



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Sub. S.B. 16 of the 130th G.A.](#)

Date: December 3, 2013

Status: As Passed by the Senate

Sponsor: Sen. Schiavoni

Local Impact Statement Procedure Required: No

Contents: Civil and criminal liability for trespassing on certain property for the purpose of remediation

State Fiscal Highlights

- The bill may result in a slight reduction in the number of criminal trespass convictions statewide and a corresponding negligible annual loss in the amount of locally collected state court costs credited to the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0).

Local Fiscal Highlights

- The bill will have a negligible annual effect on the revenues and expenditures of county and municipal criminal and civil justice systems. The immunity and affirmative defense provisions could result in a relatively small reduction in the number of criminal and civil trespassing cases adjudicated and in the revenue from a mix of court costs, fines, and filing fees that might otherwise have been collected.
- The provision permitting a person to file a motion with the appropriate county court or municipal court for permission to enter and remediate abandoned land may generate a small number of additional hearings with any related costs offset to some degree by a required filing fee of not more than \$20.

Detailed Fiscal Analysis

The bill provides that a person who is found to have trespassed on certain properties cannot be held liable, either civilly or criminally, if the purpose for entering or remaining on the property was to remediate it. These liability provisions may result in a slight reduction in the number of criminal and civil cases requiring adjudication. The bill also establishes a process to allow a person to request and receive permission from a municipal court or county court to enter certain land or places and requires the court to charge a filing fee of not more than \$20. This provision may trigger a slight increase in hearings required to decide whether such permission will be ordered.

Based on LSC staff conversations with interested parties, including members of the judicial community, the Ohio State Bar Association, and the Judicial Conference of Ohio, the provisions described above will have a negligible annual effect on the revenues and expenditures of county and municipal criminal and civil justice systems.

State revenues

As a result of a relatively small decrease in criminal trespassing cases, there may be a negligible annual decrease in the amount of state court costs collected and then forwarded for deposit into the Indigent Defense Support Fund (Fund 5DYO) and the Victims of Crime/Reparations Fund (Fund 4020). For misdemeanor cases such as criminal trespassing, the court is generally required to impose state court costs totaling \$29, with \$20 allocated to Fund 5DYO and \$9 allocated to Fund 4020. Thus, for each criminal trespassing case eliminated, the state potentially loses a total of \$29.

Local revenues and expenditures

Criminal trespassing cases¹

Under the bill, counties and municipalities could experience a reduction in the amount of time spent to adjudicate criminal trespassing cases, thus producing some amount of savings in terms of the time and effort that the courts, law enforcement, prosecutors, and public defenders can reallocate for other duties and responsibilities. Any savings experienced as a result would likely be at least partially offset by a potential negligible annual loss in revenue from court costs and fines that might otherwise have been collected and retained under current law.

Civil trespassing cases

A slight reduction in the number of civil trespassing cases may result in a potential savings effect for courts of common pleas and county and municipal courts that would otherwise have adjudicated such matters. Any savings experienced by a

¹ Under current law, unchanged by the bill, criminal trespassing is a misdemeanor of the fourth degree and is punishable by a jail sentence of not more than 30 days, a fine of not more than \$250, or both.

court may be at least partially offset by a corresponding loss in filing fee revenues that might otherwise have been collected. The net annual effect of any expenditure savings and revenue loss is expected to be negligible.

Permission to remediate certain land or places

The bill permits a person to file a motion with the court to obtain permission to remediate certain land or places prior to entering and requires a filing fee of not more than \$20. If a motion is filed, within two weeks of the filing date, the municipal court or county court is required to set a date for a hearing and send a notice of the hearing to the person who filed the motion and the owner of the land or place. The number of such motions is expected to be extremely few in number, with any related annual costs negligible and offset to some degree by the filing fee.