

## **As Introduced**

**134th General Assembly**

**Regular Session**

**H. B. No. 462**

**2021-2022**

**Representatives Miller, K., Carfagna**

**Cosponsors: Representatives Schmidt, Riedel, Click, Zeltwanger, Fraizer, Lipps,  
Johnson, LaRe, Stewart**

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## **A BILL**

To amend section 2929.18 and to enact section  
2917.321 of the Revised Code to prohibit  
swatting.

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

**Section 1.** That section 2929.18 be amended and section  
2917.321 of the Revised Code be enacted to read as follows:

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**Sec. 2917.321. (A) As used in this section:**

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(1) "Emergency response" means an action taken by a law  
enforcement agency to preserve the life, health, safety, or  
property of any person.

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(2) "Public safety answering point" and "emergency service provider" have the same meanings as in section 128.01 of the  
Revised Code.

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(3) "Telecommunications device" and "telecommunications service" have the same meanings as in section 2913.01 of the  
Revised Code.

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(B) No person by means of a telecommunications device or

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telecommunications service shall purposely trigger an emergency response when no emergency response is warranted by reporting or causing to be reported false or misleading information to a law enforcement agency, emergency service provider, or public safety answering point. 17  
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(C) This section does not apply to any person conducting an authorized emergency drill. 22  
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(D) (1) Whoever violates this section is guilty of swatting. 24  
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(2) Except as otherwise provided in division (D) (3) of this section, swatting is a felony of the third degree. 26  
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(3) If a violation of this section results in serious physical harm to any person, it is a felony of the first degree. 28  
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(E) Prior to the sentencing of a person who has been convicted of or pleaded guilty to a violation of this section, the court shall enter an order that directs any law enforcement agency or emergency service provider involved in the emergency response that wishes to be reimbursed for the costs incurred by the agency or provider during the emergency response, to file with the court within a specified time an itemized statement of those costs. The court may then order the offender to reimburse the agency for all or a portion of those costs under section 2929.18 of the Revised Code. 30  
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(F) Any act that is a violation of this section and any other section of the Revised Code may be prosecuted under this section, the other section, or both sections. 40  
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**Sec. 2929.18.** (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a 43  
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sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section. Financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. If the court imposes restitution, the court shall order that the restitution be made to the victim in open court, to the adult probation department that serves the county on behalf of the victim, to the clerk of courts, or to another agency designated by the court. If the court imposes restitution, at sentencing, the court shall determine the amount of restitution to be made by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to impose restitution, the court shall hold a hearing on restitution if the offender,

victim, or survivor disputes the amount. All restitution  
payments shall be credited against any recovery of economic loss  
in a civil action brought by the victim or any survivor of the  
victim against the offender.

If the court imposes restitution, the court may order that  
the offender pay a surcharge of not more than five per cent of  
the amount of the restitution otherwise ordered to the entity  
responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in  
the case file a motion, or the offender may file a motion, for  
modification of the payment terms of any restitution ordered. If  
the court grants the motion, it may modify the payment terms as  
it determines appropriate.

(2) Except as provided in division (B)(1), (3), or (4) of  
this section, a fine payable by the offender to the state, to a  
political subdivision, or as described in division (B)(2) of  
this section to one or more law enforcement agencies, with the  
amount of the fine based on a standard percentage of the  
offender's daily income over a period of time determined by the  
court and based upon the seriousness of the offense. A fine  
ordered under this division shall not exceed the maximum  
conventional fine amount authorized for the level of the offense  
under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of  
this section, a fine payable by the offender to the state, to a  
political subdivision when appropriate for a felony, or as  
described in division (B)(2) of this section to one or more law  
enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty

thousand dollars;	106
(b) For a felony of the second degree, not more than fifteen thousand dollars;	107 108
(c) For a felony of the third degree, not more than ten thousand dollars;	109 110
(d) For a felony of the fourth degree, not more than five thousand dollars;	111 112
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	113 114
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	115 116
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	117 118 119
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	120 121 122
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	123 124 125 126 127 128 129
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the	130 131 132 133

Revised Code.	134
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A)(5)(a)(ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.	135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151
(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code;	152 153
<u>(d) Reimbursement by the offender for costs pursuant to section 2917.321 of the Revised Code.</u>	154 155
(B) (1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A)(3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay	156 157 158 159 160 161 162 163

the mandatory fine and if the court determines the offender is  
an indigent person and is unable to pay the mandatory fine  
described in this division, the court shall not impose the  
mandatory fine upon the offender.

