

**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**

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**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