

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 226

Representatives Pavliga, Miller, A.

**Cosponsors: Representatives Brown, Crawley, Brent, Grendell, Gross, Ingram,
Lightbody, Russo, Stoltzfus, Sobecki, Troy, Weinstein**

A BILL

To amend sections 2921.03 and 2921.04 of the 1
Revised Code to expand intimidation offenses to 2
include guardians ad litem and court appointed 3
special advocates. 4

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

Section 1. That sections 2921.03 and 2921.04 of the 5
Revised Code be amended to read as follows: 6

Sec. 2921.03. (A) No person, knowingly and by force, by 7
unlawful threat of harm to any person or property, or by filing, 8
recording, or otherwise using a materially false or fraudulent 9
writing with malicious purpose, in bad faith, or in a wanton or 10
reckless manner, shall attempt to influence, intimidate, ~~or~~ 11
hinder, abuse, threaten, or harass a guardian ad litem, a court 12
appointed special advocate, a public servant, a party official, 13
~~or an attorney or, or a~~ witness involved in a civil action or 14
proceeding, including a domestic relations or juvenile action or 15
proceeding, in the discharge of the person's ~~the duties of the~~ 16
~~public servant, party official, attorney, or witness.~~ 17

(B) Whoever violates this section is guilty of 18
intimidation~~7~~. If the victim of the offense is a guardian ad 19
litem or a court appointed special advocate, a violation of this 20
section is a misdemeanor of the first degree. If the victim of 21
the offense is a public servant, a party official, an attorney, 22
or a witness, a violation of this section is a felony of the 23
third degree. 24

(C) A person who violates this section is liable in a 25
civil action to any person harmed by the violation for injury, 26
death, or loss to person or property incurred as a result of the 27
commission of the offense and for reasonable attorney's fees, 28
court costs, and other expenses incurred as a result of 29
prosecuting the civil action commenced under this division. A 30
civil action under this division is not the exclusive remedy of 31
a person who incurs injury, death, or loss to person or property 32
as a result of a violation of this section. 33

Sec. 2921.04. (A) No person shall knowingly attempt to 34
intimidate~~or~~, hinder, abuse, threaten, or harass the victim of 35
a crime or delinquent act in the filing or prosecution of 36
criminal charges or a delinquent child action or proceeding, and 37
no person shall knowingly attempt to intimidate, abuse, 38
threaten, or harass a witness to a criminal or delinquent act by 39
reason of the person being a witness to that act. 40

(B) No person, knowingly and by force or by unlawful 41
threat of harm to any person or property or by unlawful threat 42
to commit any offense or calumny against any person, shall 43
attempt to influence, intimidate, ~~or~~ hinder, abuse, threaten, or 44
harass any of the following persons: 45

(1) The victim of a crime or delinquent act in the filing 46
or prosecution of criminal charges or a delinquent child action 47

or proceeding;	48
(2) A witness to a criminal or delinquent act by reason of the person being a witness to that act;	49 50
(3) An attorney, <u>guardian ad litem, or court appointed special advocate,</u> by reason of the <u>attorney's-person's</u> involvement in any criminal or delinquent child action or proceeding.	51 52 53 54
(C) Division (A) of this section does not apply to any person who is attempting to resolve a dispute pertaining to the alleged commission of a criminal offense, either prior to or subsequent to the filing of a complaint, indictment, or information, by participating in the arbitration, mediation, compromise, settlement, or conciliation of that dispute pursuant to an authorization for arbitration, mediation, compromise, settlement, or conciliation of a dispute of that nature that is conferred by any of the following:	55 56 57 58 59 60 61 62 63
(1) A section of the Revised Code;	64
(2) The Rules of Criminal Procedure, the Rules of Superintendence for Municipal Courts and County Courts, the Rules of Superintendence for Courts of Common Pleas, or another rule adopted by the supreme court in accordance with section 5 of Article IV, Ohio Constitution;	65 66 67 68 69
(3) A local rule of court, including, but not limited to, a local rule of court that relates to alternative dispute resolution or other case management programs and that authorizes the referral of disputes pertaining to the alleged commission of certain types of criminal offenses to appropriate and available arbitration, mediation, compromise, settlement, or other conciliation programs;	70 71 72 73 74 75 76

(4) The order of a judge of a municipal court, county court, or court of common pleas. 77
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(D) Whoever violates this section is guilty of 79
intimidation of ~~an~~a guardian ad litem, court appointed special 80
advocate, attorney, victim, or witness in a criminal case. A 81
violation of division (A) of this section is a misdemeanor of 82
the first degree. ~~A~~If the victim of the offense is a guardian 83
ad litem or a court appointed special advocate, a violation of 84
division (B) of this section is a misdemeanor of the first 85
degree. If the victim of the offense is an attorney, a victim, 86
or a witness, a violation of division (B) of this section is a 87
felony of the third degree. 88

(E) As used in this section, "witness" means any person 89
who has or claims to have knowledge concerning a fact or facts 90
concerning a criminal or delinquent act, whether or not criminal 91
or delinquent child charges are actually filed. 92

Section 2. That existing sections 2921.03 and 2921.04 of 93
the Revised Code are hereby repealed. 94

Section 3. Section 2921.03 of the Revised Code is 95
presented in this act as a composite of the section as amended 96
by both H.B. 88 and H.B. 644 of the 121st General Assembly. The 97
General Assembly, applying the principle stated in division (B) 98
of section 1.52 of the Revised Code that amendments are to be 99
harmonized if reasonably capable of simultaneous operation, 100
finds that the composite is the resulting version of the section 101
in effect prior to the effective date of the section as 102
presented in this act. 103