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**Representatives Salerno, Ford, Goodman, D. Miller, O'Brien, Patton,
Schuring, Sullivan, Thomas, Tiberi, Womer Benjamin, Willamowski, Wilson,
Allen, Ogg, Roberts, Bender, Distel, Verich, Redfern, Terwilleger, Metzger,
Harris, Britton, Corbin**

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, except by journalists in specified 10
circumstances. 11

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

Section 1. That sections 2151.141, 2903.13, 2903.21, 12
2903.211, and 2903.22 be amended and section 2151.142 of the 13
Revised Code be enacted to read as follows: 14

Sec. 2151.141. (A) If a complaint filed with respect to a 15
child pursuant to section 2151.27 of the Revised Code alleges that 16
a child is an abused, neglected, or dependent child, any 17

individual or entity that is listed in divisions (D)(1)(a) to (k) 18
of section 2151.14 of the Revised Code and that is investigating 19
whether the child is an abused, neglected, or dependent child, has 20
custody of the child, is preparing a social history for the child, 21
or is providing any services for the child may request any board 22
of education, governing body of a chartered nonpublic school, 23
public children services agency, private child placing agency, 24
probation department, law enforcement agency, or prosecuting 25
attorney that has any records related to the child to provide the 26
individual or entity with a copy of the records. The request shall 27
be in writing, describe the type of records requested, explain the 28
need for the records, be accompanied by a copy of the complaint, 29
and describe the relationship of the requesting individual or 30
entity to the child. The individual or entity shall provide a copy 31
of the request to the child in question, the attorney or guardian 32
ad litem of the child, and the parent, guardian, or custodian of 33
the child. 34

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

in division (A) of this section was filed or was alleged to have
been filed requesting the court to determine the extent to which
it is required to comply with the request for records. Upon the
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

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case in which a child is bound over for trial as an adult pursuant 82
to section 2151.26 of the Revised Code and Juvenile Rule 30, and 83
the adjudication hearing in the case, the trial in the case, or 84
other disposition of the case has not been concluded. 85

(b) The records in question, or the records containing the 86
information in question, are confidential law enforcement 87
investigatory records, as defined in section 149.43 of the Revised 88
Code. 89

(c) The records or information in the records relate to a 90
case in which the child is or was alleged to be a delinquent child 91
or to a case in which a child is or was bound over for trial as an 92
adult pursuant to section 2151.26 of the Revised Code and Juvenile 93
Rule 30; another case is pending against any child or any adult in 94
which the child is alleged to be a delinquent child, the child is 95
so bound over for trial as an adult, or the adult is alleged to be 96
a criminal offender; the allegations in the case to which the 97
records or information relate and the allegations in the other 98
case are based on the same act or transaction, are based on two or 99
more connected transactions or constitute parts of a common scheme 100
or plan, or are part of a course of criminal conduct; and the 101
adjudication hearing in, trial in, or other disposition of the 102
other case has not been concluded. 103

(C) If an individual or entity is required to provide copies 104
of records pursuant to this section, the individual or entity may 105
charge a fee for the copies that does not exceed the cost of 106
supplying them. 107

(D) This section ~~shall not be construed to require,~~ 108
~~authorize, or permit, and~~ does not require, authorize, or permit, 109
the dissemination of any records or any information contained in 110
any records if the dissemination of the records or information 111
generally is prohibited by ~~any provision~~ section 2151.142 or 112

another section of the Revised Code and a waiver as described in 113
division (B)(1) of section 2151.142 of the Revised Code or a 114
specific provision of the Revised Code does not specifically 115
authorize or permit the dissemination of the records or 116
information pursuant to this section. 117

Sec. 2151.142. (A) As used in this section, "public record" 118
and "journalist" have the same meanings as in section 149.43 of 119
the Revised Code. 120

