



State Senator Kent Smith
Democratic Whip
21st District

Ohio Senate
Senate Building
Columbus, OH 43215
614-466-4857

Sponsor Testimony: Senate Bill 88

Chairman Manning, Vice Chairman Reynolds, Ranking Member Hicks Hudson, and members of the Senate Judiciary Committee. Thank you for the opportunity to provide sponsor testimony on Senate Bill 88, which will protect utility workers from being threatened while performing their official, on-the-job duties.

This legislation was introduced in the 132nd General Assembly as House Bill 276 and was passed out of that Chamber by a vote of 94-3. The renewed push for this legislation arose in the Fall when a Utility worker with FirstEnergy was shot at three times at close range in an attempted robbery. Two bullets missed, but one grazed his scalp, which required more than 15 stitches to close the wound.

The victim in the incident was working second shift as a trouble lineman. Trouble linemen are swing shift workers who make repairs and restore electricity after an outage is reported to customer service. They work every day, around the clock, in every neighborhood. These workers perform essential, often life-saving services to the community. They are specially trained technicians who often are often working in dangerous situations. They need to be able to do their jobs safely, and the goal of this legislation is to provide them with additional protections to do their jobs.

This legislation would establish that aggravated menacing of a utility worker would be a misdemeanor if all of the following apply:

- The offender causes the worker to believe that the offender will cause serious physical harm to the worker or to the property
- By threatening the worker with a deadly weapon
- When the offender knows or has reasonable cause to know the worker's profession
- When the worker is engaged in the performance of the worker's duties AND
- The offender's intent is to obstruct the operation of a utility, cable, or broadband service

The criminal penalties would increase from a first-degree misdemeanor to a fifth-degree felony if the offender is a repeat offender of this type of crime.

Utility workers would be those professionals working for a company that provides gas, natural gas, electric, steam, water, sewage, stormwater, transportation, communication services, or cable or broadband service, whether publicly or privately owned.

Co-sponsors of HB 276 included current Senators, Terry Johnson, Niraj Antani, Nickie Antonio, Hearcel Craig, Steve Huffman, Tim Schaffer, and you, Mr. Chairman, Senator (then-Rep.) Nathan Manning. Among the 94 Yes votes were Bill Reineke, Catherine Ingram, Lou Blessing, Theresa Gavarone, Al Landis, George Lang, Kristina Roegner, Kirk Schuring, and Andrew Brenner. This legislation has received strong bipartisan support in the past, and I hope it will again in the 135th General Assembly.

Newspaper article about the November robbery and shooting.

=> <https://www.cleveland.com/news/2022/11/first-energy-employee-hospitalized-after-being-shot-robbed.html>

News article about utility crew being robbed in Wyoming, Ohio in September 2020.

=> <https://www.fox19.com/2020/09/17/police-search-suspect-accused-robbing-wyoming-utility-crews-gunpoint/>