As Passed by the House

136th General Assembly
Regular Session **Sub. H. B. No. 252**
2025-2026

Representatives Click, Bird

Cosponsors: Representatives Thomas, D., Hiner, Miller, K., Mathews, A., Abrams, Brennan, Dovilla, Fischer, Fowler Arthur, Ghanbari, Gross, Hall, T., John, LaRe, Mathews, T., Newman, Odioso, Schmidt, Swearingen, Williams

To amend sections 2901.01, 2911.11, 2911.12, and 2923.132 of the Revised Code to modify the offenses of burglary, aggravated burglary, and trespass in a habitation when a person is present or likely to be present.

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

Section 1. That sections 2901.01, 2911.11, 2911.12, and 2923.132 of the Revised Code be amended to read as follows:

Sec. 2901.01. (A) As used in the Revised Code:

(1) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.

(2) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.

(3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(4) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.

(5) "Serious physical harm to persons" means any of the following:

(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;

(b) Any physical harm that carries a substantial risk of death;

(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;

(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;

(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.

(6) "Serious physical harm to property" means any physical harm to property that does either of the following:

(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;

(b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment

for an extended period of time.

(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

(8) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.

(9) "Offense of violence" means any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.18, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2917.321, 2919.25, 2921.03, 2921.04, 2921.34, or 2923.161, of division (A)(1) of section 2903.34, of division ~~(A)(1), (2), or (3)~~ (B) of section 2911.12, or of division (B)(1), (2), (3), or (4) of section 2919.22 of the Revised Code or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offense listed in division (A)(9)(a) of this section;

(c) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;

(d) A conspiracy or attempt to commit, or complicity in

committing, any offense under division (A)(9)(a), (b), or (c) of this section;

(e) A violation of division (C) of section 959.131 of the Revised Code.

(10)(a) "Property" means any property, real or personal, tangible or intangible, and any interest or license in that property. "Property" includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright, or patent. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.

(b) As used in division (A)(10) of this section, "trade secret" has the same meaning as in section 1333.61 of the Revised Code, and "telecommunications service" and "information service" have the same meanings as in section 2913.01 of the Revised Code.

(c) As used in divisions (A)(10) and (13) of this section, "cable television service," "computer," "computer software," "computer system," "computer network," "data," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.

(11) "Law enforcement officer" means any of the following:

(a) A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or state highway patrol trooper;

(b) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;

(d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;

(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to section 737.10 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;

(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;

(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;

(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;

(m) The senate sergeant at arms and an assistant senate sergeant at arms;

(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.

(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.

(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:

(a) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device or paraphernalia;

(b) Any unlawful gambling device or paraphernalia;

(c) Any dangerous ordnance or obscene material.

(14) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in section 2901.05 of the Revised Code, that at the time of the commission of the offense, the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person's acts.

(B)(1)(a) Subject to division (B)(2) of this section, as used in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense, "person" includes all of the following:

(i) An individual, corporation, business trust, estate, trust, partnership, and association;

(ii) An unborn human who is viable.

(b) As used in any section contained in Title XXIX of the Revised Code that does not set forth a criminal offense, "person" includes an individual, corporation, business trust, estate, trust, partnership, and association.

(c) As used in division (B)(1)(a) of this section:

(i) "Unborn human" means an individual organism of the species Homo sapiens from fertilization until live birth.

(ii) "Viable" means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support.

(2) Notwithstanding division (B)(1)(a) of this section, in no case shall the portion of the definition of the term "person" that is set forth in division (B)(1)(a)(ii) of this section be applied or construed in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense in any of the following manners:

(a) Except as otherwise provided in division (B)(2)(a) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 of the Revised Code, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate section 2919.12, division (B) of section 2919.13, or section 2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may be punished as a violation of section 2919.12, division (B) of section 2919.13, or section 2919.15, 2919.151, 2919.17, or

2919.18 of the Revised Code, as applicable. Consent is sufficient under this division if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with section 2919.12 of the Revised Code.

(b) In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:

(i) Her delivery of a stillborn baby;

(ii) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;

(iii) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;

(iv) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;

(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(C) As used in Title XXIX of the Revised Code:

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.

(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.

(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code.

(4) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

Sec. 2911.11. ~~(A)~~ (A)(1) No person, by force, stealth, or deception, shall trespass 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:

~~(1)~~ (a) The offender inflicts, or attempts or threatens to inflict physical harm on another;

~~(2)~~ (b) The offender has a deadly weapon or dangerous ordnance on or about the offender's person or under the offender's control.

(2) No person shall knowingly trespass 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:

(a) The offender inflicts, or attempts or threatens to inflict physical harm on another.

(b) The offender has a deadly weapon or dangerous ordnance on or about the offender's person or under the offender's control.

(B) A prosecution for a violation of division (A)(1) of this section does not preclude a prosecution for a violation of division (A)(2) of this section. One or more acts, a series of acts, or a course of behavior that can be prosecuted under division (A)(1) of this section or division (A)(2) of this section may be prosecuted under division (A)(1) of this section, division (A)(2) of this section, or both divisions. However, if an offender is convicted of or pleads guilty to a violation of division (A)(1) of this section and also is convicted of or pleads guilty to a violation of division (A)(2) of this section based on the same conduct involving the same victim that was the basis of the violation of division (A)(1) of this section, the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code.

(C) Whoever violates this section is guilty of aggravated burglary, a felony of the first degree.

~~(C)~~ (D) As used in this section:

(1) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.

(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

Sec. 2911.12. (A) As used in this section, "occupied

structure" has the same meaning as in section 2909.01 of the Revised Code.

