

As Reported by the Senate Judiciary Committee

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 28

Senator Hottinger

**Cosponsors: Senators Kunze, Lehner, Coley, Hackett, Terhar, Peterson, Uecker,
O'Brien, Huffman, M., Sykes, Thomas, Yuko**

A BILL

To amend sections 2903.21 and 2903.22 of the 1
Revised Code to increase the penalties that 2
apply to aggravated menacing and menacing under 3
certain circumstances. 4

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

Section 1. That sections 2903.21 and 2903.22 of the 5
Revised Code be amended to read as follows: 6

Sec. 2903.21. (A) No person shall knowingly cause another 7
to believe that the offender will cause serious physical harm to 8
the person or property of the other person, the other person's 9
unborn, or a member of the other person's immediate family. In 10
addition to any other basis for the other person's belief that 11
the offender will cause serious physical harm to the person or 12
property of the other person, the other person's unborn, or a 13
member of the other person's immediate family, the other 14
person's belief may be based on words or conduct of the offender 15
that are directed at or identify a corporation, association, or 16
other organization that employs the other person or to which the 17
other person belongs. 18

(B) (1) Whoever violates this section is guilty of 19
aggravated menacing. Except as otherwise provided in this 20
division or division (B) (2) of this section, aggravated menacing 21
is a misdemeanor of the first degree. If the victim of the 22
offense is an officer or employee of a public children services 23
agency or a private child placing agency and the offense relates 24
to the officer's or employee's performance or anticipated 25
performance of official responsibilities or duties, aggravated 26
menacing is a felony of the fifth degree or, if the offender 27
previously has been convicted of or pleaded guilty to an offense 28
of violence, the victim of that prior offense was an officer or 29
employee of a public children services agency or private child 30
placing agency, and that prior offense related to the officer's 31
or employee's performance or anticipated performance of official 32
responsibilities or duties, a felony of the fourth degree. 33

(2) If the victim of a violation of this section is a 34
person that the offender knows is a protected person, aggravated 35
menacing is a felony of the fourth degree or, if the offender 36
previously has been convicted of or pleaded guilty to a 37
violation of this section when the victim of the violation was a 38
person that the offender knew was a protected person, aggravated 39
menacing is a felony of the third degree. 40

(C) As used in this section, ~~"organization"~~: 41

(1) "Organization" includes an entity that is a 42
governmental employer. 43

(2) "Protected person" means a person to be protected by a 44
protection order issued or consent agreement approved pursuant 45
to section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of 46
the Revised Code, if the order was issued or the agreement was 47
approved against the offender. 48

Sec. 2903.22. (A) No person shall knowingly cause another 49
to believe that the offender will cause physical harm to the 50
person or property of the other person, the other person's 51
unborn, or a member of the other person's immediate family. In 52
addition to any other basis for the other person's belief that 53
the offender will cause physical harm to the person or property 54
of the other person, the other person's unborn, or a member of 55
the other person's immediate family, the other person's belief 56
may be based on words or conduct of the offender that are 57
directed at or identify a corporation, association, or other 58
organization that employs the other person or to which the other 59
person belongs. 60

(B) (1) Whoever violates this section is guilty of 61
menacing. Except as otherwise provided in this division or 62
division (B) (2) of this section, menacing is a misdemeanor of 63
the fourth degree. If the victim of the offense is an officer or 64
employee of a public children services agency or a private child 65
placing agency and the offense relates to the officer's or 66
employee's performance or anticipated performance of official 67
responsibilities or duties, menacing is a misdemeanor of the 68
first degree or, if the offender previously has been convicted 69
of or pleaded guilty to an offense of violence, the victim of 70
that prior offense was an officer or employee of a public 71
children services agency or private child placing agency, and 72
that prior offense related to the officer's or employee's 73
performance or anticipated performance of official 74
responsibilities or duties, a felony of the fourth degree. 75

(2) If the victim of a violation of this section is a 76
person that the offender knows is a protected person, menacing 77
is a felony of the fifth degree, or if the offender previously 78
has been convicted of or pleaded guilty to a violation of this 79

section when the victim of the violation was a person that the 80
offender knew was a protected person, menacing is a felony of 81
the fourth degree. 82

(C) As used in this section, ~~"organization"~~; 83

(1) "Organization" includes an entity that is a 84
governmental employer. 85

(2) "Protected person" means a person to be protected by a 86
protection order issued or consent agreement approved pursuant 87
to section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of 88
the Revised Code, if the order was issued or the agreement was 89
approved against the offender. 90

Section 2. That existing sections 2903.21 and 2903.22 of 91
the Revised Code are hereby repealed. 92