



HOUSE BILL 366 – (ENACT FORCE ACT RE: ORGANIZED RETAIL THEFT)

WRITTEN TESTIMONY- OHIO SENATE JUDICIARY COMMITTEE

DECEMBER 4, 2024

Chairman Manning, Vice-Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Ohio Senate Judiciary Committee, I am writing on behalf of the nearly 21,000 members of the National Federation of Independent Business in Ohio (NFIB) to lend our support for House Bill 366. We are proud to support this legislation aimed at combatting retail theft against Ohio businesses,

By way of background, a typical NFIB member in Ohio employs less than 20 and does less than \$2 million in annual gross receipts. Our members come from all industry types and each of the 88 counties.

House Bill 366 will work to provide a coordinated response to the increase in retail theft and shoplifting taking place in Ohio businesses. This measure is necessary as businesses are targeted by individuals who utilize the black market to profit from theft of stolen goods. The legislation takes several important steps aimed at combatting this problem and strengthening the penalties for engaging in such activity.

The bill establishes two new entities, the Organized Retail Theft Advisory Council within the Office of the Attorney General, and the Organized Retail Theft Task Force within the Organized Crime Investigations Commission. The goal of these entities is to work with retailers and law enforcement from across the state and nation to develop methods and strategies to respond more ably to shoplifting and retail theft activities. This will be accomplished by looking at “innovative methods of detecting, deterring, preventing, and prosecuting organized retail theft”, according to the bill.

Furthermore, complaints and/or tips of organized retail theft having occurred or continuously occurring in counties across Ohio may be investigated in a manner identical to existing organized crime task forces. Another innovative measure to be carried out by these entities is the adoption of a secure retail theft web

portal that will allow real-time information and updates to be shared across the state to ensure that perpetrators of these crimes are being brought to justice quicker and stopped from carrying out theft against a swath of businesses in a short period of time.

House Bill 366 also increases penalties, expands definitions, and creates additional offenses to meet the seriousness of these criminal actions. Some of these include: creation of the offense of "theft of mail" which is a fifth degree felony with increases based on value of mail stolen and the nature of the victim, creation of the offense of "organized theft of retail property" that takes into account the value of goods stolen in setting the penalty, as well as aggregating an offender's record of theft over the course of one year to determine total value of goods stolen and subsequent penalties. Additionally, the bill expands the crime of counterfeiting to include stealing business or customer information on encoding devices.

While the increase in organized retail theft and shoplifting has been focused more extensively by its effect on larger retailers, small, local businesses and retailers are not immune to such criminal activity and the harm caused may be even more lasting and impactful to the long-term well-being of the business. Any small business that sells products on shelves or displays accessible to customers and guests is liable to be a victim of repeated shoplifting or organized retail theft. The value of the product being sold increases the potential for shoplifting and some businesses have been forced to secure their products behind cases or locks to prevent such theft. Small business owners and their employees are hardworking individuals who have enough on their plate, they should not have to worry about being robbed or losing their valuable inventory to criminal actors out to make money selling stolen goods.

We support the intent of House Bill 366 to strengthen the response to organized retail theft facing Ohio businesses and urge the committee's favorable adoption. Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Cameron J. Garczyk". The signature is fluid and cursive, with the first name "Cameron" and last name "Garczyk" clearly distinguishable.

Cameron Garczyk
Assistant State Director – NFIB Ohio