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Bill Analysis

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Primary Sponsor: Rep. Carruthers

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SUMMARY

- Prohibits a person from entering or remaining on the land, premises, vehicle, aircraft, or watercraft of another with purpose to cause another person to believe that the offender will cause physical harm to the person.
- Creates the offense of unauthorized image projection on private property, which prohibits a person from knowingly projecting an image onto a building, structure, or other improvement without the consent of the owner or the person authorized to give consent.
- Provides that for each day that a person commits the offense of unauthorized image projection on private property, a court may impose a civil penalty depending on the seriousness of the offense.
- Provides that any equipment used or intended to be used in the commission of unauthorized image projection on private property is subject to seizure and forfeiture.
- Requires a court to grant injunctive and other equitable relief on a showing that a person has committed or is about to commit the offense of unauthorized image projection on private property.
- Makes disturbing a lawful meeting by reason of the race, color, religion, or national origin of other persons a type of ethnic intimidation when the offender violates the law with the intent to disturb the gathering of those persons meeting for religious worship.
- Adds a pedestrian bridge and highway overpass to the list of structures where a person may not display unauthorized signs, signals, or markings that purport to be or resemble traffic control devices or railroad signs or signals.
- Adds banners, flags, or other structures to the list of unauthorized items that a person may not display on highways, pedestrian bridges, or highway overpasses that purport to be or resemble traffic control devices or railroad signs or signals.

- Prohibits the covering of traffic control devices and railroad signs or signals.
- Makes displaying prohibited banners, flags, or other structures a public nuisance.
- Prohibits a person from erecting, placing, positioning, maintaining, or displaying any authorized sign, signal, device, banner, flag, or other structure in the right of way of any public road or highway or upon a pedestrian bridge or highway overpass.
- Allows the Department of Transportation and any local jurisdiction to adopt rules and policies governing the approval of any sign, device, banner, flag, or other structure that is otherwise prohibited.

DETAILED ANALYSIS

Aggravated trespass

Prohibition

The bill modifies the offense of aggravated trespass by prohibiting a person from entering or remaining on the land, premises, vehicle, aircraft, or watercraft of another with purpose to cause physical harm to another person or cause another person to believe that the offender will cause physical harm to that person.¹ A violation of this prohibition is a first degree misdemeanor.²

Definitions

The bill defines the following terms for the purposes of the offense of aggravated trespass:³

“**Aircraft**” means any contrivance used or designed for navigation or flight in the air, excepting a parachute or other contrivance for such navigation used primarily as safety equipment.

“**Vehicle**” means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, low-speed micromobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions.

“**Watercraft**” means any of the following when used or capable of being used for transportation on the water:

1. A vessel operated by machinery either permanently or temporarily affixed;

¹ R.C. 2911.211(A)(2).

² R.C. 2911.211(B).

³ R.C. 2911.211(C)(1), (3), and (4), by reference to R.C. 4561.01, 4501.01, and 1546.01, not in the bill.

2. A sailboat other than a sailboard;
3. An inflatable, manually propelled vessel that is required by federal law to have a hull identification number meeting the requirements of the U.S. Coast Guard;
4. A canoe, kayak, pedalboat, or rowboat;
5. Any of the following multimodal craft being operated on waters in this state:
 - a. An amphibious vehicle;
 - b. A submersible;
 - c. An airboat or hovercraft.
6. A vessel that has been issued a certificate of documentation with a recreational endorsement under 46 C.F.R. 67.

“**Watercraft**” does not include ferries as referred to in R.C. Chapter 4583.

Watercraft subject to R.C. 1547.54 are divided into five classes as follows:

Class A: Less than 16 feet in length;

Class 1: At least 16 feet, but less than 26 feet in length;

Class 2: At least 26 feet, but less than 40 feet in length;

Class 3: At least 40 feet, but less than 65 feet in length;

Class 4: At least 65 feet in length.

