



SENATOR STEVE WILSON
Ohio's 7th Senate District

Senate Government Oversight and Reform Committee
Senator Steve Wilson
April 11, 2018
Senate Bill 268

Good morning Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni and members of the Senate Government Oversight and Reform 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 2010, roughly 135 former public officials have been convicted for stealing taxpayer money. The most common charge these individuals face is theft in office. Currently, theft in office penalties are capped at a 3rd degree felony for all amounts of loss greater than \$7,500. Therefore under current law, cases of theft in office over \$1 million are only able to be prosecuted as an F-3 whereas a theft offense could be prosecuted as an F-2 or an F-1.

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 offenses. Under continuing law, anyone who is found guilty of theft in office would be forever 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.