As Introduced

132nd General Assembly

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Representative Hambley

Cosponsors: Representatives Kick, Becker, Dean, Goodman, Wiggam, Greenspan, Koehler, Merrin

A BILL

То	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 20 mortgage. (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 27 property of another, employ a tear gas device, stink bomb, smoke 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
the property of another, set a fire on the land of another or
place personal property that has been set on fire on the land of
another, which fire or personal property is outside and apart
from any building, other structure, or personal property that is

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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 54 software, or computer program or data contained in a computer, 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 $\frac{(C)}{(3)}$ "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 $\frac{(C)}{(D)}$ 83 (2) or (3) of this section. 84 85 (2) Except as otherwise provided in this division, 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
any person, except as otherwise provided in division (C)(D)(2)
(b) of this section, criminal mischief committed in violation of
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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 123 124 violation creates a risk of physical harm to any person, 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

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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. 143 144 Sec. 3735.411. In the operation or management of housing 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 quilty 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 155 156 Code is hereby repealed.