(2) Any mandatory fine imposed upon an offender under  
division (B)(1) of this section and any fine imposed upon an  
offender under division (A)(2) or (3) of this section for any  
fourth or fifth degree felony violation of any provision of  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid  
to law enforcement agencies pursuant to division (F) of section  
2925.03 of the Revised Code.

(3) For a fourth degree felony OVI offense and for a third  
degree felony OVI offense, the sentencing court shall impose  
upon the offender a mandatory fine in the amount specified in  
division (G)(1)(d) or (e) of section 4511.19 of the Revised  
Code, whichever is applicable. The mandatory fine so imposed  
shall be disbursed as provided in the division pursuant to which  
it is imposed.

(4) Notwithstanding any fine otherwise authorized or  
required to be imposed under division (A)(2) or (3) or (B)(1) of  
this section or section 2929.31 of the Revised Code for a  
violation of section 2925.03 of the Revised Code, in addition to  
any penalty or sanction imposed for that offense under section  
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and  
in addition to the forfeiture of property in connection with the  
offense as prescribed in Chapter 2981. of the Revised Code, the  
court that sentences an offender for a violation of section  
2925.03 of the Revised Code may impose upon the offender a fine  
in addition to any fine imposed under division (A)(2) or (3) of  
this section and in addition to any mandatory fine imposed under

division (B) (1) of this section. The fine imposed under division (B) (4) of this section shall be used as provided in division (H) of section 2925.03 of the Revised Code. A fine imposed under division (B) (4) of this section shall not exceed whichever of the following is applicable:

(a) The total value of any personal or real property in which the offender has an interest and that was used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of section 2925.03 of the Revised Code, including any property that constitutes proceeds derived from that offense;

(b) If the offender has no interest in any property of the type described in division (B) (4) (a) of this section or if it is not possible to ascertain whether the offender has an interest in any property of that type in which the offender may have an interest, the amount of the mandatory fine for the offense imposed under division (B) (1) of this section or, if no mandatory fine is imposed under division (B) (1) of this section, the amount of the fine authorized for the level of the offense imposed under division (A) (3) of this section.

(5) Prior to imposing a fine under division (B) (4) of this section, the court shall determine whether the offender has an interest in any property of the type described in division (B) (4) (a) of this section. Except as provided in division (B) (6) or (7) of this section, a fine that is authorized and imposed under division (B) (4) of this section does not limit or affect the imposition of the penalties and sanctions for a violation of section 2925.03 of the Revised Code prescribed under those sections or sections 2929.11 to 2929.18 of the Revised Code and does not limit or affect a forfeiture of property in connection

with the offense as prescribed in Chapter 2981. of the Revised  
Code. 224  
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(6) If the sum total of a mandatory fine amount imposed  
for a first, second, or third degree felony violation of section 226  
2925.03 of the Revised Code under division (B)(1) of this 227  
section plus the amount of any fine imposed under division 228  
(B)(4) of this section does not exceed the maximum statutory 229  
fine amount authorized for the level of the offense under division 230  
(A)(3) of this section or section 2929.31 of the Revised Code, 231  
the court may impose a fine for the offense in addition to the 232  
mandatory fine and the fine imposed under division (B)(4) of 233  
this section. The sum total of the amounts of the mandatory 234  
fine, the fine imposed under division (B)(4) of this section, 235  
and the additional fine imposed under division (B)(6) of this 236  
section shall not exceed the maximum statutory fine amount 237  
authorized for the level of the offense under division (A)(3) of 238  
this section or section 2929.31 of the Revised Code. The clerk 239  
of the court shall pay any fine that is imposed under division 240  
(B)(6) of this section to the county, township, municipal 241  
corporation, park district as created pursuant to section 511.18 242  
or 1545.04 of the Revised Code, or state law enforcement 243  
agencies in this state that primarily were responsible for or 244  
involved in making the arrest of, and in prosecuting, the 245  
offender pursuant to division (F) of section 2925.03 of the 246  
Revised Code. 247  
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(7) If the sum total of the amount of a mandatory fine 249  
imposed for a first, second, or third degree felony violation of 250  
section 2925.03 of the Revised Code plus the amount of any fine 251  
imposed under division (B)(4) of this section exceeds the 252  
maximum statutory fine amount authorized for the level of the 253  
offense under division (A)(3) of this section or section 2929.31 254

