

I_134_0067-3

134th General Assembly
Regular Session
2021-2022

Sub. S. B. No. 16

A BILL

To amend sections 2903.13, 2903.22, and 2935.01 and
to enact section 2917.14 of the Revised Code
regarding assault or menacing committed or
directed against, and targeting, an emergency
service responder, family member, or co-worker,
the offense of unlawfully impeding public
passage of an emergency service responder, and
the inclusion of Casino Control Commission
gaming agents as peace officers under the
standard definition of that term.

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

Section 1. That sections 2903.13, 2903.22, and 2935.01 be
amended and section 2917.14 of the Revised Code be enacted to
read as follows:

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. 18

(C) (1) Whoever violates this section is guilty of assault, 19
and the court shall sentence the offender as provided in this 20
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 21
(8), (9), and (10) of this section. Except as otherwise provided 22
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 23
section, assault is a misdemeanor of the first degree. 24

(2) Except as otherwise provided in this division, if the 25
offense is committed by a caretaker against a functionally 26
impaired person under the caretaker's care, assault is a felony 27
of the fourth degree. If the offense is committed by a caretaker 28
against a functionally impaired person under the caretaker's 29
care, if the offender previously has been convicted of or 30
pleaded guilty to a violation of this section or section 2903.11 31
or 2903.16 of the Revised Code, and if in relation to the 32
previous conviction the offender was a caretaker and the victim 33
was a functionally impaired person under the offender's care, 34
assault is a felony of the third degree. 35

(3) If the offense occurs in or on the grounds of a state 36
correctional institution or an institution of the department of 37
youth services, the victim of the offense is an employee of the 38
department of rehabilitation and correction or the department of 39
youth services, and the offense is committed by a person 40
incarcerated in the state correctional institution or by a 41
person institutionalized in the department of youth services 42
institution pursuant to a commitment to the department of youth 43
services, assault is a felony of the third degree. 44

(4) If the offense is committed in any of the following 45
circumstances, assault is a felony of the fifth degree: 46

(a) The offense occurs in or on the grounds of a local 47
correctional facility, the victim of the offense is an employee 48
of the local correctional facility or a probation department or 49
is on the premises of the facility for business purposes or as a 50
visitor, and the offense is committed by a person who is under 51
custody in the facility subsequent to the person's arrest for 52
any crime or delinquent act, subsequent to the person's being 53
charged with or convicted of any crime, or subsequent to the 54
person's being alleged to be or adjudicated a delinquent child. 55

(b) The offense occurs off the grounds of a state 56
correctional institution and off the grounds of an institution 57
of the department of youth services, the victim of the offense 58
is an employee of the department of rehabilitation and 59
correction, the department of youth services, or a probation 60
department, the offense occurs during the employee's official 61
work hours and while the employee is engaged in official work 62
responsibilities, and the offense is committed by a person 63
incarcerated in a state correctional institution or 64
institutionalized in the department of youth services who 65
temporarily is outside of the institution for any purpose, by a 66
parolee, by an offender under transitional control, under a 67
community control sanction, or on an escorted visit, by a person 68
under post-release control, or by an offender under any other 69
type of supervision by a government agency. 70

(c) The offense occurs off the grounds of a local 71
correctional facility, the victim of the offense is an employee 72
of the local correctional facility or a probation department, 73
the offense occurs during the employee's official work hours and 74
while the employee is engaged in official work responsibilities, 75
and the offense is committed by a person who is under custody in 76
the facility subsequent to the person's arrest for any crime or 77

delinquent act, subsequent to the person being charged with or 78
convicted of any crime, or subsequent to the person being 79
alleged to be or adjudicated a delinquent child and who 80
temporarily is outside of the facility for any purpose or by a 81
parolee, by an offender under transitional control, under a 82
community control sanction, or on an escorted visit, by a person 83
under post-release control, or by an offender under any other 84
type of supervision by a government agency. 85

(d) The victim of the offense is a school teacher or 86
administrator or a school bus operator, and the offense occurs 87
in a school, on school premises, in a school building, on a 88
school bus, or while the victim is outside of school premises or 89
a school bus and is engaged in duties or official 90
responsibilities associated with the victim's employment or 91
position as a school teacher or administrator or a school bus 92
operator, including, but not limited to, driving, accompanying, 93
or chaperoning students at or on class or field trips, athletic 94
events, or other school extracurricular activities or functions 95
outside of school premises. 96

