

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 250**

**Senator Hoagland**

**Cosponsors: Senators Beagle, Huffman, Wilson**

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**A BILL**

To amend sections 2307.61, 2909.07, 2909.10, 1  
2911.21, and 2911.211 of the Revised Code to 2  
prohibit criminal mischief, criminal trespass, 3  
and aggravated trespass on a critical 4  
infrastructure facility, to impose fines for 5  
organizations that are complicit in those 6  
offenses, and to impose civil liability for 7  
damage caused by trespass on a critical 8  
infrastructure facility. 9

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

**Section 1.** That sections 2307.61, 2909.07, 2909.10, 10  
2911.21, and 2911.211 of the Revised Code be amended to read as 11  
follows: 12

**Sec. 2307.61.** (A) If a property owner brings a civil 13  
action pursuant to division (A) of section 2307.60 of the 14  
Revised Code to recover damages from any person who willfully 15  
damages the owner's property, who damages the owner's property 16  
while trespassing on a critical infrastructure facility, or who 17  
commits a theft offense, as defined in section 2913.01 of the 18

Revised Code, involving the owner's property, the property owner 19  
may recover as follows: 20

(1) In the civil action, the property owner may elect to 21  
recover moneys as described in division (A) (1) (a) or (b) of this 22  
section: 23

(a) Compensatory damages that may include, but are not 24  
limited to, the value of the property and liquidated damages in 25  
whichever of the following amounts applies: 26

(i) Fifty dollars, if the value of the property was fifty 27  
dollars or less at the time it was willfully damaged, was 28  
damaged by trespass on a critical infrastructure facility, or 29  
was the subject of a theft offense; 30

(ii) One hundred dollars, if the value of the property was 31  
more than fifty dollars, but not more than one hundred dollars, 32  
at the time it was willfully damaged, was damaged by trespass on 33  
a critical infrastructure facility, or was the subject of a 34  
theft offense; 35

(iii) One hundred fifty dollars, if the value of the 36  
property was more than one hundred dollars at the time it was 37  
willfully damaged, was damaged by trespass on a critical 38  
infrastructure facility, or was the subject of a theft offense. 39

(b) Liquidated damages in whichever of the following 40  
amounts is greater: 41

(i) Two hundred dollars; 42

(ii) Three times the value of the property at the time it 43  
was willfully damaged, was damaged by trespass on a critical 44  
infrastructure facility, or was the subject of a theft offense, 45  
irrespective of whether the property is recovered by way of 46

replevin or otherwise, is destroyed or otherwise damaged, is 47  
modified or otherwise altered, or is resalable at its full 48  
market price. This division does not apply to a check, 49  
negotiable order of withdrawal, share draft, or other negotiable 50  
instrument that was returned or dishonored for insufficient 51  
funds by a financial institution if the check, negotiable order 52  
of withdrawal, share draft, or other negotiable instrument was 53  
presented by an individual borrower to a licensee under sections 54  
1321.35 to 1321.48 of the Revised Code for a loan transaction. 55

(2) In a civil action in which the value of the property 56  
that was willfully damaged, was damaged by trespass on a 57  
critical infrastructure facility, or was the subject of a theft 58  
offense is less than five thousand dollars, the property owner 59  
may recover damages as described in division (A) (1) (a) or (b) of 60  
this section and additionally may recover the reasonable 61  
administrative costs, if any, of the property owner that were 62  
incurred in connection with actions taken pursuant to division 63  
(A) (2) of this section, the cost of maintaining the civil 64  
action, and reasonable attorney's fees, if all of the following 65  
apply: 66

(a) The property owner, at least thirty days prior to the 67  
filing of the civil action, serves a written demand for payment 68  
of moneys as described in division (A) (1) (a) of this section and 69  
the reasonable administrative costs, if any, of the property 70  
owner that have been incurred in connection with actions taken 71  
pursuant to division (A) (2) of this section, upon the person who 72  
willfully damaged the property, trespassed on a critical 73  
infrastructure facility, or committed the theft offense. 74

(b) The demand conforms to the requirements of division 75  
(C) of this section and is sent by certified mail, return 76

receipt requested. 77

(c) Either the person who willfully damaged the property, 78  
trespassed on a critical infrastructure facility, or committed 79  
the theft offense does not make payment to the property owner of 80  
the amount specified in the demand within thirty days after the 81  
date of its service upon that person and does not enter into an 82  
agreement with the property owner during that thirty-day period 83  
for that payment or the person who willfully damaged the 84  
property, trespassed on a critical infrastructure facility, or 85  
committed the theft offense enters into an agreement with the 86  
property owner during that thirty-day period for that payment 87  
but does not make that payment in accordance with the agreement. 88

