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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 457  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Daniels and Williams

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### SUMMARY

- Expands the offense of aggravated murder to prohibit causing the death of an elected official or the death of another person if the offender’s motivation for the killing is based on political affiliation, association, belief, or ideology.
- Creates a specification for a circumstance where a person commits a felony offense of violence that was politically motivated.
- If a person is convicted of or pleads guilty to a felony offense of violence and the above specification, requires the court to impose as a mandatory prison term the maximum prison term for the underlying offense and an additional mandatory prison term of ten years.
- When imposing a sentence on an offender, requires the court to consider whether an offender was motivated to commit the offense by the race, religion, elected or appointed position, political affiliation, political association, or biological sex of the victim.

### DETAILED ANALYSIS

#### **Aggravated murder – elected official and political affiliation**

The bill expands the offense of “aggravated murder” to prohibit a person from purposely doing either of the following:<sup>1</sup>

- Causing the death of an “elected official”;

<sup>1</sup> R.C. 2903.01(G) and (H).

- Causing the death of another person if the offender's motivation for the killing is based on political affiliation, association, belief, or ideology, whether or not the offender was mistaken as to that motivation.

The penalty for a violation of the offense is death or life imprisonment unless the person is found to be under 18 years old or is found to have had a serious mental illness at the time of the of the commission of the offense.<sup>2</sup>

## **Specification – felony offense of violence and political motivation**

The bill creates a specification related to committing a felony offense of violence that was politically motivated. The indictment, count in the indictment, or information charging the offense specifies that the offense is a felony offense of violence and was politically motivated.

The specification must be at the end of the body of the indictment, court, or information, and be stated in substantially the following form:<sup>3</sup>

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 offense is a felony offense of violence and was politically motivated).

The bill provides that the court must determine the issue of whether an offense was politically motivated. A felony offense of violence is politically motivated if a motivation for the offense is the victim's political affiliation, association, belief, or ideology, whether or not the offender was mistaken as to that motivation.<sup>4</sup>

The bill requires that if an offender is convicted of or pleads guilty to a felony offense of violence and is also convicted of or pleads guilty to the above specification, the court must impose on the offender both of the following: (1) as a mandatory prison term, the maximum prison term allowed for the underlying offense, and (2) a mandatory prison term of ten years.<sup>5</sup>

## **Sentencing factors**

### **Felony**

Unless otherwise required, a court that imposes a felony sentence on an offender has discretion to determine the most effective way to comply with the purpose and principles of sentencing.<sup>6</sup> In exercising that discretion, the court must consider certain factors that apply

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<sup>2</sup> R.C. 2903.01(I) and 2929.02, not in the bill.

<sup>3</sup> R.C. 2941.1428(A).

<sup>4</sup> R.C. 2941.1428(B) and (C).

<sup>5</sup> R.C. 2929.14(B)(12).

<sup>6</sup> R.C. 2929.12(A) and 2929.11, not in the bill.

regarding the offender, the offense, or the victim, and any other relevant factors, as indicating that the offender's conduct is more serious than conduct normally constituting the offense<sup>7</sup> and as indicating that the offender's conduct is less serious than conduct normally constituting the offense.<sup>8</sup>

The bill adds a factor as indicating that the offender's conduct is more serious than conduct normally constituting the offense. The court must consider whether the offender was motivated to commit the offense by the race, religion, elected or appointed position, political affiliation, political association, or "biological sex" of the victim.<sup>9</sup> Under current law, the court must also consider whether the offender was motivated by prejudice based on race, ethnic background, gender, sexual orientation, or religion.<sup>10</sup>

## Misdemeanor

Unless otherwise required, a court that imposes a misdemeanor sentence on an offender has discretion to determine the most effective way to comply with the purpose and principles of sentencing.<sup>11</sup> In determining the most appropriate sentence for a misdemeanor, the court must consider certain factors.<sup>12</sup>

The bill adds a factor requiring the court to consider whether the circumstances of the offense indicate that the offender was motivated to commit the offense by the race, religion, elected or appointed position, political affiliation, political association, or "biological sex" of the victim.<sup>13</sup>

## Definitions

The bill defines the following terms:

- **"Biological sex"** means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.<sup>14</sup>
- **"Elected official"** means an official elected to a local or statewide office.<sup>15</sup>

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<sup>7</sup> R.C. 2929.12(B).

<sup>8</sup> R.C. 2929.12(C).

<sup>9</sup> R.C. 2929.12(B)(11).

<sup>10</sup> R.C. 2929.12(B)(9).

<sup>11</sup> R.C. 2929.22(A) and 2929.21, not in the bill.

<sup>12</sup> R.C. 2929.21(B)(1).

<sup>13</sup> R.C. 2929.21(B)(1)(g).

<sup>14</sup> R.C. 2929.01(HHH).

<sup>15</sup> R.C. 2903.01(J)(5).

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## HISTORY

Action	Date
Introduced	09-17-25

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