As Introduced

132nd General Assembly Regular Session 2017-2018

S. B. No. 76

Senator Coley Cosponsor: Senator Huffman

A BILL

То	amend section 2911.21 of the Revised Code to	1
	amend the law governing criminal trespass to	2
	specify that placing purple paint marks on trees	3
	or posts constitutes posting notice in a manner	4
	reasonably calculated to come to the attention	5
	of potential intruders.	6

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

Section 1. That section 2911.21 of the Revised Code be	7	
amended to read as follows:	8	
Sec. 2911.21. (A) No person, without privilege to do so,	9	
shall do any of the following:	10	
(1) Knowingly enter or remain on the land or premises of	11	
another;	12	
(2) Knowingly enter or remain on the land or premises of	13	
another, the use of which is lawfully restricted to certain	14	
persons, purposes, modes, or hours, when the offender knows the	15	
offender is in violation of any such restriction or is reckless	16	
in that regard;		

(3) Recklessly enter or remain on the land or premises of 18 another, as to which notice against unauthorized access or 19 presence is given by actual communication to the offender, or in 20 a manner prescribed by law, or by posting in a manner reasonably 21 calculated to come to the attention of potential intruders, or 22 by fencing or other enclosure manifestly designed to restrict 23 access; 24

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

(B) It is no defense to a charge under this section that the land or premises involved was owned, controlled, or in custody of a public agency.

(C) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved, when such authorization was secured by deception.

(D) (1) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(2) Notwithstanding section 2929.28 of the Revised Code, 38 if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or 43 pleaded guilty to two or more violations of this section or a 44 substantially equivalent municipal ordinance, and the offender, 45 in committing each violation, used a snowmobile, off-highway 46

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motorcycle, or all-purpose vehicle, the court, in addition to or 47 independent of all other penalties imposed for the violation, 48 may impound the certificate of registration of that snowmobile 49 or off-highway motorcycle or the certificate of registration and 50 license plate of that all-purpose vehicle for not less than 51 sixty days. In such a case, section 4519.47 of the Revised Code 52 applies. 53

(E) Notwithstanding any provision of the Revised Code, if
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the offender, in committing the violation of this section, used
an all-purpose vehicle, the clerk of the court shall pay the
fine imposed pursuant to this section to the state recreational
vehicle fund created by section 4519.11 of the Revised Code.

(F) (1) For purposes of division (A) (3) of this section, "posting in a manner reasonably calculated to come to the attention of potential intruders" includes placing identifying purple paint marks on trees or posts in accordance with division (F) (2) of this section.

(2) A landowner may place identifying purple paint marks on trees or posts around the landowner's property in accordance with the following:

(a) Each paint mark is a vertical line of not less than eight inches in length.

(b) The bottom of each paint mark is not less than three feet and not more than five feet from the base of the tree or post.

(c) Each paint mark is readily visible and placed not more72than twenty-five yards from the next paint mark.73

(G) As used in this section:

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(1) "All-purpose vehicle," "off-highway motorcycle," and 75 "snowmobile" have the same meanings as in section 4519.01 of the 76 Revised Code. 77 (2) "Land or premises" includes any land, building, 78 structure, or place belonging to, controlled by, or in custody 79 of another, and any separate enclosure or room, or portion 80 thereof. 81 Section 2. That existing section 2911.21 of the Revised 82 Code is hereby repealed. 83

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