## As Reported by the Senate Judiciary Committee

## 134th General Assembly

# Regular Session 2021-2022

Sub. S. B. No. 16

#### **Senator Schaffer**

### **Cosponsors: Senators Brenner, Cirino, Manning**

## A BILL

То	amend sections 2903.13, 2903.22, and 2935.01 and	1
	to enact section 2917.14 of the Revised Code	2
	regarding assault or menacing committed or	3
	directed against, and targeting, an emergency	4
	service responder, family member, or co-worker,	5
	the offense of unlawfully impeding public	6
	passage of an emergency service responder, and	7
	the inclusion of Casino Control Commission	8
	gaming agents as peace officers under the	9
	standard definition of that term.	10

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

Section 1. That sections 2903.13, 2903.22, and 2935.01 be	11
amended and section 2917.14 of the Revised Code be enacted to	12
read as follows:	13
Sec. 2903.13. (A) No person shall knowingly cause or	14
Sec. 2903.13. (A) No person sharr knowingry cause or	14
attempt to cause physical harm to another or to another's	15
unborn.	16
(B) No person shall recklessly cause serious physical harm	17
to another or to another's unborn.	18

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- (C) (1) Whoever violates this section is guilty of assault, and the court shall sentence the offender as provided in this division and divisions (C) (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) of this section. Except as otherwise provided in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this section, assault is a misdemeanor of the first degree.
- (2) Except as otherwise provided in this division, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, assault is a felony of the fourth degree. If the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, if the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.11 or 2903.16 of the Revised Code, and if in relation to the previous conviction the offender was a caretaker and the victim was a functionally impaired person under the offender's care, assault is a felony of the third degree.
- (3) If the offense occurs in or on the grounds of a state correctional institution or an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction or the department of youth services, and the offense is committed by a person incarcerated in the state correctional institution or by a person institutionalized in the department of youth services institution pursuant to a commitment to the department of youth services, assault is a felony of the third degree.
- (4) If the offense is committed in any of the following circumstances, assault is a felony of the fifth degree:
- (a) The offense occurs in or on the grounds of a local 47 correctional facility, the victim of the offense is an employee 48

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of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.

- (b) The offense occurs off the grounds of a state correctional institution and off the grounds of an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction, the department of youth services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a state correctional institution or institutionalized in the department of youth services who temporarily is outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.
- (c) The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being

alleged to be or adjudicated a delinquent child and who	80
temporarily is outside of the facility for any purpose or by a	81
parolee, by an offender under transitional control, under a	82
community control sanction, or on an escorted visit, by a person	83
under post-release control, or by an offender under any other	84
type of supervision by a government agency.	85
(d) The victim of the offense is a school teacher or	86
administrator or a school bus operator, and the offense occurs	87
in a school, on school premises, in a school building, on a	88
school bus, or while the victim is outside of school premises or	89
a school bus and is engaged in duties or official	90
responsibilities associated with the victim's employment or	91
position as a school teacher or administrator or a school bus	92
operator, including, but not limited to, driving, accompanying,	93
or chaperoning students at or on class or field trips, athletic	94
events, or other school extracurricular activities or functions	95
outside of school premises.	96
(5) If the assault is committed in any of the following	97
circumstances, assault is a felony of the fourth degree:	98
(a) The victim of the offense is a peace officer or an	99
investigator of the bureau of criminal identification and	100
investigation, a firefighter, or a person performing emergency	101
medical service, while in the performance of their the	102
officer's, investigator's, firefighter's, or person's official	103
duties, assault is a felony of the fourth degree.	104
(b) The victim of the offense is an emergency service	105
responder, the offender knows or reasonably should know that the	106
victim is an emergency service responder, and it is the	107
offender's specific purpose to commit the offense against an	108
<pre>emergency service responder;</pre>	109

