

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 496**

**Representatives Kelly, Perales**

**Cosponsors: Representatives Antonio, Ashford, Boggs, Smith, K., O'Brien, Kent**

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**A BILL**

To amend sections 2903.13 and 2917.41 and to enact  
section 306.20 of the Revised Code to increase  
the penalty for assault when the victim is an  
employee of an Ohio transit system; to authorize  
Ohio transit systems to post a sign regarding  
abuse or assault of staff; and to increase the  
penalty for evading payment of the known fares  
of a public transportation system.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2903.13 and 2917.41 be amended  
and section 306.20 of the Revised Code be enacted to read as  
follows:

**Sec. 306.20.** (A) Any Ohio transit system may post the  
notice described in division (B) of this section in accordance  
with this division. An Ohio transit system that decides to post  
the notice shall consider posting it in a conspicuous location  
in all of the transit system's buses and rail cars.

(B) A notice posted pursuant to division (A) of this  
section shall include, at a minimum, all of the following

statements and information: 19

"WE WILL NOT TOLERATE 20

any form of threatening or 21

aggressive behavior 22

toward our staff. 23

Assaults against our staff might 24

result in a felony conviction. 25

All staff have the right to carry out 26

their work without fearing for their safety." 27

(C) As used in this section, "Ohio transit system" has the 28

same meaning as in section 2305.33 of the Revised Code. 29

**Sec. 2903.13.** (A) No person shall knowingly cause or 30  
attempt to cause physical harm to another or to another's 31  
unborn. 32

(B) No person shall recklessly cause serious physical harm 33  
to another or to another's unborn. 34

(C) (1) Whoever violates this section is guilty of assault, 35  
and the court shall sentence the offender as provided in this 36  
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 37  
(8), (9), ~~and~~ (10), and (11) of this section. Except as 38  
otherwise provided in division (C) (2), (3), (4), (5), (6), (7), 39  
(8), ~~or~~ (9), or (10) of this section, assault is a misdemeanor 40  
of the first degree. 41

(2) Except as otherwise provided in this division, if the 42  
offense is committed by a caretaker against a functionally 43  
impaired person under the caretaker's care, assault is a felony 44

of the fourth degree. If the offense is committed by a caretaker 45  
against a functionally impaired person under the caretaker's 46  
care, if the offender previously has been convicted of or 47  
pleaded guilty to a violation of this section or section 2903.11 48  
or 2903.16 of the Revised Code, and if in relation to the 49  
previous conviction the offender was a caretaker and the victim 50  
was a functionally impaired person under the offender's care, 51  
assault is a felony of the third degree. 52

(3) If the offense occurs in or on the grounds of a state 53  
correctional institution or an institution of the department of 54  
youth services, the victim of the offense is an employee of the 55  
department of rehabilitation and correction or the department of 56  
youth services, and the offense is committed by a person 57  
incarcerated in the state correctional institution or by a 58  
person institutionalized in the department of youth services 59  
institution pursuant to a commitment to the department of youth 60  
services, assault is a felony of the third degree. 61

(4) If the offense is committed in any of the following 62  
circumstances, assault is a felony of the fifth degree: 63

(a) The offense occurs in or on the grounds of a local 64  
correctional facility, the victim of the offense is an employee 65  
of the local correctional facility or a probation department or 66  
is on the premises of the facility for business purposes or as a 67  
visitor, and the offense is committed by a person who is under 68  
custody in the facility subsequent to the person's arrest for 69  
any crime or delinquent act, subsequent to the person's being 70  
charged with or convicted of any crime, or subsequent to the 71  
person's being alleged to be or adjudicated a delinquent child. 72

(b) The offense occurs off the grounds of a state 73  
correctional institution and off the grounds of an institution 74

of the department of youth services, the victim of the offense 75  
is an employee of the department of rehabilitation and 76  
correction, the department of youth services, or a probation 77  
department, the offense occurs during the employee's official 78  
work hours and while the employee is engaged in official work 79  
responsibilities, and the offense is committed by a person 80  
incarcerated in a state correctional institution or 81  
institutionalized in the department of youth services who 82  
temporarily is outside of the institution for any purpose, by a 83  
parolee, by an offender under transitional control, under a 84  
community control sanction, or on an escorted visit, by a person 85  
under post-release control, or by an offender under any other 86  
type of supervision by a government agency. 87

