



H.B. 504

124th General Assembly
(As Introduced)

Reps. Manning, Damschroder, Grendell, Husted, Hartnett, Calvert, DeWine, Rhine, Carmichael, Coates, Willamowski, Webster, Allen, Schmidt, Roman, Evans, Sferra, Jolivette, Buehrer, Seaver, Patton, Latta, Reinhard, Williams, Britton, Schaffer, Wolpert

BILL SUMMARY

- Requires the suspension of the driver's license of a person who causes a motor vehicle to leave a retail establishment that sells gasoline without making full payment for gasoline.

CONTENT AND OPERATION

The theft statute (R.C. 2913.02)

Current law

The current theft statute prohibits any person, with purpose to deprive the owner of property or services, from knowingly obtaining or exerting control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;
- (5) By intimidation. (R.C. 2913.02(A)(1) to (5).)

Whoever violates this provision is guilty of theft (R.C. 2913.02(B)(1)). Generally, if the value of the property is less than \$500 ("pretty theft"), a violation

is a first degree misdemeanor.¹ Theft of more valuable property or services is a higher level offense.

Addition made by the bill

The bill provides that in addition to the regular criminal penalties provided for theft, if the theft involved a motor vehicle leaving the premises of a retail establishment where gasoline is sold without full payment for any gasoline dispensed into the motor vehicle or another container, the court *must* suspend for six months (or *one year* for any *subsequent* same offense) the offender's driver's license, permit, or nonresident operating privilege (R.C. 2913.02(B)(7)(a) and (b)).

Under the bill, the sentencing court that suspends an offender's license, permit, or nonresident operating privilege may grant the offender driving privileges during the period of the suspension to either drive to and from the offender's place of employment or school or to drive as necessary in situations involving a medical emergency (R.C. 2913.02(C)(1) and (2)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-12-02	p. 1382

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¹ *A first degree misdemeanor is punishable by a term of imprisonment of not more than six months, a fine of not more than \$1,000, or both.*