

As Introduced

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H. B. No. 525

Representatives Brennan, Pizzulli

**Cosponsors: Representatives Brent, Piccolantonio, Daniels, Dell'Aquila, Grim,
Jarrells, Miller, A., Robb Blasdel, Rogers, Somani**

A BILL

To amend section 2903.13 of the Revised Code 1
regarding the penalty for assault when the 2
victim is a school employee or volunteer. 3

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

Section 1. That section 2903.13 of the Revised Code be 4
amended to read as follows: 5

Sec. 2903.13. (A) No person shall knowingly cause or 6
attempt to cause physical harm to another or to another's 7
unborn. 8

(B) No person shall recklessly cause serious physical harm 9
to another or to another's unborn. 10

(C) (1) Whoever violates this section is guilty of assault, 11
and the court shall sentence the offender as provided in this 12
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 13
(8), (9), and (10) of this section. Except as otherwise provided 14
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 15
section, assault is a misdemeanor of the first degree. 16

(2) Except as otherwise provided in this division, if the offense is committed by a caretaker against a person with a functional impairment under the caretaker's care, assault is a felony of the fourth degree. If the offense is committed by a caretaker against a person with a functional impairment under the caretaker's care, if the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.11 or 2903.16 of the Revised Code, and if in relation to the previous conviction the offender was a caretaker and the victim was a person with a functional impairment under the offender's care, assault is a felony of the third degree.

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

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

(a) The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the

person's being alleged to be or adjudicated a delinquent child. 47

(b) The offense occurs off the grounds of a state 48
correctional institution and off the grounds of an institution 49
of the department of youth services, the victim of the offense 50
is an employee of the department of rehabilitation and 51
correction, the department of youth services, or a probation 52
department, the offense occurs during the employee's official 53
work hours and while the employee is engaged in official work 54
responsibilities, and the offense is committed by a person 55
incarcerated in a state correctional institution or 56
institutionalized in the department of youth services who 57
temporarily is outside of the institution for any purpose, by a 58
parolee, by an offender under transitional control, under a 59
community control sanction, or on an escorted visit, by a person 60
under post-release control, or by an offender under any other 61
type of supervision by a government agency. 62

(c) The offense occurs off the grounds of a local 63
correctional facility, the victim of the offense is an employee 64
of the local correctional facility or a probation department, 65
the offense occurs during the employee's official work hours and 66
while the employee is engaged in official work responsibilities, 67
and the offense is committed by a person who is under custody in 68
the facility subsequent to the person's arrest for any crime or 69
delinquent act, subsequent to the person being charged with or 70
convicted of any crime, or subsequent to the person being 71
alleged to be or adjudicated a delinquent child and who 72
temporarily is outside of the facility for any purpose or by a 73
parolee, by an offender under transitional control, under a 74
community control sanction, or on an escorted visit, by a person 75
under post-release control, or by an offender under any other 76
type of supervision by a government agency. 77

(d) The victim of the offense is a school teacher or 78
administrator ~~or~~, a school bus operator, or other school 79
employee or volunteer and the offense occurs in a school, on 80
school premises, in a school building, on a school bus, or while 81
the victim is outside of school premises or a school bus and is 82
engaged in duties or official responsibilities associated with 83
the victim's employment or position as a school teacher or 84
administrator ~~or~~, a school bus operator, or other school 85
employee or volunteer including, but not limited to, driving, 86
accompanying, or chaperoning students at or on class or field 87
trips, athletic events, or other school extracurricular 88
activities or functions outside of school premises. 89

(5) If the assault is committed in any of the following 90
circumstances, assault is a felony of the fourth degree: 91

(a) The victim of the offense is a peace officer or an 92
investigator of the bureau of criminal identification and 93
investigation, a firefighter, or a person performing emergency 94
medical service, while in the performance of the officer's, 95
investigator's, firefighter's, or person's official duties. 96

