

As Introduced

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Representatives Young, White, A.

Cosponsor: Representative Willis

To amend sections 2903.06, 2903.08, 2903.081, and
2903.13 and to enact section 4511.461 of the
Revised Code to establish penalties for failing
to obey a school crossing guard and other
associated offenses.

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

Section 1. That sections 2903.06, 2903.08, 2903.081, and
2903.13 be amended and section 4511.461 of the Revised Code be
enacted to read as follows:

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Sec. 2903.06. (A) No person, while operating or
participating in the operation of a motor vehicle, motorcycle,
utility vehicle, mini-truck, snowmobile, locomotive, watercraft,
or aircraft, shall cause the death of another or the unlawful
termination of another's pregnancy in any of the following ways:

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(1) As the proximate result of committing an OVI offense.

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(2) In one of the following ways:

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(a) Recklessly;

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(b) As the proximate result of committing, while operating
or participating in the operation of a motor vehicle, utility

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vehicle, mini-truck, or motorcycle in a construction zone, a
reckless operation offense, provided that this division applies
only if the person whose death is caused or whose pregnancy is
unlawfully terminated is in the construction zone at the time of
the offender's commission of the reckless operation offense in
the construction zone and does not apply as described in
division (F) of this section; 19
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(c) As the proximate result of committing a violation of 26
division (C) of section 4511.461 of the Revised Code. 27

(3) In one of the following ways: 28

(a) Negligently; 29

(b) As the proximate result of committing, while operating
or participating in the operation of a motor vehicle, utility
vehicle, mini-truck, or motorcycle in a construction zone, a
speeding offense, provided that this division applies only if
the person whose death is caused or whose pregnancy is
unlawfully terminated is in the construction zone at the time of
the offender's commission of the speeding offense in the
construction zone and does not apply as described in division
(F) of this section. 30
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(4) As the proximate result of committing a violation of
any provision of any section contained in Title XLV of the
Revised Code that is a minor misdemeanor or of a municipal
ordinance that, regardless of the penalty set by ordinance for
the violation, is substantially equivalent to any provision of
any section contained in Title XLV of the Revised Code that is a
minor misdemeanor. 39
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(B) (1) Whoever violates division (A)(1) or (2) of this
section is guilty of aggravated vehicular homicide and shall be 46
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punished as provided in divisions (B) (2) and (3) of this section.	48 49
(2) (a) Except as otherwise provided in division (B) (2) (b), (c), or (d) of this section, aggravated vehicular homicide committed in violation of division (A) (1) of this section is a felony of the second degree and the court shall impose a mandatory prison term on the offender as described in division (E) of this section.	50 51 52 53 54 55
(b) Except as otherwise provided in division (B) (2) (c) or (d) of this section, aggravated vehicular homicide committed in violation of division (A) (1) of this section is a felony of the first degree, and the court shall impose a mandatory prison term on the offender as described in division (E) of this section, if any of the following apply:	56 57 58 59 60 61
(i) At the time of the offense, the offender was driving under a suspension or cancellation imposed under Chapter 4510. or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under section 4507.10 of the Revised Code.	62 63 64 65 66 67 68 69 70
(ii) The offender previously has been convicted of or pleaded guilty to one prior OVI offense within the previous twenty years.	71 72 73
(iii) The offender previously has been convicted of or pleaded guilty to one prior traffic-related homicide, manslaughter, or assault offense within the previous twenty	74 75 76

years. 77

(c) Except as otherwise provided in division (B) (2) (d) of 78
this section, aggravated vehicular homicide committed in 79
violation of division (A) (1) of this section is a felony of the 80
first degree, and the court shall sentence the offender to a 81
mandatory prison term as provided in section 2929.142 of the 82
Revised Code and described in division (E) of this section if 83
any of the following apply: 84

(i) The offender previously has been convicted of or 85
pledaded guilty to two prior OVI offenses within the previous 86
twenty years. 87

(ii) The offender previously has been convicted of or 88
pledaded guilty to two prior traffic-related homicide, 89
manslaughter, or assault offenses within the previous twenty 90
years. 91

(iii) The offender previously has been convicted of or 92
pledaded guilty to two prior violations of any combination of the 93
offenses listed in division (B) (2) (c) (i) and (ii) of this 94
section within the previous twenty years. 95

(d) Aggravated vehicular homicide committed in violation 96
of division (A) (1) of this section is a felony of the first 97
degree, and the court shall sentence the offender to a mandatory 98
prison term as provided in section 2929.142 of the Revised Code 99
and described in division (E) of this section if any of the 100
following apply: 101

(i) The offender previously has been convicted of or 102
pledaded guilty to three or more prior OVI offenses within the 103
previous twenty years. 104

