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S.B. 10
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Wilson

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Summary

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

Detailed Analysis

Increased penalty for theft in office

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 continuing statute 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;
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.

The following tables compare the current penalties for theft in office with the penalties imposed under the bill and describe the continuing law maximum sentences for felony offenses.

¹ R.C. 2921.41(A).

Theft in office penalty under current law		Theft in office penalty under the bill	
Level of offense	Value of property or services	Level of offense	Value of property or services
-	-	First degree felony	\$750,000 or more
-	-	Second degree felony	\$150,000-\$749,999.99
Third degree felony	\$7,500 or more	Third degree felony	\$7,500-\$149,999.99
Fourth degree felony	\$1,000 - \$7,499.99	Fourth degree felony	\$1,000-\$7,499.99
Fifth degree felony	Less than \$1,000	Fifth degree felony	Less than \$1,000

Continuing law maximum sentences for felony offenses		
Level of offense	Prison term	Fine
First degree felony	11 years	\$20,000
Second degree felony	8 years	\$15,000
Third degree felony	3 years	\$10,000
Fourth degree felony	18 months	\$5,000
Fifth degree felony	1 year	\$2,500

Under continuing law, a person who is convicted of theft in office also is forever disqualified from holding any public office, employment, or position of trust in Ohio.²

Restitution for auditing costs

Additionally, the bill requires an offender convicted of theft in office to pay restitution for the costs of auditing any public entity that suffered loss as a result of the offense. Under continuing law, the offender must make restitution for the entity's loss.³

² R.C. 2921.41(B). See also R.C. 2929.14 and 2929.18, not in the bill.

³ R.C. 2921.41(C)(2)(a).

History

Action	Date
Introduced	02-12-19
