

As Introduced

135th General Assembly

Regular Session

2023-2024

S. B. No. 88

Senators Smith, Cirino

Cosponsors: Senators Antonio, DeMora, Hicks-Hudson, Craig

A BILL

To amend section 2903.21 of the Revised Code to
expand the offense of aggravated menacing to
prohibit threatening a utility worker, cable
operator worker, or broadband worker with intent
to obstruct the operation of a utility.

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

Section 1. That section 2903.21 of the Revised Code be
amended to read as follows:

Sec. 2903.21. (A) No person shall knowingly cause another
to believe that the offender will cause serious physical harm to
the person or property of the other person, the other person's
unborn, or a member of the other person's immediate family. In
addition to any other basis for the other person's belief that
the offender will cause serious physical harm to the person or
property of the other person, the other person's unborn, or a
member of the other person's immediate family, the other
person's belief may be based on words or conduct of the offender
that are directed at or identify a corporation, association, or
other organization that employs the other person or to which the

other person belongs.

(B) ~~Whoever~~ No person shall knowingly cause a utility worker, cable operator worker, or broadband worker to believe that the offender will cause serious physical harm to the worker or to property by threatening the utility worker, cable operator worker, or broadband worker with a deadly weapon when the offender knows or has reasonable cause to know the worker's profession, the worker is engaged in the performance of the worker's duties, and the offender's intent is to obstruct the operation of a utility, cable, or broadband service.

(C) Whoever violates this section is guilty of aggravated menacing. ~~Except~~

(1) Except as otherwise provided in ~~this division~~ divisions (C) (2) and (3) of this section, aggravated menacing is a misdemeanor of the first degree. ~~If~~

(2) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing committed in violation of division (A) of this section is a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

(3) If the offender previously has been convicted of or

pleaded guilty to aggravated menacing, aggravated menacing 48
committed in violation of division (B) of this section is a 49
felony of the fifth degree. 50

~~(C)~~ (D) As used in this section, "organization": 51

(1) "Broadband worker" means an employee, contractor, or 52
agent of a person or entity, whether publicly or privately 53
owned, that operates or maintains facilities that provide 54
broadband services. 55

(2) "Cable operator worker" means an employee, contractor, 56
or agent of a cable operator. 57

(3) "Cable operator" has the same meaning as in section 58
1332.21 of the Revised Code, whether publicly or privately 59
owned. 60

(4) "Organization" includes an entity that is a 61
governmental employer. 62

(5) "Utility worker" means an employee, contractor, or 63
agent of a person or entity whose primary responsibility is the 64
operation or maintenance of a utility. 65

(6) "Utility" means an enterprise that provides gas, 66
electric, steam, water, sewage, storm water, transportation, or 67
communications services, whether publicly or privately owned. 68

Section 2. That existing section 2903.21 of the Revised 69
Code is hereby repealed. 70