



OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

Substitute Bill Comparative Synopsis

Sub. H.B. 252

136th General Assembly

House Judiciary

Sarah A. Maki, Attorney

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_136_2747-1)
Aggravated burglary	
Modifies the offense of “aggravated burglary” by removing the requirement that the offender commit the offense by “force, stealth, or deception” to prohibit a person from trespassing in an occupied portion of an occupied structure, when another person other than an accomplice of the offender is present, with purpose to commit in the structure or in the separately secured or separately occupied portion of the structure any criminal offense if either of the following apply: (1) the offender inflicts, or attempts or threatens to inflict physical harm on another, or (2) the offender has a deadly weapon or	Adds the <i>mens rea</i> of knowingly to the modified offense (R.C. 2911.11(A)(2)).

Previous Version (As Introduced)	Latest Version (I_136_2747-1)
<p>dangerous ordnance on or about the offender’s person or under the offender’s control (<i>R.C. 2911.11(A)(1) to (2)</i>).</p> <p>See above provision (<i>R.C. 2911.11(A)(1) to (2)</i>).</p> <p>No provision.</p>	<p>Reinstates the current law offense of “aggravated burglary” with the requirement that the offender commit the offense by “force, stealth, or deception” to prohibit a person by force, stealth, or deception from trespassing in an occupied portion of an occupied structure, when another person other than an accomplice of the offender is present, with purpose to commit in the structure or in the separately secured or separately occupied portion of the structure any criminal offense if either of the following apply: (1) the offender inflicts, or attempts or threatens to inflict physical harm on another, or (2) the offender has a deadly weapon or dangerous ordnance on or about the offender’s person or under the offender’s control (<i>R.C. 2911.11(A)(1)</i>).</p> <p>Provides that the “aggravated burglary” offenses are allied offenses of similar import (<i>R.C. 2911.11(B)</i>).</p>
Burglary	
<p>Modifies the offense of “burglary” by removing the requirement that the offender commit the offense by “force, stealth, or deception” to prohibit a person from (1) trespassing in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, when another person other than an accomplice of the offender is present, with purpose to commit in the structure or in the separately secured or separately occupied portion of the structure any criminal offense, (2) trespassing in an occupied structure or in a separately secured or separately occupied portion of an occupied structure that is a permanent or temporary habitation of any person when any person other than an accomplice of the offender is present</p>	<p>Adds the <i>mens rea</i> of knowingly to the modified offense (<i>R.C. 2911.12(B)(2)</i>).</p>

Previous Version (As Introduced)	Latest Version (I_136_2747-1)
<p>or likely to be present, with purpose to commit in the habitation any criminal offense, or (3) trespassing in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, with purpose to commit in the structure or separately secured or separately occupied portion of the structure any criminal offense (<i>R.C. 2911.12(A)(1) to (3)</i>).</p> <p>Retains the current law penalties for (1) and (2) as a second degree felony and for (3) as a third degree felony (<i>R.C. 2911.12(D)</i>).</p> <p>See above provision (<i>R.C. 2911.12(A)(1) to (3)</i>).</p> <p>See above provision (<i>R.C. 2911.12(D)</i>).</p>	<p>Same provision (<i>R.C. 2911.12(E)(2)</i>).</p> <p>Reinstates the current law offense of “burglary” with the requirement that the offender commit the offense by “force, stealth, or deception” to prohibit a person by force, stealth, or deception from (1) trespassing in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, when another person other than an accomplice of the offender is present, with purpose to commit in the structure or in the separately secured or separately occupied portion of the structure any criminal offense, (2) trespassing in an occupied structure or in a separately secured or separately occupied portion of an occupied structure that is a permanent or temporary habitation of any person when any person other than an accomplice of the offender is present or likely to be present, with purpose to commit in the habitation any criminal offense, or (3) trespassing in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, with purpose to commit in the structure or separately secured or separately occupied portion of the structure any criminal offense (<i>R.C. 2911.12(B)(1)</i>).</p> <p>Increases the current law penalties for (1) and (2) to a first degree felony and for (3) to a second degree felony (<i>R.C. 2911.12(E)(2)</i>).</p>

Previous Version (As Introduced)	Latest Version (I_136_2747-1)
No provision.	Provides that the “burglary” offenses are allied offenses of similar import (R.C. 2911.12(D)(1)).
Trespass in a habitation when a person is present or likely to be present	
Modifies the offense of “trespass in a habitation when a person is present or likely to be present” by removing the requirement that the offender commit the offense by “force, stealth, or deception” to prohibit a person from trespassing in a permanent or temporary habitation of any person when any person other than an accomplice of the offender is present or likely to be present (R.C. 2911.12(B)).	Adds the <i>mens rea</i> of knowingly to the modified offense (R.C. 2911.12(C)(2)).
Retains the current law penalties for the above as a fourth degree felony (R.C. 2911.12(E)).	Same provision (R.C. 2911.12(F)).
See above provision (R.C. 2911.12(B)).	Reinstates the current law offense of “trespass in a habitation when a person is present or likely to be present” with the requirement that the offender commit the offense by “force, stealth, or deception” to prohibit a person by force, stealth, or deception from trespassing in a permanent or temporary habitation of any person when any person other than an accomplice of the offender is present or likely to be present (R.C. 2911.12(C)(1)).
See above provision (R.C. 2911.12(E)).	Increases the current law penalty to a third degree felony (R.C. 2911.12(F)).
No provision.	Provides that the “trespass in a habitation when a person is present or likely to be present” offenses are allied offenses of similar import (R.C. 2911.12(D)(2)).

Previous Version (As Introduced)	Latest Version (I_136_2747-1)
Breaking and entering	
Modifies the offense of “breaking and entering” by removing the requirement that the offender commit the offense by “force, stealth, or deception” (<i>R.C. 2911.13(A)</i>).	Reinstates the current law offense of “breaking and entering” with the requirement that the offender commit the offense by “force, stealth, or deception” (<i>R.C. 2911.13(A)</i>).