(ii) The offender previously has been convicted of or 105

pleaded guilty to three or more prior traffic-related homicide,
manslaughter, or assault offenses within the previous twenty
years. 106
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(iii) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of any
combination of the offenses listed in divisions (B) (2) (d) (i) and
(ii) of this section within the previous twenty years. 109
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(e) In addition to any other sanctions imposed pursuant to
division (B) (2) (a), (b), (c), or (d) of this section for
aggravated vehicular homicide committed in violation of division
(A) (1) of this section, the court shall impose upon the offender
a class one suspension of the offender's driver's license,
commercial driver's license, temporary instruction permit,
probationary license, or nonresident operating privilege as
specified in division (A) (1) of section 4510.02 of the Revised
Code. 113
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Divisions (A) (1) to (3) of section 4510.54 of the Revised
Code apply to a suspension imposed under division (B) (2) (e) of
this section. 122
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(f) Notwithstanding section 2929.18 of the Revised Code,
and in addition to any other sanctions imposed pursuant to
division (B) (2) of this section for aggravated vehicular
homicide committed in violation of division (A) (1) of this
section, the court shall impose upon the offender a fine of not
more than twenty-five thousand dollars. 125
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(3) Except as otherwise provided in this division,
aggravated vehicular homicide committed in violation of division
(A) (2) of this section is a felony of the third degree. 131
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Aggravated vehicular homicide committed in violation of division
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(A) (2) of this section is a felony of the second degree if, at 135
the time of the offense, the offender was driving under a 136
suspension or cancellation imposed under Chapter 4510. or any 137
other provision of the Revised Code or was operating a motor 138
vehicle or motorcycle, did not have a valid driver's license, 139
commercial driver's license, temporary instruction permit, 140
probationary license, or nonresident operating privilege, and 141
was not eligible for renewal of the offender's driver's license 142
or commercial driver's license without examination under section 143
4507.10 of the Revised Code or if the offender previously has 144
been convicted of or pleaded guilty to a violation of this 145
section or any traffic-related homicide, manslaughter, or 146
assault offense. The court shall impose a mandatory prison term 147
on the offender when required by division (E) of this section. 148

In addition to any other sanctions imposed pursuant to 149
this division for a violation of division (A) (2) of this 150
section, the court shall impose upon the offender a class two 151
suspension of the offender's driver's license, commercial 152
driver's license, temporary instruction permit, probationary 153
license, or nonresident operating privilege from the range 154
specified in division (A) (2) of section 4510.02 of the Revised 155
Code or, if the offender previously has been convicted of or 156
pleaded guilty to a traffic-related murder, felonious assault, 157
or attempted murder offense, a class one suspension of the 158
offender's driver's license, commercial driver's license, 159
temporary instruction permit, probationary license, or 160
nonresident operating privilege as specified in division (A) (1) 161
of that section. 162

(C) Whoever violates division (A) (3) of this section is 163
guilty of vehicular homicide. Except as otherwise provided in 164
this division, vehicular homicide is a misdemeanor of the first 165

degree. Vehicular homicide committed in violation of division 166
(A) (3) of this section is a felony of the fourth degree if, at 167
the time of the offense, the offender was driving under a 168
suspension or cancellation imposed under Chapter 4510. or any 169
other provision of the Revised Code or was operating a motor 170
vehicle or motorcycle, did not have a valid driver's license, 171
commercial driver's license, temporary instruction permit, 172
probationary license, or nonresident operating privilege, and 173
was not eligible for renewal of the offender's driver's license 174
or commercial driver's license without examination under section 175
4507.10 of the Revised Code or if the offender previously has 176
been convicted of or pleaded guilty to a violation of this 177
section or any traffic-related homicide, manslaughter, or 178
assault offense. The court shall impose a mandatory jail term or 179
a mandatory prison term on the offender when required by 180
division (E) of this section. 181

In addition to any other sanctions imposed pursuant to 182
this division, the court shall impose upon the offender a class 183
four suspension of the offender's driver's license, commercial 184
driver's license, temporary instruction permit, probationary 185
license, or nonresident operating privilege from the range 186
specified in division (A) (4) of section 4510.02 of the Revised 187
Code, or, if the offender previously has been convicted of or 188
pleaded guilty to a violation of this section or any traffic- 189
related homicide, manslaughter, or assault offense, a class 190
three suspension of the offender's driver's license, commercial 191
driver's license, temporary instruction permit, probationary 192
license, or nonresident operating privilege from the range 193
specified in division (A) (3) of that section, or, if the 194
offender previously has been convicted of or pleaded guilty to a 195
traffic-related murder, felonious assault, or attempted murder 196

