

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 450

Representatives Lampton, Young, T.

A BILL

To amend sections 2907.08, 2911.21, 2911.211, and 2911.23 of the Revised Code to prohibit voyeurism, criminal trespass, and aggravated criminal trespass through the use of an unmanned aerial vehicle system.

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

Section 1. That sections 2907.08, 2911.21, 2911.211, and 2911.23 of the Revised Code be amended to read as follows:

Sec. 2907.08. (A) As used in this section, "unmanned aerial vehicle system" has the same meaning as in section 2911.21 of the Revised Code.

(B) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, including through the use of an unmanned aerial vehicle system, to spy or eavesdrop upon another.

~~(B)~~ (C) No person shall knowingly commit trespass or otherwise secretly or surreptitiously videotape, film, photograph, broadcast, stream, or otherwise record another person, including through the use of an unmanned aerial vehicle

system, in a place where a person has a reasonable expectation 20
of privacy, for the purpose of viewing the private areas of that 21
person. 22

~~(C)~~(D) No person shall knowingly commit trespass or 23
otherwise secretly or surreptitiously videotape, film, 24
photograph, broadcast, stream, or otherwise record a minor, 25
including through the use of an unmanned aerial vehicle system, 26
in a place where a person has a reasonable expectation of 27
privacy, for the purpose of viewing the private areas of the 28
minor. 29

~~(D)~~(E) No person shall secretly or surreptitiously 30
videotape, film, photograph, or otherwise record another person 31
above, under, or through the clothing being worn by that other 32
person, including through the use of an unmanned aerial vehicle 33
system, for the purpose of viewing the body of, or the 34
undergarments worn by, that other person. 35

~~(E)~~(1)~~(F)~~(1) Whoever violates this section is guilty of 36
voyeurism. 37

(2) A violation of division ~~(A)~~(B) of this section is a 38
misdemeanor of the third degree. 39

(3) A violation of division ~~(B)~~(C) of this section is a 40
misdemeanor of the second degree. 41

(4) A violation of division ~~(D)~~(E) of this section is a 42
misdemeanor of the first degree. 43

(5) A violation of division ~~(C)~~(D) of this section is a 44
felony of the fifth degree. 45

Sec. 2911.21. (A) No person, without privilege to do so, 46
shall do any of the following: 47

(1) Knowingly enter or remain on the land or premises of 48
another or knowingly enter or remain above the land or premises 49
of another through use of an unmanned aerial vehicle system; 50

(2) Knowingly enter or remain on the land or premises of 51
another or knowingly enter or remain above the land or premises 52
of another through use of an unmanned aerial vehicle system, 53
when the use of which such land or premises is lawfully 54
restricted to certain persons, purposes, modes, or hours, ~~when~~ 55
and the offender knows the offender is in violation of any such 56
restriction or is reckless in that regard; 57

(3) Recklessly enter or remain on the land or premises of 58
another or recklessly enter or remain above the land or premises 59
of another through use of an unmanned aerial vehicle system, as 60
~~to which when~~ notice against unauthorized access or presence to 61
such land or premises is given by actual communication to the 62
offender, or in a manner prescribed by law, or by posting in a 63
manner reasonably calculated to come to the attention of 64
potential intruders, or by fencing or other enclosure manifestly 65
designed to restrict access; 66

(4) Being on the land or premises of another or being 67
above the land or premises of another through the use of an 68
unmanned aerial vehicle system, negligently fail or refuse to 69
leave upon being notified by signage posted in a conspicuous 70
place or otherwise being notified to do so by the owner or 71
occupant, or the agent or servant of either; 72

(5) Knowingly enter or remain on a critical infrastructure 73
facility or knowingly enter or remain above a critical 74
infrastructure facility through the use of an unmanned aerial 75
vehicle system. 76

(B) It is no defense to a charge under this section that 77
the land or premises involved was owned, controlled, or in 78
custody of a public agency. 79

