

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 309

Representatives Denson, Perales

Cosponsors: Representatives Kelly, Miranda, Smith, K., Strahorn, Miller, A., Miller, J., Weinstein, Crossman, Boggs

A BILL

To amend sections 2903.13 and 2917.41 and to enact 1
section 306.20 of the Revised Code to increase 2
the penalty for assault when the victim is an 3
operator of an Ohio transit system bus or rail 4
car; to authorize Ohio transit systems to post a 5
sign regarding abuse or assault of staff; and to 6
increase the penalty for evading payment of the 7
known fares of a public transportation system. 8

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

Section 1. That sections 2903.13 and 2917.41 be amended 9
and section 306.20 of the Revised Code be enacted to read as 10
follows: 11

Sec. 306.20. (A) Any Ohio transit system may post the 12
notice described in division (B) of this section in accordance 13
with this division. An Ohio transit system that decides to post 14
the notice shall consider posting it in a conspicuous location 15
in all of the transit system's buses and rail cars. 16

(B) A notice posted pursuant to division (A) of this 17

section shall include, at a minimum, all of the following 18
statements and information: 19

"WE WILL NOT TOLERATE 20

any form of threatening or 21

aggressive behavior 22

toward our staff. 23

Assaults against our staff might 24

result in a felony conviction. 25

All staff have the right to carry out 26

their work without fearing for their safety." 27

(C) As used in this section, "Ohio transit system" has the 28
same meaning as in section 2305.33 of the Revised Code. 29

Sec. 2903.13. (A) No person shall knowingly cause or 30
attempt to cause physical harm to another or to another's 31
unborn. 32

(B) No person shall recklessly cause serious physical harm 33
to another or to another's unborn. 34

(C) (1) Whoever violates this section is guilty of assault, 35
and the court shall sentence the offender as provided in this 36
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 37
(8), (9), ~~and (10)~~, and (11) of this section. Except as 38
otherwise provided in division (C) (2), (3), (4), (5), (6), (7), 39
(8), ~~or (9)~~, or (10) of this section, assault is a misdemeanor 40
of the first degree. 41

(2) Except as otherwise provided in this division, if the 42
offense is committed by a caretaker against a functionally 43

impaired person under the caretaker's care, assault is a felony 44
of the fourth degree. If the offense is committed by a caretaker 45
against a functionally impaired person under the caretaker's 46
care, if the offender previously has been convicted of or 47
pleaded guilty to a violation of this section or section 2903.11 48
or 2903.16 of the Revised Code, and if in relation to the 49
previous conviction the offender was a caretaker and the victim 50
was a functionally impaired person under the offender's care, 51
assault is a felony of the third degree. 52

(3) If the offense occurs in or on the grounds of a state 53
correctional institution or an institution of the department of 54
youth services, the victim of the offense is an employee of the 55
department of rehabilitation and correction or the department of 56
youth services, and the offense is committed by a person 57
incarcerated in the state correctional institution or by a 58
person institutionalized in the department of youth services 59
institution pursuant to a commitment to the department of youth 60
services, assault is a felony of the third degree. 61

(4) If the offense is committed in any of the following 62
circumstances, assault is a felony of the fifth degree: 63

(a) The offense occurs in or on the grounds of a local 64
correctional facility, the victim of the offense is an employee 65
of the local correctional facility or a probation department or 66
is on the premises of the facility for business purposes or as a 67
visitor, and the offense is committed by a person who is under 68
custody in the facility subsequent to the person's arrest for 69
any crime or delinquent act, subsequent to the person's being 70
charged with or convicted of any crime, or subsequent to the 71
person's being alleged to be or adjudicated a delinquent child. 72

(b) The offense occurs off the grounds of a state 73

correctional institution and off the grounds of an institution 74
of the department of youth services, the victim of the offense 75
is an employee of the department of rehabilitation and 76
correction, the department of youth services, or a probation 77
department, the offense occurs during the employee's official 78
work hours and while the employee is engaged in official work 79
responsibilities, and the offense is committed by a person 80
incarcerated in a state correctional institution or 81
institutionalized in the department of youth services who 82
temporarily is outside of the institution for any purpose, by a 83
parolee, by an offender under transitional control, under a 84
community control sanction, or on an escorted visit, by a person 85
under post-release control, or by an offender under any other 86
type of supervision by a government agency. 87

