

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 359

Senator Schaffer

A BILL

To amend sections 2903.11, 2903.13, 2921.01, 1
2921.03, 2921.15, and 2929.41 and to enact 2
sections 2307.67 and 2909.031 of the Revised 3
Code regarding a civil action for a law 4
enforcement officer based on a civil rights 5
abridgement or false complaint, and 6
modifications to "assault," "felonious assault," 7
and "intimidation" regarding conduct committed 8
because a person is or is perceived to be an 9
emergency service responder, public servant, 10
family member, or co-worker. 11

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

Section 1. That sections 2903.11, 2903.13, 2921.01, 12
2921.03, 2921.15, and 2929.41 be amended and sections 2307.67 13
and 2909.031 of the Revised Code be enacted to read as follows: 14

Sec. 2307.67. (A) As used in this section, "known false 15
complaint" means a complaint filed by a person against a law 16
enforcement officer that alleges misconduct by the officer and 17
that the person filing the complaint knew to be false at the 18
time of the filing of the complaint. 19

(B) Any law enforcement officer who suffers injury, death, 20
or loss to person or property as a result of an abridgment of 21
the officer's civil rights arising out of the officer's 22
performance of official duties or as a result of a known false 23
complaint being filed against the officer, including such a 24
complaint being filed in violation of section 2921.15 of the 25
Revised Code, has a civil action against any person, group of 26
persons, organization, corporation, or head of an organization 27
or corporation that abridged the officer's civil rights or filed 28
the known false complaint. The law enforcement officer may 29
recover in the action full compensatory damages, including, but 30
not limited to, damages for emotional distress, and may recover 31
punitive or exemplary damages, court costs, other reasonable 32
expenses incurred in maintaining that action, and the reasonable 33
attorney's fees incurred in maintaining that action. 34

(C) A civil action may be maintained under division (B) of 35
this section based on a person's filing of a known false 36
complaint in violation of section 2921.15 of the Revised Code 37
regardless of whether the person who committed the violation has 38
been charged with a violation of that section, or has been 39
convicted of, pleaded guilty to, or been adjudicated a 40
delinquent child for committing a violation of that section. 41

A civil action may be maintained under division (B) of 42
this section based on a person's filing of a known false 43
complaint even if the filing is not a violation of section 44
2921.15 of the Revised Code. 45

Sec. 2903.11. (A) No person shall knowingly do either of 46
the following: 47

(1) Cause serious physical harm to another or to another's 48
unborn; 49

(2) Cause or attempt to cause physical harm to another or 50
to another's unborn by means of a deadly weapon or dangerous 51
ordnance. 52

(B) No person, with knowledge that the person has tested 53
positive as a carrier of a virus that causes acquired 54
immunodeficiency syndrome, shall knowingly do any of the 55
following: 56

(1) Engage in sexual conduct with another person without 57
disclosing that knowledge to the other person prior to engaging 58
in the sexual conduct; 59

(2) Engage in sexual conduct with a person whom the 60
offender knows or has reasonable cause to believe lacks the 61
mental capacity to appreciate the significance of the knowledge 62
that the offender has tested positive as a carrier of a virus 63
that causes acquired immunodeficiency syndrome; 64

(3) Engage in sexual conduct with a person under eighteen 65
years of age who is not the spouse of the offender. 66

(C) The prosecution of a person under this section does 67
not preclude prosecution of that person under section 2907.02 of 68
the Revised Code. 69

(D) (1) (a) Whoever violates this section is guilty of 70
felonious assault. Except as otherwise provided in this division 71
or division (D) (1) (b) of this section, felonious assault is a 72
felony of the second degree. If the Felonious assault is a 73
felony of the first degree if either of the following applies: 74

(i) The victim of a violation of division (A) of this 75
section is a peace officer or an investigator of the bureau of 76
criminal identification and investigation, ~~felonious assault is~~ 77
~~a felony of the first degree.~~ 78

(ii) The violation is a violation of division (A) (1) of 79
this section, and the offender committed the violation in an 80
attempt to intimidate, harass, or terrorize another person 81
because of that other person's actual or perceived employment as 82
an emergency service responder or public servant or because that 83
other person is a family or household member or co-worker of a 84
person who is employed or is perceived as being employed as an 85
emergency service responder or public servant. 86