(C) It is no defense to a charge under this section that 80
the offender was authorized to enter or remain on the land or 81
premises involved, when such authorization was secured by 82
deception. 83

(D) (1) Whoever violates this section is guilty of criminal 84
trespass. Criminal trespass in violation of division (A) (1), 85
(2), (3), or (4) of this section is a misdemeanor of the fourth 86
degree. Criminal trespass in violation of division (A) (5) of 87
this section is a misdemeanor of the first degree. 88

(2) Notwithstanding section 2929.28 of the Revised Code, 89
if the person, in committing the violation of this section, used 90
a snowmobile, off-highway motorcycle, or all-purpose vehicle, 91
the court shall impose a fine of two times the usual amount 92
imposed for the violation. 93

(3) If an offender previously has been convicted of or 94
pleaded guilty to two or more violations of this section or a 95
substantially equivalent municipal ordinance, and the offender, 96
in committing each violation, used a snowmobile, off-highway 97
motorcycle, or all-purpose vehicle, the court, in addition to or 98
independent of all other penalties imposed for the violation, 99
may impound the certificate of registration of that snowmobile 100
or off-highway motorcycle or the certificate of registration and 101
license plate of that all-purpose vehicle for not less than 102
sixty days. In such a case, section 4519.47 of the Revised Code 103
applies. 104

(E) Notwithstanding any provision of the Revised Code, if 105

the offender, in committing the violation of this section, used 106
an all-purpose vehicle, the clerk of the court shall pay the 107
fine imposed pursuant to this section to the state recreational 108
vehicle fund created by section 4519.11 of the Revised Code. 109

(F) As used in this section: 110

(1) "All-purpose vehicle," "off-highway motorcycle," and 111
"snowmobile" have the same meanings as in section 4519.01 of the 112
Revised Code. 113

(2) "Land or premises" includes any land, building, 114
structure, or place belonging to, controlled by, or in custody 115
of another, and any separate enclosure or room, or portion 116
thereof. 117

(3) "Production operation," "well," and "well pad" have 118
the same meanings as in section 1509.01 of the Revised Code. 119

(4) "Critical infrastructure facility" means: 120

(a) One of the following, if completely enclosed by a 121
fence or other physical barrier that is obviously designed to 122
exclude intruders, or if clearly marked with signs that are 123
reasonably likely to come to the attention of potential 124
intruders and that indicate entry is forbidden without site 125
authorization: 126

(i) A petroleum or alumina refinery; 127

(ii) An electric generating facility, substation, 128
switching station, electrical control center, or electric 129
transmission and distribution lines and associated equipment; 130

(iii) A chemical, polymer, or rubber manufacturing 131
facility; 132

(iv) A water intake structure, water treatment facility,	133
waste water facility, drainage facility, water management	134
facility, or any similar water or sewage treatment system and	135
its water and sewage piping;	136
(v) A natural gas company facility or interstate natural	137
gas pipeline, including a pipeline interconnection, a natural	138
gas compressor station and associated facilities, city gate or	139
town border station, metering station, above-ground piping,	140
regulator station, valve site, delivery station, fabricated	141
assembly, or any other part of a natural gas storage facility	142
involved in the gathering, storage, transmission, or	143
distribution of gas;	144
(vi) A telecommunications central switching office or	145
remote switching facility or an equivalent network facility that	146
serves a similar purpose;	147
(vii) Wireline or wireless telecommunications	148
infrastructure, including telecommunications towers and	149
telephone poles and lines, including fiber optic lines;	150
(viii) A port, trucking terminal, or other freight	151
transportation facility;	152
(ix) A gas processing plant, including a plant used in the	153
processing, treatment, or fractionation of natural gas or	154
natural gas liquids;	155
(x) A transmission facility used by a federally licensed	156
radio or television station;	157
(xi) A steel-making facility that uses an electric arc	158
furnace to make steel;	159
(xii) A facility identified and regulated by the United	160

