



ENACTMENT SUMMARY

House Bill 366 **Organized Retail Theft** Effective April 9, 2025

On January 8, 2025 Governor DeWine signed into law House Bill 366 (Rep. Ghanbari) which modifies theft offenses penalties related to retail property, and creates the offenses of mail theft and organized theft of retail property, and expands the offense of counterfeiting.

Theft penalties

Under existing law, a person is guilty of “grand theft” (an F4) if, in committing a violation of R.C. 2913.02 (theft) the value of property or services stolen is between \$7,500 and \$150,000. The bill expands “grand theft” to also include offenders who have previously been convicted of a felony theft offense within the previous three years. Under existing law, if the value of property or services stolen is more than \$150,000 but less than \$750,000, the offense is “aggravated theft” (F3). The bill expands this to also include offenders with two or more felony theft offenses within the previous three years.

The bill similarly increases the penalty level for repeat offenders when the victim is an elderly person, disabled adult, active duty service member (or their spouse). The bill makes it an F4 if the offender had been convicted of a felony theft offense within the previous three years, and an F3 if the person had two or more convictions of a felony theft offense within the previous three years.

Theft of mail

The bill establishes the new offense of “theft of mail”: No person, with purpose to deprive the owner of mail, shall knowingly obtain or exert control over mail in any of the following ways:

- Without the consent of the owner or person authorized to give consent
- Beyond the scope of the express or implied consent of the owner or person authorized to give consent
- By deception
- By threat
- By intimidation

The offense is an F5, but if the value of the mail is more than \$7,500, the offense is an F4, and if the value of the mail is more than \$1,000 and the victim is a member of a special class as described above, the offense is an F4.

Organized theft of retail property

The bill also creates the offense of “organized theft of retail property,” which consists of the following prohibitions:

- No person shall knowingly commit theft of retail property with a value of \$7,500 or more from a retail establishment, manufacturer, distributor, or cargo transportation unit for either of the following purposes:
 - To sell, deliver, or transfer that property to a retail property fence (defined in the bill as “an enterprise that possesses, procures, receives, or conceals retail property that was represented to the enterprise as being stolen or that the enterprise knows or believes to be stolen”)
 - To sell, deliver, transfer, exchange, or return the retail property for value
- No person employed by, or associated with, an enterprise shall receive, purchase, or possess retail property with a value of \$7,500 or more if the person knows, believes, or has reasonable cause to believe that the property has been obtained by theft
- No person shall knowingly act as an agent of an enterprise to steal retail property with a value of \$7,500 or more from a retail establishment, manufacturer, distributor, or cargo transportation unit as part of an organized plan to commit theft
- No person shall knowingly recruit, coordinate, organize, supervise, direct, manage, or finance an enterprise to undertake any of the acts described in the above bullet points.

The penalties for the offense range from an F3 to an F1 depending on the value of the property stolen and any prior offenses of felony theft or organized theft of retail property.

Counterfeiting

The bill expands the offense of counterfeiting to also prohibit:

- Directly or indirectly using a scanning device to access, read, obtain, memorize, or store (temporarily or permanently) information encoded on an access device (the bill expands the definition of “access device” to now include gift cards) without the permission of the authorized user of the access device, the financial institution issuing the authorized user’s access device, or a merchant
- Directly or indirectly using an encoding machine to place information encoded on an access device onto a different access device without the permission of the access device’s authorized user, the financial institution who issued the device, or a merchant.

The bill passed the Ohio House by a vote of 69-27 on June 26, 2024 and the Ohio Senate by a vote of 30-0 on December 18, 2024. The House voted the same day to concur on Senate amendments, by a vote of 83-6. It was signed into law on January 8, 2025 and becomes effective on April 9, 2025.