

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 5

Senators Brenner, Huffman

A BILL

To amend section 2909.07 and to enact sections 1
1923.16 and 2913.53 of the Revised Code to 2
provide for the expedited removal of 3
unauthorized occupants from residential property 4
and to prohibit the use and sale of fraudulent 5
deeds. 6

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

Section 1. That section 2909.07 be amended and sections 7
1923.16 and 2913.53 of the Revised Code be enacted to read as 8
follows: 9

Sec. 1923.16. (A) Notwithstanding any contrary provision 10
of this chapter, a record owner of real property in this state 11
or the record owner's authorized agent may request the county 12
sheriff, a police officer, constable, or bailiff to immediately 13
remove a person who unlawfully occupies a residential premises 14
on that real property, if all of the following apply: 15

(1) The requesting person is the record owner of the real 16
property or the authorized agent of the record owner. 17

(2) The real property includes a residential premises, and 18
the record owner has the right to occupy that residential 19

premises to the exclusion of others. 20

(3) The unauthorized occupant unlawfully entered the 21
residential premises and is residing or otherwise remains in the 22
residential premises. 23

(4) The residential premises was not open to members of 24
the public at the time the unauthorized occupant entered. 25

(5) The record owner directed the unauthorized occupant to 26
leave the residential premises. 27

(6) The unauthorized occupant is not a member of the 28
record owner's immediate family, as defined in section 1349.04 29
of the Revised Code. 30

(7) There is no pending litigation related to the real 31
property or the residential premises between the record owner 32
and the unauthorized occupant. 33

(B) A request to immediately remove an unauthorized 34
occupant under this section shall be in substantially the 35
following form: 36

"COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING A 37
RESIDENTIAL PREMISES 38

I, the record owner or authorized agent of the record 39
owner of the real property located at _____ (address), 40
declare under the penalty of perjury that (initial each box): 41

1. ___ I am the record owner of the real property, or the 42
authorized agent of the record owner. 43

2. ___ I purchased the real property on _____ (date). 44

3. ___ The real property includes a residential premises. 45

4. ___ An unauthorized person unlawfully entered the 46

residential premises and is residing or otherwise remains in the 47
residential premises. 48

5. ___ The residential premises was not open to members of 49
the public at the time the unauthorized occupant entered. 50

6. ___ I have directed the unauthorized occupant to leave 51
the residential premises, but the unauthorized occupant has not 52
done so. 53

7. ___ The unauthorized occupant is not my immediate family 54
member. 55

8. ___ There is no litigation related to the real property 56
or residential premises pending between the property owner and 57
the unauthorized occupant. 58

9. ___ I understand that a person or persons removed from 59
the residential premises pursuant to this procedure may bring a 60
cause of action against me for any false statements made in this 61
complaint, or for wrongfully using this procedure, and that as a 62
result of such action I may be held liable for actual damages, 63
penalties, costs, and reasonable attorney's fees. 64

10. ___ I am requesting the sheriff, police officer, 65
constable, or bailiff to immediately remove the unauthorized 66
occupant from the residential premises. 67

11. ___ A copy of my valid government-issued identification 68
is attached, or I am an agent of the record owner and documents 69
evidencing my authority to act on the record owner's behalf are 70
attached. 71

I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT AND 72
EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE 73
STATEMENTS MADE IN THIS COMPLAINT ARE MADE UNDER PENALTY OF 74

PERJURY, PUNISHABLE AS PROVIDED IN SECTION 2921.11 OF THE 75
REVISED CODE. 76

_____ (Signature of record owner or record 77
owner's agent) " 78

(C) (1) Upon receipt of a complaint that substantially 79
conforms to the requirements of this section, the sheriff, 80
police officer, constable, or bailiff shall verify that the 81
complainant is the record owner of the real property that is the 82
subject of the complaint, or the authorized agent of the record 83
owner, and appears to be entitled to relief under this section. 84
If verified, the sheriff, police officer, constable, or bailiff 85
shall, without delay, service a notice to immediately vacate on 86
all unauthorized occupants and shall put the record owner in 87
possession of the real property. 88

(2) Service may be accomplished by hand delivery of the 89
notice to the unauthorized occupant or by posting the notice on 90
the front door or entrance of the residential premises. 91

(3) The sheriff, police officer, constable, or bailiff 92
shall attempt to verify the identities of all persons occupying 93
the residential premises and note the identities on the return 94
of service. If appropriate, the sheriff, police officer, 95
constable, or bailiff may arrest any person found in the 96
residential premises for trespass, outstanding warrants, or any 97
other legal cause. 98

