



Ohio Prosecuting Attorneys Association

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House Bill 405
Written Proponent Testimony
May 21, 2018

Chairman Bacon, Vice-Chair Dolan, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to submit written proponent testimony on House Bill 405, a bill to create the offense of counterfeiting within the definition of “corrupt activity” under the Corrupt Activities Law.

The Ohio Prosecuting Attorneys Association supports creating a counterfeiting offense in the Ohio Revised Code. We recognize the difficulties that law enforcement and prosecutors have had in deciding what to charge counterfeiters with under current law. As the bill sponsor described at a previous hearing and as the Secret Service described for you today, the closest correct charge under current law is forgery, which essentially prohibits fabricating, creating, possessing or uttering inauthentic writings. Confusion arises, however, between forgery and criminal simulation. Criminal simulation prohibits, among other things, making or altering any object so that it appears to have value because of its source which it does not in fact possess.

House Bill 405 alleviates the confusion for law enforcement and prosecutors that exists under current law. By creating a section that is specific to fraudulently creating, passing, or possessing obligations, other securities, or devices like credit and debit cards, the bill will make it easier to charge and convict counterfeiters in Ohio.

Thank you, again, for the opportunity to submit proponent testimony on House Bill 405. We encourage your favorable consideration of the bill.