

# AN ACT

To amend section 2903.13 of the Revised Code to make assault a felony of the fifth degree when the victim is a school teacher or administrator or a school bus operator and the assault occurs on school premises, in a school building, or, under certain circumstances, outside of school premises.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 2903.13 of the Revised Code be amended to read as follows:

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

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

(C) Whoever violates this section is guilty of assault. Except as otherwise provided in division (C)(1), (2), or (3) of this section, assault is a misdemeanor of the first degree.

(1) 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 previous conviction the offender was a caretaker and the victim was a functionally impaired person under the offender's care, assault is a felony of the third degree.

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

(a) The offense occurs in or on the grounds of a state correctional institution or an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction, the department of youth services, or a probation department or is on the premises of the particular institution for business purposes or as a

visitor, and the offense is committed by a person incarcerated in the state correctional institution, a person institutionalized in the department of youth services institution pursuant to a commitment to the department of youth services, or a probationer, furlougee, or parolee;

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

(c) The offense occurs off the grounds of a state correctional institution and off the grounds of an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction, the department of youth services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a state correctional institution or institutionalized in the department of youth services who temporarily is outside of the institution for any purpose or by a probationer, parolee, or furlougee.

(d) The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a probationer, parolee, or furlougee.

(e) The victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs on school premises, in a school building, on a school bus, or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of

school premises.

(3) If the victim of the offense is a peace officer, a fire fighter, or a person performing emergency medical service, while in the performance of their official duties, assault is a felony of the fourth degree.

(4) As used in this section:

(a) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(b) "Fire fighter" has the same meaning as in section 3937.41 of the Revised Code.

(c) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

(d) "Local correctional facility" means ~~any~~ a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, ~~any~~ a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or ~~any other~~ 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.

(e) "Employee of a local correctional facility" means ~~any~~ 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.

(f) "SCHOOL," "SCHOOL BUILDING," AND "SCHOOL PREMISES" HAVE THE SAME MEANINGS AS IN SECTION 2925.01 OF THE REVISED CODE.

(g) "SCHOOL TEACHER OR ADMINISTRATOR" MEANS EITHER OF THE FOLLOWING:

(i) A PERSON WHO IS EMPLOYED IN THE PUBLIC SCHOOLS OF THE STATE UNDER A CONTRACT DESCRIBED IN SECTION 3319.08 OF THE REVISED CODE IN A POSITION IN WHICH THE PERSON IS REQUIRED TO HAVE A CERTIFICATE ISSUED PURSUANT TO SECTIONS 3319.22 TO 3319.311 OF THE REVISED CODE.

(ii) 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.

(h) "School bus" has the same meaning as in section 4511.01 Of the

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Revised Code.

SECTION 2. That existing section 2903.13 of the Revised Code is hereby repealed.

SECTION 3. Section 2903.13 of the Revised Code is presented in Section 1 of this act as a composite of the section as amended by both Am. Sub. S.B. 239 and Sub. H.B. 480 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

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*Speaker \_\_\_\_\_ of the House of Representatives.*

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*President \_\_\_\_\_ of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_