



**State Representative Derek Merrin
District 47**

**House Bill 66 – Sponsor Testimony
Criminal Justice Committee
March 7, 2019**

Chairman Lang, Vice-Chairman Plummer, Ranking Member Leland, and members of the Criminal Justice Committee, thank you for the opportunity to present testimony on House Bill 66, which passed the Ohio House unanimously last session as House Bill 391. This straightforward bill expands the definition of *economic loss* to include accounting costs to determine the extent of a victim's financial loss in criminal cases. With this bill, judges would have the ability to consider accounting or auditing costs a victim has incurred when determining restitution. The bill states the restitution amount must be reasonable and cannot exceed the amount stolen or damaged resulting from the crime.

Judge Michael Goulding, Lucas County Common Pleas Court, brought this issue to my attention following the Fifth District Court of Appeals ruling in *State v. Cook*, 2017-Ohio-1503. The case involved an employee convicted of theft for stealing \$3,804 from a physician's office. The office had to pay \$2,500 in overtime costs for accounting work to determine the amount of the theft. The judge ordered restitution for \$3,804 and the additional \$2,500 incurred for accounting costs. The Court of Appeals ruled the trial court erred by including the \$2,500 in the ordered restitution, because the accounting costs are not included in the definition of economic loss and were not the direct and proximate result of the commission of the theft.

This legislation holds criminals accountable for their crimes and the financial losses they force on their victims. When a crime is committed, especially with theft cases, victims can incur significant accounting expenses to ascertain the true amount stolen. Criminals should not escape paying the full-costs of their crimes. The loophole the appeals court discovered needs closed. House Bill 66 provides clarity and ends unnecessary ambiguity regarding the definition of economic loss.

It is imperative criminal cases involving restitution be handled efficiently within criminal court. If not, a separate civil case may have to incur, which increases judicial workloads and legal costs for all parties involved. By providing judges discretion to consider accounting and auditing costs, it assists in streamlining the legal process in restitution cases. I hope this will lead to lower legal costs for victims.

In closing, I want to emphasize this bill is not a mandate on judges, but expands their discretion when determining economic losses, and logically extends judicial discretion already permitted in civil court. This legislation seeks to hold criminals accountable, which is an underlying duty of government. Our laws should ensure victims have a fair opportunity to recover their financial losses and not have to jump through additional hurdles to be granted fair restitution. I hope to have the committee's support and am willing to answer any questions at this time.