

H. B. No. 236
As Introduced

Topic: Include hospital police officers for certain assault offenses 1

_____ moved to amend as follows:

In line 1 of the title, delete "section 2935.01" and insert 2
"sections 2903.11, 2903.12, and 2903.13"; delete "add" and insert 3
"increase penalties for certain assault offenses if the victim is a" 4

In line 2 of the title, delete "officers to the definition of" 5

In line 3 of the title, delete "peace" 6

In line 4, delete "section 2935.01" and insert "sections 2903.11, 7
2903.12, and 2903.13" 8

After line 5, insert: 9

"Sec. 2903.11. (A) No person shall knowingly do either of 10
the following: 11

(1) Cause serious physical harm to another or to another's 12
unborn; 13

(2) Cause or attempt to cause physical harm to another or 14
to another's unborn by means of a deadly weapon or dangerous 15



ordnance. 16

(B) No person, with knowledge that the person has tested 17
positive as a carrier of a virus that causes acquired 18
immunodeficiency syndrome, shall knowingly do any of the 19
following: 20

(1) Engage in sexual conduct with another person without 21
disclosing that knowledge to the other person prior to engaging 22
in the sexual conduct; 23

(2) Engage in sexual conduct with a person whom the 24
offender knows or has reasonable cause to believe lacks the 25
mental capacity to appreciate the significance of the knowledge 26
that the offender has tested positive as a carrier of a virus 27
that causes acquired immunodeficiency syndrome; 28

(3) Engage in sexual conduct with a person under eighteen 29
years of age who is not the spouse of the offender. 30

(C) The prosecution of a person under this section does 31
not preclude prosecution of that person under section 2907.02 of 32
the Revised Code. 33

(D) (1) (a) Whoever violates this section is guilty of 34
felonious assault. Except as otherwise provided in this division 35
or division (D) (1) (b) of this section, felonious assault is a 36
felony of the second degree. If the victim of a violation of 37
division (A) of this section is a peace officer, hospital police 38
officer, or an investigator of the bureau of criminal 39
identification and investigation, felonious assault is a felony 40
of the first degree. 41

(b) Regardless of whether the felonious assault is a 42
felony of the first or second degree under division (D) (1) (a) of 43

this section, if the offender also is convicted of or pleads 44
guilty to a specification as described in section 2941.1423 of 45
the Revised Code that was included in the indictment, count in 46
the indictment, or information charging the offense, except as 47
otherwise provided in this division or unless a longer prison 48
term is required under any other provision of law, the court 49
shall sentence the offender to a mandatory prison term as 50
provided in division (B) (8) of section 2929.14 of the Revised 51
Code. If the victim of the offense is a peace officer, hospital 52
police officer, or an investigator of the bureau of criminal 53
identification and investigation, and if the victim suffered 54
serious physical harm as a result of the commission of the 55
offense, felonious assault is a felony of the first degree, and 56
the court, pursuant to division (F) of section 2929.13 of the 57
Revised Code, shall impose as a mandatory prison term one of the 58
definite prison terms prescribed for a felony of the first 59
degree in division (A) (1) (b) of section 2929.14 of the Revised 60
Code, except that if the violation is committed on or after ~~the~~ 61
~~effective date of this amendment~~ March 22, 2019, the court shall 62
impose as the minimum prison term for the offense a mandatory 63
prison term that is one of the minimum terms prescribed for a 64
felony of the first degree in division (A) (1) (a) of section 65
2929.14 of the Revised Code. 66

(2) In addition to any other sanctions imposed pursuant to 67
division (D) (1) of this section for felonious assault committed 68
in violation of division (A) (1) or (2) of this section, if the 69
offender also is convicted of or pleads guilty to a 70
specification of the type described in section 2941.1425 of the 71
Revised Code that was included in the indictment, count in the 72
indictment, or information charging the offense, the court shall 73
sentence the offender to a mandatory prison term under division 74

