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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 615
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 615's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Rep. Williams

Local Impact Statement Procedure Required: No

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Highlights

- The bill will not create new criminal cases, but its new offense of group retail theft will enhance the penalty for conduct that otherwise might have been charged and prosecuted as theft. As a result, the Department of Rehabilitation and Correction (DRC) and Department of Youth Services (DYS) may see a relatively small increase in the number of persons sentenced to a term of incarceration and corresponding marginal additional costs.
- The bill is not expected to have a significant fiscal impact on local criminal justice systems, however, the possibility of more serious sanctions under the bill's new offense may alter how some cases are charged and adjudicated.

Detailed Analysis

The bill creates the offense of group retail theft and specifies that group retail theft is a fifth degree felony if a person commits the offense with one or more other persons but fewer than four persons, but can escalate as high as a second degree felony depending on the number of persons involved. As a result, the bill will enhance the penalties for certain cases that might otherwise have been charged under the existing offense of general theft.

Penalties

Table 1 below shows the penalties associated with group retail theft. Generally speaking, the act could be charged under current law theft statutes. As such, the bill could be viewed as a penalty enhancement. Table 2 shows the penalties that could be charged under current law for comparison.

Table 1. Sentences and Fines for Group Retail Theft (new offense created by H.B. 615)

Retail Value of the Theft	Group Size Requirement	Offense Level	Fine (up to amounts)	Term of Incarceration
\$1,000 or more aggregated over 180 days	Commits group retail theft with one or more other persons but fewer than four persons	Felony 5 th degree	Up to \$2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term (presumption for community control)
\$1,000 or more aggregated over 180 days	Commits group retail theft with four or more other persons	Felony 3 rd degree	Up to \$10,000	9, 12, 18, 24, 30, or 36 months definite prison term (presumption for prison)
\$5,000 or more aggregated over 180 days	Commits group retail theft with ten or more other persons	Felony 2 nd degree	Up to \$15,000	2, 3, 4, 5, 6, 7, or 8 years indefinite prison term (presumption for prison)

Table 2. Sentences and Fines for Theft (existing law, unchanged by the bill)*

Value of the property or services stolen	Group Size Requirement	Offense Level	Fine (up to amounts)	Term of Incarceration
Less than \$1,000	N/A	Misdemeanor 1 st degree	Up to \$1,000	Jail, not more than 180 days
\$1,000-\$7,500	N/A	Felony 5 th degree	Up to \$2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term
\$7,500-\$150,000	N/A	Felony 4 th degree (Grand Theft)	Up to \$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term (presumption for community control)
\$150,000-\$750,000	N/A	Felony 3 rd degree (Aggravated Theft)	Up to \$10,000	9, 12, 18, 24, 30, or 36 months definite prison term (no presumption for or against prison)
\$750,000-\$1,500,000	N/A	Felony 2 nd degree (Aggravated Theft)	Up to \$15,000	2, 3, 4, 5, 6, 7, or 8 years indefinite prison term

Value of the property or services stolen	Group Size Requirement	Offense Level	Fine (up to amounts)	Term of Incarceration
				(presumption for prison)
\$1,500,000 or more	N/A	Felony 1 st Degree (Aggravated Theft)	Up to \$20,000	3, 4, 5, 6, 7, 8, 9, 10, or 11 years indefinite prison term (presumption of prison)

*These penalties reflect general violations of R.C. 2913.02. The Revised Code provides for enhanced penalties when certain aggravating circumstances are present. For example, enhancements may apply in cases where there are multiple prior convictions or when the victim is a member of a protected class or when the property involved falls within a specified category, such as a firearm, motor vehicle, dangerous drugs, police or assistance animals, anhydrous ammonia, or bulk merchandise containers. In such cases, the offense level may be elevated, and additional statutory requirements or mandatory sanctions may be imposed.