(c) The offense occurs off the grounds of a local 88
correctional facility, the victim of the offense is an employee 89
of the local correctional facility or a probation department, 90
the offense occurs during the employee's official work hours and 91
while the employee is engaged in official work responsibilities, 92
and the offense is committed by a person who is under custody in 93
the facility subsequent to the person's arrest for any crime or 94
delinquent act, subsequent to the person being charged with or 95
convicted of any crime, or subsequent to the person being 96
alleged to be or adjudicated a delinquent child and who 97
temporarily is outside of the facility for any purpose or by a 98
parolee, by an offender under transitional control, under a 99
community control sanction, or on an escorted visit, by a person 100
under post-release control, or by an offender under any other 101
type of supervision by a government agency. 102

(d) The victim of the offense is a school teacher or 103
administrator or a school bus operator, and the offense occurs 104

in a school, on school premises, in a school building, on a 105
school bus, or while the victim is outside of school premises or 106
a school bus and is engaged in duties or official 107
responsibilities associated with the victim's employment or 108
position as a school teacher or administrator or a school bus 109
operator, including, but not limited to, driving, accompanying, 110
or chaperoning students at or on class or field trips, athletic 111
events, or other school extracurricular activities or functions 112
outside of school premises. 113

(5) If the victim of the offense is a peace officer or an 114
investigator of the bureau of criminal identification and 115
investigation, a firefighter, or a person performing emergency 116
medical service, while in the performance of their official 117
duties, assault is a felony of the fourth degree. 118

(6) If the victim of the offense is a peace officer or an 119
investigator of the bureau of criminal identification and 120
investigation and if the victim suffered serious physical harm 121
as a result of the commission of the offense, assault is a 122
felony of the fourth degree, and the court, pursuant to division 123
(F) of section 2929.13 of the Revised Code, shall impose as a 124
mandatory prison term one of the prison terms prescribed for a 125
felony of the fourth degree that is at least twelve months in 126
duration. 127

(7) If the victim of the offense is an officer or employee 128
of a public children services agency or a private child placing 129
agency and the offense relates to the officer's or employee's 130
performance or anticipated performance of official 131
responsibilities or duties, assault is either a felony of the 132
fifth degree or, if the offender previously has been convicted 133
of or pleaded guilty to an offense of violence, the victim of 134

that prior offense was an officer or employee of a public 135
children services agency or private child placing agency, and 136
that prior offense related to the officer's or employee's 137
performance or anticipated performance of official 138
responsibilities or duties, a felony of the fourth degree. 139

(8) If the victim of the offense is a health care 140
professional of a hospital, a health care worker of a hospital, 141
or a security officer of a hospital whom the offender knows or 142
has reasonable cause to know is a health care professional of a 143
hospital, a health care worker of a hospital, or a security 144
officer of a hospital, if the victim is engaged in the 145
performance of the victim's duties, and if the hospital offers 146
de-escalation or crisis intervention training for such 147
professionals, workers, or officers, assault is one of the 148
following: 149

(a) Except as otherwise provided in division (C) (8) (b) of 150
this section, assault committed in the specified circumstances 151
is a misdemeanor of the first degree. Notwithstanding the fine 152
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 153
Revised Code for a misdemeanor of the first degree, in 154
sentencing the offender under this division and if the court 155
decides to impose a fine, the court may impose upon the offender 156
a fine of not more than five thousand dollars. 157

(b) If the offender previously has been convicted of or 158
pleaded guilty to one or more assault or homicide offenses 159
committed against hospital personnel, assault committed in the 160
specified circumstances is a felony of the fifth degree. 161

(9) If the victim of the offense is a judge, magistrate, 162
prosecutor, or court official or employee whom the offender 163
knows or has reasonable cause to know is a judge, magistrate, 164

prosecutor, or court official or employee, and if the victim is 165
engaged in the performance of the victim's duties, assault is 166
one of the following: 167