(B) (9) of section 2929.14 of the Revised Code.	75
(3) If the victim of a felonious assault committed in violation of division (A) of this section is a child under ten years of age and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, in addition to any other sanctions imposed pursuant to division (D) (1) of this section, the court shall sentence the offender to a mandatory prison term pursuant to division (B) (10) of section 2929.14 of the Revised Code.	76 77 78 79 80 81 82 83 84 85
(4) In addition to any other sanctions imposed pursuant to division (D) (1) of this section for felonious assault committed in violation of division (A) (2) of this section, if the deadly weapon used in the commission of the violation is a motor vehicle, the court shall impose upon the offender a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A) (2) of section 4510.02 of the Revised Code.	86 87 88 89 90 91 92 93 94
(E) As used in this section:	95
(1) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	96 97
(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	98 99
(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	100 101
(4) "Sexual conduct" has the same meaning as in section	102

2907.01 of the Revised Code, except that, as used in this 103
section, it does not include the insertion of an instrument, 104
apparatus, or other object that is not a part of the body into 105
the vaginal or anal opening of another, unless the offender knew 106
at the time of the insertion that the instrument, apparatus, or 107
other object carried the offender's bodily fluid. 108

(5) "Investigator of the bureau of criminal identification 109
and investigation" means an investigator of the bureau of 110
criminal identification and investigation who is commissioned by 111
the superintendent of the bureau as a special agent for the 112
purpose of assisting law enforcement officers or providing 113
emergency assistance to peace officers pursuant to authority 114
granted under section 109.541 of the Revised Code. 115

(6) "Investigator" has the same meaning as in section 116
109.541 of the Revised Code. 117

(7) "Hospital police officer" means a police officer who 118
is employed by a hospital that employs and maintains its own 119
proprietary police department or security department, and who is 120
appointed and commissioned by the secretary of state pursuant to 121
sections 4973.17 to 4973.22 of the Revised Code. 122

(F) The provisions of division (D)(2) of this section and 123
of division (F)(20) of section 2929.13, divisions (B)(9) and (C) 124
(6) of section 2929.14, and section 2941.1425 of the Revised 125
Code shall be known as "Judy's Law." 126

Sec. 2903.12. (A) No person, while under the influence of 127
sudden passion or in a sudden fit of rage, either of which is 128
brought on by serious provocation occasioned by the victim that 129
is reasonably sufficient to incite the person into using deadly 130
force, shall knowingly: 131

(1) Cause serious physical harm to another or to another's unborn;	132 133
(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code.	134 135 136
(B) Whoever violates this section is guilty of aggravated assault. Except as otherwise provided in this division, aggravated assault is a felony of the fourth degree. If the victim of the offense is a peace officer, <u>hospital police officer</u> , or an investigator of the bureau of criminal identification and investigation, aggravated assault is a felony of the third degree. Regardless of whether the offense is a felony of the third or fourth degree under this division, if the offender also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in this division, the court shall sentence the offender to a mandatory prison term as provided in division (B) (8) of section 2929.14 of the Revised Code. If the victim of the offense is a peace officer, <u>hospital police officer</u> , or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, aggravated assault is a felony of the third degree, and the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the definite prison terms prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for a felony of the third degree.	137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160
(C) As used in this section:	161

(1) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code. 162
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(2) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 165
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(3) "Hospital police officer" means a police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code. 167
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Sec. 2903.13. (A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn. 172
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(B) No person shall recklessly cause serious physical harm to another or to another's unborn. 175
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(C) (1) Whoever violates this section is guilty of assault, and the court shall sentence the offender as provided in this division and divisions (C) (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) of this section. Except as otherwise provided in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this section, assault is a misdemeanor of the first degree. 177
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(2) Except as otherwise provided in this division, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, assault is a felony of the fourth degree. If the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, if the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.11 or 2903.16 of the Revised Code, and if in relation to the 183
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previous conviction the offender was a caretaker and the victim 191
was a functionally impaired person under the offender's care, 192
assault is a felony of the third degree. 193

