



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [H.B. 265 of the 129th G.A.](#)

**Date:** November 10, 2011

**Status:** As Introduced

**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

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#### LOCAL GOVERNMENT

#### FY 2012 – FUTURE YEARS

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#### Counties and Municipalities (criminal justice systems)

Revenues

- 0 -

Expenditures

Potential minimal annual increase due to a few additional jury trials

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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 criminal 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 criminal cases. As a result, common pleas, municipal, and county courts 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 case termination data for calendar years 2007 through 2010 gathered from the annual Composite Report for the Entire State, which is issued by the Supreme Court of Ohio. As seen in the table, the number of 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 criminal 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, and are cases where a prosecutor could have demanded a jury trial, if the bill had been in effect at that time.

<b>Ohio Criminal Case Terminations Statewide, Calendar Years 2007-2010</b>				
<b>Method of Termination</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
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>	<b>1,878</b> <b>(1.9%)</b>	<b>1,876</b> <b>(2.0%)</b>	<b>1,788</b> <b>(2.0%)</b>	<b>1,455</b> <b>(1.8%)</b>
<i>Bench Trial</i>	<b>921</b> <b>(0.9%)</b>	<b>994</b> <b>(1.0%)</b>	<b>818</b> <b>(0.9%)</b>	<b>668</b> <b>(0.8%)</b>
Other*	25,049 (25.1%)	23,186 (24.0%)	20,904 (23.6%)	19,618 (23.7%)
<b>Total Case Terminations</b>	<b>99,779</b>	<b>96,441</b>	<b>88,570</b>	<b>82,771</b>

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