

As Introduced

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H. B. No. 222

Representatives Driehaus, Perales

**Cosponsors: Representatives Antonio, Bishoff, Brown, Grossman, Lepore-Hagan,
Sheehy, Smith, K., Stinziano**

A BILL

To amend sections 2903.13 and 2917.41 and to enact
section 306.20 of the Revised Code to increase
the penalty for assault when the victim is an
employee of an Ohio transit system whom the
offender knows or has reasonable cause to know
is such an employee engaged in the performance
of the victim's duties; to permit the court to
impose a fine of up to \$5000 and a six-month or
lifetime prohibition from riding an Ohio transit
system for assault committed in such specified
circumstances; to authorize Ohio transit systems
to post a warning sign indicating that abuse or
assault of staff will not be tolerated and might
result in a felony conviction; and to increase
the penalty for evading payment of the known
fares of a public transportation system.

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

Section 1. That sections 2903.13 and 2917.41 be amended
and section 306.20 of the Revised Code be enacted to read as

follows:

Sec. 306.20. (A) Any Ohio transit system may post the notice described in division (B) of this section in accordance with this division. An Ohio transit system that decides to post the notice shall consider posting it in a conspicuous location in all of the transit system's buses and rail cars.

(B) A notice posted pursuant to division (A) of this section shall include, at a minimum, all of the following statements and information:

"WE WILL NOT TOLERATE

any form of threatening or

aggressive behavior

toward our staff.

Assaults against our staff might

result in a felony conviction.

All staff have the right to carry out

their work without fearing for their safety."

(C) As used in this section, "Ohio transit system" has the same meaning as in section 2305.33 of the Revised Code.

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), 45
(8), (9), ~~and (10)~~, and (11) of this section. Except as 46
otherwise provided in division (C) (2), (3), (4), (5), (6), (7), 47
(8), ~~or (9)~~, or (10) of this section, assault is a misdemeanor 48
of the first degree. 49

(2) Except as otherwise provided in this division, if the 50
offense is committed by a caretaker against a functionally 51
impaired person under the caretaker's care, assault is a felony 52
of the fourth degree. If the offense is committed by a caretaker 53
against a functionally impaired person under the caretaker's 54
care, if the offender previously has been convicted of or 55
pleaded guilty to a violation of this section or section 2903.11 56
or 2903.16 of the Revised Code, and if in relation to the 57
previous conviction the offender was a caretaker and the victim 58
was a functionally impaired person under the offender's care, 59
assault is a felony of the third degree. 60

(3) If the offense occurs in or on the grounds of a state 61
correctional institution or an institution of the department of 62
youth services, the victim of the offense is an employee of the 63
department of rehabilitation and correction or the department of 64
youth services, and the offense is committed by a person 65
incarcerated in the state correctional institution or by a 66
person institutionalized in the department of youth services 67
institution pursuant to a commitment to the department of youth 68
services, assault is a felony of the third degree. 69

(4) If the offense is committed in any of the following 70
circumstances, assault is a felony of the fifth degree: 71

(a) The offense occurs in or on the grounds of a local 72
correctional facility, the victim of the offense is an employee 73
of the local correctional facility or a probation department or 74

is on the premises of the facility for business purposes or as a 75
visitor, and the offense is committed by a person who is under 76
custody in the facility subsequent to the person's arrest for 77
any crime or delinquent act, subsequent to the person's being 78
charged with or convicted of any crime, or subsequent to the 79
person's being alleged to be or adjudicated a delinquent child. 80

(b) The offense occurs off the grounds of a state 81
correctional institution and off the grounds of an institution 82
of the department of youth services, the victim of the offense 83
is an employee of the department of rehabilitation and 84
correction, the department of youth services, or a probation 85
department, the offense occurs during the employee's official 86
work hours and while the employee is engaged in official work 87
responsibilities, and the offense is committed by a person 88
incarcerated in a state correctional institution or 89
institutionalized in the department of youth services who 90
temporarily is outside of the institution for any purpose, by a 91
parolee, by an offender under transitional control, under a 92
community control sanction, or on an escorted visit, by a person 93
under post-release control, or by an offender under any other 94
type of supervision by a government agency. 95

