

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 544

Representative Carruthers



A BILL

To amend sections 2911.211, 2917.12, 2923.04, 1
2927.12, 4511.16, 4511.17, and 5589.99 and to 2
enact sections 2911.212 and 5589.34 of the 3
Revised Code to prohibit unauthorized displays 4
of symbols on bridges or highways and 5
unauthorized projections of images onto 6
buildings and to expand the offenses of 7
aggravated trespass and ethnic intimidation. 8

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

Section 1. That sections 2911.211, 2917.12, 2923.04, 9
2927.12, 4511.16, 4511.17, and 5589.99 be amended and sections 10
2911.212 and 5589.34 of the Revised Code be enacted to read as 11
follows: 12

Sec. 2911.211. (A) (1) No person shall enter or remain on 13
the land or premises of another with purpose to commit on that 14
land or those premises a misdemeanor, the elements of which 15
involve causing physical harm to another person or causing 16
another person to believe that the offender will cause physical 17
harm to that person. 18

(2) No person shall enter or remain on the land, premises, 19

vehicle, aircraft, or watercraft of another with purpose to 20
cause physical harm to another person or cause another person to 21
believe that the offender will cause physical harm to that 22
person. 23

(3) No person shall enter or remain on a critical 24
infrastructure facility with purpose to destroy or tamper with 25
the facility. 26

(B) Whoever violates this section is guilty of aggravated 27
trespass. Aggravated trespass in violation of division (A) (1) or 28
(2) of this section is a misdemeanor of the first degree. 29
Aggravated trespass in violation of division ~~(A) (2)~~ (A) (3) of 30
this section is a felony of the third degree. 31

(C) As used in this section, ~~"critical":~~ 32

(1) "Aircraft" has the same meaning as in section 4561.01 33
of the Revised Code. 34

(2) "Critical infrastructure facility" has the same 35
meaning as in section 2911.21 of the Revised Code. 36

(3) "Vehicle" has the same meaning as in section 4501.01 37
of the Revised Code. 38

(4) "Watercraft" has the same meaning as in section 39
1546.01 of the Revised Code. 40

Sec. 2911.212. (A) As used in this section, "image" means 41
a visual representation or likeness of a person or object, 42
including text, graphics, logos, other artwork, or a combination 43
of them. 44

(B) No person shall knowingly, without the consent of the 45
owner or person authorized to give consent, project an image 46
onto a building, structure, or other improvement. 47

(C) (1) Whoever violates this section is guilty of 48
unauthorized image projection on private property. Except as 49
provided in division (C) (2) of this section, a violation of this 50
section is a misdemeanor of the first degree. 51

(2) If the offender knowingly selects the building, 52
structure, or other improvement with malicious intent to harass, 53
threaten, or intimidate any person or group associated with the 54
building, structure, or other improvement based upon the actual 55
or perceived race, color, religion, ethnicity, ancestry, 56
national origin, sex, sexual orientation, gender identity or 57
expression, or disability of any person or group, a violation of 58
this section is a felony of the third degree. 59

(D) For each day of violation of this section that is a 60
misdemeanor, the court may impose a civil penalty of not more 61
than one thousand dollars. For each day of violation of this 62
section that is a felony, the court may impose a civil penalty 63
of not more than ten thousand dollars. 64

(E) Any equipment that is used or intended to be used in 65
the commission of a violation of this section is subject to 66
seizure and forfeiture pursuant to Chapter 2981. of the Revised 67
Code. 68

(F) The court shall grant injunctive and other equitable 69
relief on a showing that a person has violated or is about to 70
violate this section. 71

Sec. 2917.12. (A) No person, with purpose to prevent or 72
disrupt a lawful meeting, procession, or gathering, shall do 73
either of the following: 74

(1) Do any act which obstructs or interferes with the due 75
conduct of such meeting, procession, or gathering; 76

(2) Make any utterance, gesture, or display which outrages
the sensibilities of the group. 77
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(B) Whoever violates this section is guilty of disturbing
a lawful meeting. 79
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(1) Except as otherwise provided in ~~this division~~ (B) (2)
of this section, disturbing a lawful meeting is a misdemeanor of
the fourth degree. 81
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(2) Disturbing a lawful meeting is a misdemeanor of the
first degree if either of the following applies: 84
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~~(1)~~ (a) The violation is committed with the intent to
disturb or disquiet any assemblage of people met for religious
worship at a tax-exempt place of worship, regardless of whether
the conduct is within the place at which the assemblage is held
or is on the property on which that place is located and
disturbs the order and solemnity of the assemblage. 86
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~~(2)~~ (b) The violation is committed with the intent to
prevent, disrupt, or interfere with a virtual meeting or
gathering of people for religious worship, through use of a
computer, computer system, telecommunications device, or other
electronic device or system, or in any other manner. 92
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(C) As used in this section: 97