(3) A person or organization that compensates or repays a 89  
person for trespass on a critical infrastructure facility may be 90  
held vicariously liable for any judgment the property owner 91  
obtains against the person who trespassed on the facility. 92

(B) If a property owner who brings a civil action pursuant 93  
to division (A) of section 2307.60 of the Revised Code to 94  
recover damages for willful damage to property, for damage 95  
caused by trespass on a critical infrastructure facility, or for 96  
a theft offense attempts to collect the reasonable 97  
administrative costs, if any, of the property owner that have 98  
been incurred in connection with actions taken pursuant to 99  
division (A) (2) of this section, the cost of maintaining the 100  
civil action, and reasonable attorney's fees under authority of 101  
that division and if the defendant prevails in the civil action, 102  
the defendant may recover from the property owner reasonable 103  
attorney's fees, the cost of defending the civil action, and any 104  
compensatory damages that may be proven. 105

(C) For purposes of division (A) (2) of this section, a 106

written demand for payment shall include a conspicuous notice to 107  
the person upon whom the demand is to be served that indicates 108  
all of the following: 109

(1) The willful property damage, trespass on a critical 110  
infrastructure facility, or theft offense that the person 111  
allegedly committed; 112

(2) That, if the person makes payment of the amount 113  
specified in the demand within thirty days after its service 114  
upon the person or enters into an agreement with the property 115  
owner during that thirty-day period for that payment and makes 116  
that payment in accordance with the agreement, the person cannot 117  
be sued by the property owner in a civil action in relation to 118  
the willful property damage, trespass on a critical 119  
infrastructure facility, or theft offense; 120

(3) That, if the person fails to make payment of the 121  
amount specified in the demand within thirty days after the date 122  
of its service upon the person and fails to enter into an 123  
agreement for that payment with the property owner during that 124  
thirty-day period or enters into an agreement for that payment 125  
with the property owner during that thirty-day period but does 126  
not make that payment in accordance with the agreement, the 127  
person may be sued in a civil action in relation to the willful 128  
property damage, trespass on a critical infrastructure facility, 129  
or theft offense; 130

(4) The potential judgment that the person may be required 131  
to pay if the person is sued in a civil action in relation to 132  
the willful property damage, trespass on a critical 133  
infrastructure facility, or theft offense and judgment is 134  
rendered against the person in that civil action; 135

(5) That, if the person is sued in a civil action by the property owner in relation to the willful property damage, trespass on a critical infrastructure facility, or theft offense, if the civil action requests that the person be required to pay the reasonable administrative costs, if any, of the property owner that have been incurred in connection with actions taken pursuant to division (A) (2) of this section, the cost of maintaining the action, and reasonable attorney's fees, and if the person prevails in the civil action, the person may recover from the property owner reasonable attorney's fees, the cost of defending the action, and any compensatory damages that can be proved.

(D) If a property owner whose property was willfully damaged, was damaged by trespass on a critical infrastructure facility, or was the subject of a theft offense serves a written demand for payment upon a person who willfully damaged the property, trespassed on a critical infrastructure facility, or committed the theft offense and if the person makes payment of the amount specified in the demand within thirty days after the date of its service upon the person or the person enters into an agreement with the property owner during that thirty-day period for that payment and makes payment in accordance with the agreement, the property owner shall not file a civil action against the person in relation to the willful property damage, trespass on a critical infrastructure facility, or theft offense.

(E) If a property owner whose property was willfully damaged, was damaged by trespass on a critical infrastructure facility, or was the subject of a theft offense serves a written demand for payment upon a person who willfully damaged the property, trespassed on a critical infrastructure facility, or

committed the theft offense and if the person, within thirty 167  
days after the date of service of the demand upon the person, 168  
enters into an agreement with the property owner for the payment 169  
of the amount specified in the demand but does not make that 170  
payment in accordance with the agreement, the time between the 171  
entering of the agreement and the failure to make that payment 172  
shall not be computed as any part of the period within which a 173  
civil action based on the willful property damage, trespass on a 174  
critical infrastructure facility, or theft offense must be 175  
brought under the Revised Code. 176

(F) A civil action to recover damages for willful property 177  
damage, for trespass on a critical infrastructure facility, or 178  
for a theft offense may be joined with a civil action that is 179  
brought pursuant to Chapter 2737. of the Revised Code to recover 180  
the property. If the two actions are joined, any compensatory 181  
damages recoverable by the property owner shall be limited to 182  
the value of the property. 183

