



Dennis M. Papp

*Final Analysis*  
*Legislative Service Commission*

**Sub. H.B. 263**  
123rd General Assembly  
(As Passed by the General Assembly)

**Reps.** Cates, Allen, Boyd, Clancy, Corbin, DePiero, Krebs, Maier, Olman, Pringle, Thomas, Winkler, Jolivette, Mead, Roman, Grendell, Perz, Core, Vesper

**Sen.** Nein

**Effective date:** \*

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**ACT SUMMARY**

- Applies to the hiring or rental of any property or equipment a preexisting list of activities that constitute in certain theft prosecutions prima-facie evidence of a purpose to defraud.

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**CONTENT AND OPERATION**

**Formerly**

Formerly, the Criminal Law provided that, in a prosecution of a person for a theft offense that alleged that the person, with purpose to defraud or knowing that the person was facilitating a fraud, hired an aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, or buggy, or kept or operated any of the same that has been hired, or engaged accommodations at a hotel, motel, inn, campground, or other hostelry, it was prima-facie evidence of a purpose to defraud if the person did any of the following (R.C. 2913.41):

(1) Used deception to induce the rental agency to furnish the person with the aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, or buggy, or used deception to induce the hostelry to furnish the person with accommodations;

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

(2) Hired any aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, or buggy, or engaged accommodations, knowing the person was without sufficient means to pay the hire or rental;

(3) Absconded without paying the hire or rental;

(4) Knowingly failed to pay the hire or rental as required by the contract of hire or rental, without reasonable excuse for such failure;

(5) Knowingly failed to return the hired property as required by the contract of hire, without reasonable excuse for the failure.

**Operation of the act**

The act retains this provision, but modifies it so that it also applies in a prosecution of a person for a theft offense that alleges that the person, with purpose to defraud or knowing that the person was facilitating a fraud, *hired or rented any property or equipment other than the currently specified types of property*. Related to this, the act modifies the activities listed above in (1) and (2) so that they also refer to any hired or rented property or equipment other than the currently specified types of property. Finally, the act clarifies that the provision applies in relation to the currently specified types of property that are *rented*, as well as to those that are hired. (R.C. 2913.41.)

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**HISTORY**

| ACTION                                      | DATE     | JOURNAL ENTRY |
|---|----------|---------------|
| Introduced                                  | 03-22-99 | p. 330        |
| Reported, H. Criminal Justice               | 05-19-99 | p. 685        |
| Passed House (85-12)                        | 05-26-99 | pp. 719-722   |
| Reported, S. Judiciary                      | 12-06-00 | pp. 2305-2306 |
| Passed Senate (29-2)                        | 12-07-00 | pp. 2351-2352 |
| House concurred in Senate amendments (89-3) | 12-12-00 | pp. 2475-2476 |

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