(1) "Computer," "computer system," and "telecommunications
device" have the same meanings as in section 2913.01 of the
Revised Code. 98
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(2) "Virtual meeting or gathering" means a meeting or
gathering by interactive video conference or teleconference, or
by a combination thereof. 101
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Sec. 2923.04. (A) As used in this section: 104

(1) "Compensation" means money, thing of value, or	105
financial benefit. "Compensation" does not include bail, fines,	106
or court costs.	107
(2) "Critical infrastructure facility" has the same	108
meaning as in section 2911.21 of the Revised Code.	109
(3) "Organization" has the same meaning as in section	110
2901.23 of the Revised Code.	111
(B) No organization shall knowingly direct, authorize,	112
facilitate, or encourage a person to commit any of the following	113
offenses or provide compensation to a person for committing any	114
of the following offenses:	115
(1) Criminal mischief in violation of division (A) (7) of	116
section 2909.07 of the Revised Code;	117
(2) Criminal trespass in violation of division (A) (5) of	118
section 2911.21 of the Revised Code;	119
(3) Aggravated trespass in violation of division (A) (2)	120
<u>(A) (3)</u> of section 2911.211 of the Revised Code;	121
(4) Telecommunications harassment in violation of division	122
(A) (4) of section 2917.21 of the Revised Code that involves a	123
threat of damage to or destruction of a critical infrastructure	124
facility;	125
(5) Making false alarms in violation of division (A) (4) of	126
section 2917.32 of the Revised Code.	127
(C) Whoever violates this section is guilty of improper	128
organizational involvement with a critical infrastructure	129
facility. Notwithstanding section 2929.31 of the Revised Code,	130
improper organizational involvement with a critical	131
infrastructure facility shall be punished as follows:	132

(1) A violation of division (B) (1) of this section shall 133
be punished with a fine that is ten times the maximum fine that 134
can be imposed on an individual for a violation of division (A) 135
(7) of section 2909.07 of the Revised Code; 136

(2) A violation of division (B) (2) of this section shall 137
be punished with a fine that is ten times the maximum fine that 138
can be imposed on an individual for a violation of division (A) 139
(5) of section 2911.21 of the Revised Code; 140

(3) A violation of division (B) (3) of this section shall 141
be punished with a fine that is ten times the maximum fine that 142
can be imposed on an individual for a violation of division ~~(A)~~ 143
~~(2)~~ (A) (3) of section 2911.211 of the Revised Code; 144

(4) A violation of division (B) (4) of this section shall 145
be punished with a fine that is ten times the maximum fine that 146
can be imposed on an individual for a violation of division (A) 147
(4) of section 2917.21 of the Revised Code that involves a 148
threat of damage to or destruction of a critical infrastructure 149
facility; 150

(5) A violation of division (B) (5) of this section shall 151
be punished with a fine that is ten times the maximum fine that 152
can be imposed on an individual for a violation of division (A) 153
(4) of section 2917.32 of the Revised Code. 154

Sec. 2927.12. (A) No person shall violate ~~section 2903.21,~~ 155
~~2903.22, 2909.06, or 2909.07, or division (A) (3), (4), or (5) of~~ 156
~~section 2917.21 of the Revised Code~~ any of the following by 157
reason of the race, color, religion, or national origin of 158
another person or group of persons. 159

(1) Section 2903.21, 2903.22, 2909.06, or 2909.07 of the 160
Revised Code; 161

(2) Division (A) (3), (4), or (5) of section 2917.21 of the 162
Revised Code; 163

(3) Section 2917.12 of the Revised Code if the penalty 164
imposed is under division (B) (2) of that section. 165

(B) Whoever violates this section is guilty of ethnic 166
intimidation. Ethnic intimidation is an offense of the next 167
higher degree than the offense the commission of which is a 168
necessary element of ethnic intimidation. 169

