

As Introduced CORRECTED VERSION

**123rd General Assembly
Regular Session
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H. B. No. 412

**Representatives Salerno, Ford, Goodman, D. Miller, O'Brien, Patton,
Schuring, Sullivan, Thomas, Tiberi, Womer Benjamin**

A B I L L

To amend sections 2151.141, 2903.13, 2903.21, 1
2903.211, and 2903.22 and to enact section 2
2151.142 of the Revised Code to increase the 3
penalties for assaulting or menacing personnel of 4
public children services agencies and private 5
child placing agencies and to declare their 6
residential addresses to be confidential 7
information that is not subject to disclosure by 8
specified persons or obtainable as a part of a 9
public record. 10

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

Section 1. That sections 2151.141, 2903.13, 2903.21, 11
2903.211, and 2903.22 be amended and section 2151.142 of the 12
Revised Code be enacted to read as follows: 13

Sec. 2151.141. (A) If a complaint filed with respect to a 14
child pursuant to section 2151.27 of the Revised Code alleges that 15
a child is an abused, neglected, or dependent child, any 16
individual or entity that is listed in divisions (D)(1)(a) to (k) 17
of section 2151.14 of the Revised Code and that is investigating 18
whether the child is an abused, neglected, or dependent child, has 19

custody of the child, is preparing a social history for the child, 20
or is providing any services for the child may request any board 21
of education, governing body of a chartered nonpublic school, 22
public children services agency, private child placing agency, 23
probation department, law enforcement agency, or prosecuting 24
attorney that has any records related to the child to provide the 25
individual or entity with a copy of the records. The request shall 26
be in writing, describe the type of records requested, explain the 27
need for the records, be accompanied by a copy of the complaint, 28
and describe the relationship of the requesting individual or 29
entity to the child. The individual or entity shall provide a copy 30
of the request to the child in question, the attorney or guardian 31
ad litem of the child, and the parent, guardian, or custodian of 32
the child. 33

(B)(1) Any board of education, governing body of a chartered 34
nonpublic school, public children services agency, private child 35
placing agency, probation department, law enforcement agency, or 36
prosecuting attorney that has any records related to a child who 37
is the subject of a complaint as described in division (A) of this 38
section and that receives a request for a copy of the records 39
pursuant to division (A) of this section shall comply with the 40
request, unless the individual or entity determines that it is 41
unable to do so because it is prohibited by law from complying 42
with the request, the request does not comply with division (A) of 43
this section, or a complaint as described in division (A) of this 44
section has not been filed with respect to the child who is the 45
subject of the requested records. If the individual or entity 46
determines that it is unable to comply with the request, it shall 47
file a motion with the court in which the complaint as described 48
in division (A) of this section was filed or was alleged to have 49
been filed requesting the court to determine the extent to which 50
it is required to comply with the request for records. Upon the 51

filing of the motion, the court immediately shall hold a hearing
on the motion, determine the extent to which the movant is
required to comply with the request for records, and issue
findings of fact and conclusions of law in support of its
determination. The determination of the court shall be final. If
the court determines that the movant is required to comply with
the request for records, it shall identify the specific records
that must be supplied to the individual or entity that requested
them.

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(2) In addition to or in lieu of the motion described in
division (B)(1) of this section, a law enforcement agency or
prosecuting attorney that receives a request for a copy of records
pursuant to division (A) of this section may file a motion for a
protective order as described in this division with the court in
which the complaint as described in division (A) of this section
was filed or alleged to have been filed. Upon the filing of ~~such~~ a
motion of that nature, the court shall conduct a hearing on the
motion. If at the hearing the law enforcement agency or
prosecuting attorney demonstrates that any of the following
applies and if, after considering the purposes for which the
records were requested pursuant to division (A) of this section,
the best interest of the child, and any demonstrated need to
prevent specific information in the records from being disclosed,
the court determines that the issuance of a protective order is
necessary, then the court shall issue a protective order that
appropriately limits the disclosure of one or more specified
records or specified information in one or more specified records:

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(a) The records or information in the records relate to a
case in which the child is alleged to be a delinquent child or a
case in which a child is bound over for trial as an adult pursuant
to section 2151.26 of the Revised Code and Juvenile Rule 30, and
the adjudication hearing in the case, the trial in the case, or

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other disposition of the case has not been concluded. 84