(c) The offense occurs off the grounds of a local 96
correctional facility, the victim of the offense is an employee 97
of the local correctional facility or a probation department, 98
the offense occurs during the employee's official work hours and 99
while the employee is engaged in official work responsibilities, 100
and the offense is committed by a person who is under custody in 101
the facility subsequent to the person's arrest for any crime or 102
delinquent act, subsequent to the person being charged with or 103
convicted of any crime, or subsequent to the person being 104
alleged to be or adjudicated a delinquent child and who 105

temporarily is outside of the facility for any purpose or by a 106
parolee, by an offender under transitional control, under a 107
community control sanction, or on an escorted visit, by a person 108
under post-release control, or by an offender under any other 109
type of supervision by a government agency. 110

(d) The victim of the offense is a school teacher or 111
administrator or a school bus operator, and the offense occurs 112
in a school, on school premises, in a school building, on a 113
school bus, or while the victim is outside of school premises or 114
a school bus and is engaged in duties or official 115
responsibilities associated with the victim's employment or 116
position as a school teacher or administrator or a school bus 117
operator, including, but not limited to, driving, accompanying, 118
or chaperoning students at or on class or field trips, athletic 119
events, or other school extracurricular activities or functions 120
outside of school premises. 121

(5) If the victim of the offense is a peace officer or an 122
investigator of the bureau of criminal identification and 123
investigation, a firefighter, or a person performing emergency 124
medical service, while in the performance of their official 125
duties, assault is a felony of the fourth degree. 126

(6) If the victim of the offense is a peace officer or an 127
investigator of the bureau of criminal identification and 128
investigation and if the victim suffered serious physical harm 129
as a result of the commission of the offense, assault is a 130
felony of the fourth degree, and the court, pursuant to division 131
(F) of section 2929.13 of the Revised Code, shall impose as a 132
mandatory prison term one of the prison terms prescribed for a 133
felony of the fourth degree that is at least twelve months in 134
duration. 135

(7) If the victim of the offense is an officer or employee 136
of a public children services agency or a private child placing 137
agency and the offense relates to the officer's or employee's 138
performance or anticipated performance of official 139
responsibilities or duties, assault is either a felony of the 140
fifth degree or, if the offender previously has been convicted 141
of or pleaded guilty to an offense of violence, the victim of 142
that prior offense was an officer or employee of a public 143
children services agency or private child placing agency, and 144
that prior offense related to the officer's or employee's 145
performance or anticipated performance of official 146
responsibilities or duties, a felony of the fourth degree. 147

(8) If the victim of the offense is a health care 148
professional of a hospital, a health care worker of a hospital, 149
or a security officer of a hospital whom the offender knows or 150
has reasonable cause to know is a health care professional of a 151
hospital, a health care worker of a hospital, or a security 152
officer of a hospital, if the victim is engaged in the 153
performance of the victim's duties, and if the hospital offers 154
de-escalation or crisis intervention training for such 155
professionals, workers, or officers, assault is one of the 156
following: 157

(a) Except as otherwise provided in division (C) (8) (b) of 158
this section, assault committed in the specified circumstances 159
is a misdemeanor of the first degree. Notwithstanding the fine 160
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 161
Revised Code for a misdemeanor of the first degree, in 162
sentencing the offender under this division and if the court 163
decides to impose a fine, the court may impose upon the offender 164
a fine of not more than five thousand dollars. 165

(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.

(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:

(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. In sentencing the offender
under this division, if the court decides to impose a fine,
notwithstanding the fine specified in division (A) (2) ~~(b)~~ (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.

