



Ohio Legislative Service Commission

Bill Analysis

Amanda George

S.B. 120

131st General Assembly
(As Introduced)

Sens. Schiavoni, Yuko

BILL SUMMARY

- Increases the criminal penalties for violations of the Oil and Gas Law relating to the improper disposal of brine.
- Requires the Chief of the Division of Oil and Gas Resources Management to revoke, and deny future applications for, any permit issued under that Law if the holder is convicted of or pleads guilty to the knowing improper disposal of brine.
- Authorizes the sentencing court, if a person is guilty of a knowing violation related to the improper disposal of brine, to order the person to reimburse the state agency or a political subdivision for any response costs incurred in responding to the violation, including the cost of rectifying it and conditions caused by it.
- Establishes that a person may be subject to both a civil penalty and a criminal penalty under the Oil and Gas Law for the same offense.

CONTENT AND OPERATION

The bill increases the criminal penalties for violations of the Oil and Gas Law relating to the improper disposal of brine. First, the bill makes a knowing violation of those provisions a felony.¹ Next, the following table discusses the penalties in the bill and current law:

¹ R.C. 1509.99(C)(2).

The Bill	Current Law
<p>1. A knowing violation is punishable by:</p> <ul style="list-style-type: none"> a. A fine of not less than \$10,000 nor more than \$50,000; or b. Imprisonment for three years; or c. Both. <p>2. A subsequent knowing violation is punishable by:</p> <ul style="list-style-type: none"> a. A fine of not less than \$20,000 nor more than \$100,000; or b. Imprisonment for six years; or c. Both. 	<p>1. A knowing violation is punishable by:</p> <ul style="list-style-type: none"> a. A fine of \$10,000; or b. Imprisonment for six months; or c. Both. <p>2. A subsequent knowing violation is punishable by:</p> <ul style="list-style-type: none"> a. A fine of \$20,000; or b. Imprisonment for two years; or c. Both.

In addition, the bill requires the Chief of the Division of Oil and Gas Resources Management to permanently revoke each permit issued under that Law to a permit holder who has been convicted of or pleaded guilty to the knowing improper disposal of brine or other waste fluids and to deny any future applications for permits by the violator.² Current law does not specifically require the Chief to revoke permits or deny future applications for those violations.

Under the bill, if a person is convicted of or pleads guilty to a knowing violation of the provisions of the Oil and Gas Law relating to the improper disposal of brine, the court imposing the sentence may order the person to reimburse the state agency or a political subdivision for any response costs incurred in responding to the violation, including the cost of rectifying the violation and conditions caused by it.³

Finally, the bill establishes that a person may be subject to both a civil penalty and a criminal penalty under the Oil and Gas Law for the same offense. Current law, as amended by H.B. 64 of the 131st General Assembly, instead provides that a person cannot be subject to both a civil penalty and a fine imposed as part of a criminal penalty under that Law for the same offense, thus establishing that a person may be subject to both a civil penalty and a term of imprisonment.⁴

HISTORY

ACTION

DATE

Introduced

03-09-15

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² R.C. 1509.051.

³ R.C. 1509.99(E).

⁴ R.C. 1509.33(H).