(5) If the assault is committed in any of the following 97
circumstances, assault is a felony of the fourth degree: 98

(a) The victim of the offense is a peace officer or an 99
investigator of the bureau of criminal identification and 100
investigation, a firefighter, or a person performing emergency 101
medical service, while in the performance of ~~their~~the 102
officer's, investigator's, firefighter's, or person's official 103
duties, ~~assault is a felony of the fourth degree.~~ 104

(b) The victim of the offense is an emergency service 105
responder, the offender knows or reasonably should know that the 106
victim is an emergency service responder, and it is the 107

offender's specific purpose to commit the offense against an 108
emergency service responder; 109

(c) The victim of the offense is a family or household 110
member or co-worker of a person who is an emergency service 111
responder, the offender knows or reasonably should know that the 112
victim is a family or household member or co-worker of an 113
emergency service responder, and it is the offender's specific 114
purpose to commit the offense against a family or household 115
member or co-worker of an emergency service responder. 116

(6) If the offense is a felony of the fourth degree under 117
division (C) (5) (a) of this section, if the victim of the offense 118
is a peace officer or an investigator of the bureau of criminal 119
identification and investigation, and if the victim suffered 120
serious physical harm as a result of the commission of the 121
offense, ~~assault is a felony of the fourth degree, and the~~ 122
court, pursuant to division (F) of section 2929.13 of the 123
Revised Code, shall impose as a mandatory prison term one of the 124
prison terms prescribed for a felony of the fourth degree that 125
is at least twelve months in duration. 126

(7) If the victim of the offense is an officer or employee 127
of a public children services agency or a private child placing 128
agency and the offense relates to the officer's or employee's 129
performance or anticipated performance of official 130
responsibilities or duties, assault is either a felony of the 131
fifth degree or, if the offender previously has been convicted 132
of or pleaded guilty to an offense of violence, the victim of 133
that prior offense was an officer or employee of a public 134
children services agency or private child placing agency, and 135
that prior offense related to the officer's or employee's 136
performance or anticipated performance of official 137

responsibilities or duties, a felony of the fourth degree. 138

(8) If the victim of the offense is a health care 139
professional of a hospital, a health care worker of a hospital, 140
or a security officer of a hospital whom the offender knows or 141
has reasonable cause to know is a health care professional of a 142
hospital, a health care worker of a hospital, or a security 143
officer of a hospital, if the victim is engaged in the 144
performance of the victim's duties, and if the hospital offers 145
de-escalation or crisis intervention training for such 146
professionals, workers, or officers, assault is one of the 147
following: 148

(a) Except as otherwise provided in division (C) (8) (b) of 149
this section, assault committed in the specified circumstances 150
is a misdemeanor of the first degree. Notwithstanding the fine 151
specified in division (A) (2) (b) of section 2929.28 of the 152
Revised Code for a misdemeanor of the first degree, in 153
sentencing the offender under this division and if the court 154
decides to impose a fine, the court may impose upon the offender 155
a fine of not more than five thousand dollars. 156

(b) If the offender previously has been convicted of or 157
pleaded guilty to one or more assault or homicide offenses 158
committed against hospital personnel, assault committed in the 159
specified circumstances is a felony of the fifth degree. 160

(9) If the victim of the offense is a judge, magistrate, 161
prosecutor, or court official or employee whom the offender 162
knows or has reasonable cause to know is a judge, magistrate, 163
prosecutor, or court official or employee, and if the victim is 164
engaged in the performance of the victim's duties, assault is 165
one of the following: 166

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (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) (b) 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.

(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.

(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 (G) of section 2929.24 of the
Revised Code.

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.