(B) BOTH OF THE FOLLOWING APPLY TO the residential address of 121
EACH officer OR EMPLOYEE of a public children services agency or A 122
private child placing agency who performS official 123
responsibilities or duties described in section 2151.14, 2151.141, 124
2151.33, 2151.353, 2151.412, 2151.413, 2151.414, 2151.415, 125
2151.416, 2151.417, or 2151.421 or another section of the Revised 126
Code AND TO THE RESIDENTIAL ADDRESS OF PERSONS RELATED TO THAT 127
OFFICER OR EMPLOYEE BY CONSANGUINITY OR AFFINITY: 128

(1) other officerS AND employees of A public children 129
services agency, private child placing agency, juvenile court, OR 130
LAW ENFORCEMENT AGENCY SHALL CONSIDER THOSE RESIDENTIAL ADDRESSES 131
to be confidential information. The OFFICER OR EMPLOYEE OF THE 132
PUBLIC CHILDREN SERVICES AGENCY OR PRIVATE CHILD PLACING AGENCY 133
MAY WAIVE THE CONFIDENTIALITY OF THOSE RESIDENTIAL ADDRESSES BY 134
GIVING EXPRESS PERMISSION FOR THEIR DISCLOSURE TO OTHER officerS 135
OR employeeS of A public children services agency, private child 136
placing agency, juvenile court, OR LAW ENFORCEMENT AGENCY. 137

(2) TO THE EXTENT THAT THOSE RESIDENTIAL ADDRESSES ARE 138
CONTAINED IN PUBLIC RECORDS KEPT BY A PUBLIC CHILDREN SERVICES 139
AGENCY, PRIVATE CHILD PLACING AGENCY, JUVENILE COURT, OR LAW 140
ENFORCEMENT AGENCY, THEY SHALL NOT BE CONSIDERED TO BE INFORMATION 141
THAT IS SUBJECT TO INSPECTION OR COPYING AS PART OF A public 142
record UNDER SECTION 149.43 of the Revised Code. 143

(C) Except as provided in division (D) of this section, in 144
THE ABSENCE OF A WAIVER AS DESCRIBED IN DIVISION (B)(1) OF THIS 145
SECTION, NO officer or employee of A public children services 146
agency, private child placing agency, juvenile court, OR LAW 147
ENFORCEMENT AGENCY SHALL DISCLOSE THE RESIDENTIAL ADDRESS OF AN 148
OFFICER OR EMPLOYEE OF A PUBLIC CHILDREN SERVICES AGENCY OR 149
PRIVATE CHILD PLACING AGENCY, OR THE RESIDENTIAL ADDRESS OF A 150
PERSON RELATED TO THAT OFFICER OR EMPLOYEE BY CONSANGUINITY OR 151
AFFINITY, THAT IS CONFIDENTIAL INFORMATION UNDER DIVISION (B)(1) 152
OF THIS SECTION to any person, when the disclosing officer or 153
employee knows THAT the PERSON IS OR MAY BE A SUBJECT OF AN 154
INVESTIGATION, INTERVIEW, EXAMINATION, CRIMINAL CASE, OTHER CASE, 155
OR OTHER MATTER WITH WHICH THE OFFICER OR EMPLOYEE to whom the 156
residential address relates CURRENTLY IS OR HAS BEEN ASSOCIATED. 157

(D) If, on or after the effective date of this SECTION, a 158
journalist requests a public children services agency, private 159
child placing agency, juvenile court, or law enforcement agency to 160
disclose a residential address that is confidential information 161
under division (B)(1) of this section, the agency or juvenile 162
court shall disclose to the journalist the residential address if 163
all of the following apply: 164

(1) The request is in writing, is signed by the journalist, 165
includes the journalist's name and title, and INCLUDES the name 166
and address of the journalist's employer. 167

(2) The request states that disclosure of the residential 168
address would be in the public interest. 169

(3) The request adequately identifies the person whose 170
residential address is requested. 171

(4) The public children services agency, private child 172
placing agency, juvenile court, or law enforcement agency 173
receiving the request is ONE OF THE FOLLOWING: 174