(G) (1) In a civil action to recover damages for willful 184  
property damage, for trespass on a critical infrastructure 185  
facility, or for a theft offense, the trier of fact may 186  
determine that an owner's property was willfully damaged or 187  
damaged by trespass or that a theft offense involving the 188  
owner's property has been committed, whether or not any person 189  
has pleaded guilty to or has been convicted of any criminal 190  
offense or has been adjudicated a delinquent child in relation 191  
to any act involving the owner's property. 192

(2) This section does not affect the prosecution of any 193  
criminal action or proceeding or any action to obtain a 194  
delinquent child adjudication in connection with willful 195  
property damage, trespass on a critical infrastructure facility, 196

or a theft offense.	197
(H) As used in this section:	198
(1) "Administrative costs" includes the costs of written demands for payment and associated postage under division (A) (2) of this section.	199 200 201
(2) "Value of the property" means one of the following:	202
(a) The retail value of any property that is offered for sale by a mercantile establishment, irrespective of whether the property is destroyed or otherwise damaged, is modified or otherwise altered, or otherwise is not resalable at its full market price;	203 204 205 206 207
(b) The face value of any check or other negotiable instrument that is not honored due to insufficient funds in the drawer's account, the absence of any drawer's account, or another reason, and all charges imposed by a bank, savings and loan association, credit union, or other financial institution upon the holder of the check or other negotiable instrument;	208 209 210 211 212 213
(c) The replacement value of any property not described in division (H) (1) or (2) of this section.	214 215
<u>(3) "Critical infrastructure facility" has the same meaning as in section 2911.21 of the Revised Code.</u>	216 217
<u>(4) "Organization" has the same meaning as in section 2901.23 of the Revised Code.</u>	218 219
<b>Sec. 2909.07.</b> (A) No person shall:	220
(1) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with either of the following:	221 222 223



(a) The property of another;	224
(b) One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:	225 226 227
(i) The residential real property is subject to a mortgage.	228 229
(ii) The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this division, "pending" includes the time between judgment entry and confirmation of sale.	230 231 232 233 234
(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed or that tends to cause public alarm;	235 236 237 238 239
(3) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with a bench mark, triangulation station, boundary marker, or other survey station, monument, or marker;	240 241 242 243
(4) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;	244 245 246 247 248 249
(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of	250 251 252

another, which fire or personal property is outside and apart 253  
from any building, other structure, or personal property that is 254  
on that land; 255

(6) Without privilege to do so, and with intent to impair 256  
the functioning of any computer, computer system, computer 257  
network, computer software, or computer program, knowingly do 258  
any of the following: 259

(a) In any manner or by any means, including, but not 260  
limited to, computer hacking, alter, damage, destroy, or modify 261  
a computer, computer system, computer network, computer 262  
software, or computer program or data contained in a computer, 263  
computer system, computer network, computer software, or 264  
computer program; 265

(b) Introduce a computer contaminant into a computer, 266  
computer system, computer network, computer software, or 267  
computer program. 268

(7) Without privilege to do so, knowingly deface, damage, 269  
destroy, or tamper with a critical infrastructure facility, or 270  
otherwise impede or inhibit the facility's operations. 271

(B) As used in this section: 272

(1) "safety-Safety device" means any fire extinguisher, 273  
fire hose, or fire axe, or any fire escape, emergency exit, or 274  
emergency escape equipment, or any life line, life-saving ring, 275  
life preserver, or life boat or raft, or any alarm, light, 276  
flare, signal, sign, or notice intended to warn of danger or 277  
emergency, or intended for other safety purposes, or any guard 278  
railing or safety barricade, or any traffic sign or signal, or 279  
any railroad grade crossing sign, signal, or gate, or any first 280  
aid or survival equipment, or any other device, apparatus, or 281

equipment intended for protecting or preserving the safety of 282  
persons or property. 283

(2) "Critical infrastructure facility" has the same 284  
meaning as in section 2911.21 of the Revised Code. 285

(3) "Organization" has the same meaning as in section 286  
2901.23 of the Revised Code. 287

(C) (1) Whoever violates this section is guilty of criminal 288  
mischief, and shall be punished as provided in division (C) (2), ~~or~~ 289  
~~or~~ (3), or (4) of this section. 290

