

As Passed by the House

134th General Assembly

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Sub. H. B. No. 22

Representatives LaRe, Wilkin

Cosponsors: Representatives Riedel, Zeltwanger, Abrams, Cross, Creech, Click, Stephens, Johnson, Carruthers, Cutrona, Dean, Edwards, Ghanbari, Ginter, Grendell, Gross, Hall, Holmes, John, Jones, Kick, Koehler, Loychik, McClain, Patton, Pavliga, Richardson, Schmidt, Stein, Swearingen, Wiggam, Young, T.

A BILL

To amend section 2921.32 of the Revised Code to 1
expand the offense of obstructing justice to 2
include failure to follow a lawful order from a 3
law enforcement officer, diverting a law 4
enforcement officer's attention, and throwing an 5
object at a law enforcement officer. 6

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

Section 1. That section 2921.32 of the Revised Code be 7
amended to read as follows: 8

Sec. 2921.32. (A) No person, with purpose to hinder the 9
discovery, apprehension, prosecution, conviction, or punishment 10
of another for crime or to assist another to benefit from the 11
commission of a crime, and no person, with purpose to hinder the 12
discovery, apprehension, prosecution, adjudication as a 13
delinquent child, or disposition of a child for an act that if 14
committed by an adult would be a crime or to assist a child to 15
benefit from the commission of an act that if committed by an 16

adult would be a crime, shall do any of the following:	17
(1) Harbor or conceal the other person or child;	18
(2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;	19 20 21
(3) Warn the other person or child of impending discovery or apprehension;	22 23
(4) Destroy or conceal physical evidence of the crime or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;	24 25 26 27
(5) Communicate false information to any person;	28
(6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child;	29 30 31 32
<u>(7) Fail to follow a lawful order from a law enforcement officer.</u>	33 34
<u>(B) No person shall do any of the following to a law enforcement officer in the performance of the law enforcement officer's duties with reckless disregard as to whether the action diverts or obstructs the law enforcement officer's attention:</u>	35 36 37 38 39
<u>(1) Use force or threaten the immediate use of force against the law enforcement officer;</u>	40 41
<u>(2) Interfere with or obstruct a law enforcement officer in a manner that does any of the following:</u>	42 43

(a) Inhibits or restricts the law enforcement officer's 44
control of a subject or detainee; 45

(b) Deprives the law enforcement officer of control of a 46
subject or detainee; 47

(c) Without the consent of the law enforcement officer, 48
enters, or places an object or substance into, a space around 49
the law enforcement officer that is large enough that the law 50
enforcement officer cannot reach a person outside of the area. 51

(C) No person with the intent to distract a law 52
enforcement officer engaged in the performance of the law 53
enforcement officer's official duties shall throw any object or 54
substance at or onto a law enforcement officer. 55

(D) A person may be prosecuted for, and may be convicted 56
of or adjudicated a delinquent child for committing, a violation 57
of division (A) of this section regardless of whether the person 58
or child aided ultimately is apprehended for, is charged with, 59
is convicted of, pleads guilty to, or is adjudicated a 60
delinquent child for committing the crime or act the person or 61
child aided committed. The crime or act the person or child 62
aided committed shall be used under division ~~(C)~~ (E) of this 63
section in determining the penalty for the violation of division 64
(A) of this section, regardless of whether the person or child 65
aided ultimately is apprehended for, is charged with, is 66
convicted of, pleads guilty to, or is adjudicated a delinquent 67
child for committing the crime or act the person or child aided 68
committed. 69

~~(C)~~ ~~(1)~~ (E) (1) Whoever violates this section is guilty of 70
obstructing justice. 71

(2) If the crime committed by the person aided under 72

division (A) of this section is a misdemeanor or if the act 73
committed by the child aided would be a misdemeanor if committed 74
by an adult, obstructing justice is a misdemeanor of the same 75
degree as the crime committed by the person aided or a 76
misdemeanor of the same degree that the act committed by the 77
child aided would be if committed by an adult. 78

(3) Except as otherwise provided in divisions ~~(C) (4) (E)~~ 79
(4), (5), and (6) of this section, if the crime committed by the 80
person aided under division (A) of this section is a felony or 81
if the act committed by the child aided would be a felony if 82
committed by an adult, obstructing justice is a felony of the 83
fifth degree. 84

(4) Except as otherwise provided in division ~~(C) (6) (E) (6)~~ 85
of this section, if the crime committed by the person aided 86
under division (A) of this section is aggravated murder, murder, 87
or a felony of the first or second degree or if the act 88
committed by the child aided would be one of those offenses if 89
committed by an adult and if the offender knows or has reason to 90
believe that the crime committed by the person aided is one of 91
those offenses or that the act committed by the child aided 92
would be one of those offenses if committed by an adult, 93
obstructing justice is a felony of the third degree. 94

(5) If the crime or act committed under division (A) of 95
this section by the person or child aided is an act of 96
terrorism, obstructing justice is one of the following: 97

(a) Except as provided in division ~~(C) (5) (b) (E) (5) (b)~~ of 98
this section, a felony of the second degree; 99

(b) If the act of terrorism resulted in the death of a 100
person who was not a participant in the act of terrorism, a 101

felony of the first degree. 102

(6) If the crime committed by the person under division 103
(A) of this section is trafficking in persons or if the act 104
committed by the child aided would be trafficking in persons if 105
committed by an adult, obstructing justice is a felony of the 106
second degree. 107

(7) Obstructing justice in violation of division (B) or 108
(C) of this section is one of the following: 109

(a) Except as provided in division (E) (7) (b) of this 110
section, a misdemeanor of the second degree; 111

(b) If a violation of division (B) or (C) of this section 112
causes physical harm to any person, a felony of the fifth 113
degree. 114

~~(D)~~ (F) Nothing in this section shall be construed to 115
prohibit a person from using video or audio recording equipment 116
to record a law enforcement officer in the performance of the 117
law enforcement officer's duties. 118

(G) As used in this section: 119

(1) "Adult" and "child" have the same meanings as in 120
section 2151.011 of the Revised Code. 121

(2) "Delinquent child" has the same meaning as in section 122
2152.02 of the Revised Code. 123

(3) "Act of terrorism" has the same meaning as in section 124
2909.21 of the Revised Code. 125

Section 2. That existing section 2921.32 of the Revised 126
Code is hereby repealed. 127