

As Introduced

**136th General Assembly
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H. B. No. 208

Representative Lorenz

Cosponsors: Representatives Johnson, Williams

To amend section 2903.13 of the Revised Code to 1
enact the Courtroom Employee Protection Act to 2
increase the penalty for assault when the victim 3
is a judge, magistrate, prosecutor, or court 4
official or employee. 5

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

Section 1. That section 2903.13 of the Revised Code be 6
amended to read as follows: 7

Sec. 2903.13. (A) No person shall knowingly cause or 8
attempt to cause physical harm to another or to another's 9
unborn. 10

(B) No person shall recklessly cause serious physical harm 11
to another or to another's unborn. 12

(C) (1) Whoever violates this section is guilty of assault, 13
and the court shall sentence the offender as provided in this 14
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 15
(8), (9), and (10) of this section. Except as otherwise provided 16
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 17
section, assault is a misdemeanor of the first degree. 18

(2) Except as otherwise provided in this division, if the 19

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.

(b) The offense occurs off the grounds of a state 50
correctional institution and off the grounds of an institution 51
of the department of youth services, the victim of the offense 52
is an employee of the department of rehabilitation and 53
correction, the department of youth services, or a probation 54
department, the offense occurs during the employee's official 55
work hours and while the employee is engaged in official work 56
responsibilities, and the offense is committed by a person 57
incarcerated in a state correctional institution or 58
institutionalized in the department of youth services who 59
temporarily is outside of the institution for any purpose, by a 60
parolee, by an offender under transitional control, under a 61
community control sanction, or on an escorted visit, by a person 62
under post-release control, or by an offender under any other 63
type of supervision by a government agency. 64

(c) The offense occurs off the grounds of a local 65
correctional facility, the victim of the offense is an employee 66
of the local correctional facility or a probation department, 67
the offense occurs during the employee's official work hours and 68
while the employee is engaged in official work responsibilities, 69
and the offense is committed by a person who is under custody in 70
the facility subsequent to the person's arrest for any crime or 71
delinquent act, subsequent to the person being charged with or 72
convicted of any crime, or subsequent to the person being 73
alleged to be or adjudicated a delinquent child and who 74
temporarily is outside of the facility for any purpose or by a 75
parolee, by an offender under transitional control, under a 76
community control sanction, or on an escorted visit, by a person 77
under post-release control, or by an offender under any other 78
type of supervision by a government agency. 79

(d) The victim of the offense is a school teacher or 80

administrator or a school bus operator, and the offense occurs 81
in a school, on school premises, in a school building, on a 82
school bus, or while the victim is outside of school premises or 83
a school bus and is engaged in duties or official 84
responsibilities associated with the victim's employment or 85
position as a school teacher or administrator or a school bus 86
operator, including, but not limited to, driving, accompanying, 87
or chaperoning students at or on class or field trips, athletic 88
events, or other school extracurricular activities or functions 89
outside of school premises. 90

(5) If the assault is committed in any of the following 91
circumstances, assault is a felony of the fourth degree: 92

(a) The victim of the offense is a peace officer or an 93
investigator of the bureau of criminal identification and 94
investigation, a firefighter, or a person performing emergency 95
medical service, while in the performance of the officer's, 96
investigator's, firefighter's, or person's official duties. 97

(b) The victim of the offense is an emergency service 98
responder, the offender knows or reasonably should know that the 99
victim is an emergency service responder, and it is the 100
offender's specific purpose to commit the offense against an 101
emergency service responder. 102

(c) The victim of the offense is a family or household 103
member or co-worker of a person who is an emergency service 104
responder, the offender knows or reasonably should know that the 105
victim is a family or household member or co-worker of an 106
emergency service responder, and it is the offender's specific 107
purpose to commit the offense against a family or household 108
member or co-worker of an emergency service responder. 109

(6) If the offense is a felony of the fourth degree under 110
division (C) (5) (a) of this section, if the victim of the offense 111
is a peace officer or an investigator of the bureau of criminal 112
identification and investigation, and if the victim suffered 113
serious physical harm as a result of the commission of the 114
offense, the court, pursuant to division (F) of section 2929.13 115
of the Revised Code, shall impose as a mandatory prison term one 116
of the prison terms prescribed for a felony of the fourth degree 117
that is at least twelve months in duration. 118