offense, a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A) (2) of that section. 197
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(D) Whoever violates division (A) (4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Chapter 4510. or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under section 4507.10 of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense. 201
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In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (6) of section 4510.02 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or a traffic-related murder, felonious assault, or attempted murder offense, a class four suspension of the offender's driver's 217
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license, commercial driver's license, temporary instruction	228
permit, probationary license, or nonresident operating privilege	229
from the range specified in division (A) (4) of that section.	230
(E) (1) The court shall impose a mandatory prison term on	231
an offender who is convicted of or pleads guilty to a violation	232
of division (A) (1) of this section. Except as otherwise provided	233
in this division, the mandatory prison term shall be a definite	234
term from the range of prison terms provided in division (A) (1)	235
(b) of section 2929.14 of the Revised Code for a felony of the	236
first degree or from division (A) (2) (b) of that section for a	237
felony of the second degree, whichever is applicable, except	238
that if the violation is committed on or after March 22, 2019,	239
the court shall impose as the minimum prison term for the	240
offense a mandatory prison term that is one of the minimum terms	241
prescribed for a felony of the first degree in division (A) (1)	242
(a) of section 2929.14 of the Revised Code or one of the terms	243
prescribed for a felony of the second degree in division (A) (2)	244
(a) of that section, whichever is applicable. If division (B) (2)	245
(c) or (d) of this section applies to an offender who is	246
convicted of or pleads guilty to the violation of division (A)	247
(1) of this section, the court shall impose the mandatory prison	248
term pursuant to division (A) or (B) of section 2929.142 of the	249
Revised Code, as applicable. The court shall impose a mandatory	250
jail term of at least fifteen days on an offender who is	251
convicted of or pleads guilty to a misdemeanor violation of	252
division (A) (3) (b) of this section and may impose upon the	253
offender a longer jail term as authorized pursuant to section	254
2929.24 of the Revised Code.	255
(2) The court shall impose a mandatory prison term on an	256
offender who is convicted of or pleads guilty to a violation of	257
division (A) (2) or (3) (a) of this section or a felony violation	258

of division (A)(3)(b) of this section if either division (E)(2)(a) or (b) of this section applies. The mandatory prison term shall be a definite term from the range of prison terms provided in division (A)(3)(a) of section 2929.14 of the Revised Code for a felony of the third degree or from division (A)(4) of that section for a felony of the fourth degree, whichever is applicable. The court shall impose a mandatory prison term on an offender in a category described in this division if either of the following applies:

(a) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.08 of the Revised Code.

(b) At the time of the offense, the offender was driving under suspension or cancellation under Chapter 4510. or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under section 4507.10 of the Revised Code.

(F) Divisions (A)(2)(b) and (3)(b) of this section do not apply in a particular construction zone unless signs of the type described in section 2903.081 of the Revised Code are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under section 5501.27 of the Revised Code. The failure to erect signs of the type described in section 2903.081 of the Revised Code in a particular construction zone in accordance with those guidelines and design specifications does

not limit or affect the application of division (A)(1), (A)(2) 289
(a), (A)(2)(c), (A)(3)(a), or (A)(4) of this section in that 290
construction zone or the prosecution of any person who violates 291
any of those divisions in that construction zone. 292

(G) (1) As used in this section: 293

(a) "Mandatory prison term" and "mandatory jail term" have 294
the same meanings as in section 2929.01 of the Revised Code. 295

(b) "Traffic-related homicide, manslaughter, or assault 296
offense" means a violation of section 2903.04 of the Revised 297
Code in circumstances in which division (D) of that section 298
applies, a violation of section 2903.06 or 2903.08 of the 299
Revised Code, or a violation of section 2903.06, 2903.07, or 300
2903.08 of the Revised Code as they existed prior to March 23, 301
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(c) "Construction zone" has the same meaning as in section 303
5501.27 of the Revised Code. 304

(d) "Reckless operation offense" means a violation of 305
section 4511.20 of the Revised Code or a municipal ordinance 306
substantially equivalent to section 4511.20 of the Revised Code. 307

(e) "Speeding offense" means a violation of section 308
4511.21 of the Revised Code or a municipal ordinance pertaining 309
to speed. 310

(f) "Traffic-related murder, felonious assault, or 311
attempted murder offense" means a violation of section 2903.01 312
or 2903.02 of the Revised Code in circumstances in which the 313
offender used a motor vehicle as the means to commit the 314
violation, a violation of division (A)(2) of section 2903.11 of 315
the Revised Code in circumstances in which the deadly weapon 316
used in the commission of the violation is a motor vehicle, or 317

an attempt to commit aggravated murder or murder in violation of 318
section 2923.02 of the Revised Code in circumstances in which 319
the offender used a motor vehicle as the means to attempt to 320
commit the aggravated murder or murder. 321

(g) "Motor vehicle," "mini-truck," and "utility vehicle" 322
have the same meanings as in section 4501.01 of the Revised 323
Code. 324