Sec. 4511.16. (A) No person shall place, maintain, or 170
display upon or in view of any highway, pedestrian bridge, or 171
highway overpass any unauthorized sign, signal, marking, banner, 172
flag, other structure, or device which purports to be, is an 173
imitation of, or resembles a traffic control device or railroad 174
sign or signal, or which attempts to direct the movement of 175
traffic or hides from view or interferes with the effectiveness 176
of any traffic control device or any railroad sign or signal, 177
and no person shall place or maintain, nor shall any public 178
authority permit, upon any highway any traffic sign or signal 179
bearing thereon any commercial advertising. This section does 180
not prohibit either the erection upon private property adjacent 181
to highways of signs giving useful directional information and 182
of a type that cannot be mistaken for traffic control devices or 183
the erection upon private property of traffic control devices by 184
the owner of real property in accordance with sections 4511.211 185
and 4511.432 of the Revised Code. 186

Every such prohibited sign, signal, marking, banner, flag, 187
other structure or device is a public nuisance, and the 188
authority having jurisdiction over the highway may remove it or 189
cause it to be removed. 190

(B) Except as otherwise provided in this division, whoever
violates this section is guilty of a minor misdemeanor. If,
within one year of the offense, the offender previously has been
convicted of or pleaded guilty to one predicate motor vehicle or
traffic offense, whoever violates this section is guilty of a
misdemeanor of the fourth degree. If, within one year of the
offense, the offender previously has been convicted of two or
more predicate motor vehicle or traffic offenses, whoever
violates this section is guilty of a misdemeanor of the third
degree.

Sec. 4511.17. (A) No person, without lawful authority,
shall do any of the following:

(1) Knowingly move, deface, damage, destroy, cover, or
otherwise improperly tamper with any traffic control device, any
railroad sign or signal, or any inscription, shield, or insignia
on the device, sign, or signal, or any part of the device, sign,
or signal;

(2) Knowingly drive upon or over any freshly applied
pavement marking material on the surface of a roadway while the
marking ~~material~~ material is in an undried condition and is
marked by flags, markers, signs, or other devices intended to
protect it;

(3) Knowingly move, damage, destroy, or otherwise
improperly tamper with a manhole cover.

(B) (1) Except as otherwise provided in this division,
whoever violates division (A) (1) or (3) of this section is
guilty of a misdemeanor of the third degree. If a violation of
division (A) (1) or (3) of this section creates a risk of
physical harm to any person, the offender is guilty of a

misdemeanor of the first degree. If a violation of division (A) 220
(1) or (3) of this section causes serious physical harm to 221
property that is owned, leased, or controlled by a state or 222
local authority, the offender is guilty of a felony of the fifth 223
degree. 224

(2) Except as otherwise provided in this division, whoever 225
violates division (A) (2) of this section is guilty of a minor 226
misdemeanor. If, within one year of the offense, the offender 227
previously has been convicted of or pleaded guilty to one 228
predicate motor vehicle or traffic offense, whoever violates 229
division (A) (2) of this section is guilty of a misdemeanor of 230
the fourth degree. If, within one year of the offense, the 231
offender previously has been convicted of two or more predicate 232
motor vehicle or traffic offenses, whoever violates division (A) 233
(2) of this section is guilty of a misdemeanor of the third 234
degree. 235

Sec. 5589.34. (A) No person shall erect, place, position, 236
hang, maintain, or display in the right of way of any public 237
road or highway or upon a pedestrian bridge or highway overpass 238
any unauthorized sign, signal, device, banner, flag, or other 239
structure. 240

(B) The department of transportation and any local 241
jurisdiction may adopt rules and policies governing the approval 242
of any sign, signal, device, banner, flag, or other structure 243
otherwise prohibited under division (A) of this section. 244

Sec. 5589.99. (A) Whoever violates section 5589.01 of the 245
Revised Code is guilty of a misdemeanor of the third degree. 246

(B) Whoever violates section 5589.02, 5589.03, 5589.05, 247
5589.06, 5589.08, 5589.081, 5589.09, 5589.11, 5589.12, 5589.32, 248

or 5589.33, <u>or 5589.34</u> of the Revised Code is guilty of a minor misdemeanor.	249 250
(C) Whoever violates section 5589.07 or 5589.10 of the Revised Code is guilty of a misdemeanor of the fourth degree.	251 252
(D) Whoever violates division (A) of section 5589.21 of the Revised Code is guilty of a misdemeanor of the first degree and shall be fined one thousand dollars.	253 254 255
(E) Whoever violates section 5589.211 of the Revised Code is guilty of a misdemeanor of the first degree and shall be fined five thousand dollars.	256 257 258
Section 2. That existing sections 2911.211, 2917.12, 2923.04, 2927.12, 4511.16, 4511.17, and 5589.99 of the Revised Code are hereby repealed.	259 260 261