

As Reported by the House Public Safety Committee

136th General Assembly

Regular Session

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Sub. H. B. No. 20

Representatives Hall, T., Plummer

Cosponsors: Representatives Abrams, Ghanbari, Willis

To amend sections 2903.22 and 2921.31 of the
Revised Code to increase the penalty for
obstructing official business when the victim is
an emergency service responder who is engaged in
the lawful performance of a legal duty and to
clarify that heightened penalties apply for
menacing a probation officer.

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

Section 1. That sections 2903.22 and 2921.31 of the
Revised Code be amended to read as follows:

Sec. 2903.22. (A) (1) No person shall knowingly cause
another to believe that the offender will cause physical harm to
the person or property of the other person, the other person's
unborn, or a member of the other person's immediate family. In
addition to any other basis for the other person's belief that
the offender will cause physical harm to the person or property
of the other person, the other person's unborn, or a member of
the other person's immediate family, the other person's belief
may be based on words or conduct of the offender that are
directed at or identify a corporation, association, or other
organization that employs the other person or to which the other

person belongs. 21

(2) No person shall knowingly place or attempt to place 22
another in reasonable fear of physical harm or death by 23
displaying a deadly weapon, regardless of whether the deadly 24
weapon displayed is operable or inoperable, if either of the 25
following applies: 26

(a) The other person is an emergency service responder, 27
the person knows or reasonably should know that the other person 28
is an emergency service responder, and it is the person's 29
specific purpose to engage in the specified conduct against an 30
emergency service responder. 31

(b) The other person is a family or household member or 32
co-worker of an emergency service responder, the person knows or 33
reasonably should know that the other person is a family or 34
household member or co-worker of an emergency service responder, 35
and it is the person's specific purpose to engage in the 36
specified conduct against a family or household member or co- 37
worker of an emergency service responder. 38

(B) Whoever violates this section is guilty of menacing. 39

Except as otherwise provided in this division, menacing is 40
a misdemeanor of the fourth degree. If the victim of the offense 41
is an officer or employee of a public children services agency 42
or a private child placing agency and the offense relates to the 43
officer's or employee's performance or anticipated performance 44
of official responsibilities or duties or if the victim of the 45
offense is an emergency service responder in the performance of 46
the responder's official duties, menacing is one of the 47
following: 48

(1) Except as otherwise provided in division (B) (2) of 49

this section, a misdemeanor of the first degree; 50

(2) If the offender previously has been convicted of or 51
pleaded guilty to an offense of violence, the victim of that 52
prior offense was an officer or employee of a public children 53
services agency or private child placing agency or an emergency 54
service responder, and that prior offense related to the 55
officer's or employee's performance or anticipated performance 56
of official responsibilities or duties or to the responder's 57
performance of the responder's official duties, a felony of the 58
fourth degree. 59

(C) A prosecution for a violation of this section does not 60
preclude a prosecution of a violation of any other section of 61
the Revised Code. One or more acts, a series of acts, or a 62
course of behavior that can be prosecuted under this section or 63
any other section of the Revised Code may be prosecuted under 64
this section, the other section of the Revised Code, or both 65
sections. However, if an offender is convicted of or pleads 66
guilty to a violation of this section and also is convicted of 67
or pleads guilty to a violation of section 2903.13 of the 68
Revised Code based on the same conduct involving the same victim 69
that was the basis of the violation of this section, the two 70
offenses are allied offenses of similar import under section 71
2941.25 of the Revised Code. 72

(D) As used in this section: 73

(1) "Emergency service responder," "family has the same 74
meaning as in section 2903.13 of the Revised Code and also 75
includes a probation officer. 76

(2) "Family or household member," and "co-worker" have the 77
same meanings as in section 2903.13 of the Revised Code. 78

~~(2)~~(3) "Organization" includes an entity that is a governmental employer. 79
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(4) "Probation officer" means a probation officer appointed by a municipal court under section 1901.33 of the Revised Code, a probation officer appointed by a county court under section 1907.201 of the Revised Code, and a probation officer appointed by a court of common pleas under section 2301.27 of the Revised Code. 81
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Sec. 2921.31. (A) As used in this section: 87

(1) "Emergency service responder" has the same meaning as in section 2903.22 of the Revised Code. 88
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(2) "Warning" means a verbal command made by an emergency service responder through which the emergency service responder does both of the following: 90
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(a) Commands a person to maintain the person's distance, to stay away, to back away, to not interfere, or another similar instruction; 93
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(b) Communicates the verbal command in a manner such that a reasonable person would believe that the person must comply with the verbal command under the circumstances. 96
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(B) No person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties. 99
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~~(B)~~(C) (1) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in 105
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~~this division~~ divisions (C) (2) and (3) of this section, 107
obstructing official business is a misdemeanor of the second 108
degree. 109

(2) If the victim is an emergency service responder 110
engaged in the lawful performance of the responder's legal duty, 111
and the responder issued a warning to the person before the 112
person engaged in or continued to engage in the conduct 113
described in division (B) of this section, obstructing official 114
business is a misdemeanor of the first degree. 115

(3) If a violation of this section creates a risk of 116
physical harm to any person, obstructing official business is a 117
felony of the fifth degree. 118

Section 2. That existing sections 2903.22 and 2921.31 of 119
the Revised Code are hereby repealed. 120