
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 would likely 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 and could increase the chance for a successful conviction in court. This could increase court costs to counties and municipalities and increase fine revenue to counties. Increased costs and revenues, if any, would be minimal.

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