



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [S.B. 193 of the 129th G.A.](#)

Date: February 14, 2012

Status: As Introduced

Sponsor: Sen. Seitz

Local Impact Statement Procedure Required: No

Contents: Requires scrap metal dealers to take and keep a photograph of each person selling or giving an article to the dealer as well as a photograph of the item sold or given

Local Fiscal Highlights

- The bill applies a range of penalties, from a third degree misdemeanor to a first degree misdemeanor, for dealers that fail to comply with the photograph requirements of the bill. The applicable penalty depends on the number of times a scrap dealer has violated these requirements.
- There could be a small number of new cases involving scrap dealers that violate the photograph requirements in this bill. Any new costs that county and municipal jurisdictions incur will be offset to some degree by additional court costs, filing fees, and fines imposed on violators.

State Fiscal Highlights

- The state will receive a small share of court cost revenue from any penalties that are imposed as a result of the bill. The proceeds will be deposited into the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

Detailed Fiscal Analysis

The bill requires scrap metal dealers to take and keep as part of the sales record of an item a photograph of each person selling or giving an article to the dealer and a photograph of the article itself. This would be in addition to a host of other information that a dealer is currently required to record. This includes: (1) the name and residence of the person selling or giving the article; (2) a copy of that person's identification card; (3) the date and time the dealer purchased or received the articles; (4) license plate information; (5) a description of each nonrecyclable article purchased or received; and (6) category codes if certain articles are of a recyclable material. The bill also prohibits dealers from purchasing or receiving any articles from a person who refuses to allow their photograph to be taken. Photographs of "special purchase articles" such as beer kegs, cable, wiring, guardrail, shopping carts, and so on are already required under law. Violations are prosecuted on an escalating scale of misdemeanors. A first offense by a scrap dealer is a third degree misdemeanor, carrying a maximum fine of \$500 and up to 60 days in jail. A second offense raises the possible penalty to a second degree misdemeanor, and a third offense raises the possible penalty to a first degree misdemeanor, both of which carry the possibility of higher fines and longer jail stays.

The photograph requirement under the bill could lead to some small number of new prosecutions in local courts. This conclusion is based on some anecdotal feedback received from the Ohio Association of Chiefs of Police in regard to scrap metal dealer compliance with S.B. 171 of the 127th General Assembly, an act that imposed new requirements on scrap metal dealers beginning in September 2008. According to several local police departments, most of the local scrap metal dealers in their jurisdictions have been compliant with the requirements of S.B. 171. Any increase in costs related to prosecuting and adjudicating new cases could be at least somewhat offset through court cost and fine revenue. Fines would be deposited with the county in which the trial court is located. At the state level, the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020) would also receive a negligible amount of court cost revenue from any penalties imposed. For each misdemeanor, Fund 5DY0 receives \$20, while Fund 4020 receives \$9.