(7) If the victim of the offense is an officer or employee 119
of a public children services agency or a private child placing 120
agency and the offense relates to the officer's or employee's 121
performance or anticipated performance of official 122
responsibilities or duties, assault is either a felony of the 123
fifth degree or, if the offender previously has been convicted 124
of or pleaded guilty to an offense of violence, the victim of 125
that prior offense was an officer or employee of a public 126
children services agency or private child placing agency, and 127
that prior offense related to the officer's or employee's 128
performance or anticipated performance of official 129
responsibilities or duties, a felony of the fourth degree. 130

(8) If the victim of the offense is a health care 131
professional of a hospital, a health care worker of a hospital, 132
or a security officer of a hospital whom the offender knows or 133
has reasonable cause to know is a health care professional of a 134
hospital, a health care worker of a hospital, or a security 135
officer of a hospital, if the victim is engaged in the 136
performance of the victim's duties, and if the hospital offers 137
de-escalation or crisis intervention training for such 138
professionals, workers, or officers, assault is one of the 139
following: 140

(a) Except as otherwise provided in division (C) (8) (b) of 141
this section, assault committed in the specified circumstances 142
is a misdemeanor of the first degree. Notwithstanding the fine 143
specified in division (A) (2) (a) of section 2929.28 of the 144
Revised Code for a misdemeanor of the first degree, in 145
sentencing the offender under this division and if the court 146
decides to impose a fine, the court may impose upon the offender 147
a fine of not more than five thousand dollars. 148

(b) If the offender previously has been convicted of or 149
pleaded guilty to one or more assault or homicide offenses 150
committed against hospital personnel, assault committed in the 151
specified circumstances is a felony of the fifth degree. 152

(9) If the victim of the offense is a judge, magistrate, 153
prosecutor, or court official or employee whom the offender 154
knows or has reasonable cause to know is a judge, magistrate, 155
prosecutor, or court official or employee, and if the victim is 156
engaged in the performance of the victim's duties, ~~assault is~~ 157
~~one of the following:~~ 158

~~(a) Except as otherwise provided in division (C) (9) (b) of~~ 159
~~this section,~~ assault committed in the specified circumstances 160
is a ~~misdemeanor~~ felony of the ~~first~~ fourth degree. In 161
sentencing the offender under this division, if the court 162
decides to impose a fine, notwithstanding the fine specified in 163
division ~~(A) (2) (a)~~ (A) (3) of section ~~2929.28~~ 2929.18 of the 164
Revised Code for a ~~misdemeanor~~ felony of the ~~first~~ fourth 165
degree, the court may impose upon the offender a fine of not 166
more than ~~five~~ seven thousand five hundred dollars. 167

~~(b) If the offender previously has been convicted of or~~ 168
~~pleaded guilty to one or more assault or homicide offenses~~ 169
~~committed against justice system personnel, assault committed in~~ 170

~~the specified circumstances is a felony of the fifth degree.~~ 171

(10) If an offender who is convicted of or pleads guilty 172
to assault when it is a misdemeanor also is convicted of or 173
pleads guilty to a specification as described in section 174
2941.1423 of the Revised Code that was included in the 175
indictment, count in the indictment, or information charging the 176
offense, the court shall sentence the offender to a mandatory 177
jail term as provided in division (F) of section 2929.24 of the 178
Revised Code. 179

If an offender who is convicted of or pleads guilty to 180
assault when it is a felony also is convicted of or pleads 181
guilty to a specification as described in section 2941.1423 of 182
the Revised Code that was included in the indictment, count in 183
the indictment, or information charging the offense, except as 184
otherwise provided in division (C) (6) of this section, the court 185
shall sentence the offender to a mandatory prison term as 186
provided in division (B) (8) of section 2929.14 of the Revised 187
Code. 188

(D) A prosecution for a violation of this section does not 189
preclude a prosecution of a violation of any other section of 190
the Revised Code. One or more acts, a series of acts, or a 191
course of behavior that can be prosecuted under this section or 192
any other section of the Revised Code may be prosecuted under 193
this section, the other section of the Revised Code, or both 194
sections. However, if an offender is convicted of or pleads 195
guilty to a violation of this section and also is convicted of 196
or pleads guilty to a violation of section 2903.22 of the 197
Revised Code based on the same conduct involving the same victim 198
that was the basis of the violation of this section, the two 199
offenses are allied offenses of similar import under section 200

2941.25 of the Revised Code.	201
(E) As used in this section:	202
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	203 204
(2) "Firefighter" means any person who is a firefighter as defined in section 3937.41 of the Revised Code and, for purposes of division (E) (21) of this section, also includes a member of a fire department as defined in section 742.01 of the Revised Code.	205 206 207 208 209
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	210 211
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	212 213 214 215 216 217 218 219 220
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	221 222 223 224 225
(6) "School teacher or administrator" means either of the following:	226 227
(a) A person who is employed in the public schools of the	228

state under a contract described in section 3311.77 or 3319.08 229
of the Revised Code in a position in which the person is 230
required to have a certificate issued pursuant to sections 231
3319.22 to 3319.311 of the Revised Code. 232

