



H.B. 682

126th General Assembly
(As Introduced)

Reps. Hughes, Flowers, J. McGregor, Reidelbach, D. Evans, Fende

BILL SUMMARY

- Prohibits any person from (1) setting a fire, causing a fire to be set, or adding fuel or a combustible substance to a trash receptacle, a dumpster, or to a fire that is already burning or (2) setting, causing to be set, or adding fuel or a combustible substance to a couch, chair, mattress, curtains, or any other item of household furniture or furnishings or to a fire that is already burning.
- Provides that a violation of the prohibition described in the preceding dot point is the offense of "unlawful property burning," which is generally a misdemeanor of the first degree with a mandatory jail term of at least eight days and a fine of \$1,000.
- Elevates unlawful property burning to a felony of the fourth degree if (1) the fire, receptacle, dumpster, or household furniture or furnishing that is involved in the violation is located within 20 feet of a residence, vehicle, or other property that belongs to a person other than the offender, (2) the violation creates a hazardous or hostile working condition for any emergency personnel, or (3) the offender has previously been convicted of or pleaded guilty to unlawful property burning.

CONTENT AND OPERATION

Unlawful property burning

The bill prohibits any person from doing either of the following (R.C. 2909.031(A)):

(1) Setting a fire, causing a fire to be set, or adding fuel or a combustible substance to a trash receptacle, a dumpster, or to a fire that is already burning.

(2) Setting, causing to be set, or adding fuel or a combustible substance to a couch, chair, mattress, curtains, or any other item of household furniture or furnishing or to a fire that is already burning.

The bill names a violation of either of these prohibitions the offense of "unlawful property burning." Generally, unlawful property burning is a misdemeanor of the first degree, and the court must impose a mandatory jail term of at least eight days and a fine of \$1,000. (R.C. 2909.031(B)(1) and 2929.01(U).) However, unlawful property burning is a felony of the fourth degree if any of the following apply (R.C. 2903.031(B)(2)):

(1) The fire, receptacle, dumpster, or household furniture or furnishing that is involved in the violation is located within 20 feet of a residence, vehicle, or other property that belongs to a person other than the offender.

(2) The violation creates a hazardous or hostile working condition for any emergency personnel.

(3) The offender has previously been convicted of or pleaded guilty to unlawful property burning.

HISTORY

ACTION	DATE
Introduced	11-14-06

h0682-i-126.doc/kl