



Legislation Details (With Text)

File #: 0683-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/9/2020 **In control:** Rules & Reference Committee

On agenda: 3/16/2020 **Final action:** 3/19/2020

Title: To amend section 2311.21 of the Columbus City Codes pertaining to criminal trespass and introduce provisions for trespass at airport facilities, and to repeal current section 2311.21 of the Columbus City Codes.

Sponsors: Mitchell Brown

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/19/2020	1	ACTING CITY CLERK	Attest	
3/18/2020	1	MAYOR	Signed	
3/16/2020	1	COUNCIL PRESIDENT	Signed	
3/16/2020	1	Columbus City Council	Read for the First Time	
3/16/2020	1	Columbus City Council	Waive the 2nd Reading	Pass
3/16/2020	1	Columbus City Council	Approved	Pass

BACKGROUND

The purpose of this ordinance is to amend section 2311.21 of the Columbus City Codes, which pertains to the crime of criminal trespass, and introduce provisions dealing with trespass at airport facilities.

Airports around the country have been increasingly subjected to unauthorized access at the screening checkpoints by individuals carrying weapons, the vast majority of which are firearms. Officials discovered 4,432 firearms at passenger screening checkpoints in the United States last year, an increase of 100% in the last five years. Three out of four of these firearms were loaded, and a quarter of them had a round chambered to fire. At Columbus airports, the pattern has been similar. John Glenn International Airport saw 29 guns going through the checkpoints in 2019, an increase of 20% over the previous year. Over 80% of these firearms were loaded. Given the difficulty to prove intent, there is little way currently to prosecute this type of trespass that can put air travelers in Columbus and destinations around the country in danger.

To aid in this effort, the City is proposing a change to the criminal trespass code that specifically highlights passenger and property screening checkpoints as secure areas and declaring that a person in violation of that subsection is guilty of reckless trespass, a second-degree misdemeanor. The new code would also allow for a weapon carried by the trespasser to be seized by law enforcement.

The Columbus Regional Airport Authority (CRAA) is a leading partner in this effort, with commitments to additional signage and possible audio systems warnings throughout the airport terminals. Together, these changes will further the City's efforts to increase the safety of residents and visitors in the City of Columbus and around the country.

To amend section 2311.21 of the Columbus City Codes pertaining to criminal trespass and introduce provisions for trespass at airport facilities, and to repeal current section 2311.21 of the Columbus City Codes.

WHEREAS, chapter 2311 of the Columbus City Codes pertains to crimes of trespass; and

WHEREAS, air travelers going through John Glenn International Airports, and any connecting destinations, face increasing risk from the rising number of individuals trespassing through screening checkpoints with weapons; and

WHEREAS, the City is now proposing changes to the trespass code that will introduce provisions pertaining to trespass at airport facilities; and

WHEREAS, law enforcement would then have a tool with which to enforce trespass through secure areas that support 8.6 million travelers per year; and

WHEREAS, these changes will further efforts to increase the safety of residents and visitors in the City of Columbus and around the country; **NOW, THEREFORE:**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That section 2311.21 of the Columbus City Codes is hereby amended, to read as follows:

2311.21 - Criminal trespass.

(A) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

(B) It is no defense to a charge under this section that the land or premises involved was owned, controlled, or in custody of a public agency.

(C) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved, when such authorization was secured by deception.

(D) (1) Except as otherwise provided in divisions (D)(2) & (3) of this section, whomever ~~Whoever~~ violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree. If an offender previously has been convicted of two (2) or more violations of criminal trespass under division (A) of this section, a violation of division (A) of this section is a

misdemeanor of the third degree; or, if an offender who, within one (1) year of the offense, previously has been convicted of three (3) or more violations of criminal trespass under division (A) of this section, a violation of division (A) of this section is a misdemeanor of the second degree.

Notwithstanding the penalty provided in Section 2301.27 whenever an organization is guilty of violating this section such organization shall be fined not more than two hundred fifty (\$250.00) dollars.

(2) If the offense occurred on city owned property, in a school building, on school premises, or within one thousand (1,000) feet of the boundaries of school premises, or on public library premises, then the court shall impose a mandatory jail term of at least ten (10) consecutive days during which mandatory jail term the defendant shall not be eligible for work release.

(3) If the offense occurred in any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency, whomever violates division (A)(3) of this section is guilty of reckless trespass at an airport facility, a misdemeanor of the second degree.

(E) Any instrumentality that has been used in a violation of this section shall be seized and is subject to forfeiture pursuant to Chapter 2981 of the Ohio Revised Code.

~~(E)~~ (F) As used in this section, "land or premises" includes any land, building, structure or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.

SECTION 2. That existing section 2311.21 of the Columbus City Codes is hereby repealed and replaced as provided herein.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.