

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 19

Representatives Blessing, Landis

Cosponsors: Representatives Hambley, Becker, Seitz, Schaffer, Stein

A BILL

To amend section 2909.03 of the Revised Code to
include recklessly causing, by means of fire or
explosion, physical harm to the offender's or
another person's motor vehicle, house, building,
or other structure, or to any other property of
another person, while manufacturing or
attempting to manufacture a controlled
substance, as a violation of the offense of
arson.

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

Section 1. That section 2909.03 of the Revised Code be
amended to read as follows:

Sec. 2909.03. (A) No person, by means of fire or
explosion, shall knowingly do any of the following:

(1) Cause, or create a substantial risk of, physical harm
to any property of another without the other person's consent;

(2) Cause, or create a substantial risk of, physical harm
to any property of the offender or another, with purpose to
defraud;

(3) Cause, or create a substantial risk of, physical harm 19
to the statehouse or a courthouse, school building, or other 20
building or structure that is owned or controlled by the state, 21
any political subdivision, or any department, agency, or 22
instrumentality of the state or a political subdivision, and 23
that is used for public purposes; 24

(4) Cause, or create a substantial risk of, physical harm, 25
through the offer or the acceptance of an agreement for hire or 26
other consideration, to any property of another without the 27
other person's consent or to any property of the offender or 28
another with purpose to defraud; 29

(5) Cause, or create a substantial risk of, physical harm 30
to any park, preserve, wildlands, brush-covered land, cut-over 31
land, forest, timberland, greenlands, woods, or similar real 32
property that is owned or controlled by another person, the 33
state, or a political subdivision without the consent of the 34
other person, the state, or the political subdivision; 35

(6) With purpose to defraud, cause, or create a 36
substantial risk of, physical harm to any park, preserve, 37
wildlands, brush-covered land, cut-over land, forest, 38
timberland, greenlands, woods, or similar real property that is 39
owned or controlled by the offender, another person, the state, 40
or a political subdivision. 41

(B) No person, by means of fire or explosion, shall 42
knowingly do any of the following: 43

(1) Cause, or create a substantial risk of, physical harm 44
to any structure of another that is not an occupied structure; 45

(2) Cause, or create a substantial risk of, physical harm, 46
through the offer or the acceptance of an agreement for hire or 47

other consideration, to any structure of another that is not an 48
occupied structure; 49

(3) Cause, or create a substantial risk of, physical harm 50
to any structure that is not an occupied structure and that is 51
in or on any park, preserve, wildlands, brush-covered land, cut- 52
over land, forest, timberland, greenlands, woods, or similar 53
real property that is owned or controlled by another person, the 54
state, or a political subdivision. 55

(C) No person, by means of fire or explosion, shall 56
recklessly cause physical harm to a house, building, or other 57
structure of the offender or another person, to a motor vehicle 58
owned, leased, or used by the offender or another person, or to 59
any other property of another person, while manufacturing or 60
attempting to manufacture a controlled substance. 61

(D)(1) It is an affirmative defense to a charge under 62
division (B) (1) or (2) of this section that the defendant acted 63
with the consent of the other person. 64

(2) It is an affirmative defense to a charge under 65
division (B) (3) of this section that the defendant acted with 66
the consent of the other person, the state, or the political 67
subdivision. 68

~~(D)~~ (E)(1) Whoever violates this section is guilty of 69
arson. 70

(2) A violation of division (A) (1) or (B) (1) of this 71
section is one of the following: 72

(a) Except as otherwise provided in division ~~(D)~~ (E) (2) (b) 73
of this section, a misdemeanor of the first degree; 74

(b) If the value of the property or the amount of the 75

physical harm involved is one thousand dollars or more, a felony 76
of the fourth degree. 77

(3) A violation of division (A) (2), (3), (5), or (6) or 78
(B) (3) of this section is a felony of the fourth degree. 79

(4) A violation of division (A) (4) or (B) (2) of this 80
section is a felony of the third degree. 81

(5) (a) Except as otherwise provided in division (E) (5) (b) 82
of this section, a violation of division (C) of this section is 83
a misdemeanor of the first degree. 84

(b) If the value of the property or the amount of the 85
physical harm involved is one thousand dollars or more, a 86
violation of division (C) of this section is a felony of the 87
fourth degree. 88

(F) As used in this section: 89

(1) "Controlled substance" has the same meaning as in 90
section 3719.01 of the Revised Code. 91

(2) "Manufacture" means to process, make, prepare, or 92
otherwise engage in any part of the production of a controlled 93
substance by extraction, chemical synthesis, or compounding, or 94
any combination of the same, and includes packaging, 95
repackaging, labeling, and other activities incident to 96
production. 97

(3) "Motor vehicle" has the same meaning as in section 98
4501.01 of the Revised Code. 99

Section 2. That existing section 2909.03 of the Revised 100
Code is hereby repealed. 101