



ENACTMENT NEWS

House Bill 405

Counterfeiting

Effective 90 days from signature

On October 23, 2018, Governor Kasich signed House Bill 405 (Rep. Perales) into law.

The bill creates the new offense of counterfeiting, which prohibits a person, with purpose to defraud or knowingly facilitating a fraud, from doing any of the following:

- Falsely making, forging, counterfeiting, or altering any obligation or other security of the United States
- Passing, uttering, selling, purchasing, concealing, or transferring any counterfeit obligation or other security of the United States
- Possessing with the purpose to utter any obligation or other security of the United States, knowing that the obligation or other security has been counterfeited
- Without authorization of the issuer, falsely making, forging, counterfeiting, altering, or knowingly possessing any “access device” (defined in the bill to include debit or credit cards)

A violation of this offense is generally a felony of the fourth degree, and the court is required to impose a corresponding F4 fine, not less than \$500. If, however, the value of the amounts counterfeited is \$5,000 or more but less than \$100,000, or if the offense involves five or more “access devices” (regardless of the amount of money counterfeited), the offense is a felony of the third degree. If the amount is \$100,000 or more but less than \$1 million, the offense is a felony of the second degree. If the amount is \$1 million or more, the offense is a felony of the first degree.

The bill passed the Ohio House of Representatives on March 21, 2018 by a vote of 92-1, and the Ohio Senate on September 25, 2018 by a vote of 29-0. It was signed into law on October 23, 2018 and becomes effective in 90 days.