(c) The victim of the offense is a family or household	110
member or co-worker of a person who is an emergency service	111
responder, the offender knows or reasonably should know that the	112
victim is a family or household member or co-worker of an	113
emergency service responder, and it is the offender's specific	114
purpose to commit the offense against a family or household	115
member or co-worker of an emergency service responder.	116
(6) If the <u>offense is a felony of the fourth degree under</u>	117
division (C)(5)(a) of this section, if the victim of the offense	118
is a peace officer or an investigator of the bureau of criminal	119
identification and investigation $_{m L}$ and if the victim suffered	120
serious physical harm as a result of the commission of the	121
offense, assault is a felony of the fourth degree, and the	122
court, pursuant to division (F) of section 2929.13 of the	123
Revised Code, shall impose as a mandatory prison term one of the	124
prison terms prescribed for a felony of the fourth degree that	125
is at least twelve months in duration.	126
(7) If the victim of the offense is an officer or employee	127
of a public children services agency or a private child placing	128
agency and the offense relates to the officer's or employee's	129
performance or anticipated performance of official	130
responsibilities or duties, assault is either a felony of the	131
fifth degree or, if the offender previously has been convicted	132
of or pleaded guilty to an offense of violence, the victim of	133
that prior offense was an officer or employee of a public	134
children services agency or private child placing agency, and	135
that prior offense related to the officer's or employee's	136
performance or anticipated performance of official	137
responsibilities or duties, a felony of the fourth degree.	138

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

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professional of a hospital, a health care worker of a hospital,	140
or a security officer of a hospital whom the offender knows or	141
has reasonable cause to know is a health care professional of a	142
hospital, a health care worker of a hospital, or a security	143
officer of a hospital, if the victim is engaged in the	144
performance of the victim's duties, and if the hospital offers	145
de-escalation or crisis intervention training for such	146
professionals, workers, or officers, assault is one of the	147
following:	148
(a) Except as otherwise provided in division (C)(8)(b) of	149

- (a) Except as otherwise provided in division (C)(8)(b) of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A)(2)(b) of section 2929.28 of the Revised Code for a misdemeanor of the first degree, in sentencing the offender under this division and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars.
- (b) If the offender previously has been convicted of or 157 pleaded guilty to one or more assault or homicide offenses 158 committed against hospital personnel, assault committed in the 159 specified circumstances is a felony of the fifth degree. 160
- (9) If the victim of the offense is a judge, magistrate,

  prosecutor, or court official or employee whom the offender

  knows or has reasonable cause to know is a judge, magistrate,

  prosecutor, or court official or employee, and if the victim is

  engaged in the performance of the victim's duties, assault is

  one of the following:
- (a) Except as otherwise provided in division (C) (8) (b) (C) 167

  (9) (b) of this section, assault committed in the specified 168

  circumstances is a misdemeanor of the first degree. In 169

sentencing the offender under this division, if the court	170
decides to impose a fine, notwithstanding the fine specified in	171
division (A)(2)(b) of section 2929.28 of the Revised Code for a	172
misdemeanor of the first degree, the court may impose upon the	173
offender a fine of not more than five thousand dollars.	174

- (b) If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, assault committed in the specified circumstances is a felony of the fifth degree.
- (10) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in division (G) of section 2929.24 of the Revised Code.

If an offender who is convicted of or pleads guilty to assault when it is a felony also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in division (C)(6) of this section, the court shall sentence the offender to a mandatory prison term as provided in division (B)(8) of section 2929.14 of the Revised Code.

- (D) As used in this section:
- (1) "Peace officer" has the same meaning as in section 197
  2935.01 of the Revised Code. 198

(2) "Firefighter" <del> has the same meaning as <u>means</u> any</del>	199
person who is a firefighter as defined in section 3937.41 of the	200
Revised Code and, for purposes of division (D)(21) of this	201
section, also includes a member of a fire department as defined	202
in section 742.01 of the Revised Code.	203
(3) "Emergency medical service" has the same meaning as in	204
section 4765.01 of the Revised Code.	205
(4) "Local correctional facility" means a county,	206
multicounty, municipal, municipal-county, or multicounty-	207
municipal jail or workhouse, a minimum security jail established	208
under section 341.23 or 753.21 of the Revised Code, or another	209
county, multicounty, municipal, municipal-county, or	210
multicounty-municipal facility used for the custody of persons	211
arrested for any crime or delinquent act, persons charged with	212
or convicted of any crime, or persons alleged to be or	213
adjudicated a delinquent child.	214
(5) "Employee of a local correctional facility" means a	215
person who is an employee of the political subdivision or of one	216
or more of the affiliated political subdivisions that operates	217
the local correctional facility and who operates or assists in	218
the operation of the facility.	219
(6) "School teacher or administrator" means either of the	220
following:	221
(a) A person who is employed in the public schools of the	222
state under a contract described in section 3311.77 or 3319.08	223
of the Revised Code in a position in which the person is	224
required to have a certificate issued pursuant to sections	225
3319.22 to 3319.311 of the Revised Code.	226
(b) A person who is employed by a nonpublic school for	227

