

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 879

**Representative Glassburn
Cosponsors: Representatives Brennan, Upchurch**

To amend section 2909.05 of the Revised Code to
prohibit the unlawful removal of any item or
adornment from any tomb, monument, gravestone,
or other similar structure that is used as a
memorial for the dead.

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

Section 1. That section 2909.05 of the Revised Code be
amended to read as follows:

Sec. 2909.05. (A) No person shall knowingly cause serious
physical harm to an occupied structure or any of its contents.

(B) (1) No person shall knowingly cause physical harm to
property that is owned or possessed by another, when either of
the following applies:

(a) The property is used by its owner or possessor in the
owner's or possessor's profession, business, trade, or
occupation, and the value of the property or the amount of
physical harm involved is one thousand dollars or more;

(b) Regardless of the value of the property or the amount
of damage done, the property or its equivalent is necessary in
order for its owner or possessor to engage in the owner's or

possessor's profession, business, trade, or occupation. 20

(2) No person shall knowingly cause serious physical harm 21
to property that is owned, leased, or controlled by a 22
governmental entity. A governmental entity includes, but is not 23
limited to, the state or a political subdivision of the state, a 24
school district, the board of trustees of a public library or 25
public university, or any other body corporate and politic 26
responsible for governmental activities only in geographical 27
areas smaller than that of the state. 28

~~(C)~~(C) (1) No person, without privilege to do so, shall 29
knowingly cause serious physical harm to any tomb, monument, 30
gravestone, or other similar structure that is used as a 31
memorial for the dead; to any fence, railing, curb, or other 32
property that is used to protect, enclose, or ornament any 33
cemetery; or to a cemetery. 34

(2) No person, without privilege to do so, shall purposely 35
remove any item or adornment from any tomb, monument, 36
gravestone, or other similar structure that is used as a 37
memorial for the dead. Any item or adornment left at or placed 38
on or by any tomb, monument, gravestone, or other similar 39
structure that is used as a memorial for the dead shall not be 40
considered abandoned property. 41

(D) No person, without privilege to do so, shall knowingly 42
cause physical harm to a place of burial by breaking and 43
entering into a tomb, crypt, casket, or other structure that is 44
used as a memorial for the dead or as an enclosure for the dead. 45

(E) Whoever violates this section is guilty of vandalism. 46
Except as otherwise provided in this division, vandalism is a 47
felony of the fifth degree that is punishable by a fine of up to 48

two thousand five hundred dollars in addition to the penalties 49
specified for a felony of the fifth degree in sections 2929.11 50
to 2929.18 of the Revised Code. If the value of the property or 51
the amount of physical harm involved is seven thousand five 52
hundred dollars or more but less than one hundred fifty thousand 53
dollars, vandalism is a felony of the fourth degree. If the 54
value of the property or the amount of physical harm involved is 55
one hundred fifty thousand dollars or more, vandalism is a 56
felony of the third degree. 57

(F) For purposes of this section: 58

(1) "Cemetery" means any place of burial and includes 59
burial sites that contain American Indian burial objects placed 60
with or containing American Indian human remains. 61

(2) "Serious physical harm" means physical harm to 62
property that results in loss to the value of the property of 63
one thousand dollars or more. 64

Section 2. That existing section 2909.05 of the Revised 65
Code is hereby repealed. 66