(a) the agency or juvenile court with which the official in question serves or with which the employee in question is employed; 175
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(b) the agency or juvenile court that has custody of the records of the agency with which the official in question serves or with which the employee in question is employed. 178
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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. 181
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(B) No person shall recklessly cause serious physical harm to another or to another's unborn. 183
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(C) Whoever violates this section is guilty of assault. 185
Except as otherwise provided in division (C)(1), (2), ~~or (3)~~, (4), or (5) of this section, assault is a misdemeanor of the first degree. 186
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(1) 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 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. 189
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(2) If the offense is committed in any of the following circumstances, assault is a felony of the fifth degree: 200
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(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 202
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department of rehabilitation and correction, the department of 205
youth services, or a probation department or is on the premises of 206
the particular institution for business purposes or as a visitor, 207
and the offense is committed by a person incarcerated in the state 208
correctional institution, by a person institutionalized in the 209
department of youth services institution pursuant to a commitment 210
to the department of youth services, by a probationer or parolee, 211
by an offender under transitional control, under a community 212
control sanction, or on an escorted visit, by a person under 213
post-release control, or by an offender under any other type of 214
supervision by a government agency. 215

(b) The offense occurs in or on the grounds of a local 216
correctional facility, the victim of the offense is an employee of 217
the local correctional facility or a probation department or is on 218
the premises of the facility for business purposes or as a 219
visitor, and the offense is committed by a person who is under 220
custody in the facility subsequent to the person's arrest for any 221
crime or delinquent act, subsequent to the person's being charged 222
with or convicted of any crime, or subsequent to the person's 223
being alleged to be or adjudicated a delinquent child. 224

(c) The offense occurs off the grounds of a state 225
correctional institution and off the grounds of an institution of 226
the department of youth services, the victim of the offense is an 227
employee of the department of rehabilitation and correction, the 228
department of youth services, or a probation department, the 229
offense occurs during the employee's official work hours and while 230
the employee is engaged in official work responsibilities, and the 231
offense is committed by a person incarcerated in a state 232
correctional institution or institutionalized in the department of 233
youth services who temporarily is outside of the institution for 234
any purpose, by a probationer or parolee, by an offender under 235
transitional control, under a community control sanction, or on an 236

escorted visit, by a person under post-release control, or by an 237
offender under any other type of supervision by a government 238
agency. 239

(d) The offense occurs off the grounds of a local 240
correctional facility, the victim of the offense is an employee of 241
the local correctional facility or a probation department, the 242
offense occurs during the employee's official work hours and while 243
the employee is engaged in official work responsibilities, and the 244
offense is committed by a person who is under custody in the 245
facility subsequent to the person's arrest for any crime or 246
delinquent act, subsequent to the person being charged with or 247
convicted of any crime, or subsequent to the person being alleged 248
to be or adjudicated a delinquent child and who temporarily is 249
outside of the facility for any purpose or by a probationer or 250
parolee, by an offender under transitional control, under a 251
community control sanction, or on an escorted visit, by a person 252
under post-release control, or by an offender under any other type 253
of supervision by a government agency. 254

(e) The victim of the offense is a school teacher or 255
administrator or a school bus operator, and the offense occurs in 256
a school, on school premises, in a school building, on a school 257
bus, or while the victim is outside of school premises or a school 258
bus and is engaged in duties or official responsibilities 259
associated with the victim's employment or position as a school 260
teacher or administrator or a school bus operator, including, but 261
not limited to, driving, accompanying, or chaperoning students at 262
or on class or field trips, athletic events, or other school 263
extracurricular activities or functions outside of school 264
premises. 265

(3) If the victim of the offense is a peace officer, a 266
firefighter, or a person performing emergency medical service, 267
while in the performance of their official duties, assault is a 268

felony of the fourth degree.

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(4) If the victim of the offense is a peace officer and if the victim suffered serious physical harm as a result of the commission of the offense, assault is a felony of the fourth 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 prison terms prescribed for a felony of the fourth degree that is at least twelve months in duration.

