



H.B. 132

127th General Assembly
(As Introduced)

**Reps. Hughes, Bacon, Flowers, J. McGregor, Evans, Collier, D. Stewart,
B. Williams, Yuko, White, Adams, DeGeeter**

BILL SUMMARY

- Prohibits any person, without privilege to do so on real property owned by a person other than the offender, 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) adding fuel or a combustible substance to combustible personal property, a motor vehicle, or 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 second degree with a mandatory fine of \$750.
- Elevates unlawful property burning to a misdemeanor of the first degree with a mandatory jail term of at least three days and a fine of \$1,000 if (1) the fire, receptacle, dumpster, combustible personal property, or motor vehicle 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, or (2) the violation creates a hazardous or hostile working condition for any emergency personnel.

CONTENT AND OPERATION

Unlawful property burning

The bill prohibits any person, without privilege to do so on real property owned by a person other than the offender, 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) Adding fuel or a combustible substance to combustible personal property, a motor vehicle, or 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 second degree, and the court must impose on the offender the maximum fine available (currently \$750) (R.C. 2909.031(B)(1)). However, unlawful property burning is a misdemeanor of the first degree with a mandatory jail term of at least three days and the maximum available fine (currently \$1,000) if either of the following applies (R.C. 2909.031(B)(2) and 2929.01(U)):

(1) The fire, receptacle, dumpster, combustible personal property, or motor vehicle 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.

HISTORY

ACTION	DATE
Introduced	03-27-07

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