(127th General Assembly)
(Amended Substitute House Bill Number 142)

AN ACT

To amend sections 2917.31 and 3313.482 of the Revised Code to increase the penalty for inducing panic to a felony of the second degree when a school or an institution of higher education is involved, and to permit school districts to make up calamity days caused other than by a bomb threat in excess of the total number of days specified in their contingency plans and otherwise allowed by adding extra hours to the remaining days in the school year.

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

SECTION 1. That sections 2917.31 and 3313.482 of the Revised Code be amended to read as follows:

Sec. 2917.31. (A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false;

(2) Threatening to commit any offense of violence;

(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(B) Division (A)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.

(C)(1) Whoever violates this section is guilty of inducing panic.

(2) Except as otherwise provided in division (C)(3), (4), (5), (6), (7), or (8)~~, or (9)~~ of this section, inducing panic is a misdemeanor of the first degree.

(3) Except as otherwise provided in division (C)(4), (5), (6), (7), or (8)~~, or (9)~~ of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the fourth degree.

(4) Except as otherwise provided in division (C)(5), (6), (7), or (8)~~, or~~

~~(9)~~ of this section, if a violation of this section results in economic harm, the penalty shall be determined as follows:

(a) If the violation results in economic harm of five hundred dollars or more but less than five thousand dollars and if division (C)(3) of this section does not apply, inducing panic is a felony of the fifth degree.

(b) If the violation results in economic harm of five thousand dollars or more but less than one hundred thousand dollars, inducing panic is a felony of the fourth degree.

(c) If the violation results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree.

(5) ~~Except as otherwise provided in division (C)(6), (7), (8), or (9) of this section, if~~ If the public place involved in a violation of division (A)(1) of this section is a school~~, the penalty shall be determined as follows:~~

~~(a) Except as otherwise provided in division (C)(5)(b) or (c) of this section, inducing panic is a felony of the fourth degree.~~

~~(b) If the violation results in physical harm to any person and if division (C)(5)(c)(iii) of this section does not apply, inducing panic is a felony of the third degree.~~

~~(c) If the violation results in economic harm, the penalty shall be determined as follows:~~

~~(i) If the violation results in economic harm of five hundred dollars or more but less than five thousand dollars and if division (C)(5)(b) of this section does not apply, inducing panic is a felony of the fourth degree.~~

~~(ii) If the violation results in economic harm of five thousand dollars or more but less than one hundred thousand dollars, inducing panic is a felony of the third degree.~~

~~(iii) If the violation results in economic harm of one hundred thousand dollars or more~~ or an institution of higher education, inducing panic is a felony of the second degree.

(6) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)(5), (7), or (8)~~, or (9)~~ of this section, inducing panic is a felony of the fourth degree.

(7) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)~~(9)(a) or (c)~~(5) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the third degree.

(8) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)~~(9)(a) or (c)~~(5) of this section, if a violation of this section results in

economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree.

~~(9)(a) If the public place involved in a violation of division (A)(1) of this section is a school, if the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and if the violation results in physical harm to any person, inducing panic is a felony of the second degree.~~

~~(b) If the public place involved in a violation of division (A)(1) of this section is a school, if the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and if the violation results in economic harm of five thousand dollars or more but less than one hundred thousand dollars, and if division (C)(9)(a) of this section does not apply, inducing panic is a felony of the third degree.~~

~~(c) If the public place involved in a violation of division (A)(1) of this section is a school, if the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and if the violation results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the second degree.~~

(D)(1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.

(2) Any act that is a violation of this section and any other section of the Revised Code may be prosecuted under this section, the other section, or both sections.

(E) As used in this section:

(1) "Economic harm" means any of the following:

(a) All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:

(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;

(ii) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;

(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;

(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.

(2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.

(3) "Weapon of mass destruction" means any of the following:

(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

(b) Any weapon involving a disease organism or biological agent;

(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;

(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:

(i) Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;

(ii) Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (E)(3)(d)(i) of this section and from which an item or device described in that division may be readily assembled.