(h) "OVI offense" means a violation of division (A) of 325
section 4511.19 of the Revised Code, a violation of division (A) 326
of section 1547.11 of the Revised Code, a violation of division 327
(A) (3) of section 4561.15 of the Revised Code, or a 328
substantially equivalent municipal ordinance. 329

(2) For the purposes of this section, when a penalty or 330
suspension is enhanced because of a prior or current violation 331
of a specified law or a prior or current specified offense, the 332
reference to the violation of the specified law or the specified 333
offense includes any violation of any substantially equivalent 334
municipal ordinance, former law of this state, or current or 335
former law of another state or the United States. 336

Sec. 2903.08. (A) No person, while operating or 337
participating in the operation of a motor vehicle, motorcycle, 338
utility vehicle, mini-truck, snowmobile, locomotive, watercraft, 339
or aircraft, shall cause serious physical harm to another person 340
or another's unborn in any of the following ways: 341

(1) (a) As the proximate result of committing a violation 342
of division (A) of section 4511.19 of the Revised Code or of a 343
substantially equivalent municipal ordinance; 344

(b) As the proximate result of committing a violation of 345
division (A) of section 1547.11 of the Revised Code or of a 346

substantially equivalent municipal ordinance;	347
(c) As the proximate result of committing a violation of division (A) (3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance.	348 349 350
(2) In one of the following ways:	351
(a) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in division (E) of this section;	352 353 354 355 356 357 358 359 360
(b) <u>Recklessly;</u>	361
(c) <u>As the proximate result of committing a violation of</u> <u>division (C) of section 4511.461 of the Revised Code.</u>	362 363
(3) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (E) of this section.	364 365 366 367 368 369 370 371 372
(B) (1) Whoever violates division (A) (1) of this section is guilty of aggravated vehicular assault. Except as otherwise provided in this division, aggravated vehicular assault is a	373 374 375

felony of the third degree. Aggravated vehicular assault is a	376
felony of the second degree if any of the following apply:	377
(a) At the time of the offense, the offender was driving	378
under a suspension imposed under Chapter 4510. or any other	379
provision of the Revised Code.	380
(b) The offender previously has been convicted of or	381
pledaded guilty to a violation of this section.	382
(c) The offender previously has been convicted of or	383
pledaded guilty to any traffic-related homicide, manslaughter, or	384
assault offense.	385
(d) The offender previously has been convicted of or	386
pledaded guilty to three or more prior violations of division (A)	387
of section 4511.19 of the Revised Code or a substantially	388
equivalent municipal ordinance within the previous ten years.	389
(e) The offender previously has been convicted of or	390
pledaded guilty to three or more prior violations of division (A)	391
of section 1547.11 of the Revised Code or of a substantially	392
equivalent municipal ordinance within the previous ten years.	393
(f) The offender previously has been convicted of or	394
pledaded guilty to three or more prior violations of division (A)	395
(3) of section 4561.15 of the Revised Code or of a substantially	396
equivalent municipal ordinance within the previous ten years.	397
(g) The offender previously has been convicted of or	398
pledaded guilty to three or more prior violations of any	399
combination of the offenses listed in division (B) (1) (d), (e),	400
or (f) of this section.	401
(h) The offender previously has been convicted of or	402
pledaded guilty to a second or subsequent felony violation of	403

division (A) of section 4511.19 of the Revised Code.	404
(2) In addition to any other sanctions imposed pursuant to division (B)(1) of this section, except as otherwise provided in this division, the court shall impose upon the offender a class three suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code. If the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or any traffic-related murder, felonious assault, or attempted murder offense, the court shall impose either a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of that section or a class one suspension as specified in division (A)(1) of that section.	405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421
(C)(1) Whoever violates division (A)(2) or (3) of this section is guilty of vehicular assault and shall be punished as provided in divisions (C)(2) and (3) of this section.	422 423 424
(2) Except as otherwise provided in this division, vehicular assault committed in violation of division (A)(2) of this section is a felony of the fourth degree. Vehicular assault committed in violation of division (A)(2) of this section is a felony of the third degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide,	425 426 427 428 429 430 431 432 433

manslaughter, or assault offense, or if, in the same course of 434
conduct that resulted in the violation of division (A) (2) of 435
this section, the offender also violated section 4549.02, 436
4549.021, or 4549.03 of the Revised Code. 437

