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OHIO LEGISLATIVE SERVICE COMMISSION

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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 366 of the 135th General Assembly

Senate Judiciary

Ashley F. Dean, Attorney

Organized Retail Theft Task Force

- Removes the requirement that the president or chief executive officer of the Ohio Council of Retail Merchants be a member of the Organized Retail Theft Task Force.
- Removes the provision allocating 5% of the funds of the Organized Retail Theft Task Force for use in operating the retail theft web portal.

Organized Retail Theft Advisory Council

- Adds an employee of the Attorney General's office (rather than an Assistant Attorney General), the president or chief executive officer of the Ohio Council of Retail Merchants' designee, a member of the Ohio Prosecuting Attorneys Association's designee, or a member of the Ohio Grocers Association's designee to the Organized Retail Theft Advisory Council.
- Removes the requirement that the Organized Retail Theft Advisory Council operate a secure retail theft web portal to share real time information and intelligence on organized retail theft between retail businesses and law enforcement agencies.
- Specifies that the employee of the Attorney General's office (rather than an Assistant Attorney General) appointed to the Council serve as liaison to the Organized Retail Theft Task Force.

Theft

- Specifies that enhanced penalties for theft be applied as a subsequent offense only if the prior offense occurred within the previous 3 years and was a felony theft offense.
- Decreases the time frame for calculating value for organized theft of retail property totaling \$1,000 from a 12-month period to a 6-month period.

- Specifies that an enhanced penalty for organized theft of retail property be imposed for subsequent offenses where the prior offense was also organized theft of retail property, or where the prior offense was a felony theft offense other than organized theft of retail property that occurred within the previous 3 years.
- Removes requirement that the prosecuting attorney promptly inform the retail establishment or group of establishments of a decision not to aggregate charges for organized theft of retail property.

Organized theft of retail property

- Increases the retail property value involved in the offense of organized theft of retail property from \$1,000 to \$7,500.
- Provides that a prosecution for a violation of organized theft of retail property does not preclude a prosecution engaging in a pattern of corrupt activity related to organized retail theft.
- Provides that if an offender is convicted of or pleads guilty to organized theft of retail property and is also convicted of or pleads guilty to engaging in a pattern of corrupt activity related to organized retail theft, the two or more offenses will be considered as allied offenses of similar import.

Criminal Mischief

- Removes the penalty increase (from a third-degree misdemeanor to a third-degree felony) for criminal mischief if the property involved is a retail pump or meter of an electric charging station.

Securities Law

- Revises a provision of the Ohio Securities Law that allows a corporation to recover profit derived from the sale of securities by a person who proposes to, or publicly discloses the intention of, acquiring control of a corporation.
- Limits application of that remedy to situations in which the person selling the securities engages in “manipulative practices,” by staging a hostile takeover bid to manipulate a corporation or committing any other act that the Ohio Division of Securities defines as manipulative.