(b) A person who is employed by a nonpublic school for 233
which the director of education and workforce prescribes minimum 234
standards under section 3301.07 of the Revised Code and who is 235
certificated in accordance with section 3301.071 of the Revised 236
Code. 237

(7) "Community control sanction" has the same meaning as 238
in section 2929.01 of the Revised Code. 239

(8) "Escorted visit" means an escorted visit granted under 240
section 2967.27 of the Revised Code. 241

(9) "Post-release control" and "transitional control" have 242
the same meanings as in section 2967.01 of the Revised Code. 243

(10) "Investigator of the bureau of criminal 244
identification and investigation" has the same meaning as in 245
section 2903.11 of the Revised Code. 246

(11) "Health care professional" and "health care worker" 247
have the same meanings as in section 2305.234 of the Revised 248
Code. 249

(12) "Assault or homicide offense committed against 250
hospital personnel" means a violation of this section or of 251
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 252
2903.12, or 2903.14 of the Revised Code committed in 253
circumstances in which all of the following apply: 254

(a) The victim of the offense was a health care 255
professional of a hospital, a health care worker of a hospital, 256

or a security officer of a hospital.	257
(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.	258 259 260 261
(c) The victim was engaged in the performance of the victim's duties.	262 263
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	264 265 266
(13) "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.	267 268 269 270 271 272
(14) "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, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.	273 274 275 276 277 278 279 280 281
(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this state or of a United States court located in this state_ or any official or employee of a clerk of such court.	282 283 284 285

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

(17) "Magistrate" means an individual who is appointed by a court of record of this state 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 United States court located in this state who has similar powers and functions.

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

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

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

(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health and addiction services or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;

(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting

organization, exempt from federal income taxation under section 315
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 316
U.S.C. 1, as amended, and providing twenty-four-hour nursing 317
care pursuant to the exemption in division (E) of section 318
4723.32 of the Revised Code from the licensing requirements of 319
Chapter 4723. of the Revised Code. 320

(20) "Health maintenance organization" has the same 321
meaning as in section 3727.01 of the Revised Code. 322

(21) "Emergency service responder" means any law 323
enforcement officer, first responder, emergency medical 324
technician-basic, emergency medical technician-intermediate, 325
emergency medical technician-paramedic, firefighter, or 326
volunteer firefighter. 327

(22) "Family or household member" means any of the 328
following: 329

(a) Any of the following who is residing or has resided 330
with a person who is employed as an emergency service responder: 331

(i) A spouse, a person living as a spouse, or a former 332
spouse of a person who is employed as an emergency service 333
responder; 334

(ii) A parent, a foster parent, or a child of a person who 335
is employed as an emergency service responder, or another person 336
related by consanguinity or affinity to a person who is employed 337
as an emergency service responder; 338

(iii) A parent or a child of a spouse, person living as a 339
spouse, or former spouse of a person who is employed as an 340
emergency service responder, or another person related by 341
consanguinity or affinity to a spouse, person living as a 342
spouse, or former spouse of a person who is employed as an 343

emergency service responder.	344
(b) The natural parent of any child of whom a person who	345
is employed as an emergency service responder is the other	346
natural parent or is the putative other natural parent.	347
(23) "First responder," "emergency medical technician-	348
basic," "emergency medical technician-intermediate," and	349
"emergency medical technician-paramedic" have the same meanings	350
as in section 4765.01 of the Revised Code.	351
(24) "Volunteer firefighter" has the same meaning as in	352
section 146.01 of the Revised Code.	353
(25) "Person living as a spouse" means a person who is	354
living or has lived with a person who is employed as an	355
emergency service responder in a common law marital	356
relationship, who otherwise is cohabiting with a person who is	357
employed as an emergency service responder, or who otherwise has	358
cohabited with a person who is employed as an emergency service	359
responder within five years prior to the date of the alleged	360
commission of the act in question.	361
(26) "Co-worker" means a person who is employed by the	362
organization or entity that is served by a person who is	363
employed as an emergency service responder.	364
Section 2. That existing section 2903.13 of the Revised	365
Code is hereby repealed.	366
Section 3. This act shall be known as the Courtroom	367
Employee Protection Act.	368