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(5) 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, assault is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

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(D) As used in this section:

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~~(a)~~(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

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~~(b)~~(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.

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~~(e)~~(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

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~~(d)~~(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under

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section 341.23 or 753.21 of the Revised Code, or another county, 299
multicounty, municipal, municipal-county, or multicounty-municipal 300
facility used for the custody of persons arrested for any crime or 301
delinquent act, persons charged with or convicted of any crime, or 302
persons alleged to be or adjudicated a delinquent child. 303

~~(e)~~(5) "Employee of a local correctional facility" means a 304
person who is an employee of the political subdivision or of one 305
or more of the affiliated political subdivisions that operates the 306
local correctional facility and who operates or assists in the 307
operation of the facility. 308

~~(f)~~(6) "School teacher or administrator" means either of the 309
following: 310

~~(i)~~(a) A person who is employed in the public schools of the 311
state under a contract described in section 3319.08 of the Revised 312
Code in a position in which the person is required to have a 313
certificate issued pursuant to sections 3319.22 to 3319.311 of the 314
Revised Code. 315

~~(ii)~~(b) A person who is employed by a nonpublic school for 316
which the state board of education prescribes minimum standards 317
under section 3301.07 of the Revised Code and who is certificated 318
in accordance with section 3301.071 of the Revised Code. 319

~~(g)~~(7) "Community control sanction" has the same meaning as 320
in section 2929.01 of the Revised Code. 321

~~(h)~~(8) "Escorted visit" means an escorted visit granted under 322
section 2967.27 of the Revised Code. 323

~~(i)~~(9) "Post-release control" and "transitional control" have 324
the same meanings as in section 2967.01 of the Revised Code. 325

Sec. 2903.21. (A) No person shall knowingly cause another to 326
believe that the offender will cause serious physical harm to the 327
person or property of ~~such~~ the other person, ~~such~~ the other 328

person's unborn, or a member of the other person's immediate 329
family. 330

(B) Whoever violates this section is guilty of aggravated 331
menacing⁷. Except as otherwise provided in this division, 332
aggravated menacing is a misdemeanor of the first degree. If the 333
victim of the offense is an officer or employee of a public 334
children services agency or a private child placing agency and the 335
offense RELATES TO THE OFFICER'S OR EMPLOYEE'S PERFORMANCE OR 336
ANTICIPATED performance of official responsibilities or duties, 337
aggravated menacing is a felony of the fifth degree OR, if the 338
offender previously HAS BEEN CONVICTED OF OR PLEADED GUILTY TO AN 339
OFFENSE OF VIOLENCE, THE VICTIM OF THAT PRIOR OFFENSE WAS AN 340
OFFICER OR EMPLOYEE OF A PUBLIC CHILDREN SERVICES AGENCY OR 341
PRIVATE CHILD PLACING AGENCY, AND THAT PRIOR OFFENSE RELATED TO 342
THE OFFICER'S OR EMPLOYEE'S PERFORMANCE OR ANTICIPATED PERFORMANCE 343
OF OFFICIAL RESPONSIBILITIES OR DUTIES, a felony of the fourth 344
degree. 345

Sec. 2903.211. (A) No person by engaging in a pattern of 346
conduct shall knowingly cause another to believe that the offender 347
will cause physical harm to the other person or cause mental 348
distress to the other person. 349

(B) Whoever violates this section is guilty of menacing by 350
stalking. 351

(1) Except as otherwise provided in ~~division~~ divisions (B)(2) 352
and (3) of this section, menacing by stalking is a misdemeanor of 353
the first degree. 354

(2) Menacing by stalking is a felony of the fourth degree if 355
any of the following applies: 356

(a) The offender previously has been convicted of or pleaded 357
guilty to a violation of this section or a violation of section 358