(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 the victim of the offense is an operator of an
Ohio transit system bus or Ohio transit system rail car, a
maintenance worker of an Ohio transit system, or a contracted
employee providing any of these services to an Ohio transit
system, if the offender knows or has reasonable cause to know
that the victim is an operator of an Ohio transit system bus or
Ohio transit system rail car, a maintenance worker of an Ohio
transit system, or a contracted employee providing any of these

services to an Ohio transit system, and if the victim is engaged 196
in the performance of the victim's duties, assault is one of the 197
following: 198

(a) Except as otherwise provided in division (C)(10)(b) of 199
this section, assault committed in the specified circumstances 200
is a felony of the fifth degree. Notwithstanding the fine 201
specified in division (A)(3) of section 2929.18 of the Revised 202
Code for a felony of the fifth degree, if the court decides to 203
impose a fine under this division, the court may impose upon the 204
offender a fine of not more than five thousand dollars. 205
Additionally, the court may prohibit the offender from riding 206
any Ohio transit system bus or Ohio transit system rail car for 207
six months. 208

(b) If the offender previously has been convicted of or 209
pleaded guilty to one or more assault or homicide offenses 210
committed against an operator of an Ohio transit system bus or 211
Ohio transit system rail car, a maintenance worker of an Ohio 212
transit system, or a contracted employee providing any of these 213
services to an Ohio transit system, assault committed in the 214
specified circumstances is a felony of the fourth degree. 215
Additionally, the court may prohibit the offender from riding 216
any Ohio transit system bus or Ohio transit system rail car for 217
the offender's lifetime. 218

(11) If an offender who is convicted of or pleads guilty 219
to assault when it is a misdemeanor also is convicted of or 220
pleads guilty to a specification as described in section 221
2941.1423 of the Revised Code that was included in the 222
indictment, count in the indictment, or information charging the 223
offense, the court shall sentence the offender to a mandatory 224
jail term as provided in division (G) of section 2929.24 of the 225

Revised Code. 226

If an offender who is convicted of or pleads guilty to 227
assault when it is a felony also is convicted of or pleads 228
guilty to a specification as described in section 2941.1423 of 229
the Revised Code that was included in the indictment, count in 230
the indictment, or information charging the offense, except as 231
otherwise provided in division (C)(6) of this section, the court 232
shall sentence the offender to a mandatory prison term as 233
provided in division (B)(8) of section 2929.14 of the Revised 234
Code. 235

(D) As used in this section: 236

(1) "Peace officer" has the same meaning as in section 237
2935.01 of the Revised Code. 238

(2) "Firefighter" has the same meaning as in section 239
3937.41 of the Revised Code. 240

(3) "Emergency medical service" has the same meaning as in 241
section 4765.01 of the Revised Code. 242

(4) "Local correctional facility" means a county, 243
multicounty, municipal, municipal-county, or multicounty- 244
municipal jail or workhouse, a minimum security jail established 245
under section 341.23 or 753.21 of the Revised Code, or another 246
county, multicounty, municipal, municipal-county, or 247
multicounty-municipal facility used for the custody of persons 248
arrested for any crime or delinquent act, persons charged with 249
or convicted of any crime, or persons alleged to be or 250
adjudicated a delinquent child. 251

(5) "Employee of a local correctional facility" means a 252
person who is an employee of the political subdivision or of one 253
or more of the affiliated political subdivisions that operates 254

the local correctional facility and who operates or assists in 255
the operation of the facility. 256

(6) "School teacher or administrator" means either of the 257
following: 258

(a) A person who is employed in the public schools of the 259
state under a contract described in section 3311.77 or 3319.08 260
of the Revised Code in a position in which the person is 261
required to have a certificate issued pursuant to sections 262
3319.22 to 3319.311 of the Revised Code. 263

(b) A person who is employed by a nonpublic school for 264
which the state board of education prescribes minimum standards 265
under section 3301.07 of the Revised Code and who is 266
certificated in accordance with section 3301.071 of the Revised 267
Code. 268

(7) "Community control sanction" has the same meaning as 269
in section 2929.01 of the Revised Code. 270

(8) "Escorted visit" means an escorted visit granted under 271
section 2967.27 of the Revised Code. 272