States department of homeland security's chemical facility anti-	161
terrorism standards program under 6 C.F.R. part 27;	162
(xiii) A dam that is regulated by the state or federal	163
government;	164
(xiv) A crude oil or refined products storage and	165
distribution facility, including valve sites, pipeline	166
interconnections, pump station, metering station, below- or	167
above-ground pipeline, or piping and truck loading or off-	168
loading facility;	169
(xv) A video service network and broadband infrastructure,	170
including associated buildings and facilities, video service	171
headends, towers, utility poles, and utility lines such as fiber	172
optic lines. As used in this division, "video service network"	173
has the same meaning as in section 1332.21 of the Revised Code.	174
(xvi) Any above-ground portion of an oil, gas, hazardous	175
liquid or chemical pipeline, tank, or other storage facility;	176
(xvii) Any above-ground portion of a well, well pad, or	177
production operation;	178
(xviii) A laydown area or construction site for pipe and	179
other equipment intended for use on an interstate or intrastate	180
natural gas or crude oil pipeline;	181
(xix) Any mining operation, including any processing	182
equipment, batching operation, or support facility for that	183
mining operation.	184
(b) With respect to a video service network or broadband	185
or wireless telecommunications infrastructure, the above-ground	186
portion of a facility installed in a public right-of-way on a	187
utility pole or in a conduit;	188

(c) Any railroad property;	189
(d) An electronic asset of any of the following:	190
(i) An electric light company that is a public utility under section 4905.02 of the Revised Code;	191 192
(ii) An electric cooperative, as defined in section 4928.01 of the Revised Code;	193 194
(iii) A municipal electric utility, as defined in section 4928.01 of the Revised Code;	195 196
(iv) A natural gas company that is a public utility under section 4905.02 of the Revised Code;	197 198
(v) A telephone company that is a public utility under section 4905.02 of the Revised Code;	199 200
(vi) A video service provider, including a cable operator, as those terms are defined in section 1332.21 of the Revised Code.	201 202 203
(5) "Electronic asset" includes, but is not limited to, the hardware, software, and data of a programmable electronic device; all communications, operations, and customer data networks; and the contents of those data networks.	204 205 206 207
<u>(6) "Unmanned aerial vehicle" means a powered, aerial vehicle to which all of the following apply:</u>	208 209
<u>(a) The vehicle does not carry a human operator and is operated without the possibility of direct human intervention from within or on the vehicle;</u>	210 211 212
<u>(b) The vehicle uses aerodynamic forces to provide lift;</u>	213
<u>(c) The vehicle can fly autonomously or be piloted remotely;</u>	214 215

<u>(d) The vehicle is either expendable or recoverable.</u>	216
<u>"Unmanned aerial vehicle" is commonly referred to as a drone and does not include a satellite.</u>	217 218
<u>(7) "Unmanned aerial vehicle system" means an unmanned aerial vehicle and associated elements, including communication links and components that control the unmanned aerial vehicle and that are required for the remote pilot in command to operate the vehicle in the air space over this state.</u>	219 220 221 222 223
Sec. 2911.211. (A) (1) No person shall enter or remain on the land or premises of another <u>or enter or remain above the land or premises of another through use of an unmanned aerial vehicle system,</u> with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to that person.	224 225 226 227 228 229 230 231
(2) No person shall enter or remain on a critical infrastructure facility <u>or enter or remain above a critical infrastructure facility through use of an unmanned aerial vehicle system</u> with purpose to destroy or tamper with the facility.	232 233 234 235 236
(B) Whoever violates this section is guilty of aggravated trespass. Aggravated trespass in violation of division (A) (1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of division (A) (2) of this section is a felony of the third degree.	237 238 239 240 241
(C) As used in this section, "critical infrastructure facility" has <u>and "unmanned aerial vehicle system" have</u> the same meaning <u>meanings</u> as in section 2911.21 of the Revised Code.	242 243 244

