



## **H.B. 115**

125th General Assembly  
(As Introduced)

**Reps. DePiero, Redfern, Key, Hughes, Allen, Carano, Cirelli, Otterman, D. Evans, Sykes, Perry, Boccieri, Domenick, Aslanides, Barrett, Seaver, Wolpert, Price**

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### **BILL SUMMARY**

- Creates the offense of unlawful sale of a peace officer badge or uniform.

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### **CONTENT AND OPERATION**

#### ***Operation of the bill***

The bill prohibits a person from knowingly selling or offering to sell to any person other than the following any badge, other insignia of authority, or distinctive uniform that the person knows or reasonably should know is used by a peace officer, intended for use by a peace officer, or designed or manufactured for use by a peace officer as an official badge, other insignia of authority, or distinctive uniform of a peace officer in the performance of the peace officer's official duties:

(1) A peace officer who displays to the seller appropriate identification as a peace officer or other evidence of authority to purchase the badge, other insignia of authority, or distinctive uniform for use in the performance of the peace officer's official duties;

(2) A representative of the political subdivision or the State Highway Patrol, whichever is applicable, that employs a peace officer if the representative displays to the seller evidence of authority to purchase the badge, other insignia of authority, or distinctive uniform for use in the performance of a peace officer's official duties.

A person who violates this prohibition is guilty of unlawful sale of a peace officer badge or uniform, a minor misdemeanor or, if the offender previously has been convicted of or pleaded guilty to a violation of the prohibition, a misdemeanor of the fourth degree.

As used in the bill, "peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, township constable, or police officer of a township or joint township police district, who is employed by an Ohio political subdivision, or a State Highway Patrol Trooper. (R.C. 2921.53.)

## **Background**

### **Personating an officer**

Under existing law, unaffected by the bill, a person is guilty of personating an officer if the person, with purpose to defraud or knowing that the person is facilitating a fraud, or with purpose to induce another to purchase property or services, personates a law enforcement officer, or an inspector, investigator, or agent of any governmental agency. Personating an officer is a misdemeanor of the first degree. (R.C. 2913.44.)

### **Possession of criminal tools**

Existing law, unaffected by the bill, prohibits a person from possessing or having under the person's control any substance, device, instrument, or article, with purpose to use it criminally. A person who violates this prohibition is guilty of possessing criminal tools. Generally, possessing criminal tools is a misdemeanor of the first degree. If the circumstances indicate that the substance, device, instrument, or article involved in the offense was intended for use in the commission of a felony, possessing criminal tools is a felony of the fifth degree. (R.C. 2923.24(A) and (C).)

Under existing law, each of the following constitutes prima-facie evidence of criminal purpose (R.C. 2923.24(B)):

- (1) Possession or control of any dangerous ordnance, or the materials or parts for making dangerous ordnance, in the absence of circumstances indicating the dangerous ordnance, materials, or parts are intended for legitimate use;
- (2) Possession or control of any substance, device, instrument, or article designed or specially adapted for criminal use;
- (3) Possession or control of any substance, device, instrument, or article commonly used for criminal purposes, under circumstances indicating the item is intended for criminal use.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-11-03	p. 218

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