In addition to any other sanctions imposed, the court 438
shall impose upon the offender a class four suspension of the 439
offender's driver's license, commercial driver's license, 440
temporary instruction permit, probationary license, or 441
nonresident operating privilege from the range specified in 442
division (A) (4) of section 4510.02 of the Revised Code or, if 443
the offender previously has been convicted of or pleaded guilty 444
to a violation of this section, any traffic-related homicide, 445
manslaughter, or assault offense, or any traffic-related murder, 446
felonious assault, or attempted murder offense, a class three 447
suspension of the offender's driver's license, commercial 448
driver's license, temporary instruction permit, probationary 449
license, or nonresident operating privilege from the range 450
specified in division (A) (3) of that section. 451

(3) Except as otherwise provided in this division, 452
vehicular assault committed in violation of division (A) (3) of 453
this section is a misdemeanor of the first degree. Vehicular 454
assault committed in violation of division (A) (3) of this 455
section is a felony of the fourth degree if, at the time of the 456
offense, the offender was driving under a suspension imposed 457
under Chapter 4510. or any other provision of the Revised Code 458
or if the offender previously has been convicted of or pleaded 459
guilty to a violation of this section or any traffic-related 460
homicide, manslaughter, or assault offense. 461

In addition to any other sanctions imposed, the court 462
shall impose upon the offender a class four suspension of the 463

offender's driver's license, commercial driver's license, 464
temporary instruction permit, probationary license, or 465
nonresident operating privilege from the range specified in 466
division (A) (4) of section 4510.02 of the Revised Code or, if 467
the offender previously has been convicted of or pleaded guilty 468
to a violation of this section, any traffic-related homicide, 469
manslaughter, or assault offense, or any traffic-related murder, 470
felonious assault, or attempted murder offense, a class three 471
suspension of the offender's driver's license, commercial 472
driver's license, temporary instruction permit, probationary 473
license, or nonresident operating privilege from the range 474
specified in division (A) (3) of section 4510.02 of the Revised 475
Code. 476

(D) (1) The court shall impose a mandatory prison term, as 477
described in division (D) (4) of this section, on an offender who 478
is convicted of or pleads guilty to a violation of division (A) 479
(1) of this section. 480

(2) The court shall impose a mandatory prison term, as 481
described in division (D) (4) of this section, on an offender who 482
is convicted of or pleads guilty to a violation of division (A) 483
(2) of this section or a felony violation of division (A) (3) of 484
this section if either of the following applies: 485

(a) The offender previously has been convicted of or 486
pleaded guilty to a violation of this section or section 2903.06 487
of the Revised Code. 488

(b) At the time of the offense, the offender was driving 489
under suspension under Chapter 4510. or any other provision of 490
the Revised Code. 491

(3) The court shall impose a mandatory jail term of at 492

least seven days on an offender who is convicted of or pleads 493
guilty to a misdemeanor violation of division (A) (3) of this 494
section and may impose upon the offender a longer jail term as 495
authorized pursuant to section 2929.24 of the Revised Code. 496

(4) A mandatory prison term required under division (D) (1) 497
or (2) of this section shall be a definite term from the range 498
of prison terms provided in division (A) (2) (b) of section 499
2929.14 of the Revised Code for a felony of the second degree, 500
from division (A) (3) (a) of that section for a felony of the 501
third degree, or from division (A) (4) of that section for a 502
felony of the fourth degree, whichever is applicable, except 503
that if the violation is a felony of the second degree committed 504
on or after March 22, 2019, the court shall impose as the 505
minimum prison term for the offense a mandatory prison term that 506
is one of the minimum terms prescribed for a felony of the 507
second degree in division (A) (2) (a) of section 2929.14 of the 508
Revised Code. 509

(E) Divisions (A) (2) (a) and (3) of this section do not 510
apply in a particular construction zone unless signs of the type 511
described in section 2903.081 of the Revised Code are erected in 512
that construction zone in accordance with the guidelines and 513
design specifications established by the director of 514
transportation under section 5501.27 of the Revised Code. The 515
failure to erect signs of the type described in section 2903.081 516
of the Revised Code in a particular construction zone in 517
accordance with those guidelines and design specifications does 518
not limit or affect the application of division (A) (1) or, (2) 519
(b), or (2) (c) of this section in that construction zone or the 520
prosecution of any person who violates either of those divisions 521
in that construction zone. 522

