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H.B. 236
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Williams

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SUMMARY

- Creates the offense of “masked harassment.”
- Creates an additional “aggravated riot” offense and creates an additional criminal trespass offense.
- Creates a specification that specifies that the offender wore a mask or other disguise or otherwise concealed or attempted to conceal the offender’s face while committing the offense and that offense is a felony.

DETAILED ANALYSIS

Offenses involving a mask or other disguise

The bill creates the new offense of masked harassment and two additional aggravated riot offenses that prohibit a person from wearing a mask or other disguise in certain circumstances.

Masked harassment

The bill creates the offense of “masked harassment” that prohibits a person from purposely harassing, intimidating, abusing, or threatening another person while wearing a mask or other device that hides or conceals the person’s face or identity for the purpose of placing another person or group in reasonable fear of physical harm or mental distress.¹ The penalty for masked harassment is a first degree misdemeanor.²

¹ R.C. 2917.10(A).

² R.C. 2917.10(B).

Aggravated riot

The bill creates two additional “aggravated riot” offenses that prohibit a person from doing either of the following:

1. Participating with four or more others in committing disorderly conduct while wearing a mask or other disguise or while otherwise concealing or attempting to conceal the person’s face;³
2. Participating with four or more others in committing disorderly conduct with purpose to commit or facilitate an offense of violence while wearing a mask or other disguise or while otherwise concealing or attempting to conceal the person’s face.⁴

The penalty for a violation of (1) above is a fifth degree felony. The penalty for a violation of (2) above is a third degree felony.⁵

Specification

The bill creates a new adult and juvenile specification that applies when a person is wearing a mask or other disguise.

Adult

The indictment, count in the indictment, or information charging the offense must specify that the offender wore a mask or other disguise or otherwise concealed or attempted to conceal the offender’s face while committing the offense and that offense is a felony.

The bill requires that the above specification to be stated at the end of the body of the indictment, count, or information in substantially the following form:⁶

SPECIFICATION (or SPECIFICATION TO THE FIRST COUNT).

The Grand Jurors (or insert the person’s or prosecuting attorney’s name when appropriate) further find and specify that (set forth that the offender wore a mask or disguise or otherwise concealed or attempted to conceal the offender’s face while committing the specified offense and that the specified offense is a felony).

The bill creates a one-year mandatory prison term for an offender who is convicted of or pleads guilty to a felony and who is also convicted of or pleads guilty to a mask or disguise specification. A court must not impose more than one one-year mandatory prison term on an offender for felonies committed as part of the same act or transaction.⁷

³ R.C. 2917.02(C)(1).

⁴ R.C. 2917.02(C)(2).

⁵ R.C. 2917.02(D).

⁶ R.C. 2941.1427(A).

⁷ R.C. 2929.14(B)(12) and 2941.1427(A).

The bill provides that the above specification may be used in a delinquent child proceeding.⁸

Juvenile

Under the bill, if a child is adjudicated a delinquent child for committing a certain act that would be a felony if committed by an adult and if the court determines that, if the child was an adult, the child would be guilty of the mask or disguise specification, the court may commit the child to the Department of Youth Services for a definite period of up to one year.⁹

This provision also applies to a child who is an accomplice to the same extent the specification would apply to an adult accomplice in a criminal proceeding.¹⁰

Criminal trespass

The bill creates an additional “criminal trespass” offense that prohibits a person, without privilege to do so, from knowingly entering or remaining on the land or premises of another, with the purpose to harass, intimidate, abuse, threaten, or cause mental distress to any person or group of persons on the premises.¹¹ The penalty for criminal trespass under these circumstances is a first degree misdemeanor.¹²

HISTORY

Action	Date
Introduced	04-15-25

ANHB0236IN-136/ar

⁸ R.C. 2941.1427(B).

⁹ R.C. 2152.17(A).

¹⁰ R.C. 2152.17(B)(2).

¹¹ R.C. 2911.21(A)(6).

¹² R.C. 2911.21(D)(1).