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H.B. 714
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Reps. Crossman and Holmes

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SUMMARY

- Clarifies that it is prohibited to trespass, stalk, or commit voyeurism by using an unmanned aerial vehicle (UAV).
- Specifies that a UAV is a powered, aerial vehicle that (1) does not carry a human operator, (2) uses aerodynamic forces to provide lift, and (3) can fly autonomously or be piloted remotely.

DETAILED ANALYSIS

Unmanned aerial vehicle prohibitions

The bill amends the current prohibitions against trespass, stalking, and voyeurism to clarify that it is prohibited to commit any of those offenses by using an unmanned aerial vehicle (UAV), which is a powered, aerial vehicle that:

- Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the vehicle;
- Uses aerodynamic forces to provide lift; and
- Can fly autonomously or be piloted remotely.¹

The specific offenses are described in the table below.

¹ An unmanned aerial vehicle is commonly referred to as a drone and does not include a satellite. R.C. 2903.211(D)(13).

| Offense | Description of the criminal offense | Base penalty |
|-----------------------------------|--|------------------------------------|
| Menacing by stalking ² | Knowingly cause another person to believe that the offender will cause physical harm or mental distress to the other person (or the person's family or household member). | 1 st degree misdemeanor |
| Voyeurism ³ | For the purpose of sexually arousing or gratifying the person's self, commit trespass or otherwise surreptitiously invade the privacy of another to spy or eavesdrop. | 3 rd degree misdemeanor |
| Voyeurism ⁴ | For the purpose of sexually arousing or gratifying the person's self, commit trespass or otherwise surreptitiously invade the privacy of another to record the person in a state of nudity. | 2 nd degree misdemeanor |
| Voyeurism ⁵ | For the purpose of sexually arousing or gratifying the person's self, commit trespass or otherwise surreptitiously invade the privacy of a minor to record, spy, or eavesdrop upon the minor in a state of nudity. | 5 th degree felony |
| Voyeurism ⁶ | Secretly or surreptitiously record another person under or through the other person's clothing, or through the other person's clothing to view the person's body or undergarments. | 1 st degree misdemeanor |
| Trespass ⁷ | Knowingly enter or remain on another's land or premises. | 4 th degree misdemeanor |
| Trespass ⁸ | Knowingly enter or remain on another's restricted land or premises when the offender knows the offender is in violation of the restriction or is reckless in that regard. | 4 th degree misdemeanor |
| Trespass ⁹ | Recklessly enter or remain on another's land or premises, and notice against unauthorized access has been communicated to the offender (whether by a posting, a fence, or similar means). | 4 th degree misdemeanor |

² R.C. 2903.211(A)(1) and (B)(1).

³ R.C. 2907.08(B) and (F)(2).

⁴ R.C. 2907.08(C) and (F)(3).

⁵ R.C. 2907.08(D) and (F)(5).

⁶ R.C. 2907.08(E) and (F)(4).

⁷ R.C. 2911.21(A)(1) and (D)(1).

⁸ R.C. 2911.21(A)(2) and (D)(1).

⁹ R.C. 2911.21(A)(3) and (D)(1).

| Offense | Description of the criminal offense | Base penalty |
|-----------------------------------|--|------------------------------------|
| Trespass ¹⁰ | Negligently fail or refuse to leave another's land or premises after being notified to do so (either by signage or by the owner or occupant). | 4 th degree misdemeanor |
| Aggravated trespass ¹¹ | Purposely enter or remain on another's land to commit a misdemeanor that involves either causing physical harm to another or causing another to believe that the offender will cause physical harm to another. | 1 st degree misdemeanor |

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 07-01-20 |

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¹⁰ R.C. 2911.21(A)(4) and (D)(1).

¹¹ R.C. 2911.211(B) and (C).