(D) As used in this section:

- (1) "Peace officer" has the same meaning as in section 197
2935.01 of the Revised Code. 198
- (2) ~~"Firefighter" has the same meaning as~~ means any 199
person who is a firefighter as defined in section 3937.41 of the 200
Revised Code and, for purposes of division (D)(21) of this 201
section, also includes a member of a fire department as defined 202
in section 742.01 of the Revised Code. 203
- (3) "Emergency medical service" has the same meaning as in 204
section 4765.01 of the Revised Code. 205
- (4) "Local correctional facility" means a county, 206
multicounty, municipal, municipal-county, or multicounty- 207
municipal jail or workhouse, a minimum security jail established 208
under section 341.23 or 753.21 of the Revised Code, or another 209
county, multicounty, municipal, municipal-county, or 210
multicounty-municipal facility used for the custody of persons 211
arrested for any crime or delinquent act, persons charged with 212
or convicted of any crime, or persons alleged to be or 213
adjudicated a delinquent child. 214
- (5) "Employee of a local correctional facility" means a 215
person who is an employee of the political subdivision or of one 216
or more of the affiliated political subdivisions that operates 217
the local correctional facility and who operates or assists in 218
the operation of the facility. 219
- (6) "School teacher or administrator" means either of the 220
following: 221
- (a) A person who is employed in the public schools of the 222
state under a contract described in section 3311.77 or 3319.08 223
of the Revised Code in a position in which the person is 224
required to have a certificate issued pursuant to sections 225

3319.22 to 3319.311 of the Revised Code.	226
(b) A person who is employed by a nonpublic school for which the state board of education 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.	227 228 229 230 231
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	232 233
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	234 235
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	236 237
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	238 239 240
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	241 242 243
(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:	244 245 246 247 248
(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.	249 250 251
(b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a	252 253

health care worker of a hospital, or a security officer of a hospital.	254 255
(c) The victim was engaged in the performance of the victim's duties.	256 257
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	258 259 260
(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.	261 262 263 264 265 266
(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.	267 268 269 270 271 272 273 274 275
(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.	276 277 278
(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.	279 280 281
(17) "Magistrate" means an individual who is appointed by	282

a court of record of this state and who has the powers and may 283
perform the functions specified in Civil Rule 53, Criminal Rule 284
19, or Juvenile Rule 40, or an individual who is appointed by a 285
United States court located in this state who has similar powers 286
and functions. 287

(18) "Prosecutor" has the same meaning as in section 288
2935.01 of the Revised Code. 289

(19) (a) "Hospital" means, subject to division (D) (19) (b) 290
of this section, an institution classified as a hospital under 291
section 3701.01 of the Revised Code in which are provided to 292
patients diagnostic, medical, surgical, obstetrical, 293
psychiatric, or rehabilitation care or a hospital operated by a 294
health maintenance organization. 295

(b) "Hospital" does not include any of the following: 296

(i) A facility licensed under Chapter 3721. of the Revised 297
Code, a health care facility operated by the department of 298
mental health or the department of developmental disabilities, a 299
health maintenance organization that does not operate a 300
hospital, or the office of any private, licensed health care 301
professional, whether organized for individual or group 302
practice; 303

(ii) An institution for the sick that is operated 304
exclusively for patients who use spiritual means for healing and 305
for whom the acceptance of medical care is inconsistent with 306
their religious beliefs, accredited by a national accrediting 307
organization, exempt from federal income taxation under section 308
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 309
U.S.C. 1, as amended, and providing twenty-four-hour nursing 310
care pursuant to the exemption in division (E) of section 311

4723.32 of the Revised Code from the licensing requirements of 312
Chapter 4723. of the Revised Code. 313

(20) "Health maintenance organization" has the same 314
meaning as in section 3727.01 of the Revised Code. 315

(21) "Emergency service responder" means any law 316
enforcement officer, first responder, emergency medical 317
technician-basic, emergency medical technician-intermediate, 318
emergency medical technician-paramedic, firefighter, or 319
volunteer firefighter. 320

(22) "Family or household member" means any of the 321
following: 322

(a) Any of the following who is residing or has resided 323
with a person who is employed as an emergency service responder: 324

(i) A spouse, a person living as a spouse, or a former 325
spouse of a person who is employed as an emergency service 326
responder; 327

(ii) A parent, a foster parent, or a child of a person who 328
is employed as an emergency service responder, or another person 329
related by consanguinity or affinity to a person who is employed 330
as an emergency service responder; 331

(iii) A parent or a child of a spouse, person living as a 332
spouse, or former spouse of a person who is employed as an 333
emergency service responder, or another person related by 334
consanguinity or affinity to a spouse, person living as a 335
spouse, or former spouse of a person who is employed as an 336
emergency service responder. 337