(b) The victim of the offense is an emergency service 97
responder, the offender knows or reasonably should know that the 98
victim is an emergency service responder, and it is the 99
offender's specific purpose to commit the offense against an 100
emergency service responder. 101

(c) The victim of the offense is a family or household 102
member or co-worker of a person who is an emergency service 103
responder, the offender knows or reasonably should know that the 104
victim is a family or household member or co-worker of an 105
emergency service responder, and it is the offender's specific 106
purpose to commit the offense against a family or household 107

member or co-worker of an emergency service responder. 108

(6) If the offense is a felony of the fourth degree under 109
division (C)(5)(a) of this section, if the victim of the offense 110
is a peace officer or an investigator of the bureau of criminal 111
identification and investigation, and if the victim suffered 112
serious physical harm as a result of the commission of the 113
offense, the court, pursuant to division (F) of section 2929.13 114
of the Revised Code, shall impose as a mandatory prison term one 115
of the prison terms prescribed for a felony of the fourth degree 116
that is at least twelve months in duration. 117

(7) If the victim of the offense is an officer or employee 118
of a public children services agency or a private child placing 119
agency and the offense relates to the officer's or employee's 120
performance or anticipated performance of official 121
responsibilities or duties, assault is either a felony of the 122
fifth degree or, if the offender previously has been convicted 123
of or pleaded guilty to an offense of violence, the victim of 124
that prior offense was an officer or employee of a public 125
children services agency or private child placing agency, and 126
that prior offense related to the officer's or employee's 127
performance or anticipated performance of official 128
responsibilities or duties, a felony of the fourth degree. 129

(8) If the victim of the offense is a health care 130
professional of a hospital, a health care worker of a hospital, 131
or a security officer of a hospital whom the offender knows or 132
has reasonable cause to know is a health care professional of a 133
hospital, a health care worker of a hospital, or a security 134
officer of a hospital, if the victim is engaged in the 135
performance of the victim's duties, and if the hospital offers 136
de-escalation or crisis intervention training for such 137

professionals, workers, or officers, assault is one of the 138
following: 139

(a) Except as otherwise provided in division (C) (8) (b) of 140
this section, assault committed in the specified circumstances 141
is a misdemeanor of the first degree. Notwithstanding the fine 142
specified in division (A) (2) (a) of section 2929.28 of the 143
Revised Code for a misdemeanor of the first degree, in 144
sentencing the offender under this division and if the court 145
decides to impose a fine, the court may impose upon the offender 146
a fine of not more than five thousand dollars. 147

(b) If the offender previously has been convicted of or 148
pleaded guilty to one or more assault or homicide offenses 149
committed against hospital personnel, assault committed in the 150
specified circumstances is a felony of the fifth degree. 151

(9) If the victim of the offense is a judge, magistrate, 152
prosecutor, or court official or employee whom the offender 153
knows or has reasonable cause to know is a judge, magistrate, 154
prosecutor, or court official or employee, and if the victim is 155
engaged in the performance of the victim's duties, assault is 156
one of the following: 157

(a) Except as otherwise provided in division (C) (9) (b) of 158
this section, assault committed in the specified circumstances 159
is a misdemeanor of the first degree. In sentencing the offender 160
under this division, if the court decides to impose a fine, 161
notwithstanding the fine specified in division (A) (2) (a) of 162
section 2929.28 of the Revised Code for a misdemeanor of the 163
first degree, the court may impose upon the offender a fine of 164
not more than five thousand dollars. 165

(b) If the offender previously has been convicted of or 166

pleaded guilty to one or more assault or homicide offenses 167
committed against justice system personnel, assault committed in 168
the specified circumstances is a felony of the fifth degree. 169

(10) If an offender who is convicted of or pleads guilty 170
to assault when it is a misdemeanor also is convicted of or 171
pleads guilty to a specification as described in section 172
2941.1423 of the Revised Code that was included in the 173
indictment, count in the indictment, or information charging the 174
offense, the court shall sentence the offender to a mandatory 175
jail term as provided in division (F) of section 2929.24 of the 176
Revised Code. 177