Sec. 2911.23. (A) As used in this section, ~~"place :~~ 245

(1) "Place of public amusement" means a stadium, theater, 246
or other facility, whether licensed or not, at which a live 247
performance, sporting event, or other activity takes place for 248
entertainment of the public and to which access is made 249
available to the public, regardless of whether admission is 250
charged. 251

(2) "Unmanned aerial vehicle system" has the same meaning 252
as in section 2911.21 of the Revised Code. 253

(B) No person, without privilege to do so, shall knowingly 254
enter or remain on any restricted portion of a place of public 255
amusement or knowingly enter or remain above the land or 256
premises of any restricted portion of a place of public 257
amusement through the use of an unmanned aerial vehicle system, 258
and, as a result of that conduct, interrupt or cause the delay 259
of the live performance, sporting event, or other activity 260
taking place at the place of public amusement after a printed 261
written notice has been given as provided in division (D)(1) of 262
this section that the general public is restricted from access 263
to or in the air space above that restricted portion of the 264
place of public amusement. A restricted portion of a place of 265
public amusement may include, but is not limited to, a playing 266
field, an athletic surface, or a stage located at the place of 267
public amusement. 268

(C) An owner or lessee of a place of public amusement, an 269
agent of the owner or lessee, or a performer or participant at a 270
place of public amusement may use reasonable force to restrain 271
and remove a person or an unmanned aerial vehicle system from a 272
restricted portion of the place of public amusement if the 273
person or unmanned aerial vehicle system enters or remains on or 274

in the air space above the restricted portion of the place of 275
public amusement and, as a result of that conduct, interrupts or 276
causes the delay of the live performance, sporting event, or 277
other activity taking place at the place of public amusement. 278
This division does not provide immunity from criminal liability 279
for any use of force beyond reasonable force by an owner or 280
lessee of a place of public amusement, an agent of either the 281
owner or lessee, or a performer or participant at a place of 282
public amusement. 283

(D) (1) Notice has been given that the general public is 284
restricted from access to or in the air space above a portion of 285
a place of public amusement if a printed written notice of the 286
restricted access has been conspicuously posted or exhibited at 287
the entrance to that portion of the place of public amusement. 288
If a printed written notice is posted or exhibited as described 289
in this division regarding a portion of a place of public 290
amusement, in addition to that posting or exhibition, notice 291
that the general public is restricted from access to or in the 292
air space above that portion of the place of public amusement 293
also may be given, but is not required to be given, by either of 294
the following means: 295

(a) By notifying the person personally, either orally or 296
in writing, that access to or in the air space above that 297
portion of the place of public amusement is restricted; 298

(b) By broadcasting over the public address system of the 299
place of public amusement an oral warning that access to or in 300
the air space above that portion of the place of public 301
amusement is restricted. 302

(2) If notice that the general public is restricted from 303
access to or in the air space above a portion of a place of 304

public amusement is provided by the posting or exhibition of a 305
printed written notice as described in division (D) (1) of this 306
section, the state, in a criminal prosecution for a violation of 307
division (B) of this section, is not required to prove that the 308
defendant received actual notice that the general public is 309
restricted from access to or in the air space above a portion of 310
a place of public amusement. 311

(E) (1) Whoever violates division (B) of this section is 312
guilty of criminal trespass on a place of public amusement, a 313
misdemeanor of the first degree. 314

(2) In addition to any jail term, fine, or other sentence, 315
penalty, or sanction it imposes upon the offender pursuant to 316
division (E) (1) of this section, a court may require an offender 317
who violates this section to perform not less than thirty and 318
not more than one hundred twenty hours of supervised community 319
service work. 320

Section 2. That existing sections 2907.08, 2911.21, 321
2911.211, and 2911.23 of the Revised Code are hereby repealed. 322