

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 674

Representative Barnes

A BILL

To amend section 2903.13 and to enact section 1
306.20 of the Revised Code to enact the Public 2
Bus Driver Protection Act to increase the 3
penalty for assault of a transit system employee 4
and to authorize Ohio transit systems to post 5
warnings regarding the assault of a transit 6
system employee. 7

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

Section 1. That section 2903.13 be amended and section 8
306.20 of the Revised Code be enacted to read as follows: 9

Sec. 306.20. (A) Any Ohio transit system may post the 10
notice described in division (B) of this section in accordance 11
with this division. An Ohio transit system that decides to post 12
the notice shall consider posting it in a conspicuous location 13
in all of the transit system's buses and rail cars. 14

(B) A notice posted pursuant to division (A) of this 15
section shall include, at a minimum, all of the following 16
statements and information: 17

"WE WILL NOT TOLERATE 18

any form of threatening or 19

aggressive behavior 20

toward our staff. 21

Assaults against our staff might 22

result in a felony conviction. 23

All staff have the right to carry out 24

their work without fearing for their safety." 25

(C) As used in this section, "Ohio transit system" has the 26
same meaning as in section 2305.33 of the Revised Code. 27

Sec. 2903.13. (A) No person shall knowingly cause or 28
attempt to cause physical harm to another or to another's 29
unborn. 30

(B) No person shall recklessly cause serious physical harm 31
to another or to another's unborn. 32

(C) (1) Whoever violates this section is guilty of assault, 33
and the court shall sentence the offender as provided in this 34
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 35
(8), (9), ~~and (10)~~, and (11) of this section. Except as 36
otherwise provided in division (C) (2), (3), (4), (5), (6), (7), 37
(8), ~~or (9)~~, or (10) of this section, assault is a misdemeanor 38
of the first degree. 39

(2) Except as otherwise provided in this division, if the 40
offense is committed by a caretaker against a functionally 41
impaired person under the caretaker's care, assault is a felony 42
of the fourth degree. If the offense is committed by a caretaker 43
against a functionally impaired person under the caretaker's 44
care, if the offender previously has been convicted of or 45

pleaded guilty to a violation of this section or section 2903.11 46
or 2903.16 of the Revised Code, and if in relation to the 47
previous conviction the offender was a caretaker and the victim 48
was a functionally impaired person under the offender's care, 49
assault is a felony of the third degree. 50

(3) If the offense occurs in or on the grounds of a state 51
correctional institution or an institution of the department of 52
youth services, the victim of the offense is an employee of the 53
department of rehabilitation and correction or the department of 54
youth services, and the offense is committed by a person 55
incarcerated in the state correctional institution or by a 56
person institutionalized in the department of youth services 57
institution pursuant to a commitment to the department of youth 58
services, assault is a felony of the third degree. 59

(4) If the offense is committed in any of the following 60
circumstances, assault is a felony of the fifth degree: 61

(a) The offense occurs in or on the grounds of a local 62
correctional facility, the victim of the offense is an employee 63
of the local correctional facility or a probation department or 64
is on the premises of the facility for business purposes or as a 65
visitor, and the offense is committed by a person who is under 66
custody in the facility subsequent to the person's arrest for 67
any crime or delinquent act, subsequent to the person's being 68
charged with or convicted of any crime, or subsequent to the 69
person's being alleged to be or adjudicated a delinquent child. 70

(b) The offense occurs off the grounds of a state 71
correctional institution and off the grounds of an institution 72
of the department of youth services, the victim of the offense 73
is an employee of the department of rehabilitation and 74
correction, the department of youth services, or a probation 75

department, the offense occurs during the employee's official 76
work hours and while the employee is engaged in official work 77
responsibilities, and the offense is committed by a person 78
incarcerated in a state correctional institution or 79
institutionalized in the department of youth services who 80
temporarily is outside of the institution for any purpose, 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

(c) The offense occurs off the grounds of a local 86
correctional facility, the victim of the offense is an employee 87
of the local correctional facility or a probation department, 88
the offense occurs during the employee's official work hours and 89
while the employee is engaged in official work responsibilities, 90
and the offense is committed by a person who is under custody in 91
the facility subsequent to the person's arrest for any crime or 92
delinquent act, subsequent to the person being charged with or 93
convicted of any crime, or subsequent to the person being 94
alleged to be or adjudicated a delinquent child and who 95
temporarily is outside of the facility for any purpose or by a 96
parolee, by an offender under transitional control, under a 97
community control sanction, or on an escorted visit, by a person 98
under post-release control, or by an offender under any other 99
type of supervision by a government agency. 100

(d) The victim of the offense is a school teacher or 101
administrator or a school bus operator, and the offense occurs 102
in a school, on school premises, in a school building, on a 103
school bus, or while the victim is outside of school premises or 104
a school bus and is engaged in duties or official 105
responsibilities associated with the victim's employment or 106

position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.