(F) As used in this section:	523
(1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	524
(2) "Traffic-related homicide, manslaughter, or assault offense" and "traffic-related murder, felonious assault, or attempted murder offense" have the same meanings as in section 2903.06 of the Revised Code.	526
(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	530
(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code.	532
(G) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.	535
Sec. 2903.081. (A) As used in this section:	542
(1) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	543
(2) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code.	545
(B) The director of transportation, board of county commissioners, or board of township trustees shall cause signs to be erected in construction zones notifying motorists of the	548
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prohibitions set forth in sections 2903.06 and 2903.08 of the Revised Code regarding the death of or injury to any person in the construction zone as a proximate result of a reckless operation offense or speeding offense in the construction zone. The prohibitions set forth in divisions (A) (2) (b) and (3) (b) of section 2903.06 and divisions (A) (2) (a) and (3) of section 2903.08 of the Revised Code apply to persons who commit a reckless operation offense or speeding offense in a particular construction zone only when signs of that nature are erected in that construction zone in accordance with the guidelines and design specifications established by the director under section 5501.27 of the Revised Code. The failure to erect signs of that nature in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (A) (1), (A) (2) (a), (A) (2) (c), (A) (3) (a), or (A) (4) of section 2903.06 or division (A) (1) ~~or~~, (2) (b), or (2) (c) of section 2903.08 of the Revised Code in that construction zone or the prosecution of any person who violates either of those divisions in that construction zone.

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

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

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

(2) Except as otherwise provided in this division, if the
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.	611
(b) The offense occurs off the grounds of a state	612
correctional institution and off the grounds of an institution	613
of the department of youth services, the victim of the offense	614
is an employee of the department of rehabilitation and	615
correction, the department of youth services, or a probation	616
department, the offense occurs during the employee's official	617
work hours and while the employee is engaged in official work	618
responsibilities, and the offense is committed by a person	619
incarcerated in a state correctional institution or	620
institutionalized in the department of youth services who	621
temporarily is outside of the institution for any purpose, by a	622
parolee, by an offender under transitional control, under a	623
community control sanction, or on an escorted visit, by a person	624
under post-release control, or by an offender under any other	625
type of supervision by a government agency.	626
(c) The offense occurs off the grounds of a local	627
correctional facility, the victim of the offense is an employee	628
of the local correctional facility or a probation department,	629
the offense occurs during the employee's official work hours and	630
while the employee is engaged in official work responsibilities,	631
and the offense is committed by a person who is under custody in	632
the facility subsequent to the person's arrest for any crime or	633
delinquent act, subsequent to the person being charged with or	634
convicted of any crime, or subsequent to the person being	635
alleged to be or adjudicated a delinquent child and who	636
temporarily is outside of the facility for any purpose or by a	637
parolee, by an offender under transitional control, under a	638
community control sanction, or on an escorted visit, by a person	639
under post-release control, or by an offender under any other	640
type of supervision by a government agency.	641

(d) The victim of the offense is a school teacher or
administrator, school crossing guard performing official duties, 642
or a school bus operator, and the offense occurs in a school, on 643
school premises, in a school building, on a school bus, in a 644
crosswalk or sidewalk that is in or adjacent to a school zone, 645
or while the victim is outside of school premises or a school 646
bus and is engaged in duties or official responsibilities 647
associated with the victim's employment or position as a school 648
teacher or administrator or a school bus operator, including, 649
but not limited to, driving, accompanying, or chaperoning 650
students at or on class or field trips, athletic events, or 651
other school extracurricular activities or functions outside of 652
school premises. 653
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(5) If the assault is committed in any of the following 655
circumstances, assault is a felony of the fourth degree: 656

(a) The victim of the offense is a peace officer or an 657
investigator of the bureau of criminal identification and 658
investigation, a firefighter, or a person performing emergency 659
medical service, while in the performance of the officer's, 660
investigator's, firefighter's, or person's official duties. 661

(b) The victim of the offense is an emergency service 662
responder, the offender knows or reasonably should know that the 663
victim is an emergency service responder, and it is the 664
offender's specific purpose to commit the offense against an 665
emergency service responder. 666

(c) The victim of the offense is a family or household 667
member or co-worker of a person who is an emergency service 668
responder, the offender knows or reasonably should know that the 669
victim is a family or household member or co-worker of an 670
emergency service responder, and it is the offender's specific 671

purpose to commit the offense against a family or household member or co-worker of an emergency service responder.	672 673
(6) If the offense is a felony of the fourth degree under division (C) (5) (a) of this section, if the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least twelve months in duration.	674 675 676 677 678 679 680 681 682
(7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.	683 684 685 686 687 688 689 690 691 692 693 694
(8) If the victim of the offense is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital whom the offender knows or has reasonable cause to know is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital, if the victim is engaged in the performance of the victim's duties, and if the hospital offers	695 696 697 698 699 700 701

