



# Ohio Legislative Service Commission

*Joseph Rogers*

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## Fiscal Note & Local Impact Statement

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**Bill:** [H.B. 349 of the 130th G.A.](#)

**Date:** January 22, 2014

**Status:** As Introduced

**Sponsor:** Rep. Hackett

**Local Impact Statement Procedure Required:** No

**Contents:** Mandatory additional prison term for felony offense of violence where victim suffered permanent disabling harm

### State Fiscal Highlights

- Future increases in GRF incarceration costs for the Department of Rehabilitation and Correction potentially ranging between \$4.9 million and \$9.8 million annually, as certain offenders sent to prison for a felony offense of violence will likely serve an additional five to ten years for permanently disabling the victim.

### Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

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## Detailed Fiscal Analysis

The bill requires courts to impose an additional prison term of five to ten years if an offender is convicted of, or pleads guilty to: (1) any of more than 30 applicable felony offenses of violence, and (2) a specification that the victim suffered permanent disabling harm as a result of the offense. LSC fiscal staff has initially estimated that the bill would increase the Department of Rehabilitation and Correction's (DRC) GRF incarceration expenditures in the range of \$4.9 million and \$9.8 million annually.

The most recently compiled data on offenders sent to prison in calendar year 2012 indicates that up to about 430 offenders, or 2.1%, out of a total intake population of 20,094, were convicted of a violent offense in which the victim required in-patient hospitalization. It is likely that the majority of these victims would recover from their injuries with no permanent disability. For this analysis we are making the assumption that just 10% of these victims would sustain permanent disabling harm.<sup>1</sup> This means that, out of the above 430 offenders, around 43 are assumed to qualify for the additional prison term. If all of these offenders receive the minimum of five additional years, the bill would add 215 more bed years (43 x 5 years), which at the current annual incarceration cost of \$22,836 would create \$4.9 million in additional expenditures per year. If, on the other hand, these offenders receive the maximum of ten additional years, the bill would add 430 more bed years (43 x 10 years), which would create \$9.8 million in additional expenditures per year.

In effect, by extending prison stays beyond what the amount of time served would otherwise have been under current law, the bill will trigger a "stacking effect," which refers to the increase in the prison population that occurs as certain offenders currently serving time stay in prison longer while the number of new offenders entering the prison system does not decrease. Typically this "stacking" process will stabilize when the number of offenders who begin serving their additional time is about the same as the number leaving prison after serving their additional time. Making a determination of the point in which the "stacking" process stabilizes is especially difficult in this bill because: (1) so many qualifying offenses of violence, (2) the wide variation in the length of the original sentence for the underlying offense, and (3) the difficulty of teasing out "permanent disabling harm" from available victim injury data. Since most of these offenders are in prison for violent felonies to begin with, the fiscal effect created by the bill would not begin to occur for a number of years following its effective date.

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<sup>1</sup> DRC is currently examining the intake files of offenders convicted of offenses in which victims were hospitalized to better estimate how many sustained permanent disabling harm.

Additionally, there is also a possibility that the presence of the specification created in the bill would be used in the bargaining process to induce the accused to accept plea agreements that would reduce potential years served in exchange for a guilty plea. To the extent this occurs, the total number of additional beds stemming from the bill would be reduced.

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