



Jeff Grim

## *Bill Analysis*

*Legislative Service Commission*

### **Sub. H.B. 536**

125th General Assembly  
(As Passed by the House)

**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**

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### **BILL SUMMARY**

- Makes theft of anhydrous ammonia a third degree felony.

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### **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<br>credit cards, certain negotiable instruments, or<br>certain motor vehicle identification items or<br>certificates of title | F 5                             |
| Grand theft                                    | \$5,000 but less than \$100,000<br>firearm or dangerous ordnance                                                                                          | F 4<br>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<br>\$500 but less than \$5,000<br>\$5,000 but less than \$25,000<br>\$25,000 but less than \$100,000<br>\$100,000 or more                 | F 5<br>F 4<br>F 3<br>F 2<br>F 1 |
| Theft of drugs                                 | Any dangerous drug<br>if defendant was previously convicted of a<br>felony drug abuse offense                                                             | F 4<br>F 3                      |
| Theft of a police dog or horse or service dog  | Police dog or horse or service dog                                                                                                                        | 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 (NH<sub>3</sub>).

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 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)(8)).

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## 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 |

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