



Jeff Grim

Final Analysis
Legislative Service Commission

Sub. H.B. 536

125th General Assembly
(As Passed by the General Assembly)

- Reps.** Schlichter, Latta, Wolpert, McGregor, Reidelbach, Aslanides, S. Smith, Webster, Hollister, Hoops, DeWine, Setzer, Daniels, Schaffer, Collier, Buehrer, Faber, Seaver, Grendell, Gilb, Barrett, Book, Calvert, Core, Domenick, C. Evans, D. Evans, Flowers, Gibbs, Hughes, Niehaus, Perry, Schmidt, Wagner, Widener, Willamowski
- Sens.** Mumper, Amstutz, Austria, Carey, DiDonato, Padgett, Roberts, Jacobson, Schuring, Schuler, Spada, Wachtmann, White, Miller, Zurz, Harris, Robert Gardner, Randy Gardner, Goodman, Armbruster, Jordan

Effective date: *

ACT SUMMARY

- Makes theft of anhydrous ammonia a third degree felony.

CONTENT AND OPERATION

Continuing law

Law unchanged by the act prohibits any person, with purpose to deprive the owner of property or services, from knowingly obtaining or exerting control over the property or services without the consent of, or beyond the scope of the express or implied consent of, the owner or an authorized person or by deception, threat, or intimidation. A violation of this prohibition is the offense of "theft." (R.C. 2913.02(A) and (B).)

The penalty for theft and the specific name of the theft offense ranges from a first-degree misdemeanor to a first-degree felony, depending on the value of the property stolen, whether or not the victim is an elderly or disabled person, and the

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

type of property involved. The following table summarizes the penalties for the various theft offenses under continuing law (R.C. 2913.02(B)):

OFFENSE	VALUE OR TYPE OF PROPERTY INVOLVED	PENALTY
Petty theft	\$500	M 1
Theft	\$500, but less than \$5,000 credit cards, certain negotiable instruments, or certain motor vehicle identification items or certificates of title	F 5
Grand theft	\$5,000, but less than \$100,000 firearm or dangerous ordnance	F 4 F 3
Grand theft of a motor vehicle	Motor vehicle	F 4
Aggravated theft	\$100,000, but less than \$500,000	F 3
Aggravated theft	\$500,000, but less than \$1 million	F 2
Aggravated theft of \$1 million or more	\$1 million or more	F 1
Theft from an elderly person or disabled adult	Less than \$500 \$500, but less than \$5,000 \$5,000, but less than \$25,000 \$25,000, but less than \$100,000 \$100,000, or more	F 5 F 4 F 3 F 2 F 1
Theft of drugs	Any dangerous drug if defendant was previously convicted of a felony drug abuse offense	F 4 F 3
Theft of a police dog or horse or service dog	Police dog or horse or service dog	F 3

Operation of the act

The act adds a special penalty provision for theft of anhydrous ammonia, a chemical compound used in fertilizer. The act defines "anhydrous ammonia" as a



compound formed by the combination of two gaseous elements, nitrogen and hydrogen in the manner described in the following sentences. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by weight is 14 parts nitrogen to three parts hydrogen, which is approximately 82% nitrogen to 18% hydrogen. (R.C. 2913.01(KK).)

Under the act, if the property stolen in violation of the theft statute is anhydrous ammonia, the offense is "theft of anhydrous ammonia" and is a felony of the third degree regardless of the value of anhydrous ammonia stolen (R.C. 2913.02(B)(8)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	08-03-04	p. 2144
Reported, H. Criminal Justice	11-30-04	p. 2313
Passed House (88-0)	12-01-04	pp. 2339-2340
Brought up for immediate consideration by Senate	12-08-04	p. 2463
Passed Senate (32-0)	12-08-04	pp. 2463-2464

04-hb536-125.doc/jc