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S.B. 88
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. Smith and Cirino

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SUMMARY

- Expands the offense of aggravated menacing to prohibit threatening a utility worker, cable operator worker, or broadband worker with a deadly weapon with intent to obstruct the operation of a utility, cable, or broadband service.
- Provides that a violation of the new prohibition is generally a first degree misdemeanor, except that if the offender previously has been convicted of aggravated menacing, the offense is a fifth degree felony.

DETAILED ANALYSIS

Aggravated menacing of a utility worker

The bill expands the offense of aggravated menacing to prohibit knowingly causing a utility worker, cable operator worker, or broadband worker to believe that the offender will cause serious physical harm to the worker or to property when all of the following conditions apply:¹

1. The offender knows or has reasonable cause to know the worker's profession;
2. The worker is engaged in the performance of the worker's duties;
3. The offender threatens the victim with a deadly weapon with intent to obstruct the operation of a utility, cable, or broadband service.

Under current law, unchanged by the bill, a person is guilty of aggravated menacing if the person knowingly causes another to believe that the offender will cause serious physical harm to the other person's person or property, the other person's unborn, or a member of the

¹ R.C. 2903.21(B).

other person’s immediate family. The other person’s fear of harm may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.²

Penalties

The bill provides that aggravated menacing is generally a first degree misdemeanor, as under current law, but if an offender previously has been convicted of or pleaded guilty to aggravated menacing, a violation of the bill’s new prohibition is a fifth degree felony.³

Definitions

As used in the bill:⁴

- **“Utility worker”** means an employee, contractor, or agent of a person or entity whose primary responsibility is the operation or maintenance of a “utility.”
- **“Utility”** means an enterprise that provides gas, electric, steam, water, sewage, storm water, transportation, or communication services, whether publicly or privately owned.
- **“Broadband worker”** means an employee, contractor, or agent of a person or entity, whether publicly or privately owned, that operates or maintains facilities that provide broadband services.
- **“Cable operator worker”** means an employee, contractor, or agent of a cable operator, whether publicly or privately owned.

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 03-21-23 |

ANSB0088IN-135/ts

² R.C. 2903.21(A).

³ R.C. 2903.21(C)(1) and (3).

⁴ R.C. 2903.21(D) and R.C. 1332.21(C), not in the bill.