(b) Regardless of whether the felonious assault is a 87
felony of the first or second degree under division (D) (1) (a) of 88
this section, if the offender also is convicted of or pleads 89
guilty to a specification as described in section 2941.1423 of 90
the Revised Code that was included in the indictment, count in 91
the indictment, or information charging the offense, except as 92
otherwise provided in this division or unless a longer prison 93
term is required under any other provision of law, the court 94
shall sentence the offender to a mandatory prison term as 95
provided in division (B) (8) of section 2929.14 of the Revised 96
Code. If the victim of the offense is a peace officer or an 97
investigator of the bureau of criminal identification and 98
investigation, and if the victim suffered serious physical harm 99
as a result of the commission of the offense, felonious assault 100
is a felony of the first degree, and the court, pursuant to 101
division (F) of section 2929.13 of the Revised Code, shall 102
impose as a mandatory prison term one of the definite prison 103
terms prescribed for a felony of the first degree in division 104
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 105
the violation is committed on or after ~~the effective date of~~ 106
~~this amendment~~ March 22, 2019, the court shall impose as the 107
minimum prison term for the offense a mandatory prison term that 108
is one of the minimum terms prescribed for a felony of the first 109

degree in division (A) (1) (a) of section 2929.14 of the Revised Code. 110
111

(c) If an offender is sentenced to a prison term for a 112
violation of division (A) (1) of this section and division (D) (1) 113
(a) (ii) of this section applies, the prison term shall run 114
consecutively to any prison or jail term imposed for any other 115
offense related to the act or acts establishing the violation of 116
division (A) (1) of this section. 117

(2) In addition to any other sanctions imposed pursuant to 118
division (D) (1) of this section for felonious assault committed 119
in violation of division (A) (1) or (2) of this section, if the 120
offender also is convicted of or pleads guilty to a 121
specification of the type described in section 2941.1425 of the 122
Revised Code that was included in the indictment, count in the 123
indictment, or information charging the offense, the court shall 124
sentence the offender to a mandatory prison term under division 125
(B) (9) of section 2929.14 of the Revised Code. 126

(3) If the victim of a felonious assault committed in 127
violation of division (A) of this section is a child under ten 128
years of age and if the offender also is convicted of or pleads 129
guilty to a specification of the type described in section 130
2941.1426 of the Revised Code that was included in the 131
indictment, count in the indictment, or information charging the 132
offense, in addition to any other sanctions imposed pursuant to 133
division (D) (1) of this section, the court shall sentence the 134
offender to a mandatory prison term pursuant to division (B) (10) 135
of section 2929.14 of the Revised Code. 136

(4) In addition to any other sanctions imposed pursuant to 137
division (D) (1) of this section for felonious assault committed 138
in violation of division (A) (2) of this section, if the deadly 139

weapon used in the commission of the violation is a motor 140
vehicle, the court shall impose upon the offender a class two 141
suspension of the offender's driver's license, commercial 142
driver's license, temporary instruction permit, probationary 143
license, or nonresident operating privilege as specified in 144
division (A) (2) of section 4510.02 of the Revised Code. 145

(E) As used in this section: 146

(1) "Deadly weapon" and "dangerous ordnance" have the same 147
meanings as in section 2923.11 of the Revised Code. 148

(2) "Motor vehicle" has the same meaning as in section 149
4501.01 of the Revised Code. 150

(3) "Peace officer" has the same meaning as in section 151
2935.01 of the Revised Code. 152

(4) "Sexual conduct" has the same meaning as in section 153
2907.01 of the Revised Code, except that, as used in this 154
section, it does not include the insertion of an instrument, 155
apparatus, or other object that is not a part of the body into 156
the vaginal or anal opening of another, unless the offender knew 157
at the time of the insertion that the instrument, apparatus, or 158
other object carried the offender's bodily fluid. 159

(5) "Investigator of the bureau of criminal identification 160
and investigation" means an investigator of the bureau of 161
criminal identification and investigation who is commissioned by 162
the superintendent of the bureau as a special agent for the 163
purpose of assisting law enforcement officers or providing 164
emergency assistance to peace officers pursuant to authority 165
granted under section 109.541 of the Revised Code. 166

(6) "Investigator" has the same meaning as in section 167
109.541 of the Revised Code. 168

(7) "Emergency service responder," "co-worker," "family or household member," and "public servant" have the same meanings as in section 2921.01 of the Revised Code. 169
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(F) The provisions of division (D)(2) of this section and 172
of division (F)(20) of section 2929.13, divisions (B)(9) and (C) 173
(6) of section 2929.14, and section 2941.1425 of the Revised 174
Code shall be known as "Judy's Law." 175

Sec. 2903.13. (A) No person shall knowingly cause or 176
attempt to cause physical harm to another or to another's 177
unborn. 178

(B) No person shall recklessly cause serious physical harm 179
to another or to another's unborn. 180

