ohio Felony Case Terminations Statewide, Calendar Years 2007-2010				
Method of Termination	2007	2008	2009	2010
Guilty or No Contest Plea	65,174 (65.3%)	62,858 (65.2%)	58,481 (66.0%)	55,373 (66.9%)
Dismissal	6,757 (6.8%)	7,527 (7.8%)	6,579 (7.4%)	5,657 (6.8%)
Trial	2,799 (2.8%)	2,870 (3.0%)	2,606 (2.9%)	2,123 (2.6%)
<i>Jury Trial</i>	1,878 (1.9%)	1,876 (2.0%)	1,788 (2.0%)	1,455 (1.8%)
<i>Bench Trial</i>	921 (0.9%)	994 (1.0%)	818 (0.9%)	668 (0.8%)
Other*	25,049 (25.1%)	23,186 (24.0%)	20,904 (23.6%)	19,618 (23.7%)
Total Case Terminations	99,779	96,441	88,570	82,771

*Includes diversion, transfers, interlocutory appeals, and any other method of case termination.