



SENATOR STEVE WILSON
Ohio's 7th Senate District

House Government Accountability and Oversight Committee
Senator Steve Wilson
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Senate Bill 268

Good morning Chairman Blessing, Vice Chair Reineke, Ranking Member Clyde and members of the Committee. Thank you for allowing me the opportunity to provide sponsor testimony on Senate Bill 268, which will protect Ohio's taxpayers from corrupt public officials.

Since 2011, the Auditor's office has charged 74 public officials with theft in office for stealing a total of over \$2 million from Ohio's taxpayers. Currently, penalties for theft in office are capped at a 3rd degree felony for all amounts of loss greater than \$7,500 whereas the theft statute extends penalties to both an F-2 and an F-1, depending on the amount of loss.

This disparity simply fails to hold corrupt public officials who steal from taxpayers to the highest degree of accountability and must be addressed. The chart below shows a comparison of the current penalty thresholds for theft vs. theft in office. Senate Bill 268 would enact the proposed underlined changes to expand the penalty thresholds for theft in office in order to bring parity among the two statutes.

Under the bill, theft in office of over \$750,000 would carry an F-1 penalty, while amounts between \$150,000 and \$750,000 would carry an F-2. Following continuing law, anyone who is found guilty of theft in office would be disqualified from holding any future public office, employment or position of trust in the state.

| Amount of Loss | Theft Offense Level | Theft Penalty | Theft in Office Offense Level | Theft in Office Penalty |
|------------------------------|---------------------|---------------------------------------|-------------------------------|---------------------------------------|
| Less than \$1,000 | M-1 | Up to 6 months in jail | F-5 | 6-12 months in prison |
| \$1,000 - \$7,500 | F-5 | 6-12 months in prison | F-4 | 6- 18 months in prison |
| \$7,500.00 - \$150,000.00 | F-4 | 6-18 months in prison | F-3 | 9,12,18,24,30, or 36 months in prison |
| \$150,000.00 - \$750,000.00 | F-3 | 9,12,18,24,30, or 36 months in prison | <u>F-2</u> | <u>2-8 years in prison</u> |
| \$750,000.00 - \$1.5 million | F-2 | 2-8 years in prison | <u>F-1</u> | <u>3-11 years in prison</u> |
| \$1.5 million or more | F-1 | 3-11 years in prison | | |

Additionally, current law does not allow for an entity to recover the costs of an audit used to determine the amount of theft in office that occurred. Restitution may only be ordered “as a direct and proximate result” of the loss, and the courts have previously interpreted audit costs as not being a “direct result” of the offense. This legislation would expressly allow a court to order the costs of a public audit as part of restitution when the victim is a public entity. This change would only apply to the theft in office statute, not the restitution statute.

Thank you again for giving me the opportunity to provide testimony. At this time, I would be happy to answer any questions.