



Ohio Legislative Service Commission

Garrett Crane

Fiscal Note & Local Impact Statement

Bill: [Am. H.B. 383 of the 130th G.A.](#) **Date:** November 3, 2014
Status: As Reported by House Judiciary **Sponsor:** Rep. Grossman

Local Impact Statement Procedure Required: No

Contents: Issuance of investigative subpoena

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The magnitude of any increase in the annual operating costs of local criminal and juvenile justice systems will depend upon the frequency with which a local prosecutor's use of the bill's investigative subpoena authority results in an arrest and conviction that might not otherwise have occurred under current law.

Detailed Fiscal Analysis

The bill expands the circumstances under which a county prosecutor may issue an investigative subpoena to include "any criminal offense." It also allows the chief legal officer of a municipal corporation to issue an investigative subpoena for a misdemeanor, which current law does not permit.

It appears that, under current law, the absence of this subpoena authority can make the investigation of certain alleged misdemeanor offenses and the subsequent prosecution and conviction of the offender(s) problematic. Local prosecutors have noted in conversations with LSC fiscal staff that: (1) there can be difficulties encountered when investigating online behaviors known as cyberstalking, cyberharassment, and cyberbullying, and (2) the bill will give them a tool for gathering evidence from individuals and entities that currently have no incentive, desire, or requirement to do so. As a result, local prosecutors may be in a stronger position to prosecute certain conduct in the future. The local costs for counties and municipalities annually will depend on the frequency that the subpoena is successfully used to convict and sanction offenders.

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