

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 282

Representative Hambley

**Cosponsors: Representatives Kick, Becker, Dean, Goodman, Wiggam,
Greenspan, Koehler, Merrin**

A BILL

To amend section 2909.07 and to enact section 1
3735.411 of the Revised Code to expressly 2
prohibit criminal mischief relating to 3
residential rental property and to prohibit a 4
metropolitan housing authority from renting or 5
providing housing assistance to a person who has 6
recently been convicted of criminal mischief 7
relating to residential rental property. 8

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

Section 1. That section 2909.07 be amended and section 9
3735.411 of the Revised Code be enacted to read as follows: 10

Sec. 2909.07. (A) No person shall: 11

(1) Without privilege to do so, knowingly move, deface, 12
damage, destroy, or otherwise improperly tamper with either of 13
the following: 14

(a) The property of another; 15

(b) One's own residential real property with the purpose 16

to decrease the value of or enjoyment of the residential real 17
property, if both of the following apply: 18

(i) The residential real property is subject to a 19
mortgage. 20

(ii) The person has been served with a summons and 21
complaint in a pending residential mortgage loan foreclosure 22
action relating to that real property. As used in this division, 23
"pending" includes the time between judgment entry and 24
confirmation of sale. 25

(2) With purpose to interfere with the use or enjoyment of 26
property of another, employ a tear gas device, stink bomb, smoke 27
generator, or other device releasing a substance that is harmful 28
or offensive to persons exposed or that tends to cause public 29
alarm; 30

(3) Without privilege to do so, knowingly move, deface, 31
damage, destroy, or otherwise improperly tamper with a bench 32
mark, triangulation station, boundary marker, or other survey 33
station, monument, or marker; 34

(4) Without privilege to do so, knowingly move, deface, 35
damage, destroy, or otherwise improperly tamper with any safety 36
device, the property of another, or the property of the offender 37
when required or placed for the safety of others, so as to 38
destroy or diminish its effectiveness or availability for its 39
intended purpose; 40

(5) With purpose to interfere with the use or enjoyment of 41
the property of another, set a fire on the land of another or 42
place personal property that has been set on fire on the land of 43
another, which fire or personal property is outside and apart 44
from any building, other structure, or personal property that is 45

on that land; 46

(6) Without privilege to do so, and with intent to impair 47
the functioning of any computer, computer system, computer 48
network, computer software, or computer program, knowingly do 49
any of the following: 50

(a) In any manner or by any means, including, but not 51
limited to, computer hacking, alter, damage, destroy, or modify 52
a computer, computer system, computer network, computer 53
software, or computer program or data contained in a computer, 54
computer system, computer network, computer software, or 55
computer program; 56

(b) Introduce a computer contaminant into a computer, 57
computer system, computer network, computer software, or 58
computer program. 59

(B) The scope of division (A) (1) (a) of this section 60
includes defacing, damaging, destroying, or otherwise improperly 61
tampering with residential rental property rented by the 62
offender, regardless of whether the residential rental property 63
is privately or publicly owned. 64

(C) As used in this section, ~~"safety":~~ 65

(1) "Residential rental property" means one or more 66
residential premises leased or otherwise rented to tenants 67
solely for residential purposes. 68

(2) "Safety device" means any fire extinguisher, fire 69
hose, or fire axe, or any fire escape, emergency exit, or 70
emergency escape equipment, or any life line, life-saving ring, 71
life preserver, or life boat or raft, or any alarm, light, 72
flare, signal, sign, or notice intended to warn of danger or 73
emergency, or intended for other safety purposes, or any guard 74

railing or safety barricade, or any traffic sign or signal, or 75
any railroad grade crossing sign, signal, or gate, or any first 76
aid or survival equipment, or any other device, apparatus, or 77
equipment intended for protecting or preserving the safety of 78
persons or property. 79

~~(C)~~(3) "Tenant" has the same meaning as in section 5321.01 80
of the Revised Code. 81