(4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code.

(5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.

(6) "Institution of higher education" means any of the following:

(a) A state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college;

(b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the

Revised Code;

(c) A post-secondary institution with a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.

Sec. 3313.482. (A) Annually, prior to the first day of September, the board of education of each city, local, and exempted village school district shall adopt a resolution specifying a contingency plan under which the district's students will make up days on which it was necessary to close schools for any of the reasons specified in division (B) of section 3317.01 of the Revised Code, if any such days must be made up in order to comply with the requirements of that section and sections 3313.48 and 3313.481 of the Revised Code. The resolution shall provide in the plan for making up at least five full school days. No resolution adopted pursuant to this division shall conflict with any collective bargaining agreement into which a board has entered pursuant to Chapter 4117. of the Revised Code and that is in effect in the district.

~~(b)~~(B) Notwithstanding the content of the contingency plan it adopts under division (A) of this section, if a school district closes or evacuates any school building as a result of a bomb threat or any other report of an alleged or impending explosion, and if, as a result of the closing or evacuation, the school district would be unable to meet the requirements of sections 3313.48, 3313.481, and 3317.01 of the Revised Code regarding the number of days schools must be open for instruction or the requirements of the state minimum standards for the school day that are established by the department of education regarding the number of hours there must be in the school day, the school district may increase the length of one or more other school days for the school that was closed or evacuated, in increments of one-half hour, to make up the number of hours or days that the school building in question was so closed or evacuated for the purpose of satisfying the requirements of those sections regarding the number of days schools must be open for instruction or the requirements of those standards regarding the number of hours there must be in the school day. ~~Notwithstanding~~

(C) If a school district closes or evacuates any school building for any of the reasons specified in division (B) of section 3317.01 of the Revised Code, and if for that school the total number of full school days specified in the district's contingency plan adopted under division (A) of this section is insufficient to enable the school district to meet the requirements of sections 3313.48, 3313.481, and 3317.01 of the Revised Code regarding the number of days schools must be open for instruction or the requirements of the state minimum standards for the school day that are established by the department

of education regarding the number of hours there must be in the school day, the school district may increase the length of one or more other school days for the school that was closed or evacuated, in increments of one-half hour, to make up the number of hours or days that the school building in question was so closed or evacuated for the purpose of satisfying the requirements of those sections regarding the number of days schools must be open for instruction or the requirements of those standards regarding the number of hours there must be in the school day. The district shall not be required to actually make up any of the days specified in the district's contingency plan prior to increasing the length of one or more school days to make up the shortage of hours or days caused by the school's closure or evacuation, but in no case shall the district fail to make up the total number of full school days specified in the contingency plan in accordance with that plan.

(D) If a school district closes or evacuates a school building as a result of a bomb threat or any other report of an alleged or impending explosion and also closes or evacuates that school building on a different day for any of the reasons specified in division (B) of section 3317.01 of the Revised Code, division (B) of this section applies regarding the closing or evacuation of the school building as a result of the bomb threat or report of an alleged or impending explosion and division (C) of this section applies regarding the closing or evacuation of the school building for the reason specified in division (B) of section 3317.01 of the Revised Code.

Notwithstanding the provisions of sections 3313.48, 3313.481, and 3317.01 of the Revised Code and the requirements of the state minimum standards for the school day that are established by the department of education and notwithstanding the content of the contingency plan it adopts under division (A) of this section regarding the closing or evacuation of a school building as a result of a bomb threat or any other report of an alleged or impending explosion, a school district that makes up, as described in ~~this~~ division (B) or (C) of this section, all of the hours or days that its school buildings were ~~so~~ closed or evacuated for any of the reasons identified in division (B) or (C) of this section shall be deemed to have complied with the requirements of those sections regarding the number of days schools must be open for instruction and the requirements of those minimum standards regarding the number of hours there must be in the school day.

SECTION 2. That existing sections 2917.31 and 3313.482 of the Revised Code are hereby repealed.

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Speaker _____ of the House of Representatives.

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President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

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 _____