



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 252**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Click and Bird

Sarah A. Maki, Attorney

### SUMMARY

- Eliminates “force, stealth, or deception” as an element of aggravated burglary, burglary, trespass in a habitation where a person is present or likely to be present, and breaking and entering.

### DETAILED ANALYSIS

#### Aggravated burglary

The bill eliminates the element of the offense of “aggravated burglary” that requires the offender to commit the offense by force, stealth, or deception.

Under current law, the offense of “aggravated burglary” prohibits a person, by force, stealth, or deception, from trespassing in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, when another person other than an accomplice of the offender is present, with purpose to commit in the structure or in the separately secured or separately occupied portion of the structure any criminal offense, if any of the following apply:<sup>1</sup>

- The offender inflicts, or attempts or threatens to inflict physical harm on another;
- The offender has a deadly weapon or dangerous ordnance on or about the offender’s control.

The penalty for aggravated burglary is a first degree felony.<sup>2</sup>

<sup>1</sup> R.C. 2911.11(A).

<sup>2</sup> R.C. 2911.11(B).

## Burglary

The bill eliminates the element of the offense of “burglary” that requires the offender to commit the offense by force, stealth, or deception.

Under current law, the offense of “burglary” prohibits a person, by force, stealth, or deception, from doing any of the following:<sup>3</sup>

- Trespassing in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, when another person other than an accomplice of the offender is present, with purpose to commit in the structure or in the separately secured or separately occupied portion of the structure any criminal offense;
- Trespassing in an occupied structure or in a separately secured or separately occupied portion of an occupied structure that is a permanent or temporary habitation of any person when any person other than an accomplice of the offender is present or likely to be present, with purpose to commit in the habitation any criminal offense;
- Trespassing in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, with purpose to commit in the structure or separately secured or separately occupied portion of the structure any criminal offense.

The penalty for burglary is a second or third degree felony depending on the circumstances of the offense.<sup>4</sup>

## Trespass in a habitation when a person is present or likely to be present

The bill eliminates the element of the offense of “trespass in a habitation when a person is present or likely to be present” that requires the offender to commit the offense by force, stealth, or deception.

Under current law, the offense of “trespass in a habitation when a person is present or likely to be present” prohibits a person, by force, stealth, or deception, from trespassing in a permanent or temporary habitation of any person when any person other than an accomplice of the offender is present or likely to be present.<sup>5</sup>

The penalty for trespass in a habitation when a person is present or likely to be present is a fourth degree felony.<sup>6</sup>

---

<sup>3</sup> R.C. 2911.12(A).

<sup>4</sup> R.C. 2911.12(D).

<sup>5</sup> R.C. 2911.12(B).

<sup>6</sup> R.C. 2911.12(D).

## Breaking and entering

The bill eliminates the element of the offense of “breaking and entering” that requires the offender to commit the offense by force, stealth, or deception.

Under current law, the offense of “breaking and entering” prohibits a person, by force, stealth, or deception, from trespassing in an unoccupied structure, with purpose to commit therein any theft offense or any felony.<sup>7</sup>

The penalty for breaking and entering is a fifth degree felony.<sup>8</sup>

---

### HISTORY

Action	Date
Introduced	04-30-25

---

ANHB0252IN-136/ks

---

<sup>7</sup> R.C. 2911.13(A) and 2913.01, not in the bill.

<sup>8</sup> R.C. 2911.13(C).