



Dennis M. Papp

Bill Analysis
Legislative Service Commission

Sub. H.B. 263*
123rd General Assembly
(As Reported by S. Judiciary)

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

BILL SUMMARY

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

CONTENT AND OPERATION

Existing law

Under existing law, 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 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 is 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;

(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;

** This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

(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 bill

The bill modifies this provision 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 bill 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 bill 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.)

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	---	---

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