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S.B. 290
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen Coley

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SUMMARY

- For purposes of the offense of criminal trespass, allows a landowner to provide notice against unauthorized access by placing identifying purple paint marks on trees or posts around the landowner's property.

DETAILED ANALYSIS

Criminal trespass

Under the bill, if a landowner places identifying purple paint marks on trees or posts around the landowner's property, in accordance with the bill's requirements, the purple paint marks constitute "posting in a manner reasonably calculated to come to the attention of potential intruders."¹ This constitutes a form of acceptable notice against unauthorized access to the land, as applicable to the offense of criminal trespass.

In order to constitute posting in a manner reasonably calculated to come to the attention of potential intruders, identifying purple paint marks must meet all of the following requirements:

- Each paint mark must be a vertical line at least eight inches long;
- The bottom of each paint mark must be three to five feet from the base of the tree or post upon which it is painted;
- Each paint mark must be readily visible and placed no more than 25 yards from the next paint mark.²

¹ R.C. 2911.21(F)(1).

² R.C. 2911 (F)(2).

Continuing criminal trespass law prohibits a person from, without privilege to do so, recklessly entering or remaining on land or premises of another if notice against unauthorized access is given by any of the following means:

- Actual communication to the offender;
- Posting in a manner reasonably calculated to come to the attention of potential intruders;
- Fencing or other enclosure manifestly designed to restrict access;
- A manner prescribed by law.³

A person who violates this provision is guilty of criminal trespass, which is a fourth degree misdemeanor.⁴

HISTORY

Action	Date
Introduced	03-04-20

S0290-I-133/ts

³ R.C. 2911.21(A)(3).

⁴ R.C. 2911.21(D).