For adult offenders, generally, there is a presumption in favor of community control rather than the imposition of a prison term for fifth and fourth degree felonies under current sentencing guidelines. In the case of a third degree felony, generally, there is no presumption for a prison term or community control. For second and first degree felonies, there is a presumption that a prison term will be imposed. However, under the bill for a third degree felony violation of group retail theft, there is a presumption for a prison term.

Historical incident data

According to the Ohio Incident-Based Reporting System (OIBRS), on average there have been 12,211 reported incidents of thefts with two or more suspects at a retail location from 2020 through 2024. It is uncertain how many incidents meet the 180-day aggregate threshold of “retail value,” as defined by the bill, and qualify as group retail theft.¹

Table 3. OIBRS Reported Theft Incidents, CY 2020-CY 2024

Calendar Year	Committed with one or more but fewer than four persons	Committed with four or more persons	Committed with ten or more persons
CY 2020	10,397	225	0
CY 2021	9,193	282	11
CY 2021	11,769	322	0

¹ OIBRS is a voluntary reporting program in which Ohio law enforcement agencies can submit crime statistics directly to the state and federal government. At this time, the number of law enforcement agencies submitting data to OIBRS represents approximately 81% of the population. OIBRS does not reflect final charging data or eventual sentencing, but it may provide a sense of the overall number of violations of an offense.

Calendar Year	Committed with one or more but fewer than four persons	Committed with four or more persons	Committed with ten or more persons
CY 2023	13,564	327	0
CY 2024	14,489	487	0

Fiscal effect

Local criminal justice systems

Based on the incident data shown above, the impact of the bill on local and state criminal justice systems is expected to be minimal. The bill will not result in new cases but some number of theft cases involving multiple offenders may instead be charged under the new offense of group retail theft and face more serious sanctions and therefore can be viewed as a penalty enhancement.

According to the Ohio Prosecuting Attorneys' Association (OPAA), the fifth degree felony offense level corresponds to conduct that is already a fifth degree felony under current theft law when the value exceeds \$1,000. However, the new offense requires an additional element requiring proof that other individuals participated in the offense. In such cases, OPAA indicates that prosecutors would most likely continue to rely on existing complicity provisions rather than pursue charges under the new offense if those elements are difficult to prove. Charges for third degree and second degree felony violations of the new offense may be used more frequently because of the higher penalty levels compared to standard theft. The availability of more serious charge offenses may induce plea bargaining for a lesser felony charge to avoid prison or shorten the length of a potential prison sentence.

Departments of Rehabilitation and Correction and Youth Services

The bill may create minimal additional incarceration costs for the Ohio Department of Rehabilitation and Correction (DRC) to the extent that some offenders may be more likely to face a prison term and others may be sentenced to longer terms than otherwise under current law. In the context of the state's prison population of approximately 45,000 inmates and roughly 14,000 annual prison commitments, the number of additional offenders affected by the bill is likely to be relatively small.

For relatively small changes in prison population, DRC typically relies on marginal costs for forecasting future expenditure estimates. In FY 2025, the marginal cost to house an offender was \$13.47 per day. Using the 2025 daily marginal cost, it costs DRC \$4,916.55 (\$13.47 x 365) to house an additional individual for one year. Marginal costs are those that increase or decrease directly on a per-person basis with changes in prison population. Such costs include medical care, food service, clothing and bedding (for inmates), and mental health services. The actual increase in costs for DRC will depend on the number of offenders who ultimately serve a prison term or longer sentences under the bill than they otherwise would have under existing law, the additional length of the term, and the marginal cost per offender in each additional year of that term.

Under the bill, the Department of Youth Services (DYS) could also experience an increase in population size over time. DYS's average daily facility population in FY 2025 was around 500.

The marginal cost to add a juvenile to that population is around \$41.24 per day, or about \$15,052.60 per year. This suggests that adding a relatively small number of juveniles to that population in any given year will result in no more than a minimal increase in DYS's annual institutional care and custody costs. It should be noted that the majority of youth adjudicated by the juvenile justice system for felony-level offenses are served locally through community-based programs instead of being committed to a DYS facility.