

AN ACT

To amend sections 2903.22 and 2921.31 of the Revised Code to modify the offense of obstructing official business when the victim is an emergency service responder, 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.

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

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

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

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

Except as otherwise provided in this division, menacing is a misdemeanor of the fourth degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or

anticipated performance of official responsibilities or duties or if the victim of the offense is an emergency service responder in the performance of the responder's official duties, menacing is one of the following:

(1) Except as otherwise provided in division (B)(2) of this section, a misdemeanor of the first degree;

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

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

(D) As used in this section:

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

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

~~(2)~~(3) "Organization" includes an entity that is a governmental employer.

(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.

Sec. 2921.31. (A) As used in this section:

(1) "Emergency service responder" has the same meaning as in section 2903.22 of the Revised Code.

(2) "Warning" means a verbal command made by an emergency service responder through which the emergency service responder does both of the following:

(a) Commands a person to maintain the person's distance, to stay away, to back away, to not interfere, or another similar instruction;

(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.

(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.

(B)(C) No person, without privilege to do so, and after receiving a warning, shall knowingly approach or remain within fifteen feet of an emergency service responder engaged in the lawful performance of the responder's legal duty and do either of the following:

(1) Impede or interfere with the emergency service responder's ability to perform the responder's legal duty;

(2) Threaten the emergency service responder with physical harm.

(D)(1) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in ~~this division~~ divisions (D)(2), (3), and (4) of this section, obstructing official business is a misdemeanor of the second degree.

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

(3) If a violation of this section creates a risk of physical harm to ~~any~~ a person other than an emergency service responder, obstructing official business is a felony of the fifth degree.

(4) If a violation of this section creates a risk of physical harm to an emergency service responder, obstructing official business is a felony of the fourth degree.

SECTION 2. That existing sections 2903.22 and 2921.31 of the Revised Code are hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 20

136th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____