(C)(1) Whoever violates this section is guilty of assault, 181
and the court shall sentence the offender as provided in this 182
division and divisions (C)(1), (2), (3), (4), (5), (6), (7), 183
(8), (9), ~~and~~(10), and (11) of this section. Except as 184
otherwise provided in division (C)(2), (3), (4), (5), (6), (7), 185
(8), ~~or~~(9), or (10) of this section, assault is a misdemeanor 186
of the first degree. 187

(2) Except as otherwise provided in this division, if the 188
offense is committed by a caretaker against a functionally 189
impaired person under the caretaker's care, assault is a felony 190
of the fourth degree. If the offense is committed by a caretaker 191
against a functionally impaired person under the caretaker's 192
care, if the offender previously has been convicted of or 193
pleaded guilty to a violation of this section or section 2903.11 194
or 2903.16 of the Revised Code, and if in relation to the 195
previous conviction the offender was a caretaker and the victim 196
was a functionally impaired person under the offender's care, 197

assault is a felony of the third degree. 198

(3) If the offense occurs in or on the grounds of a state 199
correctional institution or an institution of the department of 200
youth services, the victim of the offense is an employee of the 201
department of rehabilitation and correction or the department of 202
youth services, and the offense is committed by a person 203
incarcerated in the state correctional institution or by a 204
person institutionalized in the department of youth services 205
institution pursuant to a commitment to the department of youth 206
services, assault is a felony of the third degree. 207

(4) If the offense is committed in any of the following 208
circumstances, assault is a felony of the fifth degree: 209

(a) The offense occurs in or on the grounds of a local 210
correctional facility, the victim of the offense is an employee 211
of the local correctional facility or a probation department or 212
is on the premises of the facility for business purposes or as a 213
visitor, and the offense is committed by a person who is under 214
custody in the facility subsequent to the person's arrest for 215
any crime or delinquent act, subsequent to the person's being 216
charged with or convicted of any crime, or subsequent to the 217
person's being alleged to be or adjudicated a delinquent child. 218

(b) The offense occurs off the grounds of a state 219
correctional institution and off the grounds of an institution 220
of the department of youth services, the victim of the offense 221
is an employee of the department of rehabilitation and 222
correction, the department of youth services, or a probation 223
department, the offense occurs during the employee's official 224
work hours and while the employee is engaged in official work 225
responsibilities, and the offense is committed by a person 226
incarcerated in a state correctional institution or 227

institutionalized in the department of youth services who 228
temporarily is outside of the institution for any purpose, by a 229
parolee, by an offender under transitional control, under a 230
community control sanction, or on an escorted visit, by a person 231
under post-release control, or by an offender under any other 232
type of supervision by a government agency. 233

(c) The offense occurs off the grounds of a local 234
correctional facility, the victim of the offense is an employee 235
of the local correctional facility or a probation department, 236
the offense occurs during the employee's official work hours and 237
while the employee is engaged in official work responsibilities, 238
and the offense is committed by a person who is under custody in 239
the facility subsequent to the person's arrest for any crime or 240
delinquent act, subsequent to the person being charged with or 241
convicted of any crime, or subsequent to the person being 242
alleged to be or adjudicated a delinquent child and who 243
temporarily is outside of the facility for any purpose or by a 244
parolee, by an offender under transitional control, under a 245
community control sanction, or on an escorted visit, by a person 246
under post-release control, or by an offender under any other 247
type of supervision by a government agency. 248

(d) The victim of the offense is a school teacher or 249
administrator or a school bus operator, and the offense occurs 250
in a school, on school premises, in a school building, on a 251
school bus, or while the victim is outside of school premises or 252
a school bus and is engaged in duties or official 253
responsibilities associated with the victim's employment or 254
position as a school teacher or administrator or a school bus 255
operator, including, but not limited to, driving, accompanying, 256
or chaperoning students at or on class or field trips, athletic 257
events, or other school extracurricular activities or functions 258

outside of school premises. 259

(5) If the victim of the offense is ~~a peace officer or an~~ 260
investigator of the bureau of criminal identification and 261
investigation, ~~a firefighter, or a person performing emergency~~ 262
~~medical service,~~ while in the performance of ~~their~~ the 263
investigator's official duties, except as provided in division 264
(C) (10) of this section, assault is a felony of the fourth 265
degree. 266

(6) If the victim of the offense is ~~a peace officer or an~~ 267
investigator of the bureau of criminal identification and 268
investigation and if the victim suffered serious physical harm 269
as a result of the commission of the offense, except as provided 270
in division (C) (10) of this section, assault is a felony of the 271
fourth degree, and the court, pursuant to division (F) of 272
section 2929.13 of the Revised Code, shall impose as a mandatory 273
prison term one of the prison terms prescribed for a felony of 274
the fourth degree that is at least twelve months in duration. 275