If an offender who is convicted of or pleads guilty to 178
assault when it is a felony also is convicted of or pleads 179
guilty to a specification as described in section 2941.1423 of 180
the Revised Code that was included in the indictment, count in 181
the indictment, or information charging the offense, except as 182
otherwise provided in division (C) (6) of this section, the court 183
shall sentence the offender to a mandatory prison term as 184
provided in division (B) (8) of section 2929.14 of the Revised 185
Code. 186

(D) A prosecution for a violation of this section does not 187
preclude a prosecution of a violation of any other section of 188
the Revised Code. One or more acts, a series of acts, or a 189
course of behavior that can be prosecuted under this section or 190
any other section of the Revised Code may be prosecuted under 191
this section, the other section of the Revised Code, or both 192
sections. However, if an offender is convicted of or pleads 193
guilty to a violation of this section and also is convicted of 194
or pleads guilty to a violation of section 2903.22 of the 195
Revised Code based on the same conduct involving the same victim 196

that was the basis of the violation of this section, the two 197
offenses are allied offenses of similar import under section 198
2941.25 of the Revised Code. 199

(E) As used in this section: 200

(1) "Peace officer" has the same meaning as in section 201
2935.01 of the Revised Code. 202

(2) "Firefighter" means any person who is a firefighter as 203
defined in section 3937.41 of the Revised Code and, for purposes 204
of division ~~(E) (21)~~ (E) (22) of this section, also includes a 205
member of a fire department as defined in section 742.01 of the 206
Revised Code. 207

(3) "Emergency medical service" has the same meaning as in 208
section 4765.01 of the Revised Code. 209

(4) "Local correctional facility" means a county, 210
multicounty, municipal, municipal-county, or multicounty- 211
municipal jail or workhouse, a minimum security jail established 212
under section 341.23 or 753.21 of the Revised Code, or another 213
county, multicounty, municipal, municipal-county, or 214
multicounty-municipal facility used for the custody of persons 215
arrested for any crime or delinquent act, persons charged with 216
or convicted of any crime, or persons alleged to be or 217
adjudicated a delinquent child. 218

(5) "Employee of a local correctional facility" means a 219
person who is an employee of the political subdivision or of one 220
or more of the affiliated political subdivisions that operates 221
the local correctional facility and who operates or assists in 222
the operation of the facility. 223

(6) "School teacher or administrator" means either of the 224
following: 225

(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.

(b) A person who is employed by a nonpublic school for which the director of education and workforce 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.

(7) "School employee or volunteer" means any person employed by or serving as a volunteer at a school district, educational service center, other public school as defined in section 3301.0711 of the Revised Code, or private school and any contractor or person hired by a contractor engaged in providing services to a school district, educational service center, other public school as defined in section 3301.0711 of the Revised Code, or private school in any position.

(8) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

~~(8)~~ (9) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.

~~(9)~~ (10) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.

~~(10)~~ (11) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.

~~(11)~~ (12) "Health care professional" and "health care

worker" have the same meanings as in section 2305.234 of the Revised Code.

~~(12)~~(13) "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:

(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.

(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 hospital.

(c) The victim was engaged in the performance of the victim's duties.

(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.

~~(13)~~(14) "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.

~~(14)~~(15) "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, 284
magistrate, prosecutor, or court official or employee whom the 285
offender knew or had reasonable cause to know was a judge, 286
magistrate, prosecutor, or court official or employee, and the 287
victim was engaged in the performance of the victim's duties. 288

~~(15)~~(16) "Court official or employee" means any official 289
or employee of a court created under the constitution or 290
statutes of this state or of a United States court located in 291
this state. 292

~~(16)~~(17) "Judge" means a judge of a court created under 293
the constitution or statutes of this state or of a United States 294
court located in this state. 295