de-escalation or crisis intervention training for such professionals, workers, or officers, assault is one of the following: 702
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(a) Except as otherwise provided in division (C) (8) (b) of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A) (2) (a) of section 2929.28 of the Revised Code for a misdemeanor of the first degree, in sentencing the offender under this division and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars. 705
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(b) If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel, assault committed in the specified circumstances is a felony of the fifth degree. 713
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(9) If the victim of the offense is a judge, magistrate, prosecutor, or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor, or court official or employee, and if the victim is engaged in the performance of the victim's duties, assault is one of the following: 717
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(a) Except as otherwise provided in division (C) (9) (b) of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. In sentencing the offender under this division, if the court decides to impose a fine, notwithstanding the fine specified in division (A) (2) (a) of section 2929.28 of the Revised Code for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than five thousand dollars. 723
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(b) 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 committed in
the specified circumstances is a felony of the fifth degree. 731
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(10) If an offender who is convicted of or pleads guilty
to assault when it is a misdemeanor also is convicted of or
pleads guilty to a specification as described in section
2941.1423 of the Revised Code that was included in the
indictment, count in the indictment, or information charging the
offense, the court shall sentence the offender to a mandatory
jail term as provided in division (F) of section 2929.24 of the
Revised Code. 735
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If an offender who is convicted of or pleads guilty to
assault when it is a felony also is convicted of or pleads
guilty to a specification as described in section 2941.1423 of
the Revised Code that was included in the indictment, count in
the indictment, or information charging the offense, except as
otherwise provided in division (C)(6) of this section, the court
shall sentence the offender to a mandatory prison term as
provided in division (B)(8) of section 2929.14 of the Revised
Code. 743
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(D) A prosecution for a violation of this section does not
preclude a prosecution of a violation of any other section of
the Revised Code. One or more acts, a series of acts, or a
course of behavior that can be prosecuted under this section or
any other section of the Revised Code may be prosecuted under
this section, the other section of the Revised Code, or both
sections. However, if an offender is convicted of or pleads
guilty to a violation of this section and also is convicted of
or pleads guilty to a violation of section 2903.22 of the 752
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Revised Code based on the same conduct involving the same victim 761
that was the basis of the violation of this section, the two 762
offenses are allied offenses of similar import under section 763
2941.25 of the Revised Code. 764

(E) As used in this section: 765

(1) "Peace officer" has the same meaning as in section 766
2935.01 of the Revised Code. 767

(2) "Firefighter" means any person who is a firefighter as 768
defined in section 3937.41 of the Revised Code and, for purposes 769
of division (E)(21) of this section, also includes a member of a 770
fire department as defined in section 742.01 of the Revised 771
Code. 772

(3) "Emergency medical service" has the same meaning as in 773
section 4765.01 of the Revised Code. 774

(4) "Local correctional facility" means a county, 775
multicounty, municipal, municipal-county, or multicounty- 776
municipal jail or workhouse, a minimum security jail established 777
under section 341.23 or 753.21 of the Revised Code, or another 778
county, multicounty, municipal, municipal-county, or 779
multicounty-municipal facility used for the custody of persons 780
arrested for any crime or delinquent act, persons charged with 781
or convicted of any crime, or persons alleged to be or 782
adjudicated a delinquent child. 783

(5) "Employee of a local correctional facility" means a 784
person who is an employee of the political subdivision or of one 785
or more of the affiliated political subdivisions that operates 786
the local correctional facility and who operates or assists in 787
the operation of the facility. 788

(6) "School teacher or administrator" means either of the 789

following:	790
(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	791 792 793 794 795
(b) A person who is employed by a nonpublic school for which the director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	796 797 798 799 800
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	801 802
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	803 804
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	805 806
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	807 808 809
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	810 811 812
(12) "Assault or homicide offense committed against hospital 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 all of the following apply:	813 814 815 816 817

(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	818 819 820
(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.	821 822 823 824
(c) The victim was engaged in the performance of the victim's duties.	825 826
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	827 828 829
(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.	830 831 832 833 834 835
(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.	836 837 838 839 840 841 842 843 844
(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes	845 846

of this state or of a United States court located in this state. 847

(16) "Judge" means a judge of a court created under the 848
constitution or statutes of this state or of a United States 849
court located in this state. 850

(17) "Magistrate" means an individual who is appointed by 851
a court of record of this state and who has the powers and may 852
perform the functions specified in Civil Rule 53, Criminal Rule 853
19, or Juvenile Rule 40, or an individual who is appointed by a 854
United States court located in this state who has similar powers 855
and functions. 856

(18) "Prosecutor" has the same meaning as in section 857
2935.01 of the Revised Code. 858

(19) (a) "Hospital" means, subject to division (E) (19) (b) 859
of this section, an institution classified as a hospital under 860
section 3701.01 of the Revised Code in which are provided to 861
patients diagnostic, medical, surgical, obstetrical, 862
psychiatric, or rehabilitation care or a hospital operated by a 863
health maintenance organization. 864

(b) "Hospital" does not include any of the following: 865

(i) A facility licensed under Chapter 3721. of the Revised 866
Code, a health care facility operated by the department of 867
~~mental health and addiction services~~ behavioral health or the 868
department of developmental disabilities, a health maintenance 869
organization that does not operate a hospital, or the office of 870
any private, licensed health care professional, whether 871
organized for individual or group practice; 872

