



SENATE BILL 223 – (ENACT FORCE ACT RE: ORGANIZED RETAIL THEFT)

WRITTEN TESTIMONY- OHIO SENATE JUDICIARY COMMITTEE

MAY 22, 2024

Chairman Manning 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 Senate Bill 223. We thank Senators Lang and Rulli for sponsoring this piece of legislation aimed at combatting retail theft against businesses in Ohio.

By way of background, a typical NFIB member in Ohio employs 20 or fewer and does less than \$2 million in annual gross receipts. Our members come from all industry types and each of the 88 counties. Member companies range in size from sole proprietors to larger operations employing hundreds.

Senate Bill 223 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 a number of 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 these crimes are being brought to justice more quickly and stopped from carrying out theft against a swath of businesses in a short period of time.

Senate Bill 223 also increases penalties, expands definitions, and creates additional offenses in order 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 covered more extensively by its effect on larger retailers, small businesses 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 shoplifting or organized retail theft. The value of the product being sold only increases the potential for it to be shoplifted 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 off stolen goods.

We support the intent of Senate Bill 223 to strengthen the response to shoplifting and organized retail theft facing Ohio business and urge the committee's favorable adoption. Thank you for the opportunity to provide comments.

Sincerely,



Cameron Garczyk
Assistant State Director – NFIB Ohio