(7) If the victim of the offense is an officer or employee 276
of a public children services agency or a private child placing 277
agency and the offense relates to the officer's or employee's 278
performance or anticipated performance of official 279
responsibilities or duties, assault is either a felony of the 280
fifth degree or, if the offender previously has been convicted 281
of or pleaded guilty to an offense of violence, the victim of 282
that prior offense was an officer or employee of a public 283
children services agency or private child placing agency, and 284
that prior offense related to the officer's or employee's 285
performance or anticipated performance of official 286
responsibilities or duties, a felony of the fourth degree. 287

(8) If the victim of the offense is a health care 288

professional of a hospital, a health care worker of a hospital, 289
or a security officer of a hospital whom the offender knows or 290
has reasonable cause to know is a health care professional of a 291
hospital, a health care worker of a hospital, or a security 292
officer of a hospital, if the victim is engaged in the 293
performance of the victim's duties, and if the hospital offers 294
de-escalation or crisis intervention training for such 295
professionals, workers, or officers, assault is one of the 296
following: 297

(a) Except as otherwise provided in division (C) (8) (b) of 298
this section, assault committed in the specified circumstances 299
is a misdemeanor of the first degree. Notwithstanding the fine 300
specified in division (A) (2) (b) of section 2929.28 of the 301
Revised Code for a misdemeanor of the first degree, in 302
sentencing the offender under this division and if the court 303
decides to impose a fine, the court may impose upon the offender 304
a fine of not more than five thousand dollars. 305

(b) If the offender previously has been convicted of or 306
pleaded guilty to one or more assault or homicide offenses 307
committed against hospital personnel, assault committed in the 308
specified circumstances is a felony of the fifth degree. 309

(9) If the victim of the offense is a judge, magistrate, 310
prosecutor, or court official or employee whom the offender 311
knows or has reasonable cause to know is a judge, magistrate, 312
prosecutor, or court official or employee, and if the victim is 313
engaged in the performance of the victim's duties, assault is 314
one of the following: 315

(a) Except as otherwise provided in division (C) (8) (b) of 316
this section, assault committed in the specified circumstances 317
is a misdemeanor of the first degree. In sentencing the offender 318

under this division, if the court decides to impose a fine, 319
notwithstanding the fine specified in division (A) (2) (b) of 320
section 2929.28 of the Revised Code for a misdemeanor of the 321
first degree, the court may impose upon the offender a fine of 322
not more than five thousand dollars. 323

(b) If the offender previously has been convicted of or 324
pleaded guilty to one or more assault or homicide offenses 325
committed against justice system personnel, assault committed in 326
the specified circumstances is a felony of the fifth degree. 327

(10) If the victim is an emergency service responder, 328
while in the performance of the responder's official duties, or 329
the victim is a family or household member or co-worker of a 330
person the offender knew or perceived to be an emergency service 331
responder and the offender committed the offense because of that 332
relationship, assault is a felony of the third degree. 333

(11) If an offender who is convicted of or pleads guilty 334
to assault when it is a misdemeanor also is convicted of or 335
pleads guilty to a specification as described in section 336
2941.1423 of the Revised Code that was included in the 337
indictment, count in the indictment, or information charging the 338
offense, the court shall sentence the offender to a mandatory 339
jail term as provided in division (G) of section 2929.24 of the 340
Revised Code. 341

If an offender who is convicted of or pleads guilty to 342
assault when it is a felony also is convicted of or pleads 343
guilty to a specification as described in section 2941.1423 of 344
the Revised Code that was included in the indictment, count in 345
the indictment, or information charging the offense, except as 346
otherwise provided in division (C) (6) of this section, the court 347
shall sentence the offender to a mandatory prison term as 348

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| provided in division (B) (8) of section 2929.14 of the Revised Code. | 349 350 |
| (D) As used in this section: | 351 |
| (1) "Peace officer" has <u>"Emergency service responder,"</u> <u>"co-worker,"</u> and <u>"family or household member"</u> have the same meaning meanings as in section 2935.01-2921.01 of the Revised Code. | 352 353 354 355 |
| (2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code. | 356 357 |
| (3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code. | 358 359 |
| (4) <u>"Local correctional facility"</u> means a county, multicounty, municipal, municipal-county, or multicounty- municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child. | 360 361 362 363 364 365 366 367 368 |
| (5) <u>(3)</u> <u>"Employee of a local correctional facility"</u> means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility. | 369 370 371 372 373 |
| (6) <u>(4)</u> <u>"School teacher or administrator"</u> means either of the following: | 374 375 |
| (a) A person who is employed in the public schools of the | 376 |

state under a contract described in section 3311.77 or 3319.08 377
of the Revised Code in a position in which the person is 378
required to have a certificate issued pursuant to sections 379
3319.22 to 3319.311 of the Revised Code. 380

