



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 126

131st General Assembly
(As Introduced)

Reps. Kunze and Leland, Sweeney, Boyd, Stinziano, Duffey, Becker, Amstutz, Phillips, Rogers

BILL SUMMARY

- Expands the definition of "nuisance" and the application of the Nuisance Law to include any real property on which an offense of violence has occurred or is occurring.

CONTENT AND OPERATION

Definition of "nuisance"

The bill expands the definition of "nuisance" for purposes of the Nuisance Law and all other Revised Code provisions relating to nuisances to include any real property, including vacant land, on which an offense of violence has occurred or is occurring.¹ "Offense of violence" is defined under current law to include, among other crimes, rape, murder, assault, robbery, riot, menacing, and other offenses committed purposely or knowingly that involve physical harm to persons or a risk of serious physical harm to persons.²

Current law declares a variety of properties to be a "nuisance." Some examples of property declared to be a nuisance include property that is a forest-fire hazard, premises used for illegal gambling, property used by a criminal gang, an airport hazard, a place where prostitution is conducted, and a place where obscene films are manufactured or exhibited.³

¹ R.C. 3767.01(C)(4).

² R.C. 2901.01(A)(9), not in the bill.

³ R.C. 1503.07, 2915.03, 2923.43, 3767.01, and 4563.02, not in the bill.

Nuisance Law

Continuing law provides that any of the following is guilty of maintaining a nuisance and is subject to a civil action for an injunction:⁴

- Any person who uses, occupies, establishes, or conducts a nuisance, or aids or abets in the use, occupancy, establishment, or conduct of a nuisance;
- The owner, agent, or lessee of an interest in any such nuisance;
- Any person who is employed in that nuisance by that owner, agent, or lessee;
- Any person who is in control of that nuisance.

Whenever a nuisance exists, the Attorney General, the chief legal officer of the political subdivision in which the nuisance exists, or any person who is a citizen of the county in which the nuisance exists may bring an action in equity in the name of the state to abate the nuisance and to perpetually enjoin the person maintaining the nuisance from further maintaining it.⁵

HISTORY

ACTION	DATE
Introduced	03-18-15

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⁴ R.C. 3767.02(A), not in the bill.

⁵ R.C. 3767.03, not in the bill.

