

AN ACT

To amend sections 2917.31 and 3313.482 of the Revised Code to increase the penalty for the offense of inducing panic when the public place involved in the offense is a school and to permit school districts that close or evacuate a school building as a result of a bomb threat to make up the time the school was closed, for purposes of compliance with the laws that specify the number of days schools must be open and the number of hours there must be in a school day, in one-half hour increments added to other school days.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2917.31 and 3313.482 of the Revised Code be amended to read as follows:

Sec. 2917.31. (A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false;

(2) Threatening to commit any offense of violence;

(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(B) Division (A)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.

~~(C)(1) Whoever violates this section is guilty of inducing panic. Except~~

(2) Except as otherwise provided in this division (C)(3), (4), or (5) of this section, inducing panic is a misdemeanor of the first degree. If

(3) Except as otherwise provided in division (C)(4) or (5) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the fourth degree. If a

(4) Except as otherwise provided in division (C)(5) of this section, if a violation of this section results in economic harm, the penalty shall be determined as follows:

~~(a)~~ IF THE violation ~~of this section~~ results in economic harm of five hundred dollars or more but less than five thousand dollars and if division (C)(3) of this section does not apply, inducing panic is a felony of the fifth degree. ~~If~~

~~(b)~~ IF THE violation ~~of this section~~ results in economic harm of five thousand dollars or more but less than one hundred thousand dollars, inducing panic is a felony of the fourth degree. ~~If~~

~~(c)~~ IF THE violation ~~of this section~~ results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree.

(5)(a) Except as otherwise provided in division (C)(5)(b) OR (c) of this section, if the public place involved in a violation of division (A)(1) of this section is a school, inducing panic is a felony of the fourth degree.

(b) If the public place involved in a violation of division (A)(1) of this section is a school and if the violation results in physical harm to any person, inducing panic is a felony of the third degree.

(c) If the public place involved in a violation of division (A)(1) of this section is a school and if the violation results in economic harm, the penalty shall be determined as follows:

(i) If the violation results in economic harm of five hundred dollars or more but less than five thousand dollars and if division (C)(5)(b) of this section does not apply, inducing panic is a felony of the fourth degree.

(ii) If the violation results in economic harm of five thousand dollars or more but less than one hundred thousand dollars, inducing panic is a felony of the third degree.

(iii) If the violation results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the second degree.

(D) As used in this section, ~~"economic~~:

(1) "Economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" includes, but is not limited to, all of the following:

~~(1)(a)~~ All wages, salaries, or other compensation lost as a result of the criminal conduct;

~~(2)(b)~~ The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;

~~(3)(c)~~ The overhead costs incurred for the time that a business is shut

down as a result of the criminal conduct;

~~(4)(d)~~ The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

(2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under section 3301.07 Of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.

Sec. 3313.482. (A) Annually, prior to the first day of September, the board of education of each city, local, and exempted village school district shall adopt a resolution specifying a contingency plan under which the district's students will make up days on which it was necessary to close schools for any of the reasons specified in division (B) of section 3317.01 of the Revised Code, if any such days must be made up in order to comply with the requirements of that section and sections 3313.48 and 3313.481 of the Revised Code. The resolution shall provide in the plan for making up at least five full school days. ~~No such~~ resolution adopted pursuant to this division shall conflict with any collective bargaining agreement into which a board has entered pursuant to Chapter 4117. of the Revised Code and that is in effect in the district.

(b) notwithstanding the content of the contingency plan it adopts under division (a) of this section, if a school district closes or evacuates any school building as a result of a bomb threat or any other report of an alleged or impending explosion, and if, as a result of the closing or EVACUATION, the school district would be unable to meet the requirements of SECTIONS 3313.48, 3313.481, and 3317.01 of the Revised Code regarding the number of days schools must be open for INSTRUCTION or the requirements of the state minimum standards for the school day that are established by the department of EDUCATION regarding the number of hours there must be in the school day, the school district may increase the length of one or more other school days for the school that was closed or evacuated, in increments of one-half hour, to make up the number of hours or days that the school building in QUESTION was so closed or evacuated for the purpose of satisfying the requirements of those SECTIONS regarding the number of days schools must be open for INSTRUCTION or the requirements of those standards regarding the number of hours there must be in the school day. Notwithstanding the PROVISIONS of SECTIONS 3313.48, 3313.481, and 3317.01 of the Revised Code and the requirements of the state minimum standards for the school day that are established by the department of EDUCATION and notwithstanding the content of the contingency plan it

adopts under division (a) of this section, a school district that makes up, as described in this division, all of the hours or days that its school buildings were so closed or evacuated shall be deemed to have complied with the requirements of those SECTIONS regarding the number of days schools must be open for INSTRUCTION and the requirements of those minimum standards regarding the number of hours there must be in the school day.

SECTION 2. That existing sections 2917.31 and 3313.482 of the Revised Code are hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. H. B. No. 382

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____