(b) The natural parent of any child of whom a person who 338
is employed as an emergency service responder is the other 339

natural parent or is the putative other natural parent. 340

(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. 341
342
343
344

(24) "Volunteer firefighter" has the same meaning as in
section 146.01 of the Revised Code. 345
346

(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. 347
348
349
350
351
352
353
354

(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. 355
356
357

Sec. 2903.22. (A) (1) No person shall knowingly cause 358
another to believe that the offender will cause physical harm to 359
the person or property of the other person, the other person's 360
unborn, or a member of the other person's immediate family. In 361
addition to any other basis for the other person's belief that 362
the offender will cause physical harm to the person or property 363
of the other person, the other person's unborn, or a member of 364
the other person's immediate family, the other person's belief 365
may be based on words or conduct of the offender that are 366
directed at or identify a corporation, association, or other 367
organization that employs the other person or to which the other 368

person belongs. 369

(2) No person shall knowingly place or attempt to place 370
another in reasonable fear of physical harm or death by 371
displaying a deadly weapon, regardless of whether the deadly 372
weapon displayed is operable or inoperable, if either of the 373
following applies: 374

(a) The other person is an emergency service responder, 375
the person knows or reasonably should know that the other person 376
is an emergency service responder, and it is the person's 377
specific purpose to engage in the specified conduct against an 378
emergency service responder. 379

(b) The other person is a family or household member or 380
co-worker of an emergency service responder, the person knows or 381
reasonably should know that the other person is a family or 382
household member or co-worker of an emergency service responder, 383
and it is the person's specific purpose to engage in the 384
specified conduct against a family or household member or co- 385
worker of an emergency service responder. 386

(B) Whoever violates this section is guilty of menacing. 387

Except as otherwise provided in this division, menacing is 388
a misdemeanor of the fourth degree. If the victim of the offense 389
is an officer or employee of a public children services agency 390
or a private child placing agency and the offense relates to the 391
officer's or employee's performance or anticipated performance 392
of official responsibilities or duties or if the victim of the 393
offense is an emergency service responder in the performance of 394
the responder's official duties, menacing is one of the 395
following: 396

(1) Except as otherwise provided in division (B)(2) of 397

this section, a misdemeanor of the first degree ~~or, if;~~ 398

(2) If the offender previously has been convicted of or 399
pleaded guilty to an offense of violence, the victim of that 400
prior offense was an officer or employee of a public children 401
services agency or private child placing agency or an emergency 402
service responder, and that prior offense related to the 403
officer's or employee's performance or anticipated performance 404
of official responsibilities or duties or to the responder's 405
performance of the responder's official duties, a felony of the 406
fourth degree. 407

(C) As used in this section, ~~"organization":~~ 408

(1) "Emergency service responder," "family or household 409
member," and "co-worker" have the same meanings as in section 410
2903.13 of the Revised Code. 411

(2) "Organization" includes an entity that is a 412
governmental employer. 413

Sec. 2917.14. (A) No person, without privilege to do so, 414
shall recklessly obstruct any highway, street, sidewalk, or any 415
other public passage in such a manner as to render the highway, 416
street, sidewalk, or passage impassable without unreasonable 417
inconvenience or hazard if both of the following apply: 418

(1) The obstruction prevents an emergency vehicle from 419
accessing a highway or street, prevents an emergency service 420
responder from responding to an emergency, or prevents an 421
emergency vehicle or an emergency service responder from having 422
access to an exit from an emergency. 423

(2) Upon receipt of a request or order from an emergency 424
service responder to remove or cease the obstruction, the person 425
refuses to remove or cease the obstruction. 426

(B) Division (A) of this section does not limit or affect 427
the application of section 2921.31 or 2921.332 of the Revised 428
Code or any other section of the Revised Code. Any conduct that 429
is a violation of division (A) of this section and that also is 430
a violation of section 2921.31 or 2921.332 of the Revised Code 431
or any other section of the Revised Code may be prosecuted under 432
this section, the other section, or both sections. 433

(C) Whoever violates this section is guilty of unlawfully 434
impeding public passage of an emergency service responder, a 435
misdemeanor of the first degree. 436

(D) As used in this section, "emergency service responder" 437
has the same meaning as in section 2921.01 of the Revised Code. 438

