

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 366

Senator Williams

Cosponsors: Senators Antonio, Yuko, Craig, Thomas

A BILL

To enact section 2903.17 of the Revised Code to 1
prohibit assault by a law enforcement officer. 2

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

Section 1. That section 2903.17 of the Revised Code be 3
enacted to read as follows: 4

Sec. 2903.17. (A) As used in this section: 5

(1) "Law enforcement officer" has the same meaning as in 6
section 9.69 of the Revised Code. 7

(2) "Less than lethal force" means any degree of force 8
that is not lethal force. 9

(3) "Lethal force" means any degree of force that creates 10
a substantial risk of causing death or serious physical harm to 11
another. 12

(4) "Physical harm" means any injury, illness, or other 13
physiological impairment, regardless of its gravity or duration. 14

(5) "Serious physical harm" means any of the following: 15

(a) Any mental illness or condition of such gravity as 16

would normally require hospitalization or prolonged psychiatric 17
treatment; 18

(b) Any physical harm that carries a substantial risk of 19
death; 20

(c) Any physical harm that involves some permanent 21
incapacity, whether partial or total, or that involves some 22
temporary, substantial incapacity; 23

(d) Any physical harm that involves some permanent 24
disfigurement or that involves some temporary, serious 25
disfigurement; 26

(e) Any physical harm that involves acute pain of such 27
duration as to result in substantial suffering or that involves 28
any degree of prolonged or intractable pain. 29

(B) No law enforcement officer shall knowingly do any of 30
the following: 31

(1) Cause serious physical harm to another by impeding the 32
normal breathing or circulation of the blood of the other person 33
by applying pressure to the throat or neck, or by blocking the 34
nose or mouth, of the other person; 35

(2) Cause serious physical harm to another by using less 36
than lethal force against the other person unless the form of 37
less than lethal force is necessary to arrest the other person 38
or to prevent physical harm to the officer or another person; 39

(3) Cause serious physical harm to another by using lethal 40
force against the other person unless the form of lethal force 41
is necessary to prevent death or serious physical harm to the 42
officer or another person. 43

(C) Whoever violates this section is guilty of assault by 44

<u>a law enforcement officer.</u>	45
<u>(1) A violation of division (B)(1) of this section is a misdemeanor of the first degree.</u>	46
<u>(2) A violation of division (B)(2) of this section is a felony of the fifth degree.</u>	48
<u>(3) A violation of division (B)(3) of this section is a felony of the first degree.</u>	50
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