(c) The victim was engaged in the performance of the	256
victim's duties.	257
(d) The hospital offered de-escalation or crisis	258
intervention training for such professionals, workers, or	259
officers.	260
(13) "De-escalation or crisis intervention training" means	261
de-escalation or crisis intervention training for health care	262
professionals of a hospital, health care workers of a hospital,	263
and security officers of a hospital to facilitate interaction	264
with patients, members of a patient's family, and visitors,	265
including those with mental impairments.	266
(14) "Assault or homicide offense committed against	267
justice system personnel" means a violation of this section or	268
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041,	269
2903.11, 2903.12, or 2903.14 of the Revised Code committed in	270
circumstances in which the victim of the offense was a judge,	271
magistrate, prosecutor, or court official or employee whom the	272
offender knew or had reasonable cause to know was a judge,	273
magistrate, prosecutor, or court official or employee, and the	274
victim was engaged in the performance of the victim's duties.	275
(15) "Court official or employee" means any official or	276
employee of a court created under the constitution or statutes	277
of this state or of a United States court located in this state.	278
(16) "Judge" means a judge of a court created under the	279
constitution or statutes of this state or of a United States	280
court located in this state.	281
(17) "Magistrate" means an individual who is appointed by	282
a court of record of this state and who has the powers and may	283
perform the functions specified in Civil Rule 53, Criminal Rule	284

19, or Juvenile Rule 40, or an individual who is appointed by a	285
United States court located in this state who has similar powers	286
and functions.	287
(18) "Prosecutor" has the same meaning as in section	288
2935.01 of the Revised Code.	289
(19)(a) "Hospital" means, subject to division (D)(19)(b)	290
of this section, an institution classified as a hospital under	291
section 3701.01 of the Revised Code in which are provided to	292
patients diagnostic, medical, surgical, obstetrical,	293
psychiatric, or rehabilitation care or a hospital operated by a	294
health maintenance organization.	295
(b) "Hospital" does not include any of the following:	296
(i) A facility licensed under Chapter 3721. of the Revised	297
Code, a health care facility operated by the department of	298
mental health or the department of developmental disabilities, a	299
health maintenance organization that does not operate a	300
hospital, or the office of any private, licensed health care	301
professional, whether organized for individual or group	302
practice;	303
(ii) An institution for the sick that is operated	304
exclusively for patients who use spiritual means for healing and	305
for whom the acceptance of medical care is inconsistent with	306
their religious beliefs, accredited by a national accrediting	307
organization, exempt from federal income taxation under section	308
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	309
U.S.C. 1, as amended, and providing twenty-four-hour nursing	310
care pursuant to the exemption in division (E) of section	311
4723.32 of the Revised Code from the licensing requirements of	312
Chapter 4723. of the Revised Code.	313

(20) "Health maintenance organization" has the same	314
meaning as in section 3727.01 of the Revised Code.	315
(21) "Emergency service responder" means any law	316
enforcement officer, first responder, emergency medical	317
technician-basic, emergency medical technician-intermediate,	318
emergency medical technician-paramedic, firefighter, or	319
volunteer firefighter.	320
(22) "Family or household member" means any of the	321
<pre>following:</pre>	322
(a) Any of the following who is residing or has resided	323
with a person who is employed as an emergency service responder:	324
(i) A spouse, a person living as a spouse, or a former	325
spouse of a person who is employed as an emergency service	326
responder;	327
(ii) A parent, a foster parent, or a child of a person who	328
is employed as an emergency service responder, or another person	329
related by consanguinity or affinity to a person who is employed	330
as an emergency service responder;	331
(iii) A parent or a child of a spouse, person living as a	332
spouse, or former spouse of a person who is employed as an	333
emergency service responder, or another person related by	334
consanguinity or affinity to a spouse, person living as a	335
spouse, or former spouse of a person who is employed as an	336
emergency service responder.	337
(b) The natural parent of any child of whom a person who	338
is employed as an emergency service responder is the other	339
natural parent or is the putative other natural parent.	340
(23) "First responder," "emergency medical technician-	341