(b) A person who is employed by a nonpublic school for 381
which the state board of education prescribes minimum standards 382
under section 3301.07 of the Revised Code and who is 383
certificated in accordance with section 3301.071 of the Revised 384
Code. 385

~~(7)~~(5) "Community control sanction" has the same meaning 386
as in section 2929.01 of the Revised Code. 387

~~(8)~~(6) "Escorted visit" means an escorted visit granted 388
under section 2967.27 of the Revised Code. 389

~~(9)~~(7) "Post-release control" and "transitional control" 390
have the same meanings as in section 2967.01 of the Revised 391
Code. 392

~~(10)~~(8) "Investigator of the bureau of criminal 393
identification and investigation" has the same meaning as in 394
section 2903.11 of the Revised Code. 395

~~(11)~~(9) "Health care professional" and "health care 396
worker" have the same meanings as in section 2305.234 of the 397
Revised Code. 398

~~(12)~~(10) "Assault or homicide offense committed against 399
hospital personnel" means a violation of this section or of 400
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 401
2903.12, or 2903.14 of the Revised Code committed in 402
circumstances in which all of the following apply: 403

(a) The victim of the offense was a health care 404

professional of a hospital, a health care worker of a hospital, 405
or a security officer of a hospital. 406

(b) The offender knew or had reasonable cause to know that 407
the victim was a health care professional of a hospital, a 408
health care worker of a hospital, or a security officer of a 409
hospital. 410

(c) The victim was engaged in the performance of the 411
victim's duties. 412

(d) The hospital offered de-escalation or crisis 413
intervention training for such professionals, workers, or 414
officers. 415

~~(13)~~(11) "De-escalation or crisis intervention training" 416
means de-escalation or crisis intervention training for health 417
care professionals of a hospital, health care workers of a 418
hospital, and security officers of a hospital to facilitate 419
interaction with patients, members of a patient's family, and 420
visitors, including those with mental impairments. 421

~~(14)~~(12) "Assault or homicide offense committed against 422
justice system personnel" means a violation of this section or 423
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 424
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 425
circumstances in which the victim of the offense was a judge, 426
magistrate, prosecutor, or court official or employee whom the 427
offender knew or had reasonable cause to know was a judge, 428
magistrate, prosecutor, or court official or employee, and the 429
victim was engaged in the performance of the victim's duties. 430

~~(15)~~(13) "Court official or employee" means any official 431
or employee of a court created under the constitution or 432
statutes of this state or of a United States court located in 433

this state. 434

~~(16)~~(14) "Judge" means a judge of a court created under 435
the constitution or statutes of this state or of a United States 436
court located in this state. 437

~~(17)~~(15) "Magistrate" means an individual who is appointed 438
by a court of record of this state and who has the powers and 439
may perform the functions specified in Civil Rule 53, Criminal 440
Rule 19, or Juvenile Rule 40, or an individual who is appointed 441
by a United States court located in this state who has similar 442
powers and functions. 443

~~(18)~~(16) "Prosecutor" has the same meaning as in section 444
2935.01 of the Revised Code. 445

~~(19)~~~~(a)~~(17)(a) "Hospital" means, subject to division ~~(D)~~ 446
~~(19)~~~~(b)~~(D)(17)(b) of this section, an institution classified as 447
a hospital under section 3701.01 of the Revised Code in which 448
are provided to patients diagnostic, medical, surgical, 449
obstetrical, psychiatric, or rehabilitation care or a hospital 450
operated by a health maintenance organization. 451

(b) "Hospital" does not include any of the following: 452

(i) A facility licensed under Chapter 3721. of the Revised 453
Code, a health care facility operated by the department of 454
mental health or the department of developmental disabilities, a 455
health maintenance organization that does not operate a 456
hospital, or the office of any private, licensed health care 457
professional, whether organized for individual or group 458
practice; 459

(ii) An institution for the sick that is operated 460
exclusively for patients who use spiritual means for healing and 461
for whom the acceptance of medical care is inconsistent with 462

their religious beliefs, accredited by a national accrediting 463
organization, exempt from federal income taxation under section 464
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 465
U.S.C. 1, as amended, and providing twenty-four-hour nursing 466
care pursuant to the exemption in division (E) of section 467
4723.32 of the Revised Code from the licensing requirements of 468
Chapter 4723. of the Revised Code. 469