(9) "Post-release control" and "transitional control" have 273
the same meanings as in section 2967.01 of the Revised Code. 274

(10) "Investigator of the bureau of criminal 275
identification and investigation" has the same meaning as in 276
section 2903.11 of the Revised Code. 277

(11) "Health care professional" and "health care worker" 278
have the same meanings as in section 2305.234 of the Revised 279
Code. 280

(12) "Assault or homicide offense committed against 281
hospital personnel" means a violation of this section or of 282

section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 283
2903.12, or 2903.14 of the Revised Code committed in 284
circumstances in which all of the following apply: 285

(a) The victim of the offense was a health care 286
professional of a hospital, a health care worker of a hospital, 287
or a security officer of a hospital. 288

(b) The offender knew or had reasonable cause to know that 289
the victim was a health care professional of a hospital, a 290
health care worker of a hospital, or a security officer of a 291
hospital. 292

(c) The victim was engaged in the performance of the 293
victim's duties. 294

(d) The hospital offered de-escalation or crisis 295
intervention training for such professionals, workers, or 296
officers. 297

(13) "De-escalation or crisis intervention training" means 298
de-escalation or crisis intervention training for health care 299
professionals of a hospital, health care workers of a hospital, 300
and security officers of a hospital to facilitate interaction 301
with patients, members of a patient's family, and visitors, 302
including those with mental impairments. 303

(14) "Assault or homicide offense committed against 304
justice system personnel" means a violation of this section or 305
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 306
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 307
circumstances in which the victim of the offense was a judge, 308
magistrate, prosecutor, or court official or employee whom the 309
offender knew or had reasonable cause to know was a judge, 310
magistrate, prosecutor, or court official or employee, and the 311

victim was engaged in the performance of the victim's duties. 312

(15) "Court official or employee" means any official or 313
employee of a court created under the constitution or statutes 314
of this state or of a United States court located in this state. 315

(16) "Judge" means a judge of a court created under the 316
constitution or statutes of this state or of a United States 317
court located in this state. 318

(17) "Magistrate" means an individual who is appointed by 319
a court of record of this state and who has the powers and may 320
perform the functions specified in Civil Rule 53, Criminal Rule 321
19, or Juvenile Rule 40, or an individual who is appointed by a 322
United States court located in this state who has similar powers 323
and functions. 324

(18) "Prosecutor" has the same meaning as in section 325
2935.01 of the Revised Code. 326

(19) (a) "Hospital" means, subject to division (D) (19) (b) 327
of this section, an institution classified as a hospital under 328
section 3701.01 of the Revised Code in which are provided to 329
patients diagnostic, medical, surgical, obstetrical, 330
psychiatric, or rehabilitation care or a hospital operated by a 331
health maintenance organization. 332

(b) "Hospital" does not include any of the following: 333

(i) A facility licensed under Chapter 3721. of the Revised 334
Code, a health care facility operated by the department of 335
mental health or the department of developmental disabilities, a 336
health maintenance organization that does not operate a 337
hospital, or the office of any private, licensed health care 338
professional, whether organized for individual or group 339
practice; 340

(ii) An institution for the sick that is operated 341
exclusively for patients who use spiritual means for healing and 342
for whom the acceptance of medical care is inconsistent with 343
their religious beliefs, accredited by a national accrediting 344
organization, exempt from federal income taxation under section 345
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 346
U.S.C. 1, as amended, and providing twenty-four-hour nursing 347
care pursuant to the exemption in division (E) of section 348
4723.32 of the Revised Code from the licensing requirements of 349
Chapter 4723. of the Revised Code. 350

(20) "Health maintenance organization" has the same 351
meaning as in section 3727.01 of the Revised Code. 352

(21) "Ohio transit system bus" means a motor vehicle of an 353
Ohio transit system that is designed for carrying more than nine 354
passengers and used for the transportation of persons but does 355
not mean any school bus. 356

