



# Ohio Legislative Service Commission

*Joseph Rogers*

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. S.B. 147 of the 130th G.A.](#)  
(LSC 130 1199-1)

**Date:** October 18, 2013

**Status:** In Senate Criminal Justice

**Sponsor:** Sens. Schaffer and Peterson

**Local Impact Statement Procedure Required:** No

**Contents:** Mandatory consecutive prison term or institutionalization for certain assaults by imprisoned or institutionalized person

### State Fiscal Highlights

- **Incarceration expenditures.** As a result of the bill's mandatory consecutive penalty provision for certain assaults, each year there could be a small number of offenders/juveniles sentenced to a state prison/juvenile correctional facility for extended prison terms to be served consecutively to their original sentence. This could result in a no more than minimal annual increase in the institutional operating expenses of the departments of Rehabilitation and Correction and Youth Services.

### Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

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## Detailed Fiscal Analysis

### Overview of the bill

The bill requires that a prison term or commitment to a Department of Youth Services (DYS) institution imposed for an assault committed at a state correctional institution or a DYS institution by an incarcerated or institutionalized person against a Department of Rehabilitation and Correction (DRC) or DYS employee, when the assault is a third degree felony, be served consecutively to any other commitment to a DYS institution or prison term imposed on the delinquent child or offender.

### State expenditures

#### DRC

According to DRC's recent report on assaults and violence within the state correctional institutions, over each of the past few years there have been around 35 serious injury assaults on staff members committed by inmates. The report further indicates that 23.6% of these assaults yielded felony criminal convictions for assault. Assuming this pattern more or less holds in the future, under the bill, each year approximately 9 or 10 inmates convicted of certain assaults committed against institutional staff will serve more time than would otherwise be served under their original sentence received under current law. The resulting increase in DRC's GRF incarceration related expenditures would likely be no more than minimal annually. Since the bill requires the additional sentence to be served consecutively to the original sentence under which the inmate is serving time, the fiscal effect will not be realized until that point in the future when the inmate would otherwise have been released as dictated by current law. At that point, under the terms of the bill, the inmate convicted of the assault on a DRC employee would remain incarcerated for a longer period and the additional fiscal cost would then be incurred.

#### DYS

Although there is no comparable study of violence, assaults and prosecutions for DYS, it is possible to make an estimate of violent assaults on staff based on the analysis from DRC. As previously stated, DRC experiences approximately 35 serious injury assaults on staff each year. Given an inmate population of 50,350, this represents about 0.07% of the total population. Assuming that juvenile offenders under the care and custody of DYS are no more violent than the adults, 0.07% of the current DYS population (463) would suggest less than one such conviction for a serious assault on staff each year. Any corresponding increase in DYS's institutional GRF expenditures would be no more than minimal annually.