(b) The records in question, or the records containing the 85
information in question, are confidential law enforcement 86
investigatory records, as defined in section 149.43 of the Revised 87
Code. 88

(c) The records or information in the records relate to a 89
case in which the child is or was alleged to be a delinquent child 90
or to a case in which a child is or was bound over for trial as an 91
adult pursuant to section 2151.26 of the Revised Code and Juvenile 92
Rule 30; another case is pending against any child or any adult in 93
which the child is alleged to be a delinquent child, the child is 94
so bound over for trial as an adult, or the adult is alleged to be 95
a criminal offender; the allegations in the case to which the 96
records or information relate and the allegations in the other 97
case are based on the same act or transaction, are based on two or 98
more connected transactions or constitute parts of a common scheme 99
or plan, or are part of a course of criminal conduct; and the 100
adjudication hearing in, trial in, or other disposition of the 101
other case has not been concluded. 102

(C) If an individual or entity is required to provide copies 103
of records pursuant to this section, the individual or entity may 104
charge a fee for the copies that does not exceed the cost of 105
supplying them. 106

(D) This section ~~shall not be construed to require,~~ 107
~~authorize, or permit, and~~ does not require, authorize, or permit, 108
the dissemination of any records or any information contained in 109
any records if the dissemination of the records or information 110
generally is prohibited by ~~any provision~~ section 2151.142 or 111
another section of the Revised Code and a waiver as described in 112
division (B)(1) of section 2151.142 of the Revised Code or a 113
specific provision of the Revised Code does not specifically 114

authorize or permit the dissemination of the records or 115
information pursuant to this section. 116

Sec. 2151.142. (A) As used in this section, "public record" 117
has the same meaning as in section 149.43 of the Revised Code. 118

(B) BOTH OF THE FOLLOWING APPLY TO the residential address of 119
EACH officer OR EMPLOYEE of a public children services agency or A 120
private child placing agency who performS official 121
responsibilities or duties described in section 2151.14, 2151.141, 122
2151.33, 2151.353, 2151.412, 2151.413, 2151.414, 2151.415, 123
2151.416, 2151.417, or 2151.421 or another section of the Revised 124
Code AND TO THE RESIDENTIAL ADDRESS OF PERSONS RELATED TO THAT 125
OFFICER OR EMPLOYEE BY CONSANGUINITY OR AFFINITY: 126

(1) other officerS AND employees of A public children 127
services agency, private child placing agency, juvenile court, OR 128
LAW ENFORCEMENT AGENCY SHALL CONSIDER THOSE RESIDENTIAL ADDRESSES 129
to be confidential information AND SHALL NOT disclose THEM to ANY 130
person WITH THE KNOWLEDGE THAT THE PERSON IS OR MAY BE A SUBJECT 131
OF AN INVESTIGATION, INTERVIEW, EXAMINATION, CRIMINAL CASE, OTHER 132
CASE, OR OTHER MATTER WITH WHICH THE OFFICER OR EMPLOYEE OF THE 133
PUBLIC CHILDREN SERVICES AGENCY OR PRIVATE CHILD PLACING AGENCY 134
CURRENTLY IS OR HAS BEEN ASSOCIATED. THE OFFICER OR EMPLOYEE OF 135
THE PUBLIC CHILDREN SERVICES AGENCY OR PRIVATE CHILD PLACING 136
AGENCY MAY WAIVE THE CONFIDENTIALITY OF THOSE RESIDENTIAL 137
ADDRESSES BY GIVING EXPRESS PERMISSION FOR THEIR DISCLOSURE TO 138
OTHER officerS OR employeeS of A public children services agency, 139
private child placing agency, juvenile court, OR LAW ENFORCEMENT 140
AGENCY. 141

(2) TO THE EXTENT THAT THOSE RESIDENTIAL ADDRESSES ARE 142
CONTAINED IN PUBLIC RECORDS KEPT BY A PUBLIC CHILDREN SERVICES 143
AGENCY, PRIVATE CHILD PLACING AGENCY, JUVENILE COURT, OR LAW 144
ENFORCEMENT AGENCY, THEY SHALL NOT BE CONSIDERED TO BE INFORMATION 145

THAT IS SUBJECT TO INSPECTION OR COPYING AS PART OF A public 146
record UNDER SECTION 149.43 of the Revised Code. 147