(2) No person shall knowingly place or attempt to place

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another in reasonable fear of physical harm or death by	371
displaying a deadly weapon, regardless of whether the deadly	372
weapon displayed is operable or inoperable, if either of the	373
<pre>following applies:</pre>	374
(a) The other person is an emergency service responder,	375
the person knows or reasonably should know that the other person	376
is an emergency service responder, and it is the person's	377
specific purpose to engage in the specified conduct against an	378
emergency service responder.	379
(b) The other person is a family or household member or	380
co-worker of an emergency service responder, the person knows or	381
reasonably should know that the other person is a family or	382
household member or co-worker of an emergency service responder,	383
and it is the person's specific purpose to engage in the	384
specified conduct against a family or household member or co-	385
worker of an emergency service responder.	386
(B) Whoever violates this section is guilty of menacing.	387
Except as otherwise provided in this division, menacing is	388
a misdemeanor of the fourth degree. If the victim of the offense	389
is an officer or employee of a public children services agency	390
or a private child placing agency and the offense relates to the	391
officer's or employee's performance or anticipated performance	392
of official responsibilities or duties or if the victim of the	393
offense is an emergency service responder in the performance of	394
the responder's official duties, menacing is one of the	395
<pre>following:</pre>	396
(1) Except as otherwise provided in division (B)(2) of	397
this section, a misdemeanor of the first degree or, if;	398
(2) If the offender previously has been convicted of or	399

pleaded guilty to an offense of violence, the victim of that	400
prior offense was an officer or employee of a public children	401
services agency or private child placing agency or an emergency	402
service responder, and that prior offense related to the	403
officer's or employee's performance or anticipated performance	404
of official responsibilities or duties or to the responder's	405
performance of the responder's official duties, a felony of the	406
fourth degree.	407
(C) As used in this section, "organization":	408
(1) "Emergency service responder," "family or household	409
member," and "co-worker" have the same meanings as in section	410
2903.13 of the Revised Code.	411
(2) "Organization" includes an entity that is a	412
governmental employer.	413
Sec. 2917.14. (A) No person, without privilege to do so,	414
shall recklessly obstruct any highway, street, sidewalk, or any	415
other public passage in such a manner as to render the highway,	416
street, sidewalk, or passage impassable without unreasonable	417
inconvenience or hazard if both of the following apply:	418
(1) The obstruction prevents an emergency vehicle from	419
accessing a highway or street, prevents an emergency service	420
responder from responding to an emergency, or prevents an	421
emergency vehicle or an emergency service responder from having	422
access to an exit from an emergency.	423
(2) Upon receipt of a request or order from an emergency	424
service responder to remove or cease the obstruction, the person	425
refuses to remove or cease the obstruction.	426
(B) Division (A) of this section does not limit or affect	427
the application of section 2921.31 or 2921.332 of the Revised	428

