



Ohio Legislative Service Commission

Tom Wert

Fiscal Note & Local Impact Statement

Bill: [H.B. 515 of the 130th G.A.](#)

Date: December 2, 2014

Status: As Introduced

Sponsor: Rep. McGregor

Local Impact Statement Procedure Required: No

Contents: Establishes requirements governing contracts for the harvesting of timber and enforcement procedures and penalties for the theft of timber

State Fiscal Highlights

- The Division of Forestry within the Department of Natural Resources (DNR) would incur costs to establish the Office of State Forestry Criminal Investigation and to appoint forest officers as timber theft foresters responsible for assisting criminal investigations of timber theft. Any resulting costs would presumably be covered by a combination of GRF and Dedicated Purpose Fund money appropriated to the Division of Forestry.
- DNR currently employs 73 people responsible for law enforcement in state parks and forests. Some of these individuals would be reassigned to investigate timber theft under the bill.
- The Attorney General could incur new costs if requested to prosecute timber theft violations by county prosecutors or the Chief of the Division of Forestry.

Local Fiscal Highlights

- County prosecutors, local law enforcement, and county courts of common pleas may incur costs to investigate and prosecute cases of timber theft. Any costs could be at least partially offset by fines and court costs imposed as penalties if a case results in conviction.

Detailed Fiscal Analysis

The bill establishes requirements governing contracts between land owners or their agents and loggers for the harvest of timber. The bill also establishes enforcement procedures and penalties for the theft of timber which may result in new costs for the Department of Natural Resources' (DNR) Division of Forestry. Counties and county courts of common pleas could also incur new costs for their part in enforcing prohibitions established by the bill. However, costs incurred by counties or county courts of common pleas could at least be partially offset by fine revenue collected following convictions for timber theft. Ultimately, any fiscal effect will be determined by the frequency of allegations of timber theft and the number of enforcement actions taken. Reliable statistics regarding timber theft are not readily available. However, given the difficulty in proving timber theft, it may be that relatively few cases are investigated and prosecuted. Provisions in the bill that appear to have the greatest potential fiscal impact are discussed in more detail below.

Office of State Forestry Criminal Investigation

The bill requires the Chief of the Division of Forestry to establish the Office of State Forestry Criminal Investigation. Under the bill, the Office would be required to refer complaints of timber theft to the prosecuting attorney of applicable counties and to assist in the investigation of alleged timber theft when requested to do so by law enforcement agencies. To conduct investigations, the bill allows the Chief to appoint forest officers to be timber theft foresters and to establish policies and procedures governing timber theft investigations.

To carry out these new responsibilities, the Division would likely incur new costs, the extent of which would depend upon the number of officers assigned to investigate timber thefts and the number of investigations carried out by the Office. Although it is not entirely clear, it is likely that the Office of State Forestry Criminal Investigation would be funded by a combination of GRF and Dedicated Purpose Fund moneys appropriated to the Division of Forestry, and possibly the Division of Parks and Recreation.

Following a Department-wide consolidation of law enforcement functions throughout DNR that occurred in FY 2013, there are currently 64 full-time and seven part-time staff carrying out law enforcement activities in state parks and forests, among them park officers, park officer specialists, park officer supervisors, and a parks law enforcement staff officer. Some number of these presumably would be assigned to responsibilities under the Office of State Forestry Criminal Investigation. As a guide, park officers, of which there are 66 on the DNR payroll, earn between \$19.38 and \$24.23 an hour. On a full-time basis, this equates to pay of between \$40,300 and \$50,400 annually.

Penalties for timber theft

The bill establishes penalties (summarized in the table below) for timber theft ranging from a first degree misdemeanor to a first degree felony depending on the value of stolen timber and the number of times an offender has been convicted of timber theft. If a case results in conviction, any costs incurred by county prosecutors and courts of common pleas to prosecute cases of timber theft could be at least partially offset by fine revenues deposited in the county's general fund and state and local court costs. State court costs are divided between the Indigent Defense Support Fund (Fund 5DY0) under the Ohio Public Defender Commission's budget and the Victims of Crime/Reparations Fund (Fund 4020) under the Attorney General's budget.

Criminal Penalties for Timber Theft				
Value of Stolen Timber	Number of Violations	Degree of Offense	Fine	Prison Sentence
Less than \$1,000	1st and 2nd	1st degree misdemeanor	Up to \$1,000	Up to 6 months
Less than \$1,000	3rd and subsequent	5th degree felony	Up to \$2,500	6 to 12 months
\$1,000 to \$7,499	1st and 2nd	5th degree felony	Up to \$2,500	6 to 12 months
\$1,000 to \$7,499	3rd and subsequent	4th degree felony	Up to \$5,000	6 to 18 months
\$7,500 to \$149,999	1st and 2nd	4th degree felony	Up to \$5,000	6 to 18 months
\$7,500 to \$149,999	3rd and subsequent	3rd degree felony	Up to \$10,000	1 to 5 years
\$150,000 to \$749,999	1st and 2nd	3rd degree felony	Up to \$10,000	1 to 5 years
\$150,000 to \$749,999	3rd and subsequent	2nd degree felony	Up to \$15,000	2 to 8 years
\$750,000 to \$1,499,999	1st and 2nd	2nd degree felony	Up to \$15,000	2 to 8 years
\$750,000 to \$1,499,999	3rd and subsequent	1st degree felony	Up to \$20,000	3 to 10 years
\$1,500,000 or more	1st and all subsequent	1st degree felony	Up to \$20,000	3 to 10 years

The Attorney General could also incur costs to prosecute cases of timber theft. Under the bill, county prosecutors or the Chief of the Division of Forestry may request that the Attorney General prosecute alleged violations. Given that the number of cases referred to the Attorney General is likely to be small, any costs would likely be minimal.