(D) The sheriff, police officer, constable, or bailiff is 99
entitled to the same fee for service of the notice to 100
immediately vacate as if the sheriff were serving a writ of 101
possession under section 311.17 of the Revised Code. 102

(E) (1) After the sheriff, police officer, constable, or 103

bailiff serves the notice to immediately vacate, the record 104
owner or authorized agent may request that the sheriff, police 105
officer, constable, or bailiff stand by to keep the peace while 106
the record owner or agent changes the locks and removes any 107
personal property left by the unauthorized occupants from the 108
residential premises to or near the property line. 109

(2) When such a request is made, the sheriff, police 110
officer, constable, or bailiff may charge a reasonable hourly 111
rate, and the person requesting the sheriff, police officer, 112
constable, or bailiff to stand by and keep the peace is 113
responsible for paying the reasonable hourly rate set by the 114
sheriff. 115

(3) The sheriff, police officer, constable, or bailiff is 116
not liable to the unauthorized occupant or any other party for 117
loss, destruction, or damage to property. 118

(4) The record owner or authorized agent is not liable to 119
an unauthorized occupant or any other party for the loss, 120
destruction, or damage to personal property unless the removal 121
was wrongful. 122

(F) A person wrongfully removed from real property under 123
this section may bring a civil action for wrongful removal in 124
any court of competent jurisdiction. The court may restore 125
possession of real property to a person wrongfully removed under 126
this section and may award actual damages, statutory damages 127
equal to triple the fair market rent of the residential 128
premises, court costs, and reasonable attorney's fees. 129

(G) This section does not limit the rights of a property 130
owner or limit the authority of a law enforcement officer to 131
arrest an unlawful occupant for trespassing, vandalism, theft, 132

or other crimes. 133

Sec. 2909.07. (A) No person shall: 134

(1) Without privilege to do so, knowingly move, deface, 135
damage, destroy, or otherwise improperly tamper with either of 136
the following: 137

(a) The property of another; 138

(b) One's own residential real property with the purpose 139
to decrease the value of or enjoyment of the residential real 140
property, if both of the following apply: 141

(i) The residential real property is subject to a 142
mortgage. 143

(ii) The person has been served with a summons and 144
complaint in a pending residential mortgage loan foreclosure 145
action relating to that real property. As used in this division, 146
"pending" includes the time between judgment entry and 147
confirmation of sale. 148

(2) With purpose to interfere with the use or enjoyment of 149
property of another, employ a tear gas device, stink bomb, smoke 150
generator, or other device releasing a substance that is harmful 151
or offensive to persons exposed or that tends to cause public 152
alarm; 153

(3) Without privilege to do so, knowingly move, deface, 154
damage, destroy, or otherwise improperly tamper with a bench 155
mark, triangulation station, boundary marker, or other survey 156
station, monument, or marker; 157

(4) Without privilege to do so, knowingly move, deface, 158
damage, destroy, or otherwise improperly tamper with any safety 159
device, the property of another, or the property of the offender 160

when required or placed for the safety of others, so as to 161
destroy or diminish its effectiveness or availability for its 162
intended purpose; 163

(5) With purpose to interfere with the use or enjoyment of 164
the property of another, set a fire on the land of another or 165
place personal property that has been set on fire on the land of 166
another, which fire or personal property is outside and apart 167
from any building, other structure, or personal property that is 168
on that land; 169

(6) Without privilege to do so, and with intent to impair 170
the functioning of any computer, computer system, computer 171
network, computer software, or computer program, knowingly do 172
any of the following: 173

(a) In any manner or by any means, including, but not 174
limited to, computer hacking, alter, damage, destroy, or modify 175
a computer, computer system, computer network, computer 176
software, or computer program or data contained in a computer, 177
computer system, computer network, computer software, or 178
computer program; 179

(b) Introduce a computer contaminant into a computer, 180
computer system, computer network, computer software, or 181
computer program. 182

(7) Without privilege to do so, knowingly destroy or 183
improperly tamper with a critical infrastructure facility; 184

(8) Without privilege to do so, unlawfully detain, occupy, 185
or trespass upon a residential dwelling and intentionally cause 186
at least one thousand dollars in damages to the dwelling. 187

