

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. H. B. No. 96**

**Representatives Seitz, McGregor, C. Evans, Combs, Hartnett, Latta, Schaffer,  
Webster, Taylor, Gilb, Otterman, White, D. Evans, Willamowski, Uecker,  
Koziura, Hughes, Seaver, Barrett, Bubp, Buehrer, Carano, Cassell, Collier,  
Core, Daniels, Dolan, Domenick, Fessler, Gibbs, Hoops, T. Patton, Raga,  
Reidelbach, Schneider, Setzer, G. Smith, D. Stewart, Wagoner, Walcher  
Senators Dann, Zurz, Clancy**

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**A B I L L**

To enact sections 2911.10 and 2911.23 of the Revised 1  
Code to create the offense of criminal trespass on 2  
a place of public amusement and to clarify the 3  
element of "trespass" in the offenses of 4  
aggravated burglary, burglary, and breaking and 5  
entering. 6

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

**Section 1.** That sections 2911.10 and 2911.23 of the Revised 7  
Code be enacted to read as follows: 8

**Sec. 2911.10.** As used in sections 2911.11 to 2911.13 of the 9  
Revised Code, the element of trespass refers to a violation of 10  
section 2911.21 of the Revised Code. 11

**Sec. 2911.23.** (A) As used in this section, "place of public 12  
amusement" means a stadium, theater, or other facility, whether 13  
licensed or not, at which a live performance, sporting event, or 14  
other activity takes place for entertainment of the public and to 15

which access is made available to the public, regardless of  
whether admission is charged.

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(B) No person, without privilege to do so, shall knowingly  
enter or remain on any restricted portion of a place of public  
amusement and, as a result of that conduct, interrupt or cause the  
delay of the live performance, sporting event, or other activity  
taking place at the place of public amusement after a printed  
written notice has been given as provided in division (D)(1) of  
this section that the general public is restricted from access to  
that restricted portion of the place of public amusement. A  
restricted portion of a place of public amusement may include, but  
is not limited to, a playing field, an athletic surface, or a  
stage located at the place of public amusement.

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(C) 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 may use reasonable force to restrain and  
remove a person from a restricted portion of the place of public  
amusement if the person enters or remains on the restricted  
portion of the place of public amusement and, as a result of that  
conduct, interrupts or causes the delay of the live performance,  
sporting event, or other activity taking place at the place of  
public amusement. This division does not provide immunity from  
criminal liability for any use of force beyond reasonable force by  
an owner or lessee of a place of public amusement, an agent of  
either the owner or lessee, or a performer or participant at a  
place of public amusement.

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(D)(1) Notice has been given that the general public is  
restricted from access to a portion of a place of public amusement  
if 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. If a printed written notice is

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posted or exhibited as described in this division regarding a  
portion of a place of public amusement, in addition to that  
posting or exhibition, notice that the general public is  
restricted from access to that portion of the place of public  
amusement also may be given, but is not required to be given, by  
either of the following means:

(a) By notifying the person personally, either orally or in  
writing, that access to that portion of the place of public  
amusement is restricted;

(b) By broadcasting over the public address system of the  
place of public amusement an oral warning that access to that  
portion of the place of public amusement is restricted.

(2) If notice that the general public is restricted from  
access to a portion of a place of public amusement is provided by  
the posting or exhibition of a printed written notice as described  
in division (D)(1) of this section, the state, in a criminal  
prosecution for a violation of division (B) of this section, is  
not required to prove that the defendant received actual notice  
that the general public is restricted from access to a portion of  
a place of public amusement.

(E)(1) Whoever violates division (B) of this section is  
guilty of criminal trespass on a place of public amusement, a  
misdemeanor of the first degree.

(2) In addition to any jail term, fine, or other sentence,  
penalty, or sanction it imposes upon the offender pursuant to  
division (E)(1) of this section, a court may require an offender  
who violates this section to perform not less than thirty and not  
more than one hundred twenty hours of supervised community service  
work.