(a) Except as otherwise provided in division (C) ~~(8)~~ (9) (b) 168
of this section, assault committed in the specified 169
circumstances is a misdemeanor of the first degree. In 170
sentencing the offender under this division, if the court 171
decides to impose a fine, notwithstanding the fine specified in 172
division (A) (2) ~~(b)~~ (a) of section 2929.28 of the Revised Code 173
for a misdemeanor of the first degree, the court may impose upon 174
the offender a fine of not more than five thousand dollars. 175

(b) If the offender previously has been convicted of or 176
pleaded guilty to one or more assault or homicide offenses 177
committed against justice system personnel, assault committed in 178
the specified circumstances is a felony of the fifth degree. 179

(10) If the victim of the offense is an operator of an 180
Ohio transit system bus or Ohio transit system rail car or a 181
contracted employee providing that service to an Ohio transit 182
system, if the offender knows or has reasonable cause to know 183
that the victim is an operator of an Ohio transit system bus or 184
Ohio transit system rail car or a contracted employee providing 185
that service to an Ohio transit system, and if the victim is 186
engaged in the operation of an Ohio transit system bus or Ohio 187
transit system rail car, assault is one of the following: 188

(a) Except as otherwise provided in division (C) (10) (b) of 189
this section, assault committed in the specified circumstances 190
is a felony of the fifth degree. Notwithstanding the fine 191
specified in division (A) (3) of section 2929.18 of the Revised 192
Code for a felony of the fifth degree, if the court decides to 193
impose a fine under this division, the court may impose upon the 194

offender a fine of not more than five thousand dollars. 195
Additionally, the court may prohibit the offender from riding 196
any Ohio transit system bus or Ohio transit system rail car for 197
six months. 198

(b) If the offender previously has been convicted of or 199
pleaded guilty to one or more assault or homicide offenses 200
committed against an operator of an Ohio transit system bus or 201
Ohio transit system rail car or a contracted employee providing 202
that service to an Ohio transit system, assault committed in the 203
specified circumstances is a felony of the fourth degree. 204
Additionally, the court may prohibit the offender from riding 205
any Ohio transit system bus or Ohio transit system rail car for 206
the offender's lifetime. 207

(11) If an offender who is convicted of or pleads guilty 208
to assault when it is a misdemeanor also is convicted of or 209
pleads guilty to a specification as described in section 210
2941.1423 of the Revised Code that was included in the 211
indictment, count in the indictment, or information charging the 212
offense, the court shall sentence the offender to a mandatory 213
jail term as provided in division (G) of section 2929.24 of the 214
Revised Code. 215

If an offender who is convicted of or pleads guilty to 216
assault when it is a felony also is convicted of or pleads 217
guilty to a specification as described in section 2941.1423 of 218
the Revised Code that was included in the indictment, count in 219
the indictment, or information charging the offense, except as 220
otherwise provided in division (C) (6) of this section, the court 221
shall sentence the offender to a mandatory prison term as 222
provided in division (B) (8) of section 2929.14 of the Revised 223
Code. 224

(D) As used in this section:	225
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	226 227
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	228 229
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	230 231
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or 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.	232 233 234 235 236 237 238 239 240
(5) "Employee of a local correctional facility" means 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.	241 242 243 244 245
(6) "School teacher or administrator" means either of the following:	246 247
(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 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.	248 249 250 251 252

(b) 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.	253 254 255 256 257
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	258 259
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	260 261
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	262 263
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	264 265 266
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	267 268 269
(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:	270 271 272 273 274
(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	275 276 277
(b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a	278 279 280

hospital.	281
(c) The victim was engaged in the performance of the victim's duties.	282 283
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	284 285 286
(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.	287 288 289 290 291 292
(14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.	293 294 295 296 297 298 299 300 301
(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this state or of a United States court located in this state.	302 303 304
(16) "Judge" means a judge of a court created under the constitution or statutes of this state or of a United States court located in this state.	305 306 307
(17) "Magistrate" means an individual who is appointed by a court of record of this state and who has the powers and may	308 309

perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a United States court located in this state who has similar powers and functions.

(18) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(19) (a) "Hospital" means, subject to division (D) (19) (b) of this section, an institution classified as a hospital under section 3701.01 of the Revised Code in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.

