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S.B. 28
133rd General Assembly

Bill Analysis

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Version: As Passed by the Senate

Primary Sponsor: Sen. Hottinger

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SUMMARY

- Increases the penalties for aggravated menacing and menacing if the victim of aggravated menacing or menacing is a person that the offender knows is a “protected person.”
- Defines “protected person” as a person protected by a civil or criminal protection order.

DETAILED ANALYSIS

Aggravated menacing and menacing

Under current law, unchanged by the bill, a person is guilty of aggravated menacing if the person knowingly causes another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person’s unborn, or a member of the person’s immediate family.¹ A person is guilty of menacing if the person knowingly causes another to believe that the offender will cause physical harm to the person or property of the other person, the other person’s unborn, or a member of the other person’s immediate family.² In both cases, in addition to any other basis for the other person’s belief that the offender will cause serious physical harm or physical harm to the person or property of the other person, the other person’s unborn, or a member of the other person’s immediate family, the other person’s belief may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the

¹ R.C. 2903.21(A).

² R.C. 2903.22(A).

other person belongs.³ Aggravated menacing is generally a first degree misdemeanor and menacing is generally a fourth degree misdemeanor.⁴

The bill increases the penalty for aggravated menacing to a fourth degree felony and the penalty for menacing to a fifth degree felony if the victim of the offense is a person that the offender knows is a “protected person.” If the offender previously has been convicted of or pleaded guilty to aggravated menacing or menacing when the victim of the offense was a person that the offender knew was a “protected person,” aggravated menacing is a third degree felony and menacing is a fourth degree felony.⁵

Protected person

The bill defines a “protected person,” for the purposes of aggravated menacing and menacing, as a person to be protected by a protection order issued or consent agreement approved pursuant to R.C. 2151.34 (juvenile civil protection order), 2903.213 (criminal protection order), 2903.214 (civil stalking/sexually oriented offense protection order), 2919.26 (temporary domestic violence protection order), or 3113.31 (domestic violence civil protection order), if the order was issued or the agreement was approved against the offender.⁶

HISTORY

Action	Date
Introduced	02-12-19
Reported, S. Judiciary	07-17-19
Passed Senate (33-0)	09-18-19

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³ R.C. 2903.21(A) and 2903.22(A).

⁴ R.C. 2903.21(B)(1) and 2903.22(B)(1).

⁵ R.C. 2903.21(B)(2) and 2903.22(B)(2).

⁶ R.C. 2903.21(C)(2) and 2903.22(C)(2).