(B)(1) No person, by force, stealth, or deception, shall do any of the following:

~~(1)~~ (a) Trespass 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;

~~(2)~~ (b) Trespass 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;

~~(3)~~ (c) Trespass 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.

~~(B)~~ (2) No person shall knowingly do any of the following:

(a) Trespass 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;

(b) Trespass 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;

(c) Trespass 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.

(C)(1) No person, by force, stealth, or deception, shall trespass 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.

~~(C) As used in this section, "occupied structure" has the same meaning as in section 2909.01 of the Revised Code.~~

~~(D)~~(2) No person shall knowingly trespass 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.

(D)(1) A prosecution for a violation of division (B)(1) of this section does not preclude a prosecution for a violation of division (B)(2) of this section. One or more acts, a series of acts, or a course of behavior that can be prosecuted under division (B)(1) of this section or division (B)(2) of this section may be prosecuted under division (B)(1) of this section, division (B)(2) of this section, or both divisions. However, if an offender is convicted of or pleads guilty to a violation of division (B)(1) of this section and also is convicted of or

pleads guilty to a violation of division (B)(2) of this section based on the same conduct involving the same victim that was the basis of the violation of division (B)(1) of this section, the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code.

(2) A prosecution for a violation of division (C)(1) of this section does not preclude a prosecution for a violation of division (C)(2) of this section. One or more acts, a series of acts, or a course of behavior that can be prosecuted under division (C)(1) of this section or division (C)(2) of this section may be prosecuted under division (C)(1) of this section, division (C)(2) of this section, or both divisions. However, if an offender is convicted of or pleads guilty to a violation of division (C)(1) of this section and also is convicted of or pleads guilty to a violation of division (C)(2) of this section based on the same conduct involving the same victim that was the basis of the violation of division (C)(1) of this section, the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code.

(E) Whoever violates division ~~(A)~~ (B) of this section is guilty of burglary.

(1) A violation of division ~~(A)(1)~~ (B)(1)(a) or ~~(2)~~ (b) of this section is a felony of the ~~second~~ first degree. A violation of division ~~(A)(3)~~ (B)(1)(c) of this section is a felony of the ~~third~~ second degree.

~~(E)~~ (2) A violation of division (B)(2)(a) or (b) of this section is a felony of the second degree. A violation of division (B)(2)(c) of this section is a felony of the third degree.

(F) Whoever violates division ~~(B)~~ (C) of this section is guilty of trespass in a habitation when a person is present or likely to be present~~,~~. A violation of division (C)(1) of this section is a felony of the ~~fourth~~ third degree. A violation of division (C)(2) of this section is a felony of the fourth degree.

Sec. 2923.132. (A) As used in this section:

(1)(a) "Violent career criminal" means a person who within the preceding eight years, subject to extension as provided in division (A)(1)(b) of this section, has been convicted of or pleaded guilty to two or more violent felony offenses that are separated by intervening sentences and are not so closely related to each other and connected in time and place that they constitute a course of criminal conduct.

(b) Except as provided in division (A)(1)(c) of this section, the eight-year period described in division (A)(1)(a) of this section shall be extended by a period of time equal to any period of time during which the person, within that eight-year period, was confined as a result of having been accused of an offense, having been convicted of or pleaded guilty to an offense, or having been accused of violating or found to have violated any community control sanction, post-release control sanction, or term or condition of supervised release.

(c) Division (A)(1)(b) of this section shall not apply to extend the eight-year period described in division (A)(1)(a) of this section by any period of time during which a person is confined if the person is acquitted of the charges or the charges are dismissed in final disposition of the case or during which a person is confined as a result of having been accused of violating any sanction, term, or condition described in division

(A)(1)(b) of this section if the person subsequently is not found to have violated that sanction, term, or condition.

(2) "Violent felony offense" means any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 2911.01, 2911.02, or 2911.11 of the Revised Code;

(b) A violation of division ~~(A)(1) or (2)~~(B)(1)(a) or (b) or (B)(2)(a) or (b) of section 2911.12 of the Revised Code;

(c) A felony violation of section 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code;

(d) A felony violation of section 2909.24 of the Revised Code or a violation of section 2919.25 of the Revised Code that is a felony of the third degree;

(e) A felony violation of any existing or former ordinance or law of this state, another state, or the United States that is or was substantially equivalent to any offense listed or described in divisions (A)(2)(a) to (e) of this section;

(f) A conspiracy or attempt to commit, or complicity in committing, any of the offenses listed or described in divisions (A)(2)(a) to (e) of this section, if the conspiracy, attempt, or complicity is a felony of the first or second degree.

(3) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.

(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(6) "Supervised release" has the same meaning as in section 2950.01 of the Revised Code.

(B) No violent career criminal shall knowingly use any firearm or dangerous ordnance.

(C) Whoever violates this section is guilty of unlawful use of a weapon by a violent career criminal, a felony of the first degree. For an offense committed prior to ~~the effective date of this amendment~~ March 22, 2019, notwithstanding the range of definite prison terms set forth in division (A)(1)(b) of section 2929.14 of the Revised Code, the court shall impose upon the offender a mandatory prison term that is a definite prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. For an offense committed on or after ~~the effective date of this amendment~~ March 22, 2019, notwithstanding the range of minimum prison terms set forth in division (A)(1)(a) of section 2929.14 of the Revised Code, the court shall impose upon the offender an indefinite prison term pursuant to that division, with a minimum term under that sentence that is a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years.

Section 2. That existing sections 2901.01, 2911.11, 2911.12, and 2923.132 of the Revised Code are hereby repealed.