(B) As used in this section: 188

(1) "Safety device" means any fire extinguisher, fire 189
hose, or fire axe, or any fire escape, emergency exit, or 190
emergency escape equipment, or any life line, life-saving ring, 191
life preserver, or life boat or raft, or any alarm, light, 192
flare, signal, sign, or notice intended to warn of danger or 193
emergency, or intended for other safety purposes, or any guard 194
railing or safety barricade, or any traffic sign or signal, or 195
any railroad grade crossing sign, signal, or gate, or any first 196
aid or survival equipment, or any other device, apparatus, or 197
equipment intended for protecting or preserving the safety of 198
persons or property. 199

(2) "Critical infrastructure facility" has the same 200
meaning as in section 2911.21 of the Revised Code. 201

(3) "Improperly tamper" means to change the physical 202
location or the physical condition of the property. 203

(C) (1) Whoever violates this section is guilty of criminal 204
mischief, and shall be punished as provided in division (C) (2), 205
(3), or (4) of this section. 206

(2) Except as otherwise provided in this division, 207
criminal mischief committed in violation of division (A) (1), 208
(2), (3), (4), or (5) of this section is a misdemeanor of the 209
third degree. Except as otherwise provided in this division, if 210
the violation of division (A) (1), (2), (3), (4), or (5) of this 211
section creates a risk of physical harm to any person, criminal 212
mischief committed in violation of division (A) (1), (2), (3), 213
(4), or (5) of this section is a misdemeanor of the first 214
degree. If the property involved in the violation of division 215
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 216
aircraft engine, propeller, appliance, spare part, fuel, 217
lubricant, hydraulic fluid, any other equipment, implement, or 218

material used or intended to be used in the operation of an 219
aircraft, or any cargo carried or intended to be carried in an 220
aircraft, criminal mischief committed in violation of division 221
(A) (1), (2), (3), (4), or (5) of this section is one of the 222
following: 223

(a) If the violation creates a risk of physical harm to 224
any person, except as otherwise provided in division (C) (2) (b) 225
of this section, criminal mischief committed in violation of 226
division (A) (1), (2), (3), (4), or (5) of this section is a 227
felony of the fifth degree. 228

(b) If the violation creates a substantial risk of 229
physical harm to any person or if the property involved in a 230
violation of this section is an occupied aircraft, criminal 231
mischief committed in violation of division (A) (1), (2), (3), 232
(4), or (5) of this section is a felony of the fourth degree. 233

(3) Except as otherwise provided in this division, 234
criminal mischief committed in violation of division (A) (6) of 235
this section is a misdemeanor of the first degree. Except as 236
otherwise provided in this division, if the value of the 237
computer, computer system, computer network, computer software, 238
computer program, or data involved in the violation of division 239
(A) (6) of this section or the loss to the victim resulting from 240
the violation is one thousand dollars or more and less than ten 241
thousand dollars, or if the computer, computer system, computer 242
network, computer software, computer program, or data involved 243
in the violation of division (A) (6) of this section is used or 244
intended to be used in the operation of an aircraft and the 245
violation creates a risk of physical harm to any person, 246
criminal mischief committed in violation of division (A) (6) of 247
this section is a felony of the fifth degree. If the value of 248

the computer, computer system, computer network, computer 249
software, computer program, or data involved in the violation of 250
division (A) (6) of this section or the loss to the victim 251
resulting from the violation is ten thousand dollars or more, or 252
if the computer, computer system, computer network, computer 253
software, computer program, or data involved in the violation of 254
division (A) (6) of this section is used or intended to be used 255
in the operation of an aircraft and the violation creates a 256
substantial risk of physical harm to any person or the aircraft 257
in question is an occupied aircraft, criminal mischief committed 258
in violation of division (A) (6) of this section is a felony of 259
the fourth degree. 260

(4) Criminal mischief committed in violation of division 261
(A) (7) of this section is a felony of the third degree. 262

(5) Criminal mischief committed in violation of division 263
(A) (8) of this section is a felony of the second degree. 264

Sec. 2913.53. (A) No person, with the purpose to detain or 265
remain upon real property, shall knowingly present to another 266
person a false document purporting to be a valid lease 267
agreement, deed, or other instrument conveying real property 268
rights. 269

(B) No person shall knowingly do any of the following: 270

(1) List or advertise residential real property that the 271
purported seller has no legal title or authority to sell; 272

(2) Rent or lease residential real property that the 273
purported owner has no lawful ownership in to another person. 274

(C) Whoever violates this section is guilty of title 275
fraud. A violation of division (A) of this section is a 276
misdemeanor of the first degree. A violation of division (B) of 277

this section is a felony of the first degree. 278

Section 2. That existing section 2909.07 of the Revised 279
Code is hereby repealed. 280