~~(20)~~(18) "Health maintenance organization" has the same 470
meaning as in section 3727.01 of the Revised Code. 471

Sec. 2909.031. (A) As used in this section, "emergency 472
service responder," "co-worker," "family or household member," 473
and "public servant" have the same meanings as in section 474
2921.01 of the Revised Code. 475

(B) If an offender is sentenced to a prison term for a 476
violation of section 2909.02 of the Revised Code or for a 477
violation of division (A) (4) or (B) (2) of section 2909.03 of the 478
Revised Code, if the offender in committing the violation caused 479
damage to or destroyed any real or personal property of another 480
person, and if the offender caused the damage or destruction in 481
an attempt to intimidate, harass, or terrorize that other person 482
because of that other person's actual or perceived employment as 483
an emergency service responder or public servant or because that 484
other person is a family or household member or co-worker of a 485
person who is employed or is perceived as being employed as an 486
emergency service responder or public servant, the prison term 487
shall run consecutively to any prison or jail term imposed for 488
any other offense related to the act or acts establishing the 489
violation of section 2909.02 or of division (A) (4) or (B) (2) of 490
section 2909.03 of the Revised Code. 491

Sec. 2921.01. As used in sections 2921.01 to 2921.45 of 492

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| the Revised Code: | 493 |
| (A) "Public official" means any elected or appointed | 494 |
| officer, or employee, or agent of the state or any political | 495 |
| subdivision, whether in a temporary or permanent capacity, and | 496 |
| includes, but is not limited to, legislators, judges, and law | 497 |
| enforcement officers. "Public official" does not include an | 498 |
| employee, officer, or governor-appointed member of the board of | 499 |
| directors of the nonprofit corporation formed under section | 500 |
| 187.01 of the Revised Code. | 501 |
| (B) "Public servant" means any of the following: | 502 |
| (1) Any public official; | 503 |
| (2) Any person performing ad hoc a governmental function, | 504 |
| including, but not limited to, a juror, member of a temporary | 505 |
| commission, master, arbitrator, advisor, or consultant; | 506 |
| (3) A person who is a candidate for public office, whether | 507 |
| or not the person is elected or appointed to the office for | 508 |
| which the person is a candidate. A person is a candidate for | 509 |
| purposes of this division if the person has been nominated | 510 |
| according to law for election or appointment to public office, | 511 |
| or if the person has filed a petition or petitions as required | 512 |
| by law to have the person's name placed on the ballot in a | 513 |
| primary, general, or special election, or if the person | 514 |
| campaigns as a write-in candidate in any primary, general, or | 515 |
| special election. | 516 |
| "Public servant" does not include an employee, officer, or | 517 |
| governor-appointed member of the board of directors of the | 518 |
| nonprofit corporation formed under section 187.01 of the Revised | 519 |
| Code. | 520 |
| (C) "Party official" means any person who holds an | 521 |

elective or appointive post in a political party in the United States or this state, by virtue of which the person directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.

(D) "Official proceeding" means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

(E) "Detention" means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state into this state by a private person or entity

pursuant to a contract entered into under division (E) of 553
section 311.29 of the Revised Code or division (B) of section 554
5149.03 of the Revised Code. For a person confined in a county 555
jail who participates in a county jail industry program pursuant 556
to section 5147.30 of the Revised Code, "detention" includes 557
time spent at an assigned work site and going to and from the 558
work site. 559

(F) "Detention facility" means any public or private place 560
used for the confinement of a person charged with or convicted 561
of any crime in this state or another state or under the laws of 562
the United States or alleged or found to be a delinquent child 563
or unruly child in this state or another state or under the laws 564
of the United States. 565

(G) "Valuable thing or valuable benefit" includes, but is 566
not limited to, a contribution. This inclusion does not indicate 567
or imply that a contribution was not included in those terms 568
before September 17, 1986. 569

(H) "Campaign committee," "contribution," "political 570
action committee," "legislative campaign fund," "political 571
party," and "political contributing entity" have the same 572
meanings as in section 3517.01 of the Revised Code. 573

(I) "Provider agreement" has the same meaning as in 574
section 5164.01 of the Revised Code. 575

(J) "Emergency service responder" means any law 576
enforcement officer, first responder, emergency medical 577
technician-basic, emergency medical technician-intermediate, 578
emergency medical technician-paramedic, firefighter, or 579
volunteer firefighter. 580

