



# OHIO LEGISLATIVE SERVICE COMMISSION

## Sub. Bill Comparative Synopsis

Nicholas A. Keller

### S.B. 250

132nd General Assembly  
(S. Judiciary)

This table summarizes how L\_132\_1049-4 differs from S.B. 250, As Introduced. It addresses only the topics on which the two bills differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	S.B. 250 (As Introduced)	Sub. Version (L_132_1049-4)
<b>Civil action to recover for trespass on critical infrastructure facility – damages</b>	Provides that a property owner may bring a civil action for recovery of compensatory damages (that may include the value of the property damaged and liquidated damages) against a person who trespasses on a critical infrastructure facility, based on the value of damages to the facility ( <i>R.C. 2307.61(A)(1)</i> ).	Provides that a property owner may bring a civil action for recovery of compensatory damages equal to the replacement value of damaged property from a person who willfully causes damage to a critical infrastructure facility ( <i>R.C. 2307.66(B)</i> ).
<b>Attorney's fees</b>	Allows for the recovery of attorney's fees, administrative costs, and costs of maintaining or defending the action by the prevailing party if certain conditions are met ( <i>R.C. 2307.61(A)(2), (B), (C), (D), and (E)</i> ).	Allows for the plaintiff to recover reasonable attorney's fees, court costs, and other reasonable expenses from a person who willfully causes damage to the critical infrastructure facility ( <i>R.C. 2307.66(B)</i> ).

Topic	S.B. 250 (As Introduced)	Sub. Version (L_132_1049-4)
<b>Vicarious liability for critical infrastructure violation</b>	Allows a person or organization who compensates or repays a person for trespass on a critical infrastructure facility to be held vicariously liable for any judgment that the property owner obtains against the trespasser ( <i>R.C. 2307.61(A)(3)</i> ).	Allows a person or organization who pays another person to <i>cause damage</i> to a critical infrastructure facility or who pays the person's fines or damages in a civil action for damage caused to a critical infrastructure facility to be held vicariously liable for damage caused to a critical infrastructure facility ( <i>R.C. 2307.66(C)</i> ).
<b>Joinder with replevin action</b>	Allows for a civil action for trespass on a critical infrastructure facility to be joined with an action for replevin under continuing law ( <i>R.C. 2307.61(F)</i> ).	No provision.
<b>Permissible determinations</b>	In a civil action to recover damages for trespass on a critical infrastructure facility, allows the trier of fact to determine that an owner's property was damaged by trespass, whether or not any person has pleaded guilty to or has been convicted of any criminal offense or has been adjudicated a delinquent child in relation to any act involving the owner's property ( <i>R.C. 2307.61(G)(1)</i> ).	In a civil action for causing damage to a critical infrastructure facility, allows the trier of fact to determine that the defendant willfully caused damage to the critical infrastructure facility, regardless of whether the defendant has been charged with any related criminal offense, has pleaded guilty to or been convicted of a criminal offense, or has been adjudicated a delinquent child in connection with the property damages ( <i>R.C. 2307.66(D)</i> ).
<b>Affecting criminal prosecution or delinquent child adjudication</b>	A civil action to recover damages for trespass on a critical infrastructure facility does not affect the prosecution of any criminal action or proceeding or any action to obtain a delinquent child adjudication in connection with trespass on a critical infrastructure facility ( <i>R.C. 2307.61(G)(2)</i> ).	A civil action for causing damage to a critical infrastructure facility does not affect any criminal prosecution or any action to obtain a delinquent child adjudication in connection with the property damage ( <i>R.C. 2307.66(E)</i> ).

Topic	S.B. 250 (As Introduced)	Sub. Version (L_132_1049-4)
<b>Criminal mischief</b>	Creates a new means of committing criminal mischief: without privilege to do so, knowingly defacing, damaging, destroying, or tampering with a critical infrastructure facility or otherwise impeding or inhibiting the facility's operations. The new offense is a first degree felony. (R.C. 2909.07(A)(7) and (C)(4).)	Modifies the new criminal mischief offense by removing "defacing or damaging," prohibiting only tampering that is "improper," and additionally prohibits knowingly impeding or inhibiting the facility's operations or its construction. Reduces the offense level to a third degree felony. (R.C. 2909.07(A)(7) and (C)(4).)
<b>Criminal trespass</b>	<p>Creates a new means of committing criminal trespass: knowingly entering, remaining on, or operating a drone over land or premises that contain a critical infrastructure facility that is beyond a fence, an enclosure manifestly designed to restrict access, or signs posted in a manner reasonably calculated to come to the attention of potential intruders (R.C. 2911.21(A)(5)).</p> <p>Defines "drone" for purposes of the bill's provision creating a new means of committing criminal trespass (R.C. 2911.21(F)(4)).</p>	<p>Modifies the new criminal trespassing offense to apply only to knowingly entering or remaining on a critical infrastructure facility (R.C. 2911.21(A)(5)).</p> <p>No provision.</p>
<b>Definition of "critical infrastructure facility"</b>	<p>"Critical infrastructure facility," for purposes of the bill, means (R.C. 2911.21(F)(5)):</p> <p>(1) One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization:</p> <p>(a) A petroleum or alumina refinery;</p>	<p>Adds to the definition, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization, all of the following (R.C. 2911.21(F)(5)):</p> <p>(1) Water and sewage piping of a water or sewage treatment system;</p>

