

As Introduced

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REPRESENTATIVES White, Clancy, Husted, Setzer, Carmichael, Collier,
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Britton, Carano, Cirelli, Distel, Ford, Otterman, Rhine, Seaver, Sferra, Wilson

A BILL

To amend sections 2917.31 and 2917.32 of the Revised 1
Code to increase the penalties for the offenses of 2
inducing panic and making false alarms if the act 3
that is the basis of the particular offense 4
pertains to a purported, threatened, or actual use 5
of a weapon of mass destruction. 6

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

Section 1. That sections 2917.31 and 2917.32 of the Revised 7
Code be amended to read as follows: 8

Sec. 2917.31. (A) No person shall cause the evacuation of any 9
public place, or otherwise cause serious public inconvenience or 10
alarm, by doing any of the following: 11

(1) Initiating or circulating a report or warning of an 12
alleged or impending fire, explosion, crime, or other catastrophe, 13
knowing that such report or warning is false; 14

(2) Threatening to commit any offense of violence; 15

(3) Committing any offense, with reckless disregard of the 16

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.

(2) Except as otherwise provided in division (C)(3), (4), ~~or~~
(5), or (6) of this section, inducing panic is a misdemeanor of
the first degree.

(3) Except as otherwise provided in division (C)(4), (5), or
(6) of this section, if the violation pertains to a purported,
threatened, or actual use of a weapon of mass destruction,
inducing panic is a felony of the fifth degree.

(4)(a) Except as otherwise provided in division (C)(4) ~~or~~
(b), (5), or (6) 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.

+4)(b) Except as provided in division (C)(6) of this section,
if a violation of this section results in physical harm to any
person and if the violation pertains to a purported, threatened,
or actual use of a weapon of mass destruction, inducing panic is a
felony of the third degree.

(5) Except as otherwise provided in division (C)~~(5)~~(6) of
this section, if a violation of this section results in economic
harm, the penalty shall be determined as follows:

(a) If the violation results in economic harm of five hundred
dollars or more but less than five thousand dollars and if neither
division (C)~~(3)~~(4)(a) nor division (C)(4)(b) of this section ~~does~~
not apply applies, inducing panic is a felony of the fifth degree.

(b) If the violation results in economic harm of five 47
thousand dollars or more but less than one hundred thousand 48
dollars and if division (C)(4)(b) of this section does not apply, 49
inducing panic is a felony of the fourth degree. 50

(c) If the violation results in economic harm of one hundred 51
thousand dollars or more, inducing panic is a felony of the third 52
degree. 53

~~(5)(6)(a)~~ Except as otherwise provided in division 54
(C)~~(5)(6)(b) or~~ (c), or (d) of this section, if the public place 55
involved in a violation of division (A)(1) of this section is a 56
school and if division (C)(4)(b) of this section does not apply, 57
inducing panic is a felony of the fourth degree. 58

(b) ~~If~~ Except as otherwise provided in division (C)(6)(c) of 59
this section, if the public place involved in a violation of 60
division (A)(1) of this section is a school and if the violation 61
results in physical harm to any person, inducing panic is a felony 62
of the third degree. 63

(c) If the public place involved in a violation of division 64
(A)(1) of this section is a school, if the violation results in 65
physical harm to any person, and if the violation pertains to a 66
purported or threatened use of a weapon of mass destruction, 67
inducing panic is a felony of the second degree. 68

(d) If the public place involved in a violation of division 69
(A)(1) of this section is a school and if the violation results in 70
economic harm, the penalty shall be determined as follows: 71

(i) If the violation results in economic harm of five hundred 72
dollars or more but less than five thousand dollars and if neither 73
division (C)(4)(b), nor division (C)~~(5)(6)(b), nor division~~ 74
(C)(6)(c) of this section does not apply applies, inducing panic 75
is a felony of the fourth degree. 76

(ii) If the violation results in economic harm of five 77
thousand dollars or more but less than one hundred thousand 78
dollars, inducing panic is a felony of the third degree. 79

(iii) If the violation results in economic harm of one 80
hundred thousand dollars or more, inducing panic is a felony of 81
the second degree. 82

(D) As used in this section: 83

(1) "Economic harm" means all direct, incidental, and 84
consequential pecuniary harm suffered by a victim as a result of 85
criminal conduct. "Economic harm" includes, but is not limited to, 86
all of the following: 87

(a) All wages, salaries, or other compensation lost as a 88
result of the criminal conduct; 89

(b) The cost of all wages, salaries, or other compensation 90
paid to employees for time those employees are prevented from 91
working as a result of the criminal conduct; 92

(c) The overhead costs incurred for the time that a business 93
is shut down as a result of the criminal conduct; 94

(d) The loss of value to tangible or intangible property that 95
was damaged as a result of the criminal conduct. 96

(2) "School" means any school operated by a board of 97
education or any school for which the state board of education 98
prescribes minimum standards under section 3301.07 of the Revised 99
Code, whether or not any instruction, extracurricular activities, 100
or training provided by the school is being conducted at the time 101
a violation of this section is committed. 102