(2) Except as otherwise provided in this division, 291  
criminal mischief committed in violation of division (A) (1), 292  
(2), (3), (4), or (5) of this section is a misdemeanor of the 293  
third degree. Except as otherwise provided in this division, if 294  
the violation of division (A) (1), (2), (3), (4), or (5) of this 295  
section creates a risk of physical harm to any person, criminal 296  
mischief committed in violation of division (A) (1), (2), (3), 297  
(4), or (5) of this section is a misdemeanor of the first 298  
degree. If the property involved in the violation of division 299  
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 300  
aircraft engine, propeller, appliance, spare part, fuel, 301  
lubricant, hydraulic fluid, any other equipment, implement, or 302  
material used or intended to be used in the operation of an 303  
aircraft, or any cargo carried or intended to be carried in an 304  
aircraft, criminal mischief committed in violation of division 305  
(A) (1), (2), (3), (4), or (5) of this section is one of the 306  
following: 307

(a) If the violation creates a risk of physical harm to 308  
any person, except as otherwise provided in division (C) (2) (b) 309  
of this section, criminal mischief committed in violation of 310

division (A) (1), (2), (3), (4), or (5) of this section is a 311  
felony of the fifth degree. 312

(b) If the violation creates a substantial risk of 313  
physical harm to any person or if the property involved in a 314  
violation of this section is an occupied aircraft, criminal 315  
mischief committed in violation of division (A) (1), (2), (3), 316  
(4), or (5) of this section is a felony of the fourth degree. 317

(3) Except as otherwise provided in this division, 318  
criminal mischief committed in violation of division (A) (6) of 319  
this section is a misdemeanor of the first degree. Except as 320  
otherwise provided in this division, if the value of the 321  
computer, computer system, computer network, computer software, 322  
computer program, or data involved in the violation of division 323  
(A) (6) of this section or the loss to the victim resulting from 324  
the violation is one thousand dollars or more and less than ten 325  
thousand dollars, or if the computer, computer system, computer 326  
network, computer software, computer program, or data involved 327  
in the violation of division (A) (6) of this section is used or 328  
intended to be used in the operation of an aircraft and the 329  
violation creates a risk of physical harm to any person, 330  
criminal mischief committed in violation of division (A) (6) of 331  
this section is a felony of the fifth degree. If the value of 332  
the computer, computer system, computer network, computer 333  
software, computer program, or data involved in the violation of 334  
division (A) (6) of this section or the loss to the victim 335  
resulting from the violation is ten thousand dollars or more, or 336  
if the computer, computer system, computer network, computer 337  
software, computer program, or data involved in the violation of 338  
division (A) (6) of this section is used or intended to be used 339  
in the operation of an aircraft and the violation creates a 340  
substantial risk of physical harm to any person or the aircraft 341

in question is an occupied aircraft, criminal mischief committed 342  
in violation of division (A) (6) of this section is a felony of 343  
the fourth degree. 344

(4) Criminal mischief committed in violation of division 345  
(A) (7) of this section is a felony of the first degree. 346  
Notwithstanding section 2929.31 of the Revised Code, any 347  
organization found guilty of complicity in a violation of that 348  
division under section 2923.03 of the Revised Code shall be 349  
punished with a fine that is ten times the maximum fine that can 350  
be imposed on an individual for a felony of the first degree. 351

**Sec. 2909.10.** (A) No person shall knowingly, and by any 352  
means, drop or throw any object at, onto, or in the path of, any 353  
railroad rail, railroad track, locomotive, engine, railroad car, 354  
or other vehicle of a railroad company while such vehicle is on 355  
a railroad track. 356

(B) No person, without privilege to do so, shall climb 357  
upon or into any locomotive, engine, railroad car, or other 358  
vehicle of a railroad company when it is on a railroad track. 359

(C) No person, without privilege to do so, shall disrupt, 360  
delay, or prevent the operation of any train or other vehicle of 361  
a railroad company while such vehicle is on a railroad track. 362

~~(D) No person, without privilege to do so, shall knowingly 363~~  
~~enter or remain on the land or premises of a railroad company. 364~~

~~(E) Whoever violates division (A) of this section is 365~~  
guilty of railroad vandalism. Whoever violates division (B) of 366  
this section is guilty of criminal trespass on a locomotive, 367  
engine, railroad car, or other railroad vehicle. Whoever 368  
violates division (C) of this section is guilty of interference 369  
with the operation of a train. 370

