



H.B. 283

124th General Assembly
(As Introduced)

Rep. Calvert

BILL SUMMARY

- Includes the refusal to pay a hire or rental as prima-facie evidence of purpose to defraud in certain theft prosecutions.

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 or rented an aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, buggy, or other property or equipment, kept or operated any of the same that has been hired or rented, or engaged accommodations at a hotel, motel, inn, campground, or other hostelry, it is prima-facie evidence of 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 property involved or used deception to induce the hostelry to furnish the person with accommodations;
- (2) Hired or rented the property involved 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 hired or rented property as required by the contract of hire or rental, without reasonable excuse for the failure.

Operation of the bill

The bill modifies the activity listed in (4) above to include the refusal to pay the hire or rental, without reasonable excuse for that refusal. Therefore, it is prima-facie evidence of purpose to defraud with respect to a hire or rental as described above if the person knowingly failed or *refused* to pay the hire or rental as required by the contract of hire or rental, without reasonable excuse for that failure or *refusal*. (R.C. 2913.41(D).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-05-01	p. 623

h0283-i.124/kl