

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 293

Representative Stinziano

**Cosponsors: Representatives Burke, Grossman, Johnson, O'Brien, Patmon,
Yuko**

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A B I L L

To amend sections 2911.02, 2911.12, and 2911.13 of 1
the Revised Code to increase the penalties for 2
robbery, burglary, and breaking and entering when 3
the offenses occur in or in the immediate vicinity 4
of a pharmacy. 5

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

Section 1. That sections 2911.02, 2911.12, and 2911.13 of the 6
Revised Code be amended to read as follows: 7

Sec. 2911.02. (A) No person, in attempting or committing a 8
theft offense or in fleeing immediately after the attempt or 9
offense, shall do any of the following: 10

(1) Have a deadly weapon on or about the offender's person or 11
under the offender's control; 12

(2) Inflict, attempt to inflict, or threaten to inflict 13
physical harm on another; 14

(3) Use or threaten the immediate use of force against 15
another. 16

(B)(1) Whoever violates this section is guilty of robbery. A 17

(2) Except as provided in division (B)(3) of this section, a 18
violation of division (A)(1) or (2) of this section is a felony of 19
the second degree. ~~A, and a~~ violation of division (A)(3) of this 20
section is a felony of the third degree. 21

(3) If the offense occurs in or in the immediate vicinity of 22
a pharmacy, a violation of division (A)(1) or (2) of this section 23
is a felony of the first degree, and a violation of division 24
(A)(3) of this section is a felony of the second degree. 25

(C) As used in this section: 26

(1) "Deadly weapon" has the same meaning as in section 27
2923.11 of the Revised Code. 28

(2) "Pharmacy" means that portion of a place of business that 29
is under the supervision of a pharmacist licensed under Chapter 30
4729. of the Revised Code and where drugs are compounded or 31
dispensed. 32

(3) "Theft offense" has the same meaning as in section 33
2913.01 of the Revised Code. 34

Sec. 2911.12. (A) No person, by force, stealth, or deception, 35
shall do any of the following: 36

(1) Trespass in an occupied structure or in a separately 37
secured or separately occupied portion of an occupied structure, 38
when another person other than an accomplice of the offender is 39
present, with purpose to commit in the structure or in the 40
separately secured or separately occupied portion of the structure 41
any criminal offense; 42

(2) Trespass in an occupied structure or in a separately 43
secured or separately occupied portion of an occupied structure 44
that is a permanent or temporary habitation of any person when any 45
person other than an accomplice of the offender is present or 46
likely to be present, with purpose to commit in the habitation any 47

criminal offense; 48

(3) Trespass in an occupied structure or in a separately 49
secured or separately occupied portion of an occupied structure, 50
with purpose to commit in the structure or separately secured or 51
separately occupied portion of the structure any criminal offense; 52

(4) Trespass in a permanent or temporary habitation of any 53
person when any person other than an accomplice of the offender is 54
present or likely to be present. 55

(B) As used in this section, ~~"occupied:~~ 56

(1) "Occupied structure" has the same meaning as in section 57
2909.01 of the Revised Code. 58

(2) "Pharmacy" has the same meaning as in section 2911.02 of 59
the Revised Code. 60

(C) (1) Whoever violates this section is guilty of burglary. A 61

(2) Except as provided in division (C)(3) of this section, a 62
violation of division (A)(1) or (2) of this section is a felony of 63
the second degree. ~~A, a violation of division (A)(3) of this 64
section is a felony of the third degree. ~~A, and a violation of 65
division (A)(4) of this section is a felony of the fourth degree. 66~~~~

(3) If the offense occurs in or in the immediate vicinity of 67
a pharmacy, a violation of division (A)(1) of this section is a 68
felony of the first degree, and a violation of division (A)(3) of 69
this section is felony of the second degree. 70

Sec. 2911.13. (A) No person by force, stealth, or deception, 71
shall trespass in an unoccupied structure, with purpose to commit 72
therein any theft offense, as defined in section 2913.01 of the 73
Revised Code, or any felony. 74

(B) No person shall trespass on the land or premises of 75
another, with purpose to commit a felony. 76

(C)(1) Whoever violates this section is guilty of breaking 77
and entering_{7.} 78

(2) Except as provided in division (C)(3) of this section, 79
breaking and entering is a felony of the fifth degree. 80

(3) If the offense occurs in or in the immediate vicinity of 81
a pharmacy, breaking and entering is a felony of the fourth 82
degree. 83

(D) As used in this section, "pharmacy" has the same meaning 84
as in section 2911.02 of the Revised Code. 85

Section 2. That existing sections 2911.02, 2911.12, and 86
2911.13 of the Revised Code are hereby repealed. 87