(3) If the offense occurs in or on the grounds of a state 194
correctional institution or an institution of the department of 195
youth services, the victim of the offense is an employee of the 196
department of rehabilitation and correction or the department of 197
youth services, and the offense is committed by a person 198
incarcerated in the state correctional institution or by a 199
person institutionalized in the department of youth services 200
institution pursuant to a commitment to the department of youth 201
services, assault is a felony of the third degree. 202

(4) If the offense is committed in any of the following 203
circumstances, assault is a felony of the fifth degree: 204

(a) The offense occurs in or on the grounds of a local 205
correctional facility, the victim of the offense is an employee 206
of the local correctional facility or a probation department or 207
is on the premises of the facility for business purposes or as a 208
visitor, and the offense is committed by a person who is under 209
custody in the facility subsequent to the person's arrest for 210
any crime or delinquent act, subsequent to the person's being 211
charged with or convicted of any crime, or subsequent to the 212
person's being alleged to be or adjudicated a delinquent child. 213

(b) The offense occurs off the grounds of a state 214
correctional institution and off the grounds of an institution 215
of the department of youth services, the victim of the offense 216
is an employee of the department of rehabilitation and 217
correction, the department of youth services, or a probation 218
department, the offense occurs during the employee's official 219
work hours and while the employee is engaged in official work 220

responsibilities, and the offense is committed by a person 221
incarcerated in a state correctional institution or 222
institutionalized in the department of youth services who 223
temporarily is outside of the institution for any purpose, by a 224
parolee, by an offender under transitional control, under a 225
community control sanction, or on an escorted visit, by a person 226
under post-release control, or by an offender under any other 227
type of supervision by a government agency. 228

(c) The offense occurs off the grounds of a local 229
correctional facility, the victim of the offense is an employee 230
of the local correctional facility or a probation department, 231
the offense occurs during the employee's official work hours and 232
while the employee is engaged in official work responsibilities, 233
and the offense is committed by a person who is under custody in 234
the facility subsequent to the person's arrest for any crime or 235
delinquent act, subsequent to the person being charged with or 236
convicted of any crime, or subsequent to the person being 237
alleged to be or adjudicated a delinquent child and who 238
temporarily is outside of the facility for any purpose or by a 239
parolee, by an offender under transitional control, under a 240
community control sanction, or on an escorted visit, by a person 241
under post-release control, or by an offender under any other 242
type of supervision by a government agency. 243

(d) The victim of the offense is a school teacher or 244
administrator or a school bus operator, and the offense occurs 245
in a school, on school premises, in a school building, on a 246
school bus, or while the victim is outside of school premises or 247
a school bus and is engaged in duties or official 248
responsibilities associated with the victim's employment or 249
position as a school teacher or administrator or a school bus 250
operator, including, but not limited to, driving, accompanying, 251

or chaperoning students at or on class or field trips, athletic 252
events, or other school extracurricular activities or functions 253
outside of school premises. 254

(5) If the victim of the offense is a peace officer, 255
hospital police officer, or an investigator of the bureau of 256
criminal identification and investigation, a firefighter, or a 257
person performing emergency medical service, while in the 258
performance of their official duties, assault is a felony of the 259
fourth degree. 260

(6) If the victim of the offense is a peace officer, 261
hospital police officer, or an investigator of the bureau of 262
criminal identification and investigation and if the victim 263
suffered serious physical harm as a result of the commission of 264
the offense, assault is a felony of the fourth degree, and the 265
court, pursuant to division (F) of section 2929.13 of the 266
Revised Code, shall impose as a mandatory prison term one of the 267
prison terms prescribed for a felony of the fourth degree that 268
is at least twelve months in duration. 269

