

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: Sub. H.B. 429 DATE: May 20, 1998
STATUS: As Passed by the Senate SPONSOR: Rep. Ogg
LOCAL IMPACT STATEMENT REQUIRED: No — Minimal cost
CONTENTS: Defines cemetery to include burial sites with American Indian remains and artifacts and includes this new definition in the vandalism and desecration laws

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1998	FY 1999	FUTURE YEARS
Counties			
Revenues	Potential minimal gain	Potential minimal gain	Potential minimal gain
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase
Municipalities and Townships			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase

- Counties, municipalities, and townships could have increased costs for enforcing the expansion of the vandalism and desecration laws.
- Counties and municipalities could have increased court costs and counties could gain court fine revenue from any increase in cases that result from the expansion of the vandalism and desecration laws.



Detailed Fiscal Analysis

Provisions of the Bill

The bill includes in the definition of cemetery "...burial sites that contain American Indian burial objects placed with or containing American Indian human remains."

The bill adds cemetery to the places that a person may not knowingly harm as set forth in the vandalism law (section 2909.05) of the Ohio Revised Code. The bill also adds cemetery to the places and objects that may not be desecrated, without privilege to do so, as set for in the so-called desecration law (section 2924.11) in the Revised Code.

Effects of the Bill

The practical effects of the bill could be minimal. Under current law, individuals who vandalized or desecrated an American Indian burial site could be charged and tried under the Revised Code sections modified by the bill.

However, by removing any ambiguity that American Indian burial sites with remains and artifacts are included in the desecration and vandalism laws, the bill could increase the likelihood that a violator would be charged and prosecuted under the vandalism and/or desecration laws. The change could also increase the chance for a successful conviction in court.

Therefore, the bill could increase court costs to counties and municipalities, and increase fine revenue to counties. Increased costs and revenues, if any, would be minimal.

□ *LBO staff: Alexander C. Heckman, Budget/Policy Analyst*

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