of the Revised Code, the court shall not impose a fine under  
division (B) (6) of this section. 255  
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(8) (a) If an offender who is convicted of or pleads guilty  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or  
2923.32, division (A) (1) or (2) of section 2907.323 involving a  
minor, or division (B) (1), (2), (3), (4), or (5) of section  
2919.22 of the Revised Code also is convicted of or pleads  
guilty to a specification of the type described in section  
2941.1422 of the Revised Code that charges that the offender  
knowingly committed the offense in furtherance of human  
trafficking, the sentencing court shall sentence the offender to  
a financial sanction of restitution by the offender to the  
victim or any survivor of the victim, with the restitution  
including the costs of housing, counseling, and medical and  
legal assistance incurred by the victim as a direct result of  
the offense and the greater of the following: 264  
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(i) The gross income or value to the offender of the  
victim's labor or services; 271  
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(ii) The value of the victim's labor as guaranteed under  
the minimum wage and overtime provisions of the "Federal Fair  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and  
state labor laws. 273  
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(b) If a court imposing sentence upon an offender for a  
felony is required to impose upon the offender a financial  
sanction of restitution under division (B) (8) (a) of this  
section, in addition to that financial sanction of restitution,  
the court may sentence the offender to any other financial  
sanction or combination of financial sanctions authorized under  
this section, including a restitution sanction under division  
(A) (1) of this section. 277  
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- (9) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for a felony that is a sexually oriented offense or a child-victim oriented offense, as those terms are defined in section 2950.01 of the Revised Code, may impose a fine of not less than fifty nor more than five hundred dollars. 285  
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- (10) For a felony violation of division (A) of section 2921.321 of the Revised Code that results in the death of the police dog or horse that is the subject of the violation, the sentencing court shall impose upon the offender a mandatory fine from the range of fines provided under division (A)(3) of this section for a felony of the third degree. A mandatory fine imposed upon an offender under division (B)(10) of this section shall be paid to the law enforcement agency that was served by the police dog or horse that was killed in the felony violation of division (A) of section 2921.321 of the Revised Code to be used as provided in division (E)(1)(b) of that section. 291  
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- (11) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for any of the following offenses that is a felony may impose a fine of not less than seventy nor more than five hundred dollars, which shall be transmitted to the treasurer of state to be credited to the address confidentiality program fund created by section 111.48 of the Revised Code: 302  
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- (a) Domestic violence; 309
- (b) Menacing by stalking; 310
- (c) Rape; 311
- (d) Sexual battery; 312
- (e) Trafficking in persons; 313

(f) A violation of section 2905.01, 2905.02, 2907.21,  
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323  
involving a minor, or division (B)(1), (2), (3), (4), or (5) of  
section 2919.22 of the Revised Code, if the offender also is  
convicted of a specification of the type described in section  
2941.1422 of the Revised Code that charges that the offender  
knowingly committed the offense in furtherance of human  
trafficking.

(C) (1) Except as provided in section 2951.021 of the  
Revised Code, the offender shall pay reimbursements imposed upon  
the offender pursuant to division (A)(5)(a) of this section to  
pay the costs incurred by a county pursuant to any sanction  
imposed under this section or section 2929.16 or 2929.17 of the  
Revised Code or in operating a facility used to confine  
offenders pursuant to a sanction imposed under section 2929.16  
of the Revised Code to the county treasurer. The county  
treasurer shall deposit the reimbursements in the sanction cost  
reimbursement fund that each board of county commissioners shall  
create in its county treasury. The county shall use the amounts  
deposited in the fund to pay the costs incurred by the county  
pursuant to any sanction imposed under this section or section  
2929.16 or 2929.17 of the Revised Code or in operating a  
facility used to confine offenders pursuant to a sanction  
imposed under section 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised  
Code, the offender shall pay reimbursements imposed upon the  
offender pursuant to division (A)(5)(a) of this section to pay  
the costs incurred by a municipal corporation pursuant to any  
sanction imposed under this section or section 2929.16 or  
2929.17 of the Revised Code or in operating a facility used to  
confine offenders pursuant to a sanction imposed under section