(c) The offense occurs off the grounds of a local 88  
correctional facility, the victim of the offense is an employee 89  
of the local correctional facility or a probation department, 90  
the offense occurs during the employee's official work hours and 91  
while the employee is engaged in official work responsibilities, 92  
and the offense is committed by a person who is under custody in 93  
the facility subsequent to the person's arrest for any crime or 94  
delinquent act, subsequent to the person being charged with or 95  
convicted of any crime, or subsequent to the person being 96  
alleged to be or adjudicated a delinquent child and who 97  
temporarily is outside of the facility for any purpose or by a 98  
parolee, by an offender under transitional control, under a 99  
community control sanction, or on an escorted visit, by a person 100  
under post-release control, or by an offender under any other 101  
type of supervision by a government agency. 102

(d) The victim of the offense is a school teacher or 103  
administrator or a school bus operator, and the offense occurs 104  
in a school, on school premises, in a school building, on a 105

school bus, or while the victim is outside of school premises or 106  
a school bus and is engaged in duties or official 107  
responsibilities associated with the victim's employment or 108  
position as a school teacher or administrator or a school bus 109  
operator, including, but not limited to, driving, accompanying, 110  
or chaperoning students at or on class or field trips, athletic 111  
events, or other school extracurricular activities or functions 112  
outside of school premises. 113

(5) If the victim of the offense is a peace officer or an 114  
investigator of the bureau of criminal identification and 115  
investigation, a firefighter, or a person performing emergency 116  
medical service, while in the performance of their official 117  
duties, assault is a felony of the fourth degree. 118

(6) If the victim of the offense is a peace officer or an 119  
investigator of the bureau of criminal identification and 120  
investigation and if the victim suffered serious physical harm 121  
as a result of the commission of the offense, assault is a 122  
felony of the fourth degree, and the court, pursuant to division 123  
(F) of section 2929.13 of the Revised Code, shall impose as a 124  
mandatory prison term one of the prison terms prescribed for a 125  
felony of the fourth degree that is at least twelve months in 126  
duration. 127

(7) If the victim of the offense is an officer or employee 128  
of a public children services agency or a private child placing 129  
agency and the offense relates to the officer's or employee's 130  
performance or anticipated performance of official 131  
responsibilities or duties, assault is either a felony of the 132  
fifth degree or, if the offender previously has been convicted 133  
of or pleaded guilty to an offense of violence, the victim of 134  
that prior offense was an officer or employee of a public 135

children services agency or private child placing agency, and 136  
that prior offense related to the officer's or employee's 137  
performance or anticipated performance of official 138  
responsibilities or duties, a felony of the fourth degree. 139

(8) If the victim of the offense is a health care 140  
professional of a hospital, a health care worker of a hospital, 141  
or a security officer of a hospital whom the offender knows or 142  
has reasonable cause to know is a health care professional of a 143  
hospital, a health care worker of a hospital, or a security 144  
officer of a hospital, if the victim is engaged in the 145  
performance of the victim's duties, and if the hospital offers 146  
de-escalation or crisis intervention training for such 147  
professionals, workers, or officers, assault is one of the 148  
following: 149

(a) Except as otherwise provided in division (C) (8) (b) of 150  
this section, assault committed in the specified circumstances 151  
is a misdemeanor of the first degree. Notwithstanding the fine 152  
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 153  
Revised Code for a misdemeanor of the first degree, in 154  
sentencing the offender under this division and if the court 155  
decides to impose a fine, the court may impose upon the offender 156  
a fine of not more than five thousand dollars. 157

(b) If the offender previously has been convicted of or 158  
pleaded guilty to one or more assault or homicide offenses 159  
committed against hospital personnel, assault committed in the 160  
specified circumstances is a felony of the fifth degree. 161

(9) If the victim of the offense is a judge, magistrate, 162  
prosecutor, or court official or employee whom the offender 163  
knows or has reasonable cause to know is a judge, magistrate, 164  
prosecutor, or court official or employee, and if the victim is 165

engaged in the performance of the victim's duties, assault is 166  
one of the following: 167

(a) Except as otherwise provided in division (C) (8) (b) of 168  
this section, assault committed in the specified circumstances 169  
is a misdemeanor of the first degree. In sentencing the offender 170  
under this division, if the court decides to impose a fine, 171  
notwithstanding the fine specified in division (A) (2) ~~(b)~~ (a) of 172  
section 2929.28 of the Revised Code for a misdemeanor of the 173  
first degree, the court may impose upon the offender a fine of 174  
not more than five thousand dollars. 175

(b) If the offender previously has been convicted of or 176  
pleaded guilty to one or more assault or homicide offenses 177  
committed against justice system personnel, assault committed in 178  
the specified circumstances is a felony of the fifth degree. 179

