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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 190
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 190's Bill Analysis](#)

Version: As Passed by the House

Primary Sponsors: Reps. Ginter and A. Miller

Local Impact Statement Procedure Required: No

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Highlights

- 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 for which it does not have proof of ownership.
- It is expected that violations of the bill's prohibitions will be few and infrequent, which means 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 war relic that is located on public property or on the property of a cemetery association from being sold, purchased, disturbed, or otherwise disposed of by any person, except under certain circumstances. The bill 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 the state, a political subdivision, or a cemetery association to give a war relic first to the federal government. If the federal government does not accept it, then it must be given to the Ohio History Connection (OHC). If OHC 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 OHC.

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 it does not have proof of ownership. The extent of this forgone revenue would depend on the number of war relics and their likely values.

Fines

The bill creates the following criminal penalties for violating the bill's prohibitions:

- Selling or disposing of a war relic is an unclassified misdemeanor for which the court must order the offender to pay any money received from the sale or disposing to the United Service Organizations, Inc. (USO).
- Purchasing of a war relic is an unclassified misdemeanor for which the court: (1) may order the offender to pay a fine of not more than \$10,000 to the USO, and (2) must order the offender to return the war relic to the seller.
- Destroying, relocating, removing, altering, or otherwise disturbing a war relic is an unclassified misdemeanor for which the court: (1) is required to institute a right-to-cure period, and (2) is permitted to order the offender who has not cured the violation to pay a fine of not more than \$10,000 to the USO.

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, including the municipal and county courts that adjudicate misdemeanor violations.

Ohio History Connection

The bill permits OHC, with the help of local historical societies, to compile and maintain a registry of war relics. This provision essentially codifies current practice, as OHC has already begun work to compile a registry of war relics through their State Preservation Office.