



Ohio Legislative Service Commission

Joseph Rogers

Fiscal Note & Local Impact Statement

Bill: [H.B. 251 of the 130th G.A.](#)

Date: November 13, 2013

Status: As Introduced

Sponsor: Rep. Barborak

Local Impact Statement Procedure Required: No

Contents: Felony sentencing

State Fiscal Highlights

- The bill's elimination of the special sentencing mechanism for nonviolent felonies of the fourth and fifth degree may result in an increase in the state's prison population and related institutional expenditures of the Department of Rehabilitation and Correction that could be up to between \$10.3 million and \$14.8 million annually.

Local Fiscal Highlights

- If, as a result of the bill, courts of common pleas opt to sentence offenders to a prison term that would otherwise have been sentenced to a community control sanction then the costs savings is presumably used by the county for other necessary criminal justice system purposes.

Detailed Fiscal Analysis

The bill eliminates the special sentencing mechanism for felonies of the fourth and fifth degree that are not offenses of violence or other specified offenses that generally require the court to sentence the offender to a community control sanction of at least one year's duration. While judges still retain discretion as to whether a person convicted of certain felonies of the fourth and fifth degree should be sentenced to prison, the bill is likely to result in some increase in the number of offenders sentenced to prison and the Department of Rehabilitation and Correction's (DRC) annual incarceration costs.

According to a DRC estimate, the number of additional offenders who would be sent to prison for a nonviolent felony of the fourth or fifth degree that would otherwise have been sentenced to community based sanctions under current law may require as few as 450 and as many as 650 additional beds. At an annual incarceration cost of \$22,836 per offender, the corresponding annual increase in DRC's incarceration expenditures could range from about \$10.3 million (450 beds) to \$14.8 million (650 beds). A more precise estimate is problematic because other sentencing reforms that remain in current law will still have the effect of diverting the overall number of persons convicted of nonviolent fourth and fifth degree felonies from prison. From the perspective of county criminal justice systems, an increase in prison-bound offenders that would otherwise have been sentenced into a community control sanction frees up money to be used for other necessary purposes.