(10) If the victim of the offense is an operator of an 180  
Ohio transit system bus or Ohio transit system rail car, a 181  
maintenance worker of an Ohio transit system, or a contracted 182  
employee providing any of those services to an Ohio transit 183  
system, if the offender knows or has reasonable cause to know 184  
that the victim is an operator of an Ohio transit system bus or 185  
Ohio transit system rail car, a maintenance worker of an Ohio 186  
transit system, or a contracted employee providing any of these 187  
services to an Ohio transit system, and if the victim is engaged 188  
in the performance of the victim's duties, assault is one of the 189  
following: 190

(a) Except as otherwise provided in division (C) (10) (b) of 191  
this section, assault committed in the specified circumstances 192  
is a felony of the fifth degree. Notwithstanding the fine 193  
specified in division (A) (3) of section 2929.18 of the Revised 194  
Code for a felony of the fifth degree, if the court decides to 195

impose a fine under this division, the court may impose upon the 196  
offender a fine of not more than five thousand dollars. 197  
Additionally, the court may prohibit the offender from riding 198  
any Ohio transit system bus or Ohio transit system rail car for 199  
six months. 200

(b) If the offender previously has been convicted of or 201  
pleaded guilty to one or more assault or homicide offenses 202  
committed against an operator of an Ohio transit system bus or 203  
Ohio transit system rail car, a maintenance worker of an Ohio 204  
transit system, or a contracted employee providing any of these 205  
services to an Ohio transit system, assault committed in the 206  
specified circumstances is a felony of the fourth degree. 207  
Additionally, the court may prohibit the offender from riding 208  
any Ohio transit system bus or Ohio transit system rail car for 209  
the offender's lifetime. 210

(11) If an offender who is convicted of or pleads guilty 211  
to assault when it is a misdemeanor also is convicted of or 212  
pleads guilty to a specification as described in section 213  
2941.1423 of the Revised Code that was included in the 214  
indictment, count in the indictment, or information charging the 215  
offense, the court shall sentence the offender to a mandatory 216  
jail term as provided in division (G) of section 2929.24 of the 217  
Revised Code. 218

If an offender who is convicted of or pleads guilty to 219  
assault when it is a felony also is convicted of or pleads 220  
guilty to a specification as described in section 2941.1423 of 221  
the Revised Code that was included in the indictment, count in 222  
the indictment, or information charging the offense, except as 223  
otherwise provided in division (C) (6) of this section, the court 224  
shall sentence the offender to a mandatory prison term as 225



provided in division (B) (8) of section 2929.14 of the Revised Code.	226 227
(D) As used in this section:	228
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	229 230
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	231 232
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	233 234
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	235 236 237 238 239 240 241 242 243
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	244 245 246 247 248
(6) "School teacher or administrator" means either of the following:	249 250
(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is	251 252 253

required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	254 255
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	256 257 258 259 260
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	261 262
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	263 264
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	265 266
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	267 268 269
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	270 271 272
(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:	273 274 275 276 277
(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	278 279 280
(b) The offender knew or had reasonable cause to know that	281

the victim was a health care professional of a hospital, a 282  
health care worker of a hospital, or a security officer of a 283  
hospital. 284

(c) The victim was engaged in the performance of the 285  
victim's duties. 286

(d) The hospital offered de-escalation or crisis 287  
intervention training for such professionals, workers, or 288  
officers. 289

(13) "De-escalation or crisis intervention training" means 290  
de-escalation or crisis intervention training for health care 291  
professionals of a hospital, health care workers of a hospital, 292  
and security officers of a hospital to facilitate interaction 293  
with patients, members of a patient's family, and visitors, 294  
including those with mental impairments. 295

(14) "Assault or homicide offense committed against 296  
justice system personnel" means a violation of this section or 297  
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 298  
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 299  
circumstances in which the victim of the offense was a judge, 300  
magistrate, prosecutor, or court official or employee whom the 301  
offender knew or had reasonable cause to know was a judge, 302  
magistrate, prosecutor, or court official or employee, and the 303  
victim was engaged in the performance of the victim's duties. 304

(15) "Court official or employee" means any official or 305  
employee of a court created under the constitution or statutes 306  
of this state or of a United States court located in this state. 307

(16) "Judge" means a judge of a court created under the 308  
constitution or statutes of this state or of a United States 309  
court located in this state. 310

(17) "Magistrate" means an individual who is appointed by a court of record of this state and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a United States court located in this state who has similar powers and functions.

(18) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(19) (a) "Hospital" means, subject to division (D) (19) (b) of this section, an institution classified as a hospital under section 3701.01 of the Revised Code in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.