(K) "Family or household member" means any of the 581

following: 582

(1) Any of the following who is residing or has resided 583
with a person who is, or is perceived as being, employed as an 584
emergency service responder or public servant: 585

(a) A spouse, a person living as a spouse, or a former 586
spouse of a person who is, or is perceived as being, employed as 587
an emergency service responder or public servant; 588

(b) A parent, a foster parent, or a child of a person who 589
is, or is perceived as being, employed as an emergency service 590
responder or public servant, or another person related by 591
consanguinity or affinity to a person who is, or is perceived as 592
being, employed as an emergency service responder or public 593
servant; 594

(c) A parent or a child of a spouse, person living as a 595
spouse, or former spouse of a person who is, or is perceived as 596
being, employed as an emergency service responder or public 597
servant, or another person related by consanguinity or affinity 598
to a spouse, person living as a spouse, or former spouse of a 599
person who is, or is perceived as being, employed as an 600
emergency service responder or public servant. 601

(2) The natural parent of any child of whom a person who 602
is, or is perceived as being, employed as an emergency service 603
responder or public servant is the other natural parent or is 604
the putative other natural parent. 605

(L) "Firefighter" means any member of a fire department as 606
defined in section 742.01 of the Revised Code or any person who 607
is a firefighter as defined in section 3937.41 of the Revised 608
Code. 609

(M) "First responder," "emergency medical technician- 610

basic," "emergency medical technician-intermediate," and 611
"emergency medical technician-paramedic" have the same meanings 612
as in section 4765.01 of the Revised Code. 613

(N) "Volunteer firefighter" has the same meaning as in 614
section 146.01 of the Revised Code. 615

(O) "Person living as a spouse" means a person who is 616
living or has lived with a person who is, or is perceived as 617
being, employed as an emergency service responder or public 618
servant in a common law marital relationship, who otherwise is 619
cohabiting with a person who is, or is perceived as being, 620
employed as an emergency service responder or public servant, or 621
who otherwise has cohabited with a person who is, or is 622
perceived as being, employed as an emergency service responder 623
or public servant within five years prior to the date of the 624
alleged commission of the act in question. 625

(P) "Co-worker" means a person who is employed by the 626
organization or entity that is served by a person who is, or is 627
perceived as being, employed as an emergency service responder 628
or public servant. 629

Sec. 2921.03. (A) No person, shall knowingly ~~and by~~ do 630
either of the following: 631

(1) By force, by unlawful threat of harm to any person or 632
property, or by filing, recording, or otherwise using a 633
materially false or fraudulent writing with malicious purpose, 634
in bad faith, or in a wanton or reckless manner, ~~shall~~ attempt 635
to influence, intimidate, or hinder a public servant, an 636
emergency service responder, a party official, or an attorney or 637
witness involved in a civil action or proceeding in the 638
discharge of ~~the person's~~ the duties of the public servant, 639

emergency service responder, party official, attorney, or 640
witness. 641

(2) Attempt to intimidate, harass, or terrorize another 642
person because of that other person's actual or perceived 643
employment as an emergency service responder or public servant 644
or because that other person is a family or household member or 645
co-worker of a person who is employed or is perceived as being 646
employed as an emergency service responder or public servant, by 647
causing damage to or destroying any real or personal property of 648
another person if all of the following apply with respect to the 649
damage or destruction: 650

(a) The person caused the damage to or destroyed the 651
property because of actual or perceived employment of that other 652
person as an emergency service responder or public servant or 653
because that other person is a family or household member or co- 654
worker of a person who is employed or is perceived as being 655
employed as an emergency service responder or public servant. 656

(b) The damage or destruction is done without permission. 657

(c) The amount of the damage caused, or the value of the 658
property destroyed, exceeds fifty dollars. 659

(B) (1) (a) Whoever violates division (A) (1) or (2) of this 660
section is guilty of intimidation, a felony of the third degree. 661

(b) Division (A) (2) of this section does not limit or 662
affect the application of section 2909.02 or 2909.03 of the 663
Revised Code or any other section of the Revised Code. Any 664
conduct that is a violation of division (A) (2) of this section 665
and that also is a violation of section 2909.02, section 666
2909.03, or any other section of the Revised Code may be 667
prosecuted under this section, the other section, or both 668

sections. 669

(2) If an offender is sentenced to a prison term for a 670
violation of division (A) (2) of this section, the term shall run 671
consecutively to any prison or jail term imposed for any other 672
offense related to the act or acts establishing the violation of 673
division (A) (2) of this section. 674