(7) If the victim of the offense is an officer or employee 270
of a public children services agency or a private child placing 271
agency and the offense relates to the officer's or employee's 272
performance or anticipated performance of official 273
responsibilities or duties, assault is either a felony of the 274
fifth degree or, if the offender previously has been convicted 275
of or pleaded guilty to an offense of violence, the victim of 276
that prior offense was an officer or employee of a public 277
children services agency or private child placing agency, and 278
that prior offense related to the officer's or employee's 279
performance or anticipated performance of official 280
responsibilities or duties, a felony of the fourth degree. 281

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

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

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

(9) If the victim of the offense is a judge, magistrate, prosecutor, or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor, or court official or employee, and if the victim is engaged in the performance of the victim's duties, assault is one of the following:

(a) Except as otherwise provided in division (C) ~~(8)~~ (9) (b) of this section, assault committed in the specified

circumstances is a misdemeanor of the first degree. In 312
sentencing the offender under this division, if the court 313
decides to impose a fine, notwithstanding the fine specified in 314
division (A) (2) ~~(b)~~ (a) of section 2929.28 of the Revised Code 315
for a misdemeanor of the first degree, the court may impose upon 316
the offender a fine of not more than five thousand dollars. 317

(b) If the offender previously has been convicted of or 318
pleaded guilty to one or more assault or homicide offenses 319
committed against justice system personnel, assault committed in 320
the specified circumstances is a felony of the fifth degree. 321

(10) If an offender who is convicted of or pleads guilty 322
to assault when it is a misdemeanor also is convicted of or 323
pleads guilty to a specification as described in section 324
2941.1423 of the Revised Code that was included in the 325
indictment, count in the indictment, or information charging the 326
offense, the court shall sentence the offender to a mandatory 327
jail term as provided in division (G) of section 2929.24 of the 328
Revised Code. 329

If an offender who is convicted of or pleads guilty to 330
assault when it is a felony also is convicted of or pleads 331
guilty to a specification as described in section 2941.1423 of 332
the Revised Code that was included in the indictment, count in 333
the indictment, or information charging the offense, except as 334
otherwise provided in division (C) (6) of this section, the court 335
shall sentence the offender to a mandatory prison term as 336
provided in division (B) (8) of section 2929.14 of the Revised 337
Code. 338

(D) As used in this section: 339

(1) "Peace officer" has the same meaning as in section 340

2935.01 of the Revised Code.	341
(2) "Firefighter" has the same meaning as in section	342
3937.41 of the Revised Code.	343
(3) "Emergency medical service" has the same meaning as in	344
section 4765.01 of the Revised Code.	345
(4) "Local correctional facility" means a county,	346
multicounty, municipal, municipal-county, or multicounty-	347
municipal jail or workhouse, a minimum security jail established	348
under section 341.23 or 753.21 of the Revised Code, or another	349
county, multicounty, municipal, municipal-county, or	350
multicounty-municipal facility used for the custody of persons	351
arrested for any crime or delinquent act, persons charged with	352
or convicted of any crime, or persons alleged to be or	353
adjudicated a delinquent child.	354
(5) "Employee of a local correctional facility" means a	355
person who is an employee of the political subdivision or of one	356
or more of the affiliated political subdivisions that operates	357
the local correctional facility and who operates or assists in	358
the operation of the facility.	359
(6) "School teacher or administrator" means either of the	360
following:	361
(a) A person who is employed in the public schools of the	362
state under a contract described in section 3311.77 or 3319.08	363
of the Revised Code in a position in which the person is	364
required to have a certificate issued pursuant to sections	365
3319.22 to 3319.311 of the Revised Code.	366
(b) A person who is employed by a nonpublic school for	367
which the state board of education prescribes minimum standards	368

under section 3301.07 of the Revised Code and who is 369
certificated in accordance with section 3301.071 of the Revised 370
Code. 371

(7) "Community control sanction" has the same meaning as 372
in section 2929.01 of the Revised Code. 373

