

H. B. No. 366
As Introduced

_____ moved to amend as follows:

- In line 2 of the title, delete ", 2923.32" 1
- In line 3 of the title, after "177.04" insert ", 2913.021," 2
- In line 8 of the title, after "force," insert "to create the crime 3
of theft of mail," 4
- In line 12, delete ", 2923.32" 5
- In line 13, after "177.04" insert ", 2913.021," 6
- In line 231, after "employees" insert "; 7
- (5) A member of the Ohio prosecuting attorneys 8
association; 9
- (6) A member of the Ohio grocers association" 10
In line 708, after "dollars," insert "or if the offender previously 11
has been convicted of or pleaded guilty to a theft offense," 12
- In line 712, after "dollars," insert "or if the offender two or more 13
times previously has been convicted of or pleaded guilty to a theft 14
offense," 15



In line 730, after "dollars," insert "or if the offender previously 16
has been convicted of or pleaded guilty to a theft offense," 17

In line 734, after "dollars," insert "or if the offender two or more 18
times previously has been convicted of or pleaded guilty to a theft 19
offense," 20

Delete lines 829 through 839 21

After line 844, insert: 22

"Sec. 2913.021. (A) As used in this section, "mail" means 23
any letter, card, parcel, or other material, along with its 24
contents, that is received, accepted for delivery, delivered, or 25
left for collection by a postal service, including the United 26
States postal service, a common carrier, or a private delivery 27
service. 28

(B) No person, with purpose to deprive the owner of mail, 29
shall knowingly obtain or exert control over mail in any of the 30
following ways: 31

(1) Without the consent of the owner or person authorized 32
to give consent; 33

(2) Beyond the scope of the express or implied consent of 34
the owner or person authorized to give consent; 35

(3) By deception; 36

(4) By threat; 37

(5) By intimidation. 38

(C) Whoever violates this section is guilty of theft of 39
mail, a felony of the fifth degree except as provided in 40
division (B) (2) of section 2913.02 of the Revised Code with 41

respect to property with a value of seven thousand five hundred 42
dollars or more and division (B) (3) of section 2913.02 of the 43
Revised Code with respect to property with a value of one 44
thousand dollars or more. 45

(D) A prosecution for a violation of this section does not 46
preclude a prosecution of a violation of any other section of 47
the Revised Code. One or more acts, a series of acts, or a 48
course of behavior that can be prosecuted under this section or 49
any other section of the Revised Code may be prosecuted under 50
this section, the other section of the Revised Code, or both 51
sections. However, if an offender is convicted of or pleads 52
guilty to a violation of this section and also is convicted of 53
or pleads guilty to a violation of section 2913.02 of the 54
Revised Code based on the same conduct involving the same victim 55
that was the basis of the violation of this section, the two 56
offenses are allied offenses of similar import under section 57
2941.25 of the Revised Code." 58

In line 891, delete "retail"; after "theft" insert "of retail" 59
property"; after "degree." insert "If organized theft of retail property" 60
is a felony of the third degree under this division and if the offender 61
previously has been convicted of or pleaded guilty to a theft offense, 62
there is a presumption of a prison term for the offense. If organized 63
theft of retail property is a felony of the third degree under this 64
division and if the offender two or more times previously has been 65
convicted of or pleaded guilty to a theft offense, the court shall impose 66
as a mandatory prison term one of the prison terms prescribed for a felony 67
of the third degree." 68

Delete lines 1261 through 1389 69

In line 1554, delete ", 2923.32" 70

The motion was _____ agreed to.

<u>SYNOPSIS</u>	71
Theft of mail	72
R.C. 2913.021	73
Relocates, without substantive change, the provision of	74
the bill that provides increased penalties for theft of mail	75
into a separate Revised Code section and names the offense	76
"theft of mail."	77
Specifies that a prosecution for a violation of "theft of	78
mail" does not preclude a prosecution of a violation of any	79
other Revised Code section; one or more acts, a series of acts,	80
or a course of behavior that can be prosecuted under "theft of	81
mail" or any other Revised Code section may be prosecuted under	82
"theft of mail," the other section, or both; however, if an	83
offender is convicted of or pleads guilty to a violation of	84
"theft of mail" and also is convicted of or pleads guilty to	85
"theft" based on the same conduct involving the same victim that	86
was the basis of the violation of this section, the two offenses	87
are allied offenses of similar import.	88
Organized theft of retail property	89
R.C. 2913.08	90
Requires a presumption of a prison term if organized theft	91
of retail property is a third degree felony and the offender	92
previously has been convicted of or pleaded guilty to a theft	93
offense, and requires the court to impose as a mandatory prison	94
term one of the prison terms prescribed for a third degree	95

felony if organized theft of retail property is a third degree	96
felony and the offender two or more times previously has been	97
convicted of or pleaded guilty to a theft offense.	98
Grand theft, aggravated theft, and theft from a person in	99
a protected class	100
R.C. 2913.02	101
Increases the penalty for grand theft to a fourth degree	102
felony if the offender previously has been convicted of or	103
pleaded guilty to a theft offense.	104
Increases the penalty for aggravated theft to a third	105
degree felony if the offender two or more times previously has	106
been convicted of or pleaded guilty to a theft offense.	107
Increases the penalty for theft from a person in a	108
protected class to a fourth degree felony if the offender	109
previously has been convicted of or pleaded guilty to a theft	110
offense, and to a third degree felony if the offender two or	111
more times previously has been convicted of or pleaded guilty to	112
a theft offense.	113
Additional members	114
R.C. 177.04	115
Adds a member of the Ohio prosecuting attorneys	116
association and a member of the Ohio grocers association to the	117
the organized retail theft advisory council.	118
Corrupt activity	119
R.C. 2923.32	120
Removes provision that specifies that, if a pattern of	121
corrupt activity involves one or more incidents of organized	122

retail theft, the retail establishment or group of 123
establishments whose retail property is alleged to have been 124
stolen may contact the prosecuting attorney and request that the 125
charge be aggregated with other thefts of retail property about 126
which the retail establishment or group of establishments is 127
aware. 128

Removes the requirement that, if the prosecuting attorney 129
declines such a request, the prosecuting attorney promptly 130
inform the retail establishment or group of establishments and 131
provide the basis for the prosecuting attorney's decision. 132

Removes provision that specifies that, in determining 133
whether the retail value of stolen retail property equals or 134
exceeds \$1,000, the value of all retail property stolen from the 135
retail establishment or group of establishments by the same 136
person or persons within any 12-month period must be aggregated. 137