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

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

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

responsibilities or duties, a felony of the fourth degree. 137

(8) If the victim of the offense is a health care 138
professional of a hospital, a health care worker of a hospital, 139
or a security officer of a hospital whom the offender knows or 140
has reasonable cause to know is a health care professional of a 141
hospital, a health care worker of a hospital, or a security 142
officer of a hospital, if the victim is engaged in the 143
performance of the victim's duties, and if the hospital offers 144
de-escalation or crisis intervention training for such 145
professionals, workers, or officers, assault is one of the 146
following: 147

(a) Except as otherwise provided in division (C) (8) (b) of 148
this section, assault committed in the specified circumstances 149
is a misdemeanor of the first degree. Notwithstanding the fine 150
specified in division (A) (2) (b) of section 2929.28 of the 151
Revised Code for a misdemeanor of the first degree, in 152
sentencing the offender under this division and if the court 153
decides to impose a fine, the court may impose upon the offender 154
a fine of not more than five thousand dollars. 155

(b) If the offender previously has been convicted of or 156
pleaded guilty to one or more assault or homicide offenses 157
committed against hospital personnel, assault committed in the 158
specified circumstances is a felony of the fifth degree. 159

(9) If the victim of the offense is a judge, magistrate, 160
prosecutor, or court official or employee whom the offender 161
knows or has reasonable cause to know is a judge, magistrate, 162
prosecutor, or court official or employee, and if the victim is 163
engaged in the performance of the victim's duties, assault is 164
one of the following: 165

(a) Except as otherwise provided in division (C) (8) (b) of 166
this section, assault committed in the specified circumstances 167
is a misdemeanor of the first degree. In sentencing the offender 168
under this division, if the court decides to impose a fine, 169
notwithstanding the fine specified in division (A) (2) (b) of 170
section 2929.28 of the Revised Code for a misdemeanor of the 171
first degree, the court may impose upon the offender a fine of 172
not more than five thousand dollars. 173

(b) If the offender previously has been convicted of or 174
pleaded guilty to one or more assault or homicide offenses 175
committed against justice system personnel, assault committed in 176
the specified circumstances is a felony of the fifth degree. 177

(10) If the victim of the offense is an operator of an 178
Ohio transit system bus or Ohio transit system rail car, a 179
maintenance worker of an Ohio transit system, or a contracted 180
employee providing any of these services to an Ohio transit 181
system, if the offender knows or has reasonable cause to know 182
that the victim is an operator of an Ohio transit system bus or 183
Ohio transit system rail car, a maintenance worker of an Ohio 184
transit system, or a contracted employee providing any of these 185
services to an Ohio transit system, and if the victim is engaged 186
in the performance of the victim's duties, assault is a felony 187
of the fifth degree. 188

(11) If an offender who is convicted of or pleads guilty 189
to assault when it is a misdemeanor also is convicted of or 190
pleads guilty to a specification as described in section 191
2941.1423 of the Revised Code that was included in the 192
indictment, count in the indictment, or information charging the 193
offense, the court shall sentence the offender to a mandatory 194
jail term as provided in division (G) of section 2929.24 of the 195

Revised Code.	196
If an offender who is convicted of or pleads guilty to	197
assault when it is a felony also is convicted of or pleads	198
guilty to a specification as described in section 2941.1423 of	199
the Revised Code that was included in the indictment, count in	200
the indictment, or information charging the offense, except as	201
otherwise provided in division (C)(6) of this section, the court	202
shall sentence the offender to a mandatory prison term as	203
provided in division (B)(8) of section 2929.14 of the Revised	204
Code.	205
(D) As used in this section:	206
(1) "Peace officer" has the same meaning as in section	207
2935.01 of the Revised Code.	208
(2) "Firefighter" has the same meaning as in section	209
3937.41 of the Revised Code.	210
(3) "Emergency medical service" has the same meaning as in	211
section 4765.01 of the Revised Code.	212
(4) "Local correctional facility" means a county,	213
multicounty, municipal, municipal-county, or multicounty-	214
municipal jail or workhouse, a minimum security jail established	215
under section 341.23 or 753.21 of the Revised Code, or another	216
county, multicounty, municipal, municipal-county, or	217
multicounty-municipal facility used for the custody of persons	218
arrested for any crime or delinquent act, persons charged with	219
or convicted of any crime, or persons alleged to be or	220
adjudicated a delinquent child.	221
(5) "Employee of a local correctional facility" means a	222
person who is an employee of the political subdivision or of one	223
or more of the affiliated political subdivisions that operates	224