Except as otherwise provided in this division, railroad 371  
vandalism; criminal trespass on a locomotive, engine, railroad 372  
car, or other railroad vehicle; and interference with the 373  
operation of a train each is a misdemeanor of the first degree. 374  
Except as otherwise provided in this division, if the violation 375  
of division (A), (B), or (C) of this section causes serious 376  
physical harm to property or creates a substantial risk of 377  
physical harm to any person, the violation is a felony of the 378  
fourth degree. Except as otherwise provided in this division, if 379  
the violation of division (A), (B), or (C) of this section 380  
causes physical harm to any person, the violation is a felony of 381  
the third degree. If the violation of division (A), (B), or (C) 382  
of this section causes serious physical harm to any person, the 383  
violation is a felony of the second degree. 384

~~(F) Whoever violates division (D) of this section is 385  
guilty of criminal trespass on the land or premises of a 386  
railroad company, a misdemeanor of the fourth degree. 387~~

**Sec. 2911.21.** (A) No person, without privilege to do so, 388  
shall do any of the following: 389

(1) Knowingly enter or remain on the land or premises of 390  
another; 391

(2) Knowingly enter or remain on the land or premises of 392  
another, the use of which is lawfully restricted to certain 393  
persons, purposes, modes, or hours, when the offender knows the 394  
offender is in violation of any such restriction or is reckless 395  
in that regard; 396

(3) Recklessly enter or remain on the land or premises of 397  
another, as to which notice against unauthorized access or 398  
presence is given by actual communication to the offender, or in 399

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;

(5) Knowingly enter, remain on, or operate a drone over  
the land or premises of another that contains a critical  
infrastructure facility and is beyond a fence, an enclosure  
manifestly designed to restrict access, or signs posted in a  
manner reasonably calculated to come to the attention of  
potential intruders.

(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. Criminal trespass in violation of division (A) (1),  
(2), (3), or (4) of this section is a misdemeanor of the fourth  
degree. Criminal trespass in violation of division (A) (5) of  
this section is a misdemeanor of the first degree.  
Notwithstanding section 2929.31 of the Revised Code, any  
organization found guilty of complicity in a violation of  
division (A) (5) of this section under section 2923.03 of the

Revised Code shall be punished with a fine that is ten times the 429  
maximum fine that can be imposed on an individual for a 430  
misdemeanor of the first degree. 431

(2) Notwithstanding section 2929.28 of the Revised Code, 432  
if the person, in committing the violation of this section, used 433  
a snowmobile, off-highway motorcycle, or all-purpose vehicle, 434  
the court shall impose a fine of two times the usual amount 435  
imposed for the violation. 436

(3) If an offender previously has been convicted of or 437  
pleaded guilty to two or more violations of this section or a 438  
substantially equivalent municipal ordinance, and the offender, 439  
in committing each violation, used a snowmobile, off-highway 440  
motorcycle, or all-purpose vehicle, the court, in addition to or 441  
independent of all other penalties imposed for the violation, 442  
may impound the certificate of registration of that snowmobile 443  
or off-highway motorcycle or the certificate of registration and 444  
license plate of that all-purpose vehicle for not less than 445  
sixty days. In such a case, section 4519.47 of the Revised Code 446  
applies. 447

(E) Notwithstanding any provision of the Revised Code, if 448  
the offender, in committing the violation of this section, used 449  
an all-purpose vehicle, the clerk of the court shall pay the 450  
fine imposed pursuant to this section to the state recreational 451  
vehicle fund created by section 4519.11 of the Revised Code. 452

(F) As used in this section: 453

(1) "All-purpose vehicle," "off-highway motorcycle," and 454  
"snowmobile" have the same meanings as in section 4519.01 of the 455  
Revised Code. 456

(2) "Land or premises" includes any land, building, 457



structure, or place belonging to, controlled by, or in custody 458  
of another, and any separate enclosure or room, or portion 459  
thereof. 460

(3) "Organization" has the same meaning as in section 461  
2901.23 of the Revised Code. 462

(4) "Drone" means a powered, aerial device to which all of 463  
the following apply: 464

(a) It does not carry a human operator and is operated 465  
without the possibility of direct human intervention from within 466  
or on the device. 467

(b) It uses aerodynamic forces to provide the device lift. 468

(c) It can fly autonomously or be piloted remotely. 469

(d) It can be expendable or recoverable. 470

(e) It is capable of aerial photography or video recording 471  
or equipped with a device for that purpose. 472

(5) "Critical infrastructure facility" means: 473

(a) One of the following, if completely enclosed by a 474  
fence or other physical barrier that is obviously designed to 475  
exclude intruders, or if clearly marked with signs that are 476  
reasonably likely to come to the attention of potential 477  
intruders and that indicate entry is forbidden without site 478  
authorization: 479

