

As Passed by the House

136th General Assembly

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H. B. No. 478

Representatives Thomas, D., Synenberg

Cosponsors: Representatives Brennan, Click, Hiner, Johnson, Lorenz, Miller, K., Ray, Upchurch, Mathews, A., Odioso, Barhorst, Bird, Daniels, Dovilla, Fowler Arthur, Ghanbari, Glassburn, Grim, Hall, D., Holmes, John, Lett, Mathews, T., Miller, J., Mohamed, Newman, Oelslager, Peterson, Plummer, Robb Blasdel, Rogers, Russo, Sigrist, Somani, Swearingen, Williams, Young

To amend section 2921.04 and to enact section 1
2921.06 of the Revised Code to create the 2
offense of jury tampering and to include a 3
public servant in the offense of intimidation of 4
an attorney, victim, witness, or public servant 5
in a criminal case. 6

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

Section 1. That section 2921.04 be amended and section 7
2921.06 of the Revised Code be enacted to read as follows: 8

Sec. 2921.04. (A) No person shall knowingly attempt to 9
intimidate or hinder the victim of a crime or delinquent act in 10
the filing or prosecution of criminal charges or a delinquent 11
child action or proceeding, and no person shall knowingly 12
attempt to intimidate a witness to a criminal or delinquent act 13
by reason of the person being a witness to that act. 14

(B) No person, knowingly and by force or by unlawful 15
threat of harm to any person or property or by unlawful threat 16

to commit any offense or calumny against any person, shall 17
attempt to influence, intimidate, or hinder any of the following 18
persons: 19

(1) The victim of a crime or delinquent act in the filing 20
or prosecution of criminal charges or a delinquent child action 21
or proceeding; 22

(2) A witness to a criminal or delinquent act by reason of 23
the person being a witness to that act; 24

(3) An attorney by reason of the attorney's involvement in 25
any criminal or delinquent child action or proceeding; 26

(4) A public servant by reason of the public servant's 27
involvement in any criminal or delinquent child action or 28
proceeding. 29

(C) Division (A) of this section does not apply to any 30
person who is attempting to resolve a dispute pertaining to the 31
alleged commission of a criminal offense, either prior to or 32
subsequent to the filing of a complaint, indictment, or 33
information, by participating in the arbitration, mediation, 34
compromise, settlement, or conciliation of that dispute pursuant 35
to an authorization for arbitration, mediation, compromise, 36
settlement, or conciliation of a dispute of that nature that is 37
conferred by any of the following: 38

(1) A section of the Revised Code; 39

(2) The Rules of Criminal Procedure, the Rules of 40
Superintendence for Municipal Courts and County Courts, the 41
Rules of Superintendence for Courts of Common Pleas, or another 42
rule adopted by the supreme court in accordance with section 5 43
of Article IV, Ohio Constitution; 44

(3) A local rule of court, including, but not limited to, 45
a local rule of court that relates to alternative dispute 46
resolution or other case management programs and that authorizes 47
the referral of disputes pertaining to the alleged commission of 48
certain types of criminal offenses to appropriate and available 49
arbitration, mediation, compromise, settlement, or other 50
conciliation programs; 51

(4) The order of a judge of a municipal court, county 52
court, or court of common pleas. 53

(D) Whoever violates this section is guilty of 54
intimidation of an attorney, victim, ~~or~~ witness, or public 55
servant in a criminal case. A violation of division (A) of this 56
section is a misdemeanor of the first degree. A violation of 57
division (B) of this section is a felony of the third degree. 58

(E) As used in this section, "witness" means any person 59
who has or claims to have knowledge concerning a fact or facts 60
concerning a criminal or delinquent act, whether or not criminal 61
or delinquent child charges are actually filed. 62

Sec. 2921.06. (A) As used in this section, "juror" means a 63
prospective juror or juror who has been chosen and summoned for 64
jury duty and who has been impaneled on a jury for a trial. 65

(B) No person shall knowingly attempt to influence, 66
intimidate, or hinder a juror in the discharge of the juror's 67
duties, including in the juror's consideration of the facts or 68
evidence presented at trial for which the juror has been 69
impaneled. 70

(C) No person, knowingly and by force, by unlawful threat 71
of harm to any person or property, or by unlawful threat to 72
commit any offense or calumny against any person, shall attempt 73

to influence, intimidate, or hinder a juror in the discharge of 74
the juror's duties, including in the juror's consideration of 75
the facts or evidence presented at the trial for which the juror 76
has been impaneled. 77

(D) Division (B) of this section does not apply to persons 78
presenting facts and evidence to the court during the trial for 79
which the juror has been impaneled. 80

(E) Whoever violates this section is guilty of jury 81
tampering. A violation of division (B) of this section is a 82
misdemeanor of the first degree. A violation of division (C) of 83
this section is a felony of the third degree. 84

Section 2. That existing section 2921.04 of the Revised 85
Code is hereby repealed. 86