Unauthorized image projection on private property

The bill prohibits a person from knowingly projecting an image onto a building, structure, or other improvement without the consent of the owner or person authorized to give consent.⁴ Whoever violates this prohibition is guilty of unauthorized image projection on private property, a first degree misdemeanor.⁵ If the offender knowingly selects a building, structure, or other improvement with malicious intent to harass, threaten, or intimidate any person or group associated with the building, structure, or other improvement based upon the actual or perceived race, color, religion, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity or expression, or disability of any person or group, unauthorized image projection on private property is a third degree felony.⁶ For each day a person commits the offense of unauthorized image projection on private property that is a misdemeanor, the court may impose a civil penalty of \$1,000 or less.⁷ If a person commits the offense of

⁴ R.C. 2911.212(B).

⁵ R.C. 2911.212(C)(1).

⁶ R.C. 2911.212(C)(2).

⁷ R.C. 2911.212(D).

unauthorized image projection on private property that is a felony, the court may impose a civil penalty of \$10,000 or less.⁸ Any equipment that is used or intended to be used in the commission of unauthorized image projection on private property is subject to seizure and forfeiture under the Forfeiture Law.⁹ The court must grant injunctive and other inequitable relief on a showing that a person has committed or is to about to commit the offense of unauthorized image projection on private property.¹⁰

“**Image**” means a visual representation or likeness of a person or object, including text, graphics, logos, other artwork, or a combination of them.¹¹

Ethnic intimidation

The bill makes committing the crime of disturbing a lawful meeting by reason of the race, color, religion, or national origin of another person or group of persons a type of ethnic intimidation when the offender violates the law with the intent to disturb the meeting of those persons gathering for religious worship.¹²

Public nuisance

The bill modifies existing law to add a pedestrian bridge and highway overpass to the list of structures where a person may not display unauthorized signs, signals, or markings on that purports to be or resembles traffic control devices or railroad signs or signals.¹³ The bill also modifies existing law to add banners, flags, or other structures to the list of unauthorized items that a person may not display on highways, pedestrian bridges, or highway overpasses that purport to be, is an imitation of, or resembles traffic control devices or railroad signs or signals, or which attempts to direct the movement of traffic or hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal.¹⁴ Under the bill, every such prohibited banner, flag, or other structure a public nuisance and the authority having jurisdiction over the highway may remove it or cause it to be removed.¹⁵ A violation of this prohibition is a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, a violation is a fourth degree misdemeanor. If, within one year of the offense, the offender

⁸ R.C. 2911.212(D).

⁹ R.C. 2911.212(E) and Chapter 2981, not in the bill.

¹⁰ R.C. 2911.212(F).

¹¹ R.C. 2911.212(A).

¹² R.C. 2927.12(A)(3) and (B) and 2917.12(B).

¹³ R.C. 4511.16(A).

¹⁴ R.C. 4511.16(A).

¹⁵ R.C. 4511.16(A).

previously has been convicted of two or more predicate motor vehicle or traffic offenses, a violation is a third degree misdemeanor.¹⁶

Covering a traffic control device

The bill also prohibits the covering of a traffic control device, a railroad sign or signal, or any inscription, shield, or insignia on the device, sign, signal, or any part of the device, sign, or signal.¹⁷ A violation of this prohibition is a third degree misdemeanor. If the violation creates a risk of physical harm to any person, the offender is guilty of a first degree misdemeanor. If the violation causes serious physical harm to property that is owned, leased, or controlled by a state or local authority, the offender is guilty of a fifth degree felony.¹⁸

Placing unauthorized structures in the right of way

The bill prohibits a person from erecting, placing, positioning, hanging, maintaining, or displaying any unauthorized sign, signal, device, banner, flag, or other structure in the right of way of any public road or highway or upon a pedestrian bridge or highway overpass.¹⁹ A violation of this prohibition is a minor misdemeanor.²⁰ The bill allows the Department of Transportation and any local jurisdiction to adopt rules and policies governing the approval of any sign, signal, device, banner, flag, or other structure otherwise prohibited.²¹

Technical changes

The bill also makes necessary cross reference and conforming changes.²²

HISTORY

Action	Date
Introduced	05-15-24

ANHB0544IN-135/ks

¹⁶ R.C. 4511.16(B).

¹⁷ R.C. 4511.17(A)(1).

¹⁸ R.C. 4511.17(B)(1).

¹⁹ R.C. 5589.34(A).

²⁰ R.C. 5589.99(B).

²¹ R.C. 5589.34(B).

²² R.C. 2917.12 and 2923.04.