

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 76

Senator Coley

Cosponsor: Senator Huffman

A BILL

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

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

Section 1. That section 2911.21 of the Revised Code be
amended to read as follows:

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

(1) Knowingly enter or remain on the land or premises of
another;

(2) Knowingly enter or remain on the land or premises of
another, the use of which is lawfully restricted to certain
persons, purposes, modes, or hours, when the offender knows the
offender is in violation of any such restriction or is reckless
in that regard;

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

(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, 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 pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, and the offender, in committing each violation, used a snowmobile, off-highway

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 54
the offender, in committing the violation of this section, used 55
an all-purpose vehicle, the clerk of the court shall pay the 56
fine imposed pursuant to this section to the state recreational 57
vehicle fund created by section 4519.11 of the Revised Code. 58

(F) (1) For purposes of division (A) (3) of this section, 59
"posting in a manner reasonably calculated to come to the 60
attention of potential intruders" includes placing identifying 61
purple paint marks on trees or posts in accordance with division 62
(F) (2) of this section. 63

(2) A landowner may place identifying purple paint marks 64
on trees or posts around the landowner's property in accordance 65
with the following: 66

(a) Each paint mark is a vertical line of not less than 67
eight inches in length. 68

(b) The bottom of each paint mark is not less than three 69
feet and not more than five feet from the base of the tree or 70
post. 71

(c) Each paint mark is readily visible and placed not more 72
than twenty-five yards from the next paint mark. 73

(G) As used in this section: 74

(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