(b) "Hospital" does not include any of the following:

(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;

(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of

Chapter 4723. of the Revised Code.	339
(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code.	340 341
<u>(21) "Ohio transit system bus" means a motor vehicle of an Ohio transit system that is designed for carrying more than nine passengers and used for the transportation of persons but does not mean any school bus.</u>	342 343 344 345
<u>(22) "Ohio transit system rail car" means a street rail car, tramline car, subway car, monorail car, or rapid transit car within a ground transportation system having as its primary purpose the regularly scheduled mass movement of passengers between locations within the territorial boundaries of an Ohio transit system.</u>	346 347 348 349 350 351
<u>(23) "Ohio transit system" has the same meaning as in section 2305.33 of the Revised Code.</u>	352 353
<u>(24) "Motor vehicle" has the same meaning as in section 4511.01 of the Revised Code.</u>	354 355
<u>(25) "Assault or homicide offense committed against an operator of an Ohio transit system bus or Ohio transit system rail car or a contracted employee providing that service to an Ohio transit system" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:</u>	356 357 358 359 360 361 362
<u>(a) The victim of the offense was an operator of an Ohio transit system bus or Ohio transit system rail car or a contracted employee providing that service to an Ohio transit system.</u>	363 364 365 366

(b) The offender knew or had reasonable cause to know that 367
the victim was an operator of an Ohio transit system bus or Ohio 368
transit system rail car or a contracted employee providing that 369
service to an Ohio transit system. 370

(c) The victim was engaged in the operation of an Ohio 371
transit system bus or Ohio transit system rail car. 372

Sec. 2917.41. (A) No person shall evade the payment of the 373
known fares of a public transportation system. 374

(B) No person shall alter any transfer, pass, ticket, or 375
token of a public transportation system with the purpose of 376
evading the payment of fares or of defrauding the system. 377

(C) No person shall do any of the following while in any 378
facility or on any vehicle of a public transportation system: 379

(1) Play sound equipment without the proper use of a 380
private earphone; 381

(2) Smoke, eat, or drink in any area where the activity is 382
clearly marked as being prohibited; 383

(3) Expectorate upon a person, facility, or vehicle. 384

(D) No person shall write, deface, draw, or otherwise mark 385
on any facility or vehicle of a public transportation system. 386

(E) No person shall fail to comply with a lawful order of 387
a public transportation system police officer, and no person 388
shall resist, obstruct, or abuse a public transportation police 389
officer in the performance of the officer's duties. 390

(F) Whoever violates this section is guilty of misconduct 391
involving a public transportation system. 392

(1) ~~Violation~~ A violation of division (A), ~~(B), or (E)~~ of 393

this section is a misdemeanor of the ~~fourth~~second degree. 394

~~(2) Violation~~ A violation of division (B) or (E) of this 395
section is a misdemeanor of the fourth degree. 396

(3) A violation of division (C) of this section is a minor 397
misdemeanor on a first offense. If a person previously has been 398
convicted of or pleaded guilty to a violation of any division of 399
this section or of a municipal ordinance that is substantially 400
similar to any division of this section, violation of division 401
(C) of this section is a misdemeanor of the fourth degree. 402

~~(3) Violation~~ (4) A violation of division (D) of this 403
section is a misdemeanor of the third degree. 404

(G) Notwithstanding any other provision of law, seventy- 405
five per cent of each fine paid to satisfy a sentence imposed 406
for a violation of this section shall be deposited into the 407
treasury of the county in which the violation occurred and 408
twenty-five per cent shall be deposited with the county transit 409
board, regional transit authority, or regional transit 410
commission that operates the public transportation system 411
involved in the violation, unless the board of county 412
commissioners operates the public transportation system, in 413
which case one hundred per cent of each fine shall be deposited 414
into the treasury of the county. 415

(H) As used in this section, "public transportation 416
system" means a county transit system operated in accordance 417
with sections 306.01 to 306.13 of the Revised Code, a regional 418
transit authority operated in accordance with sections 306.30 to 419
306.71 of the Revised Code, or a regional transit commission 420
operated in accordance with sections 306.80 to 306.90 of the 421
Revised Code. 422

Section 2. That existing sections 2903.13 and 2917.41 of 423
the Revised Code are hereby repealed. 424