



SENATOR STEVE WILSON
Ohio's 7th Senate District

House Criminal Justice Committee
Senator Steve Wilson
April 11, 2019
Senate Bill 10

Good morning Chairman Lang, Vice Chairman Plummer, Ranking Member Leland and members of the Criminal Justice Committee. Thank you for allowing me to provide sponsor testimony on Senate Bill 10, which will protect Ohio's taxpayers from corrupt public officials by increasing penalties for theft in office. This legislation passed the Senate with unanimous, bipartisan support.

Since 2011, the Auditor's office has charged 85 public officials with theft in office. Under current law, theft in office penalties are capped at a 3rd degree felony for stolen amounts of \$7,500 or more while the threshold for general theft penalties is more expansive. For example, a public official who steals \$1,000,000 and an individual who steals \$150,000 would both be charged with 3rd degree felony. However, if an individual steals \$1,000,000 he or she would be charged with a 2nd degree felony. This disparity in penalty levels is failing to hold 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 10 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 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. In addition, an amendment was added in Senate Government Oversight and Reform Committee that makes restitution not dischargeable under bankruptcy.

Ohioans place their faith and trust in public officials, and Senate Bill 10 ensures that those who use a position of trust to steal taxpayer money are held responsible for their actions. Thank you again for giving me the opportunity to provide testimony. I would be happy to answer any questions at this time.