OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

H.B. 725
(I_136_2484-5)
136th General Assembly

Fiscal Note & Local Impact Statement

Click here for H.B. 725's Bill Analysis

Version: In House Public Safety

Primary Sponsor: Rep. K. Miller

Local Impact Statement Procedure Required: No

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Highlights

- Local criminal justice systems may experience a minimal increase in workload and related costs to investigate, prosecute, adjudicate, and sanction a likely small number of additional felony offenders.
- Law enforcement agencies that utilize automated license plate recognition system technology may incur additional administrative costs to comply with the bill's regulatory requirements, the magnitude of which will vary by agency based on existing policies and procedures.

Detailed Analysis

The bill regulates the use, access, transfer, and sharing of surveillance data captured by automated license plate recognition system (ALPRS) technology. The bill generally prohibits the collection, use, sharing, transferring, or sale of such data. ALPRS technology is a system comprised of one or more mobile or fixed high-speed cameras, combined with computer algorithms, that can convert images of license plates into computer-readable data. The bill permits ALPRS usage under a narrow set of exceptions (e.g., certain law enforcement activities).[1]

A violation of the bill's prohibitions is a fifth degree felony, which is subject to a fine of up to $2,500, a definite prison term of 6, 7, 8, 9, 10, 11, or 12 months, or both.[2] However, it should be noted that there is a statutory presumption favoring community control rather than a prison

[1] See R.C. 5507.03 for a full list of exceptions and allowable uses.

[2] Any fine revenue collected is generally retained by the county in which the violation occurred.

term for nonviolent fifth degree felony offenders, so the Department of Rehabilitation and Correction is unlikely to be impacted.[3]

Fiscal effect

The bill may result in additional costs for local criminal justice systems (i.e., law enforcement agencies, prosecutors, and courts) related to the investigation, prosecution, adjudication, and sanctioning of a likely small number of additional felony offenders. Additionally, some law enforcement agencies that use ALPRS technology may incur additional administrative costs to develop and maintain the bill's required policies and internal audit procedures. The magnitude of these costs is expected to vary by agency depending on how closely each agency's existing policies and procedures align with the bill's requirements.

ALPRS technology use is typically associated with law enforcement activity but it can also be installed and used by private companies or individuals. The extent to which captured surveillance data is collected, used, shared, transferred, or sold in Ohio for purposes that would not qualify for one of the exemptions under the bill is unknown, but likely infrequent. As such, the number of potential future violations is expected to be negligible.

Synopsis of Fiscal Effect Changes

The substitute bill (I_136_2484-5) expands the regulatory framework for usage of ALPRS technology as compared to the As Introduced version of the bill. The bill includes additional prohibitions and specific allowable exceptions. Additionally, the substitute bill increases the penalty for misuse (generally) from a misdemeanor of the first degree to a felony of the fifth degree. These provisions are not expected to affect local criminal justice system workload or related costs but may increase administrative costs for law enforcement agencies that use ALPRS technology to develop and maintain the substitute bill's required ethical use policies and internal audit procedures.

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[3] R.C. 2929.13.