



Ohio Prosecuting Attorneys Association

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House Bill 276
Written Opponent Testimony
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Chairman Bacon, Vice-Chair Dolan, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to provide opponent testimony on House Bill 276, a bill to expand the offense of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility.

Our Association generally disfavors laws that provide for increased penalties for special classes of victims. We have in the past supported special protections for peace officers, children, and the elderly but only because of the particular vulnerability of these three groups. Overall, however, bills that increase penalties from misdemeanors to felonies, without a compelling reason to do so, create a burden on the justice system that results in calls for broader criminal sentencing reform. Bills like House Bill 276 add to this narrative and our concern is that the continued adoption of bills such as this distract from and even obstruct the very real need to label some offenses as felonies.

While we are certainly sympathetic to the stories of utility workers who have been subjected to aggravated menacing, menacing, assaults, or other types of threats or violence, we believe that current law provides appropriate protections from and penalties for these types of behaviors. Substitute House Bill 276 nevertheless increases the penalty for aggravated menacing involving a utility worker from a misdemeanor of the first degree to a felony of the fifth degree if the offender has previously been convicted of or pleaded guilty to aggravated menacing. What is difficult for prosecutors to reconcile is that the same multiple offender who threatens someone else remains subject only to a first degree misdemeanor when the bad act is the same and the fear experienced by the victim is the same.

Utility workers undoubtedly face threats of violence on the job and we share their concerns for their safety. We also appreciate the sponsors' work to narrow the bill by providing for the enhanced penalty only upon a subsequent conviction. Nevertheless, we are equally sympathetic to the threats that others face and do not believe that the plight or victimization of others is any less deserving of protection. It is for these reasons that we are opposed to House Bill 276.

If House Bill 276 must pass, there may be a way to address our concerns while still providing additional protection to many utility workers. Much of the testimony in support of the bill centered on threats made with deadly weapons. The menacing by stalking statute, R.C. 2903.211, provides for an increased penalty if the offender committed the stalking while in possession of a deadly weapon. House Bill 276 could be amended to provide an increased penalty for aggravated menacing that involves a deadly weapon. This would provide additional protection for utility workers but also for everyone else and resolve our concerns about creating special classes of victims.

Thank you, again for the opportunity to provide testimony on the bill.