(22) "Ohio transit system rail car" means a street rail 357
car, tramline car, subway car, monorail car, or rapid transit 358
car within a ground transportation system having as its primary 359
purpose the regularly scheduled mass movement of passengers 360
between locations within the territorial boundaries of an Ohio 361
transit system. 362

(23) "Ohio transit system" has the same meaning as in 363
section 2305.33 of the Revised Code. 364

(24) "Motor vehicle" has the same meaning as in section 365
4511.01 of the Revised Code. 366

(25) "Assault or homicide offense committed against an 367
operator of an Ohio transit system bus or Ohio transit system 368
rail car, a maintenance worker of an Ohio transit system, or a 369

contracted employee providing any of these services to an Ohio 370
transit system" means a violation of this section or of section 371
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 372
or 2903.14 of the Revised Code committed in circumstances in 373
which all of the following apply: 374

(a) The victim of the offense was an operator of an Ohio 375
transit system bus or Ohio transit system rail car, a 376
maintenance worker of an Ohio transit system, or a contracted 377
employee providing any of these services to an Ohio transit 378
system. 379

(b) The offender knew or had reasonable cause to know that 380
the victim was an operator of an Ohio transit system bus or Ohio 381
transit system rail car, a maintenance worker of an Ohio transit 382
system, or a contracted employee providing any of these services 383
to an Ohio transit system. 384

(c) The victim was engaged in the performance of the 385
victim's duties. 386

Sec. 2917.41. (A) No person shall evade the payment of the 387
known fares of a public transportation system. 388

(B) No person shall alter any transfer, pass, ticket, or 389
token of a public transportation system with the purpose of 390
evading the payment of fares or of defrauding the system. 391

(C) No person shall do any of the following while in any 392
facility or on any vehicle of a public transportation system: 393

(1) Play sound equipment without the proper use of a 394
private earphone; 395

(2) Smoke, eat, or drink in any area where the activity is 396
clearly marked as being prohibited; 397

(3) Expectorate upon a person, facility, or vehicle. 398

(D) No person shall write, deface, draw, or otherwise mark 399
on any facility or vehicle of a public transportation system. 400

(E) No person shall fail to comply with a lawful order of 401
a public transportation system police officer, and no person 402
shall resist, obstruct, or abuse a public transportation police 403
officer in the performance of the officer's duties. 404

(F) Whoever violates this section is guilty of misconduct 405
involving a public transportation system. 406

(1) Violation of division (A), ~~(B), or (E)~~ of this section 407
is a misdemeanor of the ~~fourth~~ second degree. 408

(2) Violation of division (B) or (E) of this section is a 409
misdemeanor of the fourth degree. 410

(3) Violation of division (C) of this section is a minor 411
misdemeanor on a first offense. If a person previously has been 412
convicted of or pleaded guilty to a violation of any division of 413
this section or of a municipal ordinance that is substantially 414
similar to any division of this section, violation of division 415
(C) of this section is a misdemeanor of the fourth degree. 416

~~(3)~~ (4) Violation of division (D) of this section is a 417
misdemeanor of the third degree. 418

(G) Notwithstanding any other provision of law, seventy- 419
five per cent of each fine paid to satisfy a sentence imposed 420
for a violation of this section shall be deposited into the 421
treasury of the county in which the violation occurred and 422
twenty-five per cent shall be deposited with the county transit 423
board, regional transit authority, or regional transit 424
commission that operates the public transportation system 425

involved in the violation, unless the board of county 426
commissioners operates the public transportation system, in 427
which case one hundred per cent of each fine shall be deposited 428
into the treasury of the county. 429

(H) As used in this section, "public transportation 430
system" means a county transit system operated in accordance 431
with sections 306.01 to 306.13 of the Revised Code, a regional 432
transit authority operated in accordance with sections 306.30 to 433
306.71 of the Revised Code, or a regional transit commission 434
operated in accordance with sections 306.80 to 306.90 of the 435
Revised Code. 436

Section 2. That existing sections 2903.13 and 2917.41 of 437
the Revised Code are hereby repealed. 438