(8) "Escorted visit" means an escorted visit granted under 374
section 2967.27 of the Revised Code. 375

(9) "Post-release control" and "transitional control" have 376
the same meanings as in section 2967.01 of the Revised Code. 377

(10) "Investigator of the bureau of criminal 378
identification and investigation" has the same meaning as in 379
section 2903.11 of the Revised Code. 380

(11) "Health care professional" and "health care worker" 381
have the same meanings as in section 2305.234 of the Revised 382
Code. 383

(12) "Assault or homicide offense committed against 384
hospital personnel" means a violation of this section or of 385
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 386
2903.12, or 2903.14 of the Revised Code committed in 387
circumstances in which all of the following apply: 388

(a) The victim of the offense was a health care 389
professional of a hospital, a health care worker of a hospital, 390
or a security officer of a hospital. 391

(b) The offender knew or had reasonable cause to know that 392
the victim was a health care professional of a hospital, a 393
health care worker of a hospital, or a security officer of a 394
hospital. 395

(c) The victim was engaged in the performance of the 396

victim's duties.	397
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	398 399 400
(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.	401 402 403 404 405 406
(14) "Assault or homicide offense committed against justice system 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 the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.	407 408 409 410 411 412 413 414 415
(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this state or of a United States court located in this state.	416 417 418
(16) "Judge" means a judge of a court created under the constitution or statutes of this state or of a United States court located in this state.	419 420 421
(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	422 423 424 425

United States court located in this state who has similar powers 426
and functions. 427

(18) "Prosecutor" has the same meaning as in section 428
2935.01 of the Revised Code. 429

(19) (a) "Hospital" means, subject to division (D) (19) (b) 430
of this section, an institution classified as a hospital under 431
section 3701.01 of the Revised Code in which are provided to 432
patients diagnostic, medical, surgical, obstetrical, 433
psychiatric, or rehabilitation care or a hospital operated by a 434
health maintenance organization. 435

(b) "Hospital" does not include any of the following: 436

(i) A facility licensed under Chapter 3721. of the Revised 437
Code, a health care facility operated by the department of 438
mental health and addiction services or the department of 439
developmental disabilities, a health maintenance organization 440
that does not operate a hospital, or the office of any private, 441
licensed health care professional, whether organized for 442
individual or group practice; 443

(ii) An institution for the sick that is operated 444
exclusively for patients who use spiritual means for healing and 445
for whom the acceptance of medical care is inconsistent with 446
their religious beliefs, accredited by a national accrediting 447
organization, exempt from federal income taxation under section 448
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 449
U.S.C. 1, as amended, and providing twenty-four-hour nursing 450
care pursuant to the exemption in division (E) of section 451
4723.32 of the Revised Code from the licensing requirements of 452
Chapter 4723. of the Revised Code. 453

(20) "Health maintenance organization" has the same 454

meaning as in section 3727.01 of the Revised Code. 455

(21) "Hospital police officer" means a police officer who 456
is employed by a hospital that employs and maintains its own 457
proprietary police department or security department, and who is 458
appointed and commissioned by the secretary of state pursuant to 459
sections 4973.17 to 4973.22 of the Revised Code." 460

Delete lines 6 through 84 461

In line 85, delete "section 2935.01" and insert "sections 2903.11, 462
2903.12, and 2903.13" 463

In line 86, delete "is" and insert "are" 464

After line 86, insert: 465

"Section 3. Section 2903.11 of the Revised Code is 466
presented in this act as a composite of the section as amended 467
by both Sub. S.B. 20 and Am. Sub. S.B. 201 of the 132 General 468
Assembly. The General Assembly, applying the principle stated in 469
division (B) of section 1.52 of the Revised Code that amendments 470
are to be harmonized if reasonably capable of simultaneous 471
operation, finds that the composite is the resulting version of 472
the section in effect prior to the effective date of the section 473
as presented in this act." 474

The motion was _____ agreed to.