(i) A petroleum or alumina refinery; 480

(ii) An electric generating facility, substation, 481  
switching station, electrical control center, or electric 482  
transmission and distribution lines and associated equipment; 483

(iii) A chemical, polymer, or rubber manufacturing 484

<u>facility;</u>	485
<u>(iv) A water intake structure, water treatment facility,</u>	486
<u>waste water facility, drainage facility, water management</u>	487
<u>facility, or any similar water or sewage treatment system;</u>	488
<u>(v) A natural gas company facility or interstate natural</u>	489
<u>gas pipeline, including a pipeline interconnection, gas</u>	490
<u>compressor station, city gate or town border station, metering</u>	491
<u>station, above-ground piping, regulator station, well, valve</u>	492
<u>site, delivery station, fabricated assembly, or any other part</u>	493
<u>of a natural gas storage facility involved in the gathering,</u>	494
<u>storage, transmission, or distribution of gas;</u>	495
<u>(vi) A telecommunications central switching office or</u>	496
<u>remote switching facility or an equivalent network facility that</u>	497
<u>serves a similar purpose;</u>	498
<u>(vii) Wireline or wireless telecommunications</u>	499
<u>infrastructure, including telecommunications towers and</u>	500
<u>telephone poles and lines, including fiber optic lines;</u>	501
<u>(viii) A port, trucking terminal, or other freight</u>	502
<u>transportation facility;</u>	503
<u>(ix) A gas processing plant, including a plant used in the</u>	504
<u>processing, treatment, or fractionation of natural gas or</u>	505
<u>natural gas liquids;</u>	506
<u>(x) A transmission facility used by a federally licensed</u>	507
<u>radio or television station;</u>	508
<u>(xi) A steel-making facility that uses an electric arc</u>	509
<u>furnace to make steel;</u>	510
<u>(xii) A facility identified and regulated by the United</u>	511
<u>States department of homeland security's chemical facility anti-</u>	512

<u>terrorism standards program under 6 C.F.R. part 27;</u>	513
<u>(xiii) A dam that is regulated by the state or federal government;</u>	514 515
<u>(xiv) A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline, or piping and truck loading or off-loading facility;</u>	516 517 518 519 520
<u>(xv) A video service network and broadband infrastructure, including associated buildings and facilities, video service headends, towers, utility poles, and utility lines such as fiber optic lines. As used in this division, "video service network" has the same meaning as in section 1332.21 of the Revised Code.</u>	521 522 523 524 525
<u>(b) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility that is enclosed by a fence or other physical barrier or is clearly marked with signs prohibiting trespassing that are reasonably likely to come to the attention of potential intruders;</u>	526 527 528 529 530 531
<u>(c) With respect to a video service network or broadband or wireless telecommunications infrastructure, the above ground portion of a facility installed in a public right-of-way on a utility pole or in a conduit;</u>	532 533 534 535
<u>(d) Any railroad property.</u>	536
<b>Sec. 2911.211.</b> (A) <u>(1)</u> No person shall enter or remain on the land or premises of another 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	537 538 539 540 541

harm to ~~him~~ that person. 542

(2) No person shall enter, remain on, or operate a drone 543  
over the land or premises of another containing a critical 544  
infrastructure facility with purpose to deface, damage, destroy, 545  
or tamper with the facility, or otherwise impede or inhibit the 546  
facility's operations. 547

(B) Whoever violates this section is guilty of aggravated 548  
trespass<sup>7</sup>. Aggravated trespass in violation of division (A) (1) 549  
of this section is a misdemeanor of the first degree. Aggravated 550  
trespass in violation of division (A) (2) of this section is a 551  
felony of the third degree. Notwithstanding section 2929.31 of 552  
the Revised Code, any organization found guilty of complicity in 553  
a violation of division (A) (2) of this section under section 554  
2923.03 of the Revised Code shall be punished with a fine that 555  
is ten times the maximum fine that can be imposed on an 556  
individual for a felony of the third degree. 557

(C) As used in this section: 558

(1) "Critical infrastructure facility" and "drone" have 559  
the same meaning as in section 2911.21 of the Revised Code. 560

(2) "Organization" has the same meaning as in section 561  
2901.23 of the Revised Code. 562

**Section 2.** That existing sections 2307.61, 2909.07, 563  
2909.10, 2911.21, and 2911.211 of the Revised Code are hereby 564  
repealed. 565