2911.211 of the Revised Code.	359
(b) In committing the offense, the offender made a threat of physical harm to or against the victim.	360 361
(c) In committing the offense, the offender trespassed on the land or premises where the victim lives, is employed, or attends school.	362 363 364
(d) The victim of the offense is a minor.	365
(e) The offender has a history of violence toward the victim or any other person or a history of other violent acts toward the victim or any other person.	366 367 368
(f) While committing the offense, the offender had a deadly weapon on or about the offender's person or under the offender's control.	369 370 371
(g) At the time of the commission of the offense, the offender was the subject of a protection order issued under section 2903.213 or 2903.214 of the Revised Code, regardless of whether the person to be protected under the order is the victim of the offense or another person.	372 373 374 375 376
(h) In committing the offense, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises.	377 378 379 380
(i) Prior to committing the offense, the offender has been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.	381 382 383 384 385 386
<u>(3) If the victim of the offense is an officer or employee of a public children services agency or a private child placing</u>	387 388

agency and the offense relates to the officer's or employee's 389
performance or anticipated performance of official 390
responsibilities or duties, menacing by stalking is either a 391
felony of the fifth degree or, if the offender previously has been 392
convicted of or pleaded guilty to an offense of violence, the 393
victim of that prior offense was an officer or employee of a 394
public children services agency or private child placing agency, 395
and that prior offense related to the officer's or employee's 396
performance or anticipated performance of official 397
responsibilities or duties, a felony of the fourth degree. 398

(C) Section 2919.271 of the Revised Code applies in relation 399
to a defendant charged with a violation of this section. 400

(D) As used in this section: 401

(1) "Pattern of conduct" means two or more actions or 402
incidents closely related in time, whether or not there has been a 403
prior conviction based on any of those actions or incidents. 404
Actions or incidents that prevent, obstruct, or delay the 405
performance by a public official, firefighter, rescuer, or 406
emergency medical services person of any authorized act within the 407
public official's, firefighter's, rescuer's, or emergency medical 408
services person's official capacity may constitute a "pattern of 409
conduct." 410

(2) "Mental distress" means any mental illness or condition 411
that involves some temporary substantial incapacity or mental 412
illness or condition that would normally require psychiatric 413
treatment. 414

(3) "Emergency medical services person" is the singular of 415
"emergency medical services personnel" as defined in section 416
2133.21 of the Revised Code. 417

(4) "Public official" has the same meaning as in section 418
2921.01 of the Revised Code. 419

Sec. 2903.22. (A) No person shall knowingly cause another to 420
believe that the offender will cause physical harm to the person 421
or property of ~~such~~ the other person, ~~such~~ the other person's 422
unborn, or a member of the other person's immediate family. 423
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(B) Whoever violates this section is guilty of menacing~~7~~. 425
Except as otherwise provided in this division, menacing is a 426
misdemeanor of the fourth degree. If the victim of the offense is 427
an officer or employee of a public children services agency or a 428
private child placing agency and the offense RELATES TO THE 429
OFFICER'S OR EMPLOYEE'S PERFORMANCE OR ANTICIPATED performance of 430
official responsibilities or duties, menacing is a misdemeanor of 431
the first degree OR, if the offender previously HAS BEEN CONVICTED 432
OF OR PLEADED GUILTY TO AN OFFENSE OF VIOLENCE, THE VICTIM OF THAT 433
PRIOR OFFENSE WAS AN OFFICER OR EMPLOYEE OF A PUBLIC CHILDREN 434
SERVICES AGENCY OR PRIVATE CHILD PLACING AGENCY, AND THAT PRIOR 435
OFFENSE RELATED TO THE OFFICER'S OR EMPLOYEE'S PERFORMANCE OR 436
ANTICIPATED PERFORMANCE OF OFFICIAL RESPONSIBILITIES OR DUTIES, a 437
felony of the fourth degree. 438

Section 2. That existing sections 2151.141, 2903.13, 2903.21, 439
2903.211, and 2903.22 of the Revised Code are hereby repealed. 440
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