

**As Reported by the House Criminal Justice Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 22**

**Representatives LaRe, Wilkin**

**Cosponsors: Representatives Riedel, Zeltwanger, Abrams, Cross, Creech, Click,  
Stephens, Johnson, Carruthers**

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**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
<u>(a) Inhibits or restricts the law enforcement officer's</u>	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 (A) of this section is trafficking in persons or if the act committed by the child aided would be trafficking in persons if committed by an adult, obstructing justice is a felony of the second degree. 103  
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(7) Obstructing justice in violation of division (B) or (C) of this section is one of the following: 108  
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(a) Except as provided in division (E) (7) (b) of this section, a misdemeanor of the second degree; 110  
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(b) If a violation of division (B) or (C) of this section causes physical harm to any person, a felony of the fifth degree. 112  
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~~(D)~~ (F) Nothing in this section shall be construed to prohibit a person from using video or audio recording equipment to record a law enforcement officer in the performance of the law enforcement officer's duties. 115  
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(G) As used in this section: 119

(1) "Adult" and "child" have the same meanings as in section 2151.011 of the Revised Code. 120  
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(2) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 122  
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(3) "Act of terrorism" has the same meaning as in section 2909.21 of the Revised Code. 124  
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**Section 2.** That existing section 2921.32 of the Revised Code is hereby repealed. 126  
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