(C) IN THE ABSENCE OF A WAIVER AS DESCRIBED IN DIVISION 148
(B)(1) OF THIS SECTION, NO officer or employee of A public 149
children services agency, private child placing agency, juvenile 150
court, OR LAW ENFORCEMENT AGENCY SHALL DISCLOSE THE RESIDENTIAL 151
ADDRESS OF AN OFFICER OR EMPLOYEE OF A PUBLIC CHILDREN SERVICES 152
AGENCY OR PRIVATE CHILD PLACING AGENCY, OR THE RESIDENTIAL ADDRESS 153
OF A PERSON RELATED TO THAT OFFICER OR EMPLOYEE BY CONSANGUINITY 154
OR AFFINITY, THAT IS CONFIDENTIAL INFORMATION UNDER DIVISION 155
(B)(1) OF THIS SECTION to any person WITH THE KNOWLEDGE THAT THAT 156
PERSON IS OR MAY BE A SUBJECT OF AN INVESTIGATION, INTERVIEW, 157
EXAMINATION, CRIMINAL CASE, OTHER CASE, OR OTHER MATTER WITH WHICH 158
THE OFFICER OR EMPLOYEE OF A PUBLIC CHILDREN SERVICES AGENCY OR 159
PRIVATE CHILD PLACING AGENCY CURRENTLY IS OR HAS BEEN ASSOCIATED. 160

Sec. 2903.13. (A) No person shall knowingly cause or attempt 161
to cause physical harm to another or to another's unborn. 162

(B) No person shall recklessly cause serious physical harm to 163
another or to another's unborn. 164

(C) Whoever violates this section is guilty of assault. 165
Except as otherwise provided in division (C)(1), (2), ~~or~~ (3), or 166
(4) of this section, assault is a misdemeanor of the first degree. 167

(1) Except as otherwise provided in this division, if the 168
offense is committed by a caretaker against a functionally 169
impaired person under the caretaker's care, assault is a felony of 170
the fourth degree. If the offense is committed by a caretaker 171
against a functionally impaired person under the caretaker's care, 172
if the offender previously has been convicted of or pleaded guilty 173
to a violation of this section or section 2903.11 or 2903.16 of 174
the Revised Code, and if in relation to the previous conviction 175
the offender was a caretaker and the victim was a functionally 176

impaired person under the offender's care, assault is a felony of
the third degree. 177
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(2) If the offense is committed in any of the following 179
circumstances, assault is a felony of the fifth degree: 180

(a) The offense occurs in or on the grounds of a state 181
correctional institution or an institution of the department of 182
youth services, the victim of the offense is an employee of the 183
department of rehabilitation and correction, the department of 184
youth services, or a probation department or is on the premises of 185
the particular institution for business purposes or as a visitor, 186
and the offense is committed by a person incarcerated in the state 187
correctional institution, by a person institutionalized in the 188
department of youth services institution pursuant to a commitment 189
to the department of youth services, by a probationer or parolee, 190
by an offender under transitional control, under a community 191
control sanction, or on an escorted visit, by a person under 192
post-release control, or by an offender under any other type of 193
supervision by a government agency. 194

(b) The offense occurs in or on the grounds of a local 195
correctional facility, the victim of the offense is an employee of 196
the local correctional facility or a probation department or is on 197
the premises of the facility for business purposes or as a 198
visitor, and the offense is committed by a person who is under 199
custody in the facility subsequent to the person's arrest for any 200
crime or delinquent act, subsequent to the person's being charged 201
with or convicted of any crime, or subsequent to the person's 202
being alleged to be or adjudicated a delinquent child. 203

(c) The offense occurs off the grounds of a state 204
correctional institution and off the grounds of an institution of 205
the department of youth services, the victim of the offense is an 206
employee of the department of rehabilitation and correction, the 207

department of youth services, or a probation department, the 208
offense occurs during the employee's official work hours and while 209
the employee is engaged in official work responsibilities, and the 210
offense is committed by a person incarcerated in a state 211
correctional institution or institutionalized in the department of 212
youth services who temporarily is outside of the institution for 213
any purpose, by a probationer or parolee, by an offender under 214
transitional control, under a community control sanction, or on an 215
escorted visit, by a person under post-release control, or by an 216
offender under any other type of supervision by a government 217
agency. 218

