



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [H.B. 424 of the 130th G.A.](#)

**Date:** May 6, 2014

**Status:** As Introduced

**Sponsor:** Reps. Bishoff and Hackett

**Local Impact Statement Procedure Required:** No

**Contents:** Prohibition against requiring Internet account access

### State Fiscal Highlights

- As a result of violations of the bill's prohibitions, a negligible amount of annual revenue, in the form of state court costs, may be collected locally and forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

### Local Fiscal Highlights

- Employers and educational institutions are expected to generally comply with the bill's prohibitions in order to avoid possible criminal and civil litigation and sanctions. Thus, the potential annual costs for county and municipal criminal and civil justice systems to resolve these matters will be minimal at most. Any associated annual revenue gain in the form of court costs, filing fees, and fines will be minimal as well.

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## Detailed Fiscal Analysis

**Criminal action.** The bill prohibits an employer or educational institution from: (1) requiring an employee, applicant, student, or prospective student to provide access to their personal Internet-based accounts, and (2) taking adverse action against an individual who fails or refuses to grant or provide access information. Under the bill, a violation of either prohibition is a first degree misdemeanor and the violator must be fined not more than \$1,000.<sup>1</sup>

**Civil action.** The bill also allows an individual to bring a lawsuit in a court of common pleas against an employer or educational institution to enjoin the violation and to recover up to \$1,000 in damages, plus reasonable court costs and attorney's fees. An individual is prohibited from bringing such a lawsuit unless they have made a written demand of not more than \$1,000 to the alleged violator by certified mail.

Presumably, as employers and educational institutions become aware of these prohibitions they will adjust their information gathering practices to comply, and as a result violations will be relatively infrequent. It is likely that most employers and educational institutions will want to avoid having to routinely defend themselves from alleged violations.

As a result, any increase in civil and criminal caseloads of courts of common pleas and county and municipal courts, respectively, will be relatively small. The administrative and opportunity costs associated with hearing and adjudicating these additional cases are likely to be absorbed utilizing existing court resources and should not necessitate the hiring of additional staff. Local prosecutors should be able to handle any additional criminal cases with little, if any, additional costs. It is highly unlikely that a court would sentence a violator to a stay in a local jail.

Locally retained revenue generated from criminal court costs and fines and civil case filing fees will be minimal at most annually. Criminal convictions may also generate a negligible amount of state court cost revenue that is forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).<sup>2</sup>

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<sup>1</sup> Under current law, unchanged by the bill, if an individual is guilty of a first degree misdemeanor, the individual is subject to a possible jail term of not more than 180 days, a fine of not more than \$1,000, and other possible sanctions. If the offender is an organization, under current law the organization is subject to a fine of not more than \$5,000 if convicted of an offense that is a first degree misdemeanor.

<sup>2</sup> The state court costs total \$29 for a misdemeanor divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020.