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S.B. 59
(1_134_0049-9)
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 59's Bill Analysis](#)

Version: In House Armed Services and Veterans Affairs

Primary Sponsor: Sen. Schaffer

Local Impact Statement Procedure Required: No

Shaina Morris, Budget Analyst

Highlights

- The bill eliminates any potential revenue the state or a political subdivision receives if they chose, under current law, to sell a war relic on their property for which they do not have proof of ownership.
- It is expected that violations of the bill's prohibitions will be few and infrequent, and that there should be no discernible ongoing effect on the caseloads and related annual operating costs of municipal and county criminal justice systems.

Detailed Analysis

War relic prohibitions and exceptions

The bill prohibits a person knowingly from selling, purchasing, disturbing or otherwise disposing of a war relic¹ that is located on public property or on the property of a cemetery

¹ "War relic" is a cannon, other artillery, or a statue, monument, memorial, or plaque that has been erected for, or named or dedicated in honor of, an individual's or group of individuals' service with those forces, from the era of a war that was used by forces of the American colonies, of the U.S. government, or of any state in support of the U.S.

"War" refers to the French and Indian War, American Revolution, War of 1812, United States Mexican War, American Civil War 1861-1865, Spanish-American War, the Mexican border period, World War I, World War II, Korean conflict, Vietnam era, Operation Urgent Fury (Grenada), Operation El Dorado Canyon (Libya), Operation Just Cause (Panama), Operation Desert Shield/Desert Storm (Persian Gulf War I), Operation Enduring Freedom (Afghanistan), Operation Iraqi Freedom (Persian Gulf War II), any subsequent declaration of war by Congress, or any subsequent armed conflict in which the U.S. is engaged.

association, except in certain instances. This prohibition does not apply to the state or a political subdivision if it can clearly prove ownership of a war relic by written documentation.

The bill permits a governmental agency, the state, a political subdivision, or a cemetery association to dispossess a war relic first by offering it to the federal government. If the federal government does not accept it, then it must be given to the Ohio History Connection. If the Ohio History Connection does not accept it, then it must be given to the Sons of Union Veterans of the Civil War, Department of Ohio. If the relic is not of the Civil War era, it must be given to any congressionally chartered veterans' service organization at the discretion of the Ohio History Connection.

The bill eliminates any potential revenue the state or a political subdivision would receive if they would choose, under current law, to sell a war relic on their property to which they do not have proof of ownership. The extent of this forgone revenue would depend on the number of such relics and their likely values.

Penalties and Fines

The bill creates the three new unclassified misdemeanors. The table below summarizes these offenses and penalties. Penalties are strictly monetary with no incarceration possible unless accompanied by other charges that may involve such penalties (i.e., theft). As violations of the bill's prohibitions are expected to be few and infrequent, there should be no discernible ongoing effect on the caseloads and related annual operating costs of county and municipal criminal justice systems.

S.B. 59 War Relic Related Offenses	
Unclassified Misdemeanor	Court-Ordered Penalty
Selling or disposing of a war relic	Offender pays money received from the sale or disposing to the Ohio History Connection
Purchasing of a war relic	Court may order offender pay fine of not more than \$10,000 to the Ohio History Connection; offender must return the war relic to the seller
Destroying, altering, or otherwise disturbing a war relic*	Court required to institute a right-to-cure period of 90 days to restore the relic, and permitted to order offender who has not cured the violation to pay a fine of not more than \$10,000 to the Ohio History Connection

*A person having responsibility for maintaining a war relic located on public property or on the property of a cemetery association may permanently relocate the war relic as long as it remains on public property or on the property of a cemetery association.

Ohio History Connection

The bill requires that any money or fines paid to the Ohio History Connection be expended only for the preservation of war relics. The bill permits the Ohio History Connection, with the help of local historical societies, to compile and maintain a registry of war relics. This provision essentially codifies current practice, as the Connection has already begun work to compile a registry of war relics through their State Preservation Office.

Synopsis of Fiscal Effect Changes

The substantive differences between the immediately previous version of the bill (As Re-Referred by House Rules and Reference) and the latest substitute version (I_134_0049-9) are summarized below. There are however no notable differences between the fiscal effects of the two versions of the bill.

- The substitute bill requires any money or fines paid to the Ohio History Connection to be expended only for the preservation of war relics. The previous version required money or fines to be expended only for the performance of the public functions of the Connection.
- The substitute bill specifies, in order to be in violation of the War Relics Law, a person must have “knowingly” violated a provision of the law. This makes it possible that prosecutions may be more problematic, as the prior version of the bill did not specify a level of culpability for a violation.
- The substitute bill expands the definition of “war relic” to includes a statue, monument, memorial, or plaque that has been erected for, or named or dedicated in honor of, an individual’s or group of individuals’ service with certain specified forces.