(d) The offense occurs off the grounds of a local 219
correctional facility, the victim of the offense is an employee of 220
the local correctional facility or a probation department, the 221
offense occurs during the employee's official work hours and while 222
the employee is engaged in official work responsibilities, and the 223
offense is committed by a person who is under custody in the 224
facility subsequent to the person's arrest for any crime or 225
delinquent act, subsequent to the person being charged with or 226
convicted of any crime, or subsequent to the person being alleged 227
to be or adjudicated a delinquent child and who temporarily is 228
outside of the facility for any purpose or by a probationer or 229
parolee, by an offender under transitional control, under a 230
community control sanction, or on an escorted visit, by a person 231
under post-release control, or by an offender under any other type 232
of supervision by a government agency. 233

(e) The victim of the offense is a school teacher or 234
administrator or a school bus operator, and the offense occurs in 235
a school, on school premises, in a school building, on a school 236
bus, or while the victim is outside of school premises or a school 237
bus and is engaged in duties or official responsibilities 238
associated with the victim's employment or position as a school 239

teacher or administrator or a school bus operator, including, but 240
not limited to, driving, accompanying, or chaperoning students at 241
or on class or field trips, athletic events, or other school 242
extracurricular activities or functions outside of school 243
premises. 244

(3) If the victim of the offense is a peace officer, a 245
firefighter, or a person performing emergency medical service, 246
while in the performance of their official duties, assault is a 247
felony of the fourth degree. 248

(4) If the victim of the offense is an officer or employee of 249
a public children services agency or a private child placing 250
agency and the offense RELATES TO THE OFFICER'S OR EMPLOYEE'S 251
PERFORMANCE OR ANTICIPATED performance of official 252
responsibilities or duties described in section 2151.14, 2151.141, 253
2151.33, 2151.353, 2151.412, 2151.413, 2151.414, 2151.415, 254
2151.416, 2151.417, or 2151.421 or another section of the Revised 255
Code, assault is a felony of the fifth degree OR, if the offender 256
previously HAS BEEN CONVICTED OF OR PLEADED GUILTY TO A VIOLATION 257
OF THIS SECTION INVOLVING AN OFFICER OR EMPLOYEE OF A PUBLIC 258
CHILDREN SERVICES AGENCY OR PRIVATE CHILD PLACING AGENCY, a felony 259
of the fourth degree. 260

(5) As used in this section: 261

(a) "Peace officer" has the same meaning as in section 262
2935.01 of the Revised Code. 263

(b) "Firefighter" has the same meaning as in section 3937.41 264
of the Revised Code. 265

(c) "Emergency medical service" has the same meaning as in 266
section 4765.01 of the Revised Code. 267

(d) "Local correctional facility" means a county, 268
multicounty, municipal, municipal-county, or multicounty-municipal 269

jail or workhouse, a minimum security jail established under 270
section 341.23 or 753.21 of the Revised Code, or another county, 271
multicounty, municipal, municipal-county, or multicounty-municipal 272
facility used for the custody of persons arrested for any crime or 273
delinquent act, persons charged with or convicted of any crime, or 274
persons alleged to be or adjudicated a delinquent child. 275

(e) "Employee of a local correctional facility" means a 276
person who is an employee of the political subdivision or of one 277
or more of the affiliated political subdivisions that operates the 278
local correctional facility and who operates or assists in the 279
operation of the facility. 280

(f) "School teacher or administrator" means either of the 281
following: 282

(i) A person who is employed in the public schools of the 283
state under a contract described in section 3319.08 of the Revised 284
Code in a position in which the person is required to have a 285
certificate issued pursuant to sections 3319.22 to 3319.311 of the 286
Revised Code. 287

(ii) A person who is employed by a nonpublic school for which 288
the state board of education prescribes minimum standards under 289
section 3301.07 of the Revised Code and who is certificated in 290
accordance with section 3301.071 of the Revised Code. 291

(g) "Community control sanction" has the same meaning as in 292
section 2929.01 of the Revised Code. 293

(h) "Escorted visit" means an escorted visit granted under 294
section 2967.27 of the Revised Code. 295

(i) "Post-release control" and "transitional control" have 296
the same meanings as in section 2967.01 of the Revised Code. 297

(j) "Private child placing agency" has the same meaning as in 298
section 2151.011 of the Revised Code. 299

Sec. 2903.21. (A) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of ~~such the~~ other person, ~~such the~~ other person's unborn, or a member of the other person's immediate family.