the local correctional facility and who operates or assists in	225
the operation of the facility.	226
(6) "School teacher or administrator" means either of the	227
following:	228
(a) A person who is employed in the public schools of the	229
state under a contract described in section 3311.77 or 3319.08	230
of the Revised Code in a position in which the person is	231
required to have a certificate issued pursuant to sections	232
3319.22 to 3319.311 of the Revised Code.	233
(b) A person who is employed by a nonpublic school for	234
which the state board of education prescribes minimum standards	235
under section 3301.07 of the Revised Code and who is	236
certificated in accordance with section 3301.071 of the Revised	237
Code.	238
(7) "Community control sanction" has the same meaning as	239
in section 2929.01 of the Revised Code.	240
(8) "Escorted visit" means an escorted visit granted under	241
section 2967.27 of the Revised Code.	242
(9) "Post-release control" and "transitional control" have	243
the same meanings as in section 2967.01 of the Revised Code.	244
(10) "Investigator of the bureau of criminal	245
identification and investigation" has the same meaning as in	246
section 2903.11 of the Revised Code.	247
(11) "Health care professional" and "health care worker"	248
have the same meanings as in section 2305.234 of the Revised	249
Code.	250
(12) "Assault or homicide offense committed against	251
hospital personnel" means a violation of this section or of	252

section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11,	253
2903.12, or 2903.14 of the Revised Code committed in	254
circumstances in which all of the following apply:	255
(a) The victim of the offense was a health care	256
professional of a hospital, a health care worker of a hospital,	257
or a security officer of a hospital.	258
(b) The offender knew or had reasonable cause to know that	259
the victim was a health care professional of a hospital, a	260
health care worker of a hospital, or a security officer of a	261
hospital.	262
(c) The victim was engaged in the performance of the	263
victim's duties.	264
(d) The hospital offered de-escalation or crisis	265
intervention training for such professionals, workers, or	266
officers.	267
(13) "De-escalation or crisis intervention training" means	268
de-escalation or crisis intervention training for health care	269
professionals of a hospital, health care workers of a hospital,	270
and security officers of a hospital to facilitate interaction	271
with patients, members of a patient's family, and visitors,	272
including those with mental impairments.	273
(14) "Assault or homicide offense committed against	274
justice system personnel" means a violation of this section or	275
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041,	276
2903.11, 2903.12, or 2903.14 of the Revised Code committed in	277
circumstances in which the victim of the offense was a judge,	278
magistrate, prosecutor, or court official or employee whom the	279
offender knew or had reasonable cause to know was a judge,	280
magistrate, prosecutor, or court official or employee, and the	281

victim was engaged in the performance of the victim's duties.	282
(15) "Court official or employee" means any official or	283
employee of a court created under the constitution or statutes	284
of this state or of a United States court located in this state.	285
(16) "Judge" means a judge of a court created under the	286
constitution or statutes of this state or of a United States	287
court located in this state.	288
(17) "Magistrate" means an individual who is appointed by	289
a court of record of this state and who has the powers and may	290
perform the functions specified in Civil Rule 53, Criminal Rule	291
19, or Juvenile Rule 40, or an individual who is appointed by a	292
United States court located in this state who has similar powers	293
and functions.	294
(18) "Prosecutor" has the same meaning as in section	295
2935.01 of the Revised Code.	296
(19) (a) "Hospital" means, subject to division (D) (19) (b)	297
of this section, an institution classified as a hospital under	298
section 3701.01 of the Revised Code in which are provided to	299
patients diagnostic, medical, surgical, obstetrical,	300
psychiatric, or rehabilitation care or a hospital operated by a	301
health maintenance organization.	302
(b) "Hospital" does not include any of the following:	303
(i) A facility licensed under Chapter 3721. of the Revised	304
Code, a health care facility operated by the department of	305
mental health or the department of developmental disabilities, a	306
health maintenance organization that does not operate a	307
hospital, or the office of any private, licensed health care	308
professional, whether organized for individual or group	309
practice;	310

(ii) An institution for the sick that is operated 311
exclusively for patients who use spiritual means for healing and 312
for whom the acceptance of medical care is inconsistent with 313
their religious beliefs, accredited by a national accrediting 314
organization, exempt from federal income taxation under section 315
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 316
U.S.C. 1, as amended, and providing twenty-four-hour nursing 317
care pursuant to the exemption in division (E) of section 318
4723.32 of the Revised Code from the licensing requirements of 319
Chapter 4723. of the Revised Code. 320

(20) "Health maintenance organization" has the same 321
meaning as in section 3727.01 of the Revised Code. 322

(21) "Ohio transit system bus" means a motor vehicle of an 323
Ohio transit system that is designed for carrying more than nine 324
passengers and used for the transportation of persons but does 325
not mean any school bus. 326

(22) "Ohio transit system rail car" means a street rail 327
car, tramline car, subway car, monorail car, or rapid transit 328
car within a ground transportation system having as its primary 329
purpose the regularly scheduled mass movement of passengers 330
between locations within the territorial boundaries of an Ohio 331
transit system. 332

(23) "Ohio transit system" has the same meaning as in 333
section 2305.33 of the Revised Code. 334

(24) "Motor vehicle" has the same meaning as in section 335
4511.01 of the Revised Code. 336

Section 2. That existing section 2903.13 of the Revised 337
Code is hereby repealed. 338

Section 3. The amendment of section 2903.13 of the Revised 339

Code and the enactment in this act of section 306.20 of the	340
Revised Code shall be known as the "Public Bus Driver Protection	341
Act."	342