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H.B. 208
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Lorenz

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SUMMARY

- Increases the penalty for assault when the victim is a judge, magistrate, prosecutor, or court official or employee to a fourth degree felony, and if the court decides to impose a fine, a fine of not more than $7,500.
- Eliminates the escalated penalty for assault when the victim is a judge, magistrate, prosecutor, or court official or employee if the offender has previously been convicted or pleaded guilty to one or more assault or homicide offense committed against a judge, magistrate, prosecutor, or court official or employee.
- Names the bill's provisions the "Courtroom Employee Protection Act."

DETAILED ANALYSIS

Assault

The offense of "assault" prohibits a person from doing either of the following:[1]

- Knowingly causing or attempting to cause physical harm to another or to another's unborn;
- Recklessly causing serious physical harm to another or another's unborn.

Generally, the penalty for assault is a first degree misdemeanor.[2]

[1] R.C. 2903.13(A) and (B).

[2] R.C. 2903.13(C)(1).

Victim judge, magistrate, prosecutor, or court official or employee

The bill increases the penalty for assault when the victim of assault is a "judge," "magistrate," "prosecutor," or "court official or employee." The bill increases the penalty to a fourth degree felony; and if the court decides to impose a fine, the court may impose a fine of not more than $7,500, rather than the standard fine for a fourth degree felony of not more than $5,000, if all of the following apply:[3]

- The victim of the offense is a judge, magistrate, prosecutor, or court official or employee;
- The offender knows or has reasonable cause to know that the victim is a judge, magistrate, prosecutor, or court official or employee;
- The victim is engaged in the performance of the victim's duties.

Under current law, the penalty for assault when the victim is a judge, magistrate, prosecutor, or court official or employee is a first degree misdemeanor. If the court decides to impose a fine, the court may impose upon the offender a fine of not more than $5,000, rather than the standard fine for a first degree misdemeanor of not more than $1,000.[4]

The bill eliminates the escalated penalty for assault when the victim is a judge, magistrate, prosecutor, or court official or employee and the victim was engaged in the performance of the victim's duties. Under current law, if the offender previously has been convicted of or pleaded guilty to one or more "assault or homicide offenses committed against justice system personnel," assault is a fifth degree felony.[5]

Name of the act

The bill names the bill's provisions the "Courtroom Employee Protection Act."[6]

Definitions

The bill modifies the definition of "court official or employee" to include any official or employee of a clerk of court. As such "court official or employee" means any official or employee of a court created under the Ohio Constitution or the Ohio Revised Code or of a U. S. court located in Ohio or any official or employee of a clerk of such court.[7]

The bill uses the following existing definitions:

- "Assault or homicide offense committed against justice system personnel" means assault, aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, reckless

[3] R.C. 2903.13(C)(9).

[4] R.C. 2903.13(C)(9)(a) and 2929.28(A)(2)(a)(i), not in the bill.

[5] R.C. 2903.13(C)(9)(b).

[6] Section 3.

[7] R.C. 2903.13(E)(15).

homicide, felonious assault, aggravated assault, or negligent assault committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.[8]

- "Judge" means a judge of a court created under the Ohio Constitution or the Ohio Revised Code or of a U. S. court located in Ohio.[9]
- "Magistrate" means an individual who is appointed by a court of record in Ohio and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a U. S. court located in Ohio who has similar powers and functions.[10]
- "Prosecutor" includes the county prosecuting attorney and any assistant prosecutor designated to assist the county prosecuting attorney, and, in the case of courts inferior to courts of common pleas, includes the village solicitor, city director of law, or similar chief legal officer of a municipal corporation, any such officer's assistants, or any attorney designated by the prosecuting attorney of the county to appear for the prosecution of a given case.[11]

HISTORY

Action	Date
Introduced	03-31-25

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[8] R.C. 2903.13(E)(14).

[9] R.C. 2903.13(E)(16).

[10] R.C. 2903.13(E)(17).

[11] R.C. 2903.13(E)(18) and 2935.01(C), not in the bill.