

HB 252 -- Redline

Reported to As Passed by the House -- Modify offenses of burglary, breaking and entering, and trespass

Deletions ~~struck~~ · Insertions underlined

As ~~Reported~~Passed by the House ~~Judiciary Committee~~ 136th General Assembly Regular Session Sub. Representatives Thomas, D., Hiner, Miller, K., Mathews, ~~A.A., Abrams, Brennan, Dovilla, Fischer, Fowler Arthur, Ghanbari, Gross, Hall, T., John, LaRe, Mathews, T., Newman, Odioso, Schmidt, Swearingen, Williams~~ To amend sections 2901.01, 2911.11, 2911.12, and 1 2923.132 of the Revised Code to modify the 2 offenses of burglary, aggravated burglary, and 3 trespass in a habitation when a person is 4 present or likely to be present.

~~To amend sections 2901.01, 2911.11, 2911.12, and 1 2923.132 of the Revised Code to modify the 2 offenses of burglary, aggravated burglary, and 3 trespass in a habitation when a person is 4 present or likely to be present.~~

17 ~~(4) "Physical harm to property" means any tangible or 18~~ Sub.

252 Page 2 As ~~Reported~~Passed by the House ~~Judiciary(4) Committee~~"Physical harm to property" means any tangible or 18 intangible damage to property that, in any degree, results in 19 loss to its value or interferes with its use or enjoyment.

43 (b) Temporarily prevents the use or enjoyment of the 44 property or substantially interferes with its use or enjoyment 45 ~~for Sub. an extended period of time.~~

~~46 Sub.~~

252 Page 3 As ~~Reported~~Passed by the House ~~Judiciaryfor Committeean (7)extended "Risk"period means of a time. significant possibility, as contrasted 47 with a remote possibility, that a certain result may occur or 48 that certain circumstances may exist.~~

46 (7) "Risk" means a significant possibility, as contrasted 47 with a remote possibility, that a certain result may occur or 48 that certain circumstances may exist.

73 (d) A conspiracy or attempt to commit, or complicity in 74 ~~committing, any offense under division (A)(9)(a), (b), or (c) of 75~~ Sub.

252 Page 4 As ~~Reported~~Passed by the House ~~Judiciarycommitting, Committee~~any offense under division (A)(9)(a), (b), or (c) of 75 this section;

252 Page 5 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ (11) "Law enforcement officer" means any of the following:

252 Page 6 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ (h) A prosecuting attorney, assistant prosecuting 133 attorney, secret service officer, or municipal prosecutor;

252 Page 7 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ (13) "Contraband" means any property that is illegal for a 162 person to acquire or possess under a statute, ordinance, or 163 rule, or that a trier of fact lawfully determines to be illegal 164 to possess by reason of the property's involvement in an 165 offense.

252 Page 8 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ (i) "Unborn human" means an individual organism of the 190 species Homo sapiens from fertilization until live birth.

252 Page 9 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ 2919.18 of the Revised Code, as applicable.

252 Page 10 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ (3) "School activity" means any activity held under the 247 auspices of a board of education of a city, local, exempted 248 village, joint vocational, or cooperative education school 249 district;

252 Page 11 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ of the following apply:

252 Page 12 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ structure" has the same meaning as in section 2909.01 of the 304 Revised Code.

252 Page 13 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ secured or separately occupied portion of an occupied structure 333 that is a permanent or temporary habitation of any person when 334 any person other than an accomplice of the offender is present 335 or likely to be present, with purpose to commit in the 336 habitation any criminal offense;

252 Page 14 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ pleads guilty to a violation of division (B)(2) of this section 362 based on the same conduct involving the same victim that was the 363 basis of the violation of division (B)(1) of this section, the 364 two offenses are allied offenses of similar import under section 365 2941.25 of the Revised Code.

252 Page 15 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ (F) Whoever violates division (B)(C) of this section is 391 guilty of trespass in a habitation when a person is present or 392 likely to be present,.

252 Page 16 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ (A)(1)(b) of this section if the person

subsequently is not 421 found to have violated that sanction, term, or condition.

252 Page 17 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ (6) "Supervised release" has the same meaning as in 448 section 2950.01 of the Revised Code.

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