(b) "Hospital" does not include any of the following:

(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;

(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing

care pursuant to the exemption in division (E) of section 340  
4723.32 of the Revised Code from the licensing requirements of 341  
Chapter 4723. of the Revised Code. 342

(20) "Health maintenance organization" has the same 343  
meaning as in section 3727.01 of the Revised Code. 344

(21) "Ohio transit system bus" means a motor vehicle of an 345  
Ohio transit system that is designed for carrying more than nine 346  
passengers and used for the transportation of persons but does 347  
not mean any school bus. 348

(22) "Ohio transit system rail car" means a street rail 349  
car, tramline car, subway car, monorail car, or rapid transit 350  
car within a ground transportation system having as its primary 351  
purpose the regularly scheduled mass movement of passengers 352  
between locations within the territorial boundaries of an Ohio 353  
transit system. 354

(23) "Ohio transit system" has the same meaning as in 355  
section 2305.33 of the Revised Code. 356

(24) "Motor vehicle" has the same meaning as in section 357  
4511.01 of the Revised Code. 358

(25) "Assault or homicide offense committed against an 359  
operator of an Ohio transit system bus or Ohio transit system 360  
rail car, a maintenance worker of an Ohio transit system, or a 361  
contracted employee providing any of these services to an Ohio 362  
transit system" means a violation of this section or of section 363  
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 364  
or 2903.14 of the Revised Code committed in circumstances in 365  
which all of the following apply: 366

(a) The victim of the offense was an operator of an Ohio 367  
transit system bus or Ohio transit system rail car, a 368

maintenance worker of an Ohio transit system, or a contracted 369  
employee providing any of these services to an Ohio transit 370  
system. 371

(b) The offender knew or had reasonable cause to know that 372  
the victim was an operator of an Ohio transit system bus or Ohio 373  
transit system rail car, a maintenance worker of an Ohio transit 374  
system, or a contracted employee providing any of these services 375  
to an Ohio transit system. 376

(c) The victim was engaged in the performance of the 377  
victim's duties. 378

**Sec. 2917.41.** (A) No person shall evade the payment of the 379  
known fares of a public transportation system. 380

(B) No person shall alter any transfer, pass, ticket, or 381  
token of a public transportation system with the purpose of 382  
evading the payment of fares or of defrauding the system. 383

(C) No person shall do any of the following while in any 384  
facility or on any vehicle of a public transportation system: 385

(1) Play sound equipment without the proper use of a 386  
private earphone; 387

(2) Smoke, eat, or drink in any area where the activity is 388  
clearly marked as being prohibited; 389

(3) Expectorate upon a person, facility, or vehicle. 390

(D) No person shall write, deface, draw, or otherwise mark 391  
on any facility or vehicle of a public transportation system. 392

(E) No person shall fail to comply with a lawful order of 393  
a public transportation system police officer, and no person 394  
shall resist, obstruct, or abuse a public transportation police 395

officer in the performance of the officer's duties. 396

(F) Whoever violates this section is guilty of misconduct 397  
involving a public transportation system. 398

(1) ~~Violation~~ A violation of division (A), ~~(B), or (E)~~ of 399  
this section is a misdemeanor of the ~~fourth~~ second degree. 400

(2) ~~Violation~~ A violation of division (B) or (E) of this 401  
section is a misdemeanor of the fourth degree. 402

(3) A violation of division (C) of this section is a minor 403  
misdemeanor on a first offense. If a person previously has been 404  
convicted of or pleaded guilty to a violation of any division of 405  
this section or of a municipal ordinance that is substantially 406  
similar to any division of this section, violation of division 407  
(C) of this section is a misdemeanor of the fourth degree. 408

~~(3) Violation~~ (4) A violation of division (D) of this 409  
section is a misdemeanor of the third degree. 410

(G) Notwithstanding any other provision of law, seventy- 411  
five per cent of each fine paid to satisfy a sentence imposed 412  
for a violation of this section shall be deposited into the 413  
treasury of the county in which the violation occurred and 414  
twenty-five per cent shall be deposited with the county transit 415  
board, regional transit authority, or regional transit 416  
commission that operates the public transportation system 417  
involved in the violation, unless the board of county 418  
commissioners operates the public transportation system, in 419  
which case one hundred per cent of each fine shall be deposited 420  
into the treasury of the county. 421

(H) As used in this section, "public transportation 422  
system" means a county transit system operated in accordance 423  
with sections 306.01 to 306.13 of the Revised Code, a regional 424

transit authority operated in accordance with sections 306.30 to 425  
306.71 of the Revised Code, or a regional transit commission 426  
operated in accordance with sections 306.80 to 306.90 of the 427  
Revised Code. 428

**Section 2.** That existing sections 2903.13 and 2917.41 of 429  
the Revised Code are hereby repealed. 430