~~(17)~~(18) "Magistrate" means an individual who is appointed 296
by a court of record of this state and who has the powers and 297
may perform the functions specified in Civil Rule 53, Criminal 298
Rule 19, or Juvenile Rule 40, or an individual who is appointed 299
by a United States court located in this state who has similar 300
powers and functions. 301

~~(18)~~(19) "Prosecutor" has the same meaning as in section 302
2935.01 of the Revised Code. 303

~~(19)~~(a)~~(20)~~(a) "Hospital" means, subject to division ~~(E)~~ 304
~~(19)~~(b)~~(E)~~(20)(b) of this section, an institution classified as 305
a hospital under section 3701.01 of the Revised Code in which 306
are provided to patients diagnostic, medical, surgical, 307
obstetrical, psychiatric, or rehabilitation care or a hospital 308
operated by a health maintenance organization. 309

(b) "Hospital" does not include any of the following: 310

(i) A facility licensed under Chapter 3721. of the Revised 311
Code, a health care facility operated by the department of 312

mental health and addiction services or the department of 313
developmental disabilities, a health maintenance organization 314
that does not operate a hospital, or the office of any private, 315
licensed health care professional, whether organized for 316
individual or group practice; 317

(ii) An institution for the sick that is operated 318
exclusively for patients who use spiritual means for healing and 319
for whom the acceptance of medical care is inconsistent with 320
their religious beliefs, accredited by a national accrediting 321
organization, exempt from federal income taxation under section 322
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 323
U.S.C. 1, as amended, and providing twenty-four-hour nursing 324
care pursuant to the exemption in division (E) of section 325
4723.32 of the Revised Code from the licensing requirements of 326
Chapter 4723. of the Revised Code. 327

~~(20)~~(21) "Health maintenance organization" has the same 328
meaning as in section 3727.01 of the Revised Code. 329

~~(21)~~(22) "Emergency service responder" means any law 330
enforcement officer, first responder, emergency medical 331
technician-basic, emergency medical technician-intermediate, 332
emergency medical technician-paramedic, firefighter, or 333
volunteer firefighter. 334

~~(22)~~(23) "Family or household member" means any of the 335
following: 336

(a) Any of the following who is residing or has resided 337
with a person who is employed as an emergency service responder: 338

(i) A spouse, a person living as a spouse, or a former 339
spouse of a person who is employed as an emergency service 340
responder; 341

(ii) A parent, a foster parent, or a child of a person who 342
is employed as an emergency service responder, or another person 343
related by consanguinity or affinity to a person who is employed 344
as an emergency service responder; 345

(iii) A parent or a child of a spouse, person living as a 346
spouse, or former spouse of a person who is employed as an 347
emergency service responder, or another person related by 348
consanguinity or affinity to a spouse, person living as a 349
spouse, or former spouse of a person who is employed as an 350
emergency service responder. 351

(b) The natural parent of any child of whom a person who 352
is employed as an emergency service responder is the other 353
natural parent or is the putative other natural parent. 354

~~(23)~~(24) "First responder," "emergency medical technician- 355
basic," "emergency medical technician-intermediate," and 356
"emergency medical technician-paramedic" have the same meanings 357
as in section 4765.01 of the Revised Code. 358

~~(24)~~(25) "Volunteer firefighter" has the same meaning as 359
in section 146.01 of the Revised Code. 360

~~(25)~~(26) "Person living as a spouse" means a person who is 361
living or has lived with a person who is employed as an 362
emergency service responder in a common law marital 363
relationship, who otherwise is cohabiting with a person who is 364
employed as an emergency service responder, or who otherwise has 365
cohabited with a person who is employed as an emergency service 366
responder within five years prior to the date of the alleged 367
commission of the act in question. 368

~~(26)~~(27) "Co-worker" means a person who is employed by the 369
organization or entity that is served by a person who is 370

employed as an emergency service responder. 371

Section 2. That existing section 2903.13 of the Revised 372
Code is hereby repealed. 373