Code or any other section of the Revised Code. Any conduct that	429
is a violation of division (A) of this section and that also is	430
a violation of section 2921.31 or 2921.332 of the Revised Code	431
or any other section of the Revised Code may be prosecuted under	432
this section, the other section, or both sections.	433
(C) Whoever violates this section is guilty of unlawfully	434
impeding public passage of an emergency service responder, a	435
misdemeanor of the first degree.	436
(D) As used in this section, "emergency service responder"	437
has the same meaning as in section 2921.01 of the Revised Code.	438
Sec. 2935.01. As used in this chapter:	439
(A) "Magistrate" has the same meaning as in section	440
2931.01 of the Revised Code.	441
(B) "Peace officer" includes, except as provided in	442
section 2935.081 of the Revised Code, a sheriff; deputy sheriff;	443
marshal; deputy marshal; member of the organized police	444
department of any municipal corporation, including a member of	445
the organized police department of a municipal corporation in an	446
adjoining state serving in Ohio under a contract pursuant to	447
section 737.04 of the Revised Code; member of a police force	448
employed by a metropolitan housing authority under division (D)	449
of section 3735.31 of the Revised Code; member of a police force	450
employed by a regional transit authority under division (Y) of	451
section 306.05 of the Revised Code; state university law	452
enforcement officer appointed under section 3345.04 of the	453
Revised Code; enforcement agent of the department of public	454
safety designated under section 5502.14 of the Revised Code;	455
employee of the department of taxation to whom investigation	456
powers have been delegated under section 5743.45 of the Revised	457

Code; employee of the department of natural resources who is a	458
natural resources law enforcement staff officer designated	459
pursuant to section 1501.013 of the Revised Code, a forest-fire	460
investigator appointed pursuant to section 1503.09 of the	461
Revised Code, a natural resources officer appointed pursuant to	462
section 1501.24 of the Revised Code, or a wildlife officer	463
designated pursuant to section 1531.13 of the Revised Code;	464
individual designated to perform law enforcement duties under	465
section 511.232, 1545.13, or 6101.75 of the Revised Code;	466
veterans' home police officer appointed under section 5907.02 of	467
the Revised Code; special police officer employed by a port	468
authority under section 4582.04 or 4582.28 of the Revised Code;	469
police constable of any township; police officer of a township	470
or joint police district; a special police officer employed by a	471
municipal corporation at a municipal airport, or other municipal	472
air navigation facility, that has scheduled operations, as	473
defined in section 119.3 of Title 14 of the Code of Federal	474
Regulations, 14 C.F.R. 119.3, as amended, and that is required	475
to be under a security program and is governed by aviation	476
security rules of the transportation security administration of	477
the United States department of transportation as provided in	478
Parts 1542. and 1544. of Title 49 of the Code of Federal	479
Regulations, as amended; the house of representatives sergeant	480
at arms if the house of representatives sergeant at arms has	481
arrest authority pursuant to division (E)(1) of section 101.311	482
of the Revised Code; an assistant house of representatives	483
sergeant at arms; the senate sergeant at arms; an assistant	484
senate sergeant at arms; officer or employee of the bureau of	485
criminal identification and investigation established pursuant	486
to section 109.51 of the Revised Code who has been awarded a	487
certificate by the executive director of the Ohio peace officer	488
training commission attesting to the officer's or employee's	489

satisfactory completion of an approved state, county, municipal,	490
or department of natural resources peace officer basic training	491
program and who is providing assistance upon request to a law	492
enforcement officer or emergency assistance to a peace officer	493
pursuant to section 109.54 or 109.541 of the Revised Code; a	494
state fire marshal law enforcement officer described in division	495
(A) (23) of section 109.71 of the Revised Code; a gaming agent,	496
as defined in section 3772.01 of the Revised Code; and, for the	497
purpose of arrests within those areas, for the purposes of	498
Chapter 5503. of the Revised Code, and the filing of and service	499
of process relating to those offenses witnessed or investigated	500
by them, the superintendent and troopers of the state highway	501
patrol.	502
(C) "Prosecutor" includes the county prosecuting attorney	503
and any assistant prosecutor designated to assist the county	504
prosecuting attorney, and, in the case of courts inferior to	505
courts of common pleas, includes the village solicitor, city	506
director of law, or similar chief legal officer of a municipal	507
corporation, any such officer's assistants, or any attorney	508
designated by the prosecuting attorney of the county to appear	509
for the prosecution of a given case.	510
(D) "Offense," except where the context specifically	511
indicates otherwise, includes felonies, misdemeanors, and	512
violations of ordinances of municipal corporations and other	513
public bodies authorized by law to adopt penal regulations.	514
Section 2. That existing sections 2903.13, 2903.22, and	515

2935.01 of the Revised Code are hereby repealed.