



H.B. 536

125th General Assembly
(As Introduced)

Reps. Schlichter, Latta, Wolpert, McGregor, Reidelbach, Aslanides, S. Smith, Webster, Hollister, Hoops, DeWine, Setzer, Daniels, Schaffer

BILL SUMMARY

- Makes theft of anhydrous ammonia a third degree felony

CONTENT AND OPERATION

Current law

Current law 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 type of property involved. The following table summarizes the current penalties for the various theft offenses (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

OFFENSE	VALUE OR TYPE OF PROPERTY INVOLVED	PENALTY
Grand theft	\$5,000 but less than \$100,000	F 4
	firearm or dangerous ordnance	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	F 5
	\$500 but less than \$5,000	F 4
	\$5,000 but less than \$25,000	F 3
	\$25,000 but less than \$100,000	F 2
	\$100,000 or more	F 1
Theft of drugs	Any dangerous drug	F 4
	if defendant was previously convicted of a felony drug abuse offense	F 3
Theft of a police dog or horse or service dog	Police dog or horse or service dog (See COMMENT)	F 3

Operation of the bill

Current law has no special penalty provisions for theft of anhydrous ammonia, a chemical compound used in fertilizer. The bill 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(II).)

Under the bill, 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)(7).)

COMMENT

R.C. 2913.01 and 2913.02 have been amended since the bill was drafted, and the bill does not contain the current versions of those sections. The changes do not affect the substance of the bill.

The penalty provisions related to theft of a police dog or horse or service dog are not in the bill.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	08-03-04	p. 2144

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