2929.16 of the Revised Code to the treasurer of the municipal 345  
corporation. The treasurer shall deposit the reimbursements in a 346  
special fund that shall be established in the treasury of each 347  
municipal corporation. The municipal corporation shall use the 348  
amounts deposited in the fund to pay the costs incurred by the 349  
municipal corporation pursuant to any sanction imposed under 350  
this section or section 2929.16 or 2929.17 of the Revised Code 351  
or in operating a facility used to confine offenders pursuant to 352  
a sanction imposed under section 2929.16 of the Revised Code. 353

(3) Except as provided in section 2951.021 of the Revised 354  
Code, the offender shall pay reimbursements imposed pursuant to 355  
division (A) (5) (a) of this section for the costs incurred by a 356  
private provider pursuant to a sanction imposed under this 357  
section or section 2929.16 or 2929.17 of the Revised Code to the 358  
provider. 359

(D) Except as otherwise provided in this division, a 360  
financial sanction imposed pursuant to division (A) or (B) of 361  
this section is a judgment in favor of the state or a political 362  
subdivision in which the court that imposed the financial 363  
sanction is located, and the offender subject to the financial 364  
sanction is the judgment debtor. A financial sanction of 365  
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 366  
section upon an offender who is incarcerated in a state facility 367  
or a municipal jail is a judgment in favor of the state or the 368  
municipal corporation, and the offender subject to the financial 369  
sanction is the judgment debtor. A financial sanction of 370  
reimbursement imposed upon an offender pursuant to this section 371  
for costs incurred by a private provider of sanctions is a 372  
judgment in favor of the private provider, and the offender 373  
subject to the financial sanction is the judgment debtor. A 374  
financial sanction of a mandatory fine imposed under division 375

(B) (10) of this section that is required under that division to  
be paid to a law enforcement agency is a judgment in favor of  
the specified law enforcement agency, and the offender subject  
to the financial sanction is the judgment debtor. A financial  
sanction of restitution imposed pursuant to division (A) (1) or  
(B) (8) of this section is an order in favor of the victim of the  
offender's criminal act that can be collected through a  
certificate of judgment as described in division (D) (1) of this  
section, through execution as described in division (D) (2) of  
this section, or through an order as described in division (D)  
(3) of this section, and the offender shall be considered for  
purposes of the collection as the judgment debtor. Imposition of  
a financial sanction and execution on the judgment does not  
preclude any other power of the court to impose or enforce  
sanctions on the offender. Once the financial sanction is  
imposed as a judgment or order under this division, the victim,  
private provider, state, or political subdivision may do any of  
the following:

(1) Obtain from the clerk of the court in which the  
judgment was entered a certificate of judgment that shall be in  
the same manner and form as a certificate of judgment issued in  
a civil action;

(2) Obtain execution of the judgment or order through any  
available procedure, including:

(a) An execution against the property of the judgment  
debtor under Chapter 2329. of the Revised Code;

(b) An execution against the person of the judgment debtor  
under Chapter 2331. of the Revised Code;

(c) A proceeding in aid of execution under Chapter 2333.

of the Revised Code, including:	405
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	406 407 408
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	409 410
(iii) A creditor's suit under section 2333.01 of the Revised Code.	411 412
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	413 414
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	415 416
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	417 418
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	419 420 421 422
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender	423 424 425 426 427 428 429 430 431 432

pursuant to any financial sanction imposed pursuant to this	433
section or section 2929.32 of the Revised Code, a court shall	434
comply with sections 307.86 to 307.92 of the Revised Code.	435
(G) If a court that imposes a financial sanction under	436
division (A) or (B) of this section finds that an offender	437
satisfactorily has completed all other sanctions imposed upon	438
the offender and that all restitution that has been ordered has	439
been paid as ordered, the court may suspend any financial	440
sanctions imposed pursuant to this section or section 2929.32 of	441
the Revised Code that have not been paid.	442
(H) No financial sanction imposed under this section or	443
section 2929.32 of the Revised Code shall preclude a victim from	444
bringing a civil action against the offender.	445
<b>Section 2.</b> That existing section 2929.18 of the Revised	446
Code is hereby repealed.	447