

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 226**

**Representatives Pavliga, Miller, A.**

**Cosponsors: Representatives Brown, Crawley, Brent, Grendell, Gross, Ingram, Lightbody, Russo, Stoltzfus, Sobecki, Troy, Weinstein, Abrams, Baldrige, Boyd, Carfagna, Carruthers, Click, Creech, Galonski, Ghanbari, Ginter, Hicks-Hudson, Hoops, Humphrey, Jarrells, John, Johnson, Kick, Lanese, LaRe, Lepore-Hagan, Loychik, McClain, Miller, J., O'Brien, Oelslager, Plummer, Ray, Richardson, Schmidt, Smith, K., Smith, M., Stein, Stephens, Swearingen, Sweeney, Upchurch, West, White, Wilkin, Young, T., Speaker Cupp**

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**A BILL**

To amend sections 2921.03 and 2921.04 of the 1  
Revised Code to expand intimidation offenses to 2  
include guardians ad litem and court appointed 3  
special advocates. 4

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

**Section 1.** That sections 2921.03 and 2921.04 of the 5  
Revised Code be amended to read as follows: 6

**Sec. 2921.03.** (A) No person, knowingly and by force, by 7  
unlawful threat of harm to any person or property, or by filing, 8  
recording, or otherwise using a materially false or fraudulent 9  
writing with malicious purpose, in bad faith, or in a wanton or 10  
reckless manner, shall attempt to influence, intimidate, ~~or~~ 11  
hinder, abuse, threaten, or harass ~~any of the following in the~~ 12  
discharge of the person's duties: 13

(1) A public servant,~~a;~~ 14

(2) A party official, ~~or an~~; 15

(3) An attorney ~~or~~, a witness, a guardian ad litem, or a 16  
court appointed special advocate involved in a civil action or 17  
proceeding, including a domestic relations or juvenile action or 18  
proceeding, in the discharge of the person's the duties of the 19  
public servant, party official, attorney, or witness if the 20  
offender knew or had reason to know that the person was an 21  
attorney, a witness, a guardian ad litem, or a court appointed 22  
special advocate. 23

(B) Whoever violates this section is guilty of 24  
intimidation~~r~~. If the victim of the offense is a guardian ad 25  
litem or a court appointed special advocate, a violation of this 26  
section is a misdemeanor of the first degree. If the victim of 27  
the offense is a public servant, a party official, an attorney, 28  
or a witness, a violation of this section is a felony of the 29  
third degree. 30

(C) A person who violates this section is liable in a 31  
civil action to any person harmed by the violation for injury, 32  
death, or loss to person or property incurred as a result of the 33  
commission of the offense and for reasonable attorney's fees, 34  
court costs, and other expenses incurred as a result of 35  
prosecuting the civil action commenced under this division. A 36  
civil action under this division is not the exclusive remedy of 37  
a person who incurs injury, death, or loss to person or property 38  
as a result of a violation of this section. 39

**Sec. 2921.04.** (A) No person shall knowingly attempt to 40  
intimidate~~or~~, hinder, abuse, threaten, or harass the victim of 41  
a crime or delinquent act in the filing or prosecution of 42  
criminal charges or a delinquent child action or proceeding, and 43  
no person shall knowingly attempt to intimidate, abuse, 44

threaten, or harass a witness to a criminal or delinquent act by 45  
reason of the person being a witness to that act if the offender 46  
knew or had reason to know that the person was a witness. 47

(B) No person, knowingly and by force or by unlawful 48  
threat of harm to any person or property or by unlawful threat 49  
to commit any offense or calumny against any person, shall 50  
attempt to influence, intimidate, ~~or hinder,~~ abuse, threaten, or 51  
harass any of the following persons: 52

(1) The victim of a crime or delinquent act in the filing 53  
or prosecution of criminal charges or a delinquent child action 54  
or proceeding; 55

(2) A witness to a criminal or delinquent act by reason of 56  
the person being a witness to that act if the offender knew or 57  
had reason to know that the person was a witness; 58

(3) An attorney, guardian ad litem, or court appointed 59  
special advocate, by reason of the attorney's person's 60  
involvement in any criminal or delinquent child action or 61  
proceeding if the offender knew or had reason to know that the 62  
person was an attorney, a guardian ad litem, or a court 63  
appointed special advocate. 64

(C) Division (A) of this section does not apply to any 65  
person who is attempting to resolve a dispute pertaining to the 66  
alleged commission of a criminal offense, either prior to or 67  
subsequent to the filing of a complaint, indictment, or 68  
information, by participating in the arbitration, mediation, 69  
compromise, settlement, or conciliation of that dispute pursuant 70  
to an authorization for arbitration, mediation, compromise, 71  
settlement, or conciliation of a dispute of that nature that is 72  
conferred by any of the following: 73

(1) A section of the Revised Code;	74
(2) The Rules of Criminal Procedure, the Rules of Superintendence for Municipal Courts and County Courts, the Rules of Superintendence for Courts of Common Pleas, or another rule adopted by the supreme court in accordance with section 5 of Article IV, Ohio Constitution;	75 76 77 78 79
(3) A local rule of court, including, but not limited to, a local rule of court that relates to alternative dispute resolution or other case management programs and that authorizes the referral of disputes pertaining to the alleged commission of certain types of criminal offenses to appropriate and available arbitration, mediation, compromise, settlement, or other conciliation programs;	80 81 82 83 84 85 86
(4) The order of a judge of a municipal court, county court, or court of common pleas.	87 88
(D) Whoever violates this section is guilty of intimidation of <del>an</del> <u>a guardian ad litem, court appointed special advocate, attorney, victim, or witness in a criminal case.</u> A violation of division (A) of this section is a misdemeanor of the first degree. <del>A</del> <u>If the victim of the offense is a guardian ad litem or a court appointed special advocate, a violation of division (B) of this section is a misdemeanor of the first degree. If the victim of the offense is an attorney, a victim, or a witness, a violation of division (B) of this section is a felony of the third degree.</u>	89 90 91 92 93 94 95 96 97 98
(E) As used in this section, "witness" means any person who has or claims to have knowledge concerning a fact or facts concerning a criminal or delinquent act, whether or not criminal or delinquent child charges are actually filed.	99 100 101 102

**Section 2.** That existing sections 2921.03 and 2921.04 of 103  
the Revised Code are hereby repealed. 104

**Section 3.** Section 2921.03 of the Revised Code is 105  
presented in this act as a composite of the section as amended 106  
by both H.B. 88 and H.B. 644 of the 121st General Assembly. The 107  
General Assembly, applying the principle stated in division (B) 108  
of section 1.52 of the Revised Code that amendments are to be 109  
harmonized if reasonably capable of simultaneous operation, 110  
finds that the composite is the resulting version of the section 111  
in effect prior to the effective date of the section as 112  
presented in this act. 113