



Ohio Prosecuting Attorneys Association

Louis Tobin
Executive Director
House Bill 276
Opponent Testimony
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Chairman Manning, Vice-Chair Rezabek, Ranking Member Celebrezze and members of the House Criminal Justice Committee, thank you for the opportunity to provide opponent testimony on House Bill 276, a bill to expand the offense of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility.

The Ohio Prosecuting Attorneys Association generally disfavors laws that provide for increased penalties for special classes of victims. We have in the past supported higher penalties for assaults on peace officers and other public safety workers who act on behalf of all of us and who are asked to and do place themselves in situations where they are particularly vulnerable in order to protect the public. An attack on a peace officer or public safety worker is an attack on public safety and our justice system as a whole.

While we are certainly sympathetic to the stories of utility workers who have been subjected to aggravated menacing, menacing, assaults or other types of threats or violence, we believe that current law provides appropriate protections from and penalties for these types of behaviors. Substitute House Bill 276 nevertheless increases the penalty for aggravated menacing involving a utility worker from a misdemeanor of the first degree to a felony of the fifth degree if the offender has previously been convicted of or pleaded guilty to aggravated menacing. What is difficult for prosecutors to reconcile is that the same multiple offender who threatens someone else remains subject only to a first degree misdemeanor when the bad act is the same and the fear experienced by the victim is the same.

Utility workers undoubtedly face threats of violence on the job. Individuals in many other professions undoubtedly do too. And while we are sympathetic to the threats utility workers face, we are equally sympathetic to the threats that others face and do not believe that the plight or victimization of others is any less deserving of protection.

For these reasons, we are opposed to House Bill 276.

Thank you, again for the opportunity to testify on the bill. I would be happy to answer any questions you might have.