

**As Reported by the House Criminal Justice Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Am. H. B. No. 122**

**Representatives Pavliga, Miller, A.**

**Cosponsors: Representatives Baker, Blackshear, Brent, Brown, Galonski, Grim, Humphrey, Isaacsohn, Miller, J., Jarrells, Loychik, McNally, Miranda, Russo, Somani, Thomas, C., Troy, Upchurch, Weinstein, Williams, Hillyer**

---

**A BILL**

To amend sections 2921.03 and 2921.04 and to enact  
section 5.54 of the Revised Code to expand  
intimidation offenses to include guardians ad  
litem and court-appointed special advocates and  
to designate May 1st as "Court-Appointed Special  
Advocates Appreciation Day." 1  
2  
3  
4  
5  
6

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

**Section 1.** That sections 2921.03 and 2921.04 be amended  
and section 5.54 of the Revised Code be enacted to read as  
follows: 7  
8  
9

**Sec. 5.54.** The first day of May is designated as "Court-  
Appointed Special Advocates Appreciation Day." 10  
11

**Sec. 2921.03.** (A) No person, knowingly and by force, by  
unlawful threat of harm to any person or property, or by filing,  
recording, or otherwise using a materially false or fraudulent  
writing with malicious purpose, in bad faith, or in a wanton or  
reckless manner, shall attempt to influence, intimidate, ~~or~~ 12  
13  
14  
15  
16

hinder—~~a~~, abuse, threaten, or harass any of the following in 17  
the discharge of the person's duties: 18

(1) A public servant,~~a~~; 19

(2) A party official,~~or an~~; 20

(3) An attorney~~or~~, a witness, a guardian ad litem, or a 21  
court-appointed special advocate involved in a civil action or 22  
proceeding in the discharge of the person's the duties of the 23  
public servant, party official, attorney, or witness, including 24  
a domestic relations or juvenile action or proceeding, if the 25  
offender knew or had reason to know that the person was an 26  
attorney, a witness, a guardian ad litem, or a court-appointed 27  
special advocate. 28

(B) Whoever violates this section is guilty of 29  
intimidation~~r~~. If the victim of the offense is a guardian ad 30  
litem or a court-appointed special advocate, a violation of this 31  
section is a misdemeanor of the first degree. If the victim of 32  
the offense is a public servant, a party official, an attorney, 33  
or a witness, a violation of this section is a felony of the 34  
third degree. 35

(C) A person who violates this section is liable in a 36  
civil action to any person harmed by the violation for injury, 37  
death, or loss to person or property incurred as a result of the 38  
commission of the offense and for reasonable attorney's fees, 39  
court costs, and other expenses incurred as a result of 40  
prosecuting the civil action commenced under this division. A 41  
civil action under this division is not the exclusive remedy of 42  
a person who incurs injury, death, or loss to person or property 43  
as a result of a violation of this section. 44

**Sec. 2921.04.** (A) No person shall knowingly attempt to 45

intimidate ~~or~~, hinder, abuse, threaten, or harass the victim of 46  
a crime or delinquent act in the filing or prosecution of 47  
criminal charges or a delinquent child action or proceeding, and 48  
no person shall knowingly attempt to intimidate, abuse, 49  
threaten, or harass a witness to a criminal or delinquent act by 50  
reason of the person being a witness to that act if the offender 51  
knew or had reason to know that the person was a witness. 52

(B) No person, knowingly and by force or by unlawful 53  
threat of harm to any person or property or by unlawful threat 54  
to commit any offense or calumny against any person, shall 55  
attempt to influence, intimidate, ~~or hinder,~~ abuse, threaten, or 56  
harass any of the following persons: 57

(1) The victim of a crime or delinquent act in the filing 58  
or prosecution of criminal charges or a delinquent child action 59  
or proceeding; 60

(2) A witness to a criminal or delinquent act by reason of 61  
the person being a witness to that act if the offender knew or 62  
had reason to know that the person was a witness; 63

(3) An attorney, guardian ad litem, or court-appointed 64  
special advocate, by reason of the attorney's person's 65  
involvement in any criminal or delinquent child action or 66  
proceeding if the offender knew or had reason to know that the 67  
person was an attorney, a guardian ad litem, or a court- 68  
appointed special advocate. 69

(C) Division (A) of this section does not apply to any 70  
person who is attempting to resolve a dispute pertaining to the 71  
alleged commission of a criminal offense, either prior to or 72  
subsequent to the filing of a complaint, indictment, or 73  
information, by participating in the arbitration, mediation, 74

compromise, settlement, or conciliation of that dispute pursuant 75  
to an authorization for arbitration, mediation, compromise, 76  
settlement, or conciliation of a dispute of that nature that is 77  
conferred by any of the following: 78

(1) A section of the Revised Code; 79

(2) The Rules of Criminal Procedure, the Rules of 80  
Superintendence for Municipal Courts and County Courts, the 81  
Rules of Superintendence for Courts of Common Pleas, or another 82  
rule adopted by the supreme court in accordance with section 5 83  
of Article IV, Ohio Constitution; 84

(3) A local rule of court, including, but not limited to, 85  
a local rule of court that relates to alternative dispute 86  
resolution or other case management programs and that authorizes 87  
the referral of disputes pertaining to the alleged commission of 88  
certain types of criminal offenses to appropriate and available 89  
arbitration, mediation, compromise, settlement, or other 90  
conciliation programs; 91

(4) The order of a judge of a municipal court, county 92  
court, or court of common pleas. 93

(D) Whoever violates this section is guilty of 94  
intimidation of ~~an~~a guardian ad litem, court-appointed special 95  
advocate, attorney, victim, or witness in a criminal case. A 96  
violation of division (A) of this section is a misdemeanor of 97  
the first degree. ~~A~~If the victim of the offense is a guardian 98  
ad litem or a court-appointed special advocate, a violation of 99  
division (B) of this section is a misdemeanor of the first 100  
degree. If the victim of the offense is an attorney, a victim, 101  
or a witness, a violation of division (B) of this section is a 102  
felony of the third degree. 103

(E) As used in this section, "witness" means any person 104  
who has or claims to have knowledge concerning a fact or facts 105  
concerning a criminal or delinquent act, whether or not criminal 106  
or delinquent child charges are actually filed. 107

**Section 2.** That existing sections 2921.03 and 2921.04 of 108  
the Revised Code are hereby repealed. 109

**Section 3.** Section 2921.03 of the Revised Code is 110  
presented in this act as a composite of the section as amended 111  
by both H.B. 88 and H.B. 644 of the 121st General Assembly. The 112  
General Assembly, applying the principle stated in division (B) 113  
of section 1.52 of the Revised Code that amendments are to be 114  
harmonized if reasonably capable of simultaneous operation, 115  
finds that the composite is the resulting version of the section 116  
in effect prior to the effective date of the section as 117  
presented in this act. 118