



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Abby McMahon

S.B. 268

132nd General Assembly
(As Passed by the Senate)

Sens. Wilson, Bacon, Coley, Beagle, Brown, Burke, Eklund, Hackett, Hoagland, Huffman, Kunze, LaRose, Manning, McColley, Obhof, O'Brien, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Uecker, Yuko

BILL SUMMARY

- Increases the penalty for theft in office when the value of property or services stolen is \$150,000 or more.
 - Includes as restitution the costs of auditing any public entity that suffered loss as a result of theft in office.
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CONTENT AND OPERATION

Theft in office

Penalty enhancements

The bill increases the penalty for the offense of "theft in office" when the value of property or services stolen is \$150,000 or more. The prohibition under the offense prohibits a public official or party official from committing any theft offense when either of the following applies:¹

(1) The offender uses the offender's office in aid of committing the offense or permits or assents to its use in aid of committing the offense; or

(2) The property or service involved is owned by a local, state, or federal government entity, owned by a political party, or is part of a political campaign fund.

¹ R.C. 2921.41(A).

Under current law, theft in office generally is a fifth degree felony, but it is a fourth degree felony if it involves property or services valued at \$1,000 or more and less than \$7,500 and a third degree felony if it involves property or services valued at \$7,500 or more. Under the bill, theft in office is a third degree felony if the value of property or services stolen is \$7,500 or more but less than \$150,000; a second degree felony if the value stolen is \$150,000 or more but less than \$750,000; and a first degree felony if the value stolen is \$750,000 or more.²

Auditing costs as restitution

The bill requires an offender convicted of theft in office to pay restitution for the costs of auditing any of the public entities that suffered loss as a result of the offense. If the offense involved theft of property or services owned by the government, a political party, or a political campaign fund, the court must require the offender to make restitution for all of the property or services stolen, as under existing law, and the bill requires that the amount of the restitution imposed include any costs of auditing any of the public entities that own the property or services. If the offense involved using the offender's office in aid of committing the theft or permitting or assenting to such conduct, the court first must determine at trial that the state, a political subdivision of the state, or a political party suffered actual loss as a result of the offense. If the court so determines, the court must require the offender to pay restitution to the state, political subdivision, or political party that suffered loss, as under existing law, and the bill requires that the amount of the restitution imposed include any costs of auditing the state, political subdivision, or political party that suffered the loss.³

HISTORY

ACTION	DATE
Introduced	03-01-18
Reported, S. Gov't Oversight & Reform	05-16-18
Passed Senate (32-0)	05-16-18

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² R.C. 2921.41(B).

³ R.C. 2921.41(C)(2)(a).