(D)(1) Whoever violates this section is guilty of criminal 82
mischief, and shall be punished as provided in division ~~(C)~~(D) 83
(2) or (3) of this section. 84

(2) Except as otherwise provided in this division, 85
criminal mischief committed in violation of division (A) (1), 86
(2), (3), (4), or (5) of this section is a misdemeanor of the 87
third degree. Except as otherwise provided in this division, if 88
the violation of division (A) (1), (2), (3), (4), or (5) of this 89
section creates a risk of physical harm to any person, criminal 90
mischief committed in violation of division (A) (1), (2), (3), 91
(4), or (5) of this section is a misdemeanor of the first 92
degree. If the property involved in the violation of division 93
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 94
aircraft engine, propeller, appliance, spare part, fuel, 95
lubricant, hydraulic fluid, any other equipment, implement, or 96
material used or intended to be used in the operation of an 97
aircraft, or any cargo carried or intended to be carried in an 98
aircraft, criminal mischief committed in violation of division 99
(A) (1), (2), (3), (4), or (5) of this section is one of the 100
following: 101

(a) If the violation creates a risk of physical harm to 102
any person, except as otherwise provided in division ~~(C)~~(D) (2) 103

(b) of this section, criminal mischief committed in violation of 104

division (A) (1), (2), (3), (4), or (5) of this section is a 105
felony of the fifth degree. 106

(b) If the violation creates a substantial risk of 107
physical harm to any person or if the property involved in a 108
violation of this section is an occupied aircraft, criminal 109
mischief committed in violation of division (A) (1), (2), (3), 110
(4), or (5) of this section is a felony of the fourth degree. 111

(3) Except as otherwise provided in this division, 112
criminal mischief committed in violation of division (A) (6) of 113
this section is a misdemeanor of the first degree. Except as 114
otherwise provided in this division, if the value of the 115
computer, computer system, computer network, computer software, 116
computer program, or data involved in the violation of division 117
(A) (6) of this section or the loss to the victim resulting from 118
the violation is one thousand dollars or more and less than ten 119
thousand dollars, or if the computer, computer system, computer 120
network, computer software, computer program, or data involved 121
in the violation of division (A) (6) of this section is used or 122
intended to be used in the operation of an aircraft and the 123
violation creates a risk of physical harm to any person, 124
criminal mischief committed in violation of division (A) (6) of 125
this section is a felony of the fifth degree. If the value of 126
the computer, computer system, computer network, computer 127
software, computer program, or data involved in the violation of 128
division (A) (6) of this section or the loss to the victim 129
resulting from the violation is ten thousand dollars or more, or 130
if the computer, computer system, computer network, computer 131
software, computer program, or data involved in the violation of 132
division (A) (6) of this section is used or intended to be used 133
in the operation of an aircraft and the violation creates a 134
substantial risk of physical harm to any person or the aircraft 135

in question is an occupied aircraft, criminal mischief committed 136
in violation of division (A) (6) of this section is a felony of 137
the fourth degree. 138

(4) A tenant who is convicted of or pleads guilty to 139
violating division (A) (1) (a) of this section in relation to 140
residential rental property shall, in addition to any penalty 141
imposed under division (D) of this section, also be subject to 142
section 3735.411 of the Revised Code. 143

Sec. 3735.411. In the operation or management of housing 144
projects, a metropolitan housing authority shall not accept any 145
person as a tenant in any dwelling in a housing project, and 146
shall not provide low-income housing assistance under the 147
"United States Housing Act of 1937," 42 U.S.C. 1437f, as 148
amended, known as the federal section 8 housing program, if 149
within the immediately preceding three years, the person who 150
would occupy the dwelling has been convicted of or pleaded 151
guilty to a violation of division (A) (1) (a) or (b) of section 152
2909.07 of the Revised Code relating to residential rental 153
property, as defined in section 5323.01 of the Revised Code. 154

Section 2. That existing section 2909.07 of the Revised 155
Code is hereby repealed. 156