(B) Whoever violates this section is guilty of aggravated menacing⁷. Except as otherwise provided in this division, aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense RELATES TO THE OFFICER'S OR EMPLOYEE'S PERFORMANCE OR ANTICIPATED performance of official responsibilities or duties described in section 2151.14, 2151.141, 2151.33, 2151.353, 2151.412, 2151.413, 2151.414, 2151.415, 2151.416, 2151.417, or 2151.421 or another section of the Revised Code, aggravated menacing is a felony of the fifth degree OR, if the offender previously HAS BEEN CONVICTED OF OR PLEADED GUILTY TO A VIOLATION OF THIS SECTION INVOLVING AN OFFICER OR EMPLOYEE OF A PUBLIC CHILDREN SERVICES AGENCY OR PRIVATE CHILD PLACING AGENCY, a felony of the fourth degree.

(C) As used in this section, "private child placing agency" has the same meaning as in section 2151.011 of the Revised Code.

Sec. 2903.211. (A) No person by engaging in a pattern of conduct shall knowingly cause another to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

(B) Whoever violates this section is guilty of menacing by stalking⁷. Except as otherwise provided in this division, menacing by stalking is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation

of this section, menacing by stalking is a felony of the fifth 330
degree. If the victim of the offense is an officer or employee of 331
a public children services agency or a private child placing 332
agency and the offense RELATES TO THE OFFICER'S OR EMPLOYEE'S 333
PERFORMANCE OR ANTICIPATED performance of official 334
responsibilities or duties described in section 2151.14, 2151.141, 335
2151.33, 2151.353, 2151.412, 2151.413, 2151.414, 2151.415, 336
2151.416, 2151.417, or 2151.421 or another section of the Revised 337
Code, menacing by stalking is a felony of the fifth degree OR, if 338
the offender previously HAS BEEN CONVICTED OF OR PLEADED GUILTY TO 339
A VIOLATION OF THIS SECTION INVOLVING AN OFFICER OR EMPLOYEE OF A 340
PUBLIC CHILDREN SERVICES AGENCY OR PRIVATE CHILD PLACING AGENCY, a 341
felony of the fourth degree. 342

(C) As used in this section: 343

(1) "Pattern of conduct" means two or more actions or 344
incidents closely related in time, whether or not there has been a 345
prior conviction based on any of those actions or incidents. 346

(2) "Mental distress" means any mental illness or condition 347
that involves some temporary substantial incapacity or mental 348
illness or condition that would normally require psychiatric 349
treatment. 350

(3) "Private child placing agency" has the same meaning as in 351
section 2151.011 of the Revised Code. 352

Sec. 2903.22. (A) No person shall knowingly cause another to 353
believe that the offender will cause physical harm to the person 354
or property of ~~such~~ the other person, ~~such~~ the other person's 355
unborn, or a member of the other person's immediate family. 356
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(B) Whoever violates this section is guilty of menacing~~7.~~ 358
Except as otherwise provided in this division, menacing is a 359

misdemeanor of the fourth degree. If the victim of the offense is 360
an officer or employee of a public children services agency or a 361
private child placing agency and the offense RELATES TO THE 362
OFFICER'S OR EMPLOYEE'S PERFORMANCE OR ANTICIPATED performance of 363
official responsibilities or duties described in section 2151.14, 364
2151.141, 2151.33, 2151.353, 2151.412, 2151.413, 2151.414, 365
2151.415, 2151.416, 2151.417, or 2151.421 or another section of 366
the Revised Code, menacing is a misdemeanor of the first degree 367
OR, if the offender previously HAS BEEN CONVICTED OF OR PLEADED 368
GUILTY TO A VIOLATION OF THIS SECTION INVOLVING AN OFFICER OR 369
EMPLOYEE OF A PUBLIC CHILDREN SERVICES AGENCY OR PRIVATE CHILD 370
PLACING AGENCY, a felony of the fourth degree. 371

(C) As used in this section, "private child placing agency" 372
has the same meaning as in section 2151.011 of the Revised Code. 373

Section 2. That existing sections 2151.141, 2903.13, 2903.21, 374
2903.211, and 2903.22 of the Revised Code are hereby repealed. 375
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