

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 19**

**Representatives Blessing, Landis**

**Cosponsors: Representatives Hambley, Becker, Seitz, Schaffer, Stein**

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**A BILL**

To amend section 2909.03 of the Revised Code to  
include recklessly causing, by means of fire or  
explosion, physical harm to the offender's or  
another person's motor vehicle, house, building,  
or other structure, or to any other property of  
another person, while manufacturing or  
attempting to manufacture a controlled  
substance, as a violation of the offense of  
arson.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2909.03 of the Revised Code be  
amended to read as follows:

**Sec. 2909.03.** (A) No person, by means of fire or  
explosion, shall knowingly do any of the following:

(1) Cause, or create a substantial risk of, physical harm  
to any property of another without the other person's consent;

(2) Cause, or create a substantial risk of, physical harm  
to any property of the offender or another, with purpose to  
defraud;

(3) Cause, or create a substantial risk of, physical harm 19  
to the statehouse or a courthouse, school building, or other 20  
building or structure that is owned or controlled by the state, 21  
any political subdivision, or any department, agency, or 22  
instrumentality of the state or a political subdivision, and 23  
that is used for public purposes; 24

(4) Cause, or create a substantial risk of, physical harm, 25  
through the offer or the acceptance of an agreement for hire or 26  
other consideration, to any property of another without the 27  
other person's consent or to any property of the offender or 28  
another with purpose to defraud; 29

(5) Cause, or create a substantial risk of, physical harm 30  
to any park, preserve, wildlands, brush-covered land, cut-over 31  
land, forest, timberland, greenlands, woods, or similar real 32  
property that is owned or controlled by another person, the 33  
state, or a political subdivision without the consent of the 34  
other person, the state, or the political subdivision; 35

(6) With purpose to defraud, cause, or create a 36  
substantial risk of, physical harm to any park, preserve, 37  
wildlands, brush-covered land, cut-over land, forest, 38  
timberland, greenlands, woods, or similar real property that is 39  
owned or controlled by the offender, another person, the state, 40  
or a political subdivision. 41

(B) No person, by means of fire or explosion, shall 42  
knowingly do any of the following: 43

(1) Cause, or create a substantial risk of, physical harm 44  
to any structure of another that is not an occupied structure; 45

(2) Cause, or create a substantial risk of, physical harm, 46  
through the offer or the acceptance of an agreement for hire or 47

other consideration, to any structure of another that is not an 48  
occupied structure; 49

(3) Cause, or create a substantial risk of, physical harm 50  
to any structure that is not an occupied structure and that is 51  
in or on any park, preserve, wildlands, brush-covered land, cut- 52  
over land, forest, timberland, greenlands, woods, or similar 53  
real property that is owned or controlled by another person, the 54  
state, or a political subdivision. 55

(C) No person, by means of fire or explosion, shall 56  
recklessly cause physical harm to a house, building, or other 57  
structure of the offender or another person, to a motor vehicle 58  
owned, leased, or used by the offender or another person, or to 59  
any other property of another person, while manufacturing or 60  
attempting to manufacture a controlled substance. 61

(D)(1) It is an affirmative defense to a charge under 62  
division (B)(1) or (2) of this section that the defendant acted 63  
with the consent of the other person. 64

(2) It is an affirmative defense to a charge under 65  
division (B)(3) of this section that the defendant acted with 66  
the consent of the other person, the state, or the political 67  
subdivision. 68

~~(D)~~(E)(1) Whoever violates this section is guilty of 69  
arson. 70

(2) A violation of division (A)(1) or (B)(1) of this 71  
section is one of the following: 72

(a) Except as otherwise provided in division ~~(D)~~(E)(2)(b) 73  
of this section, a misdemeanor of the first degree; 74

(b) If the value of the property or the amount of the 75

physical harm involved is one thousand dollars or more, a felony 76  
of the fourth degree. 77

(3) A violation of division (A) (2), (3), (5), or (6) or 78  
(B) (3) of this section is a felony of the fourth degree. 79

(4) A violation of division (A) (4) or (B) (2) of this 80  
section is a felony of the third degree. 81

(5) (a) Except as otherwise provided in division (E) (5) (b) 82  
of this section, a violation of division (C) of this section is 83  
a misdemeanor of the first degree. 84

(b) If the value of the property or the amount of the 85  
physical harm involved is one thousand dollars or more, a 86  
violation of division (C) of this section is a felony of the 87  
fourth degree. 88

(F) As used in this section: 89

(1) "Controlled substance" has the same meaning as in 90  
section 3719.01 of the Revised Code. 91

(2) "Manufacture" means to process, make, prepare, or 92  
otherwise engage in any part of the production of a controlled 93  
substance by extraction, chemical synthesis, or compounding, or 94  
any combination of the same, and includes packaging, 95  
repackaging, labeling, and other activities incident to 96  
production. 97

(3) "Motor vehicle" has the same meaning as in section 98  
4501.01 of the Revised Code. 99

**Section 2.** That existing section 2909.03 of the Revised 100  
Code is hereby repealed. 101