



H.B. 96

126th General Assembly
(As Introduced)

Reps. Seitz, McGregor, C. Evans, Combs, Hartnett, Latta, Schaffer, Webster, Taylor, Gilb, Otterman, White, D. Evans, Willamowski, Uecker, Koziura

BILL SUMMARY

- Prohibits a person, without privilege to do so, from knowingly entering or remaining on any restricted portion of a place of public amusement after having received notice that the general public is restricted from access to that restricted portion of the place, and names a violation of this prohibition the offense of "criminal trespass on a place of public amusement."
- Classifies the offense of "criminal trespass on a place of public amusement" as a misdemeanor of the first degree, and permits a court to require the offender to perform at least 30 hours but not more than 120 hours of supervised community service work in addition to any other available sanctions.
- Allows an owner or lessee of a place of public amusement, an agent of the owner or lessee, or a performer or participant at a place of public amusement to use reasonable force to restrain and remove a trespasser from a restricted portion of the place of public amusement.
- Specifies that the permissible use of reasonable force described in the preceding dot point does not provide immunity from criminal liability for any use of force beyond reasonable force by one of these named individuals.

CONTENT AND OPERATION

Criminal trespass on a place of public amusement

The bill's prohibition

The bill prohibits a person, without privilege to do so, from knowingly entering or remaining on any restricted portion of a place of public amusement after having received notice that the general public is restricted from access to that restricted place. The bill specifies that a restricted portion of a place of public amusement may include, but is not limited to, a playing field, an athletic surface, a stage, a locker room, or a dressing room located at the place of public amusement. A person who violates this prohibition is guilty of "criminal trespass on a place of public amusement," a misdemeanor of the first degree. In addition to any prison term,¹ fine, or other sentence, penalty, or sanction a court imposes upon an offender for the offense, a court may require the offender to perform at least 30 hours but not more than 120 hours of supervised community service work. (R.C. 2911.23(B) and (E).)

What constitutes notice that the general public is restricted from access

The bill specifies that a person has received notice that the general public is restricted from access to a portion of a place of public amusement if any of the following occur (R.C. 2911.23(D)):

- (1) The person has been notified personally, either orally or in writing, that access to that portion of the place of public amusement is restricted.
- (2) A printed written notice of the restricted access has been conspicuously posted or exhibited at the entrance to that portion of the place of public amusement.
- (3) An oral warning that access to that portion of the place of public amusement is restricted has been broadcast over the public address system of the place of public amusement.

Permissible use of force to restrain a trespasser

The bill allows an owner or lessee of a place of public amusement, an agent of the owner or lessee, or a performer or participant at a place of public amusement to use reasonable force to restrain and remove a trespasser from a

¹ This should read "jail term."

restricted portion of the place of public amusement. However, this provision does not provide immunity from criminal liability for any use of force beyond reasonable force by one of these named individuals. (R.C. 2911.23(C).)

Definition of a "place of public amusement"

The bill defines a "place of public amusement" as meaning a stadium, theater, or other facility, whether licensed or not, at which a live performance, sporting event, or other activity takes place for entertainment of the public and to which access is made available to the public, regardless of whether admission is charged (R.C. 2911.23(A)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-01-05	p. 238-239

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