Topic	S.B. 250 (As Introduced)	Sub. Version (L_132_1049-4)
	<p>(b) An electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment;</p> <p>(c) A chemical, polymer, or rubber manufacturing facility;</p> <p>(d) A water intake structure, water treatment facility, waste water facility, drainage facility, water management facility, or any similar water or sewage treatment system;</p> <p>(e) A natural gas company facility or interstate natural gas pipeline, including a pipeline interconnection, gas compressor station, city gate or town border station, metering station, above-ground piping, regulator station, well, valve site, delivery station, fabricated assembly, or any other part of a natural gas storage facility involved in the gathering, storage, transmission, or distribution of gas;</p> <p>(f) A telecommunications central switching office or remote switching facility or an equivalent network facility that serves a similar purpose;</p> <p>(g) Wireline or wireless telecommunications infrastructure, including telecommunications towers and telephone poles and lines, including fiber optic lines;</p> <p>(h) A port, trucking terminal, or other freight transportation facility;</p>	<p>(2) Facilities associated with a natural gas company facility or interstate natural gas pipeline;</p> <p>(3) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;</p> <p>(4) Any above-ground portion of a well, well pad, or production operation (all are defined terms);</p> <p>(5) A laydown area or construction site for pipe and other equipment intended for use on an interstate or intrastate natural gas or crude oil pipeline.</p> <p>Removes from the definition natural gas company wells that are completely enclosed by a fence or other physical barrier that are obviously designed to exclude intruders, or are clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization, except for any above-ground portions of those wells, well pads, or production operations, which remain "critical infrastructure facilities."</p>



Topic	S.B. 250 (As Introduced)	Sub. Version (L_132_1049-4)
	<p>(i) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;</p> <p>(j) A transmission facility used by a federally licensed radio or television station;</p> <p>(k) A steel-making facility that uses an electric arc furnace to make steel;</p> <p>(l) A facility identified and regulated by the U.S. Department of Homeland Security's Chemical Facility Anti-Terrorism Standards Program under 6 C.F.R. part 27;</p> <p>(m) A dam that is regulated by the state or federal government;</p> <p>(n) A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline, or piping and truck loading or off-loading facility; or</p> <p>(o) A video service network and broadband infrastructure, including associated buildings and facilities, video service headends, towers, utility poles, and utility lines such as fiber optic lines ("video service network" has the same meaning as in R.C. 1332.21).</p> <p>(2) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility that is enclosed by a fence or other physical barrier or is clearly marked with</p>	



Topic	S.B. 250 (As Introduced)	Sub. Version (L_132_1049-4)
	<p>signs prohibiting trespassing that are reasonably likely to come to the attention of potential intruders;</p> <p>(3) With respect to a video service network or broadband or wireless telecommunications infrastructure, the above-ground portion of a facility installed in a public right-of-way on a utility pole or in a conduit;</p> <p>(4) Any railroad property.</p>	
<b>Aggravated trespass</b>	<p>Creates a new means of committing aggravated trespass: entering, remaining on, or operating a drone over the land or premises of another containing a critical infrastructure facility with purpose to deface, damage, destroy, or tamper with the facility or otherwise impeding or inhibiting the facility's operations (<i>R.C. 2911.211(A)(2)</i>).</p> <p>No provision.</p>	<p>Modifies the new aggravated trespass offense by removing the requirement that the offense occur on or over the land or premises "of another," removing "defacing or damaging," and additionally prohibits knowingly impeding or inhibiting the facility's operation or construction. Defines "drone" for purposes of the offense as "an unarmed aircraft as defined by the Federal Aviation Administration." (<i>R.C. 2911.211(A)(2) and (C)(2).</i>)</p> <p>Defines "drone" for purposes of the offense as "an unmanned aircraft as defined by the Federal Aviation Administration" (<i>R.C. 2911.211(C)(2)</i>).</p>
<b>Telecommunications harassment</b>	No provision.	Increases the fine that must be imposed on an organization that is found to be complicit in telecommunications harassment that involves a threat of damage to or destruction of a critical infrastructure facility to ten times the current maximum ( <i>R.C. 2917.21(C)(4)</i> ).

Topic	S.B. 250 (As Introduced)	Sub. Version (L_132_1049-4)
<b>Making false alarms</b>	No provision.	Creates a new means of committing the offense of making false alarms: initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to impede the operation or construction of a critical infrastructure facility. Requires any organization found to be complicit in the new violation to be fined ten times the maximum fine that may be imposed on an individual for making false alarms under continuing law. <i>(R.C. 2917.32(A)(4) and (D).)</i>

R3402-132.docx/ks