(C) A person who violates division (A) (1) or (2) of this 675
section is liable in a civil action to any person harmed by the 676
violation for injury, death, or loss to person or property 677
incurred as a result of the commission of the offense and for 678
reasonable attorney's fees, court costs, and other expenses 679
incurred as a result of prosecuting the civil action commenced 680
under this division. A civil action under this division is not 681
the exclusive remedy of a person who incurs injury, death, or 682
loss to person or property as a result of a violation of 683
division (A) (1) or (2) of this section. 684

Sec. 2921.15. (A) As used in this section, "peace officer" 685
has the same meaning as in section 2935.01 of the Revised Code. 686

(B) No person shall knowingly file a complaint against a 687
peace officer that alleges that the peace officer engaged in 688
misconduct in the performance of the officer's duties if the 689
person knows that the allegation is false. 690

(C) Whoever violates division (B) of this section is 691
guilty of making a false allegation of peace officer misconduct, 692
a misdemeanor of the first degree. 693

(D) A person who violates this section is liable in a 694
civil action under section 2307.67 of the Revised Code to any 695
peace officer who suffers injury, death, or loss to person or 696
property as a result of the violation. A civil action described 697

under this division is not the exclusive remedy of a person who 698
suffers injury, death, or loss to person or property as a result 699
of a violation of this section. 700

Sec. 2929.41. (A) Except as provided in division (B) of 701
this section, division (D)(1)(c) of section 2903.11, section 702
2909.031, division (B)(2) of section 2921.03, division (C) of 703
section 2929.14, or division (D) or (E) of section 2971.03 of 704
the Revised Code, a prison term, jail term, or sentence of 705
imprisonment shall be served concurrently with any other prison 706
term, jail term, or sentence of imprisonment imposed by a court 707
of this state, another state, or the United States. Except as 708
provided in division (B)(3) of this section, a jail term or 709
sentence of imprisonment for misdemeanor shall be served 710
concurrently with a prison term or sentence of imprisonment for 711
felony served in a state or federal correctional institution. 712

(B)(1) A jail term or sentence of imprisonment for a 713
misdemeanor shall be served consecutively to any other prison 714
term, jail term, or sentence of imprisonment when the trial 715
court specifies that it is to be served consecutively or when it 716
is imposed for a misdemeanor violation of section 2907.322, 717
2921.34, or 2923.131 of the Revised Code. 718

When consecutive sentences are imposed for misdemeanor 719
under this division, the term to be served is the aggregate of 720
the consecutive terms imposed, except that the aggregate term to 721
be served shall not exceed eighteen months. 722

(2) If a court of this state imposes a prison term upon 723
the offender for the commission of a felony and a court of 724
another state or the United States also has imposed a prison 725
term upon the offender for the commission of a felony, the court 726
of this state may order that the offender serve the prison term 727

it imposes consecutively to any prison term imposed upon the 728
offender by the court of another state or the United States. 729

(3) A jail term or sentence of imprisonment imposed for a 730
misdemeanor violation of section 4510.11, 4510.14, 4510.16, 731
4510.21, or 4511.19 of the Revised Code shall be served 732
consecutively to a prison term that is imposed for a felony 733
violation of section 2903.06, 2903.07, 2903.08, or 4511.19 of 734
the Revised Code or a felony violation of section 2903.04 of the 735
Revised Code involving the operation of a motor vehicle by the 736
offender and that is served in a state correctional institution 737
when the trial court specifies that it is to be served 738
consecutively. 739

When consecutive jail terms or sentences of imprisonment 740
and prison terms are imposed for one or more misdemeanors and 741
one or more felonies under this division, the term to be served 742
is the aggregate of the consecutive terms imposed, and the 743
offender shall serve all terms imposed for a felony before 744
serving any term imposed for a misdemeanor. 745

Section 2. That existing sections 2903.11, 2903.13, 746
2921.01, 2921.03, 2921.15, and 2929.41 of the Revised Code are 747
hereby repealed. 748

Section 3. The General Assembly, applying the principle 749
stated in division (B) of section 1.52 of the Revised Code that 750
amendments are to be harmonized if reasonably capable of 751
simultaneous operation, finds that the following sections, 752
presented in this act as composites of the sections as amended 753
by the acts indicated, are the resulting versions of the 754
sections in effect prior to the effective date of the sections 755
as presented in this act: 756

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| Section 2903.11 of the Revised Code as amended by both | 757 |
| S.B. 20 and S.B. 201 of the 132nd General Assembly. | 758 |
| Section 2921.03 of the Revised Code as amended by both | 759 |
| H.B. 88 and H.B. 644 of the 121st General Assembly. | 760 |