(ii) An institution for the sick that is operated 873
exclusively for patients who use spiritual means for healing and 874
for whom the acceptance of medical care is inconsistent with 875

their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.	876 877 878 879 880 881 882
(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code.	883 884
(21) "Emergency service responder" means any law enforcement officer, first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, firefighter, or volunteer firefighter.	885 886 887 888 889
(22) "Family or household member" means any of the following:	890 891
(a) Any of the following who is residing or has resided with a person who is employed as an emergency service responder:	892 893
(i) A spouse, a person living as a spouse, or a former spouse of a person who is employed as an emergency service responder;	894 895 896
(ii) A parent, a foster parent, or a child of a person who is employed as an emergency service responder, or another person related by consanguinity or affinity to a person who is employed as an emergency service responder;	897 898 899 900
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of a person who is employed as an emergency service responder, or another person related by consanguinity or affinity to a spouse, person living as a	901 902 903 904

spouse, or former spouse of a person who is employed as an emergency service responder.	905 906
(b) The natural parent of any child of whom a person who is employed as an emergency service responder is the other natural parent or is the putative other natural parent.	907 908 909
(23) "First responder," "emergency medical technician- basic," "emergency medical technician-intermediate," and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.	910 911 912 913
(24) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code.	914 915
(25) "Person living as a spouse" means a person who is living or has lived with a person who is employed as an emergency service responder in a common law marital relationship, who otherwise is cohabiting with a person who is employed as an emergency service responder, or who otherwise has cohabited with a person who is employed as an emergency service responder within five years prior to the date of the alleged commission of the act in question.	916 917 918 919 920 921 922 923
(26) "Co-worker" means a person who is employed by the organization or entity that is served by a person who is employed as an emergency service responder.	924 925 926
(27) <u>"School crossing guard performing official duties"</u> <u>means a formally designated school crossing guard acting in</u> <u>accordance with division (B) of section 4511.461 of the Revised</u> <u>Code.</u>	927 928 929 930
Sec. 4511.461. (A) As used in this section:	931
(1) <u>"School crossing guard"</u> means a person formally	932

<u>designated by a school district, municipality, township, or law enforcement agency to direct traffic through a crosswalk while pedestrians are going to or leaving school during the opening or closing hours.</u>	933
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<u>(2) "Official duties" means the actions taken by a school crossing guard while wearing or displaying high-visibility apparel or using a stop paddle, a whistle, or specific hand movements as a means to clearly direct traffic in or near a crosswalk.</u>	937
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<u>(3) "School zone" has the same meaning as in section 4511.21 of the Revised Code.</u>	942
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<u>(4) "Lawful order" means a command given within the scope of the authority granted by statute while the person giving the command is performing official duties.</u>	944
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<u>(B) A school crossing guard, while performing official duties, may direct, stop, or otherwise control traffic in order to ensure the safety of a pedestrian using a crosswalk.</u>	947
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<u>(C) (1) No person shall knowingly fail to obey a lawful order given by a school crossing guard while the school crossing guard is performing official duties.</u>	950
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<u>(2) No person shall knowingly harass, threaten, intimidate, or interfere with a school crossing guard while the school crossing guard is performing official duties.</u>	953
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<u>(D) Whoever violates division (C) of this section is guilty of a misdemeanor in the first degree.</u>	956
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<u>(E) Notwithstanding division (D) of this section, if the offender was in a school zone at the time of the violation during the hours in which the school zone speed limit was in</u>	958
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effect, the court, in addition to all other penalties provided 961
by law, shall impose upon the offender a fine of two times the 962
usual amount imposed for the violation. 963

(F) In addition to all other penalties provided by law, 964
points shall be assessed for a violation of division (C) of this 965
section in accordance with section 4510.036 of the Revised Code. 966

(G) (1) Except as provided in division (G) (2) of this 967
section, a school crossing guard is immune from liability in a 968
civil action to recover damages for injury, death, or loss to 969
person or property allegedly caused by an act or omission in 970
connection with a power, duty, responsibility, or authorization 971
granted to the school crossing guard under this section. 972

(2) The immunity described in division (G) (1) of this 973
section does not apply to a school crossing guard if, in 974
relation to the act or omission in question, any of the 975
following applies: 976

(a) The act or omission was manifestly outside the scope 977
of the school crossing guard's official duties. 978

(b) The act or omission was with malicious purpose, in bad 979
faith, or in a wanton or reckless manner. 980

(c) Liability for the act or omission is expressly imposed 981
by another provision of the Revised Code. 982

Section 2. That existing sections 2903.06, 2903.08, 983
2903.081, and 2903.13 of the Revised Code are hereby repealed. 984