Sec. 2935.01. As used in this chapter: 439

(A) "Magistrate" has the same meaning as in section 440
2931.01 of the Revised Code. 441

(B) "Peace officer" includes, except as provided in 442
section 2935.081 of the Revised Code, a sheriff; deputy sheriff; 443
marshal; deputy marshal; member of the organized police 444
department of any municipal corporation, including a member of 445
the organized police department of a municipal corporation in an 446
adjoining state serving in Ohio under a contract pursuant to 447
section 737.04 of the Revised Code; member of a police force 448
employed by a metropolitan housing authority under division (D) 449
of section 3735.31 of the Revised Code; member of a police force 450
employed by a regional transit authority under division (Y) of 451
section 306.05 of the Revised Code; state university law 452
enforcement officer appointed under section 3345.04 of the 453
Revised Code; enforcement agent of the department of public 454
safety designated under section 5502.14 of the Revised Code; 455

employee of the department of taxation to whom investigation 456
powers have been delegated under section 5743.45 of the Revised 457
Code; employee of the department of natural resources who is a 458
natural resources law enforcement staff officer designated 459
pursuant to section 1501.013 of the Revised Code, a forest-fire 460
investigator appointed pursuant to section 1503.09 of the 461
Revised Code, a natural resources officer appointed pursuant to 462
section 1501.24 of the Revised Code, or a wildlife officer 463
designated pursuant to section 1531.13 of the Revised Code; 464
individual designated to perform law enforcement duties under 465
section 511.232, 1545.13, or 6101.75 of the Revised Code; 466
veterans' home police officer appointed under section 5907.02 of 467
the Revised Code; special police officer employed by a port 468
authority under section 4582.04 or 4582.28 of the Revised Code; 469
police constable of any township; police officer of a township 470
or joint police district; a special police officer employed by a 471
municipal corporation at a municipal airport, or other municipal 472
air navigation facility, that has scheduled operations, as 473
defined in section 119.3 of Title 14 of the Code of Federal 474
Regulations, 14 C.F.R. 119.3, as amended, and that is required 475
to be under a security program and is governed by aviation 476
security rules of the transportation security administration of 477
the United States department of transportation as provided in 478
Parts 1542. and 1544. of Title 49 of the Code of Federal 479
Regulations, as amended; the house of representatives sergeant 480
at arms if the house of representatives sergeant at arms has 481
arrest authority pursuant to division (E) (1) of section 101.311 482
of the Revised Code; an assistant house of representatives 483
sergeant at arms; the senate sergeant at arms; an assistant 484
senate sergeant at arms; officer or employee of the bureau of 485
criminal identification and investigation established pursuant 486
to section 109.51 of the Revised Code who has been awarded a 487

certificate by the executive director of the Ohio peace officer 488
training commission attesting to the officer's or employee's 489
satisfactory completion of an approved state, county, municipal, 490
or department of natural resources peace officer basic training 491
program and who is providing assistance upon request to a law 492
enforcement officer or emergency assistance to a peace officer 493
pursuant to section 109.54 or 109.541 of the Revised Code; a 494
state fire marshal law enforcement officer described in division 495
(A) (23) of section 109.71 of the Revised Code; a gaming agent, 496
as defined in section 3772.01 of the Revised Code; and, for the 497
purpose of arrests within those areas, for the purposes of 498
Chapter 5503. of the Revised Code, and the filing of and service 499
of process relating to those offenses witnessed or investigated 500
by them, the superintendent and troopers of the state highway 501
patrol. 502

(C) "Prosecutor" includes the county prosecuting attorney 503
and any assistant prosecutor designated to assist the county 504
prosecuting attorney, and, in the case of courts inferior to 505
courts of common pleas, includes the village solicitor, city 506
director of law, or similar chief legal officer of a municipal 507
corporation, any such officer's assistants, or any attorney 508
designated by the prosecuting attorney of the county to appear 509
for the prosecution of a given case. 510

(D) "Offense," except where the context specifically 511
indicates otherwise, includes felonies, misdemeanors, and 512
violations of ordinances of municipal corporations and other 513
public bodies authorized by law to adopt penal regulations. 514

Section 2. That existing sections 2903.13, 2903.22, and 515
2935.01 of the Revised Code are hereby repealed. 516