(3) A violation of this section "pertains to a purported, 103
threatened, or actual use of a weapon of mass destruction" if any 104
of the following applies: 105

(a) Regarding a violation of division (A)(1) of this section, 106
the alleged or impending fire, explosion, crime, or other 107
catastrophe identified or mentioned in the report or warning that 108
is initiated or circulated in committing the violation purportedly 109
involved, involves, or will involve a weapon of mass destruction; 110

(b) Regarding a violation of division (A)(2) of this section, 111
the offense of violence that is threatened in committing the 112
violation purportedly will involve a weapon of mass destruction; 113

(c) Regarding a violation of division (A)(3) of this section, 115
the offense that is committed in committing the violation involved 116
a weapon of mass destruction. 117

(4) "Weapon of mass destruction" means any of the following: 118

(a) Any weapon that is designed or intended to cause death or 119
serious physical harm through the release, dissemination, or 120
impact of toxic or poisonous chemicals, or their precursors; 121

(b) Any weapon involving a disease organism; 122

(c) Any weapon that is designed to release radiation or 123
radioactivity at a level dangerous to human life; 124

(d) Any of the following, except to the extent that the item 125
or device in question is expressly excepted from the definition of 126
"destructive device" pursuant to 18 U.S.C. 921(a)(4) and 127
regulations issued under that section: 128

(i) Any explosive, incendiary, or poison gas bomb, grenade, 129
rocket having a propellant charge of more than four ounces, 130
missile having an explosive or incendiary charge of more than 131
one-quarter ounce, mine, or similar device; 132

(ii) Any type of weapon, other than a shotgun or a shotgun 133
shell that the United States secretary of the treasury finds 134

pursuant to 18 U.S.C. 921(a)(4)(B) generally is recognized as 135
particularly suitable for sporting purposes, by whatever name 136
known, that will, or that may be readily converted to, expel a 137
projectile by the action of an explosive or other propellant and 138
that has any barrel with a bore of more than one-half inch in 139
diameter; 140

(iii) Any combination of parts either designed or intended 141
for use in converting any item or device into any item or device 142
described in division (D)(4)(d)(i) or (ii) of this section and 143
from which an item or device described in either of those 144
divisions may be readily assembled. 145

Sec. 2917.32. (A) No person shall do any of the following: 146

(1) Initiate or circulate a report or warning of an alleged 147
or impending fire, explosion, crime, or other catastrophe, knowing 148
that the report or warning is false and likely to cause public 149
inconvenience or alarm; 150

(2) Knowingly cause a false alarm of fire or other emergency 151
to be transmitted to or within any organization, public or 152
private, for dealing with emergencies involving a risk of physical 153
harm to persons or property; 154

(3) Report to any law enforcement agency an alleged offense 155
or other incident within its concern, knowing that such offense 156
did not occur. 157

(B) This section does not apply to any person conducting an 158
authorized fire or emergency drill. 159

(C)(1) Whoever violates this section is guilty of making 160
false alarms. ~~Except~~ 161

(2) Except as otherwise provided in this division (C)(3), 162
(4), (5), or (6) of this section, making false alarms is a 163

164 misdemeanor of the first degree. If 164

165 (3) Except as otherwise provided in division (C)(5) or (6) of 165
166 this section, if a violation of this section pertains to a 166
167 purported, threatened, or actual use of a weapon of mass 167
168 destruction, inducing panic is a felony of the fifth degree. 168

169 (4) If a violation of this section results in economic harm 169
170 of five hundred dollars or more but less than five thousand 170
171 dollars, making false alarms is a felony of the fifth degree. If 171

172 (5) If a violation of this section results in economic harm 172
173 of five thousand dollars or more but less than one hundred 173
174 thousand dollars, making false alarms is a felony of the fourth 174
175 degree. If 175

176 (6) If a violation of this section results in economic harm 176
177 of one hundred thousand dollars or more, making false alarms is a 177
178 felony of the third degree. 178

179 (D) As used in this section, ~~"economic:~~ 179

180 ~~(1) "Economic harm" means all direct, incidental, and~~ 180
181 ~~consequential pecuniary harm suffered by a victim as a result of~~ 181
182 ~~criminal conduct. "Economic harm" includes, but is not limited to,~~ 182
183 ~~all of the following:~~ 183

184 ~~(1) All wages, salaries, or other compensation lost as a~~ 184
185 ~~result of the criminal conduct;~~ 185

186 ~~(2) The cost of all wages, salaries, or other compensation~~ 186
187 ~~paid to employees for time those employees are prevented from~~ 187
188 ~~working as a result of the criminal conduct;~~ 188

189 ~~(3) The overhead costs incurred for the time that a business~~ 189
190 ~~is shut down as a result of the criminal conduct;~~ 190

191 ~~(4) The loss of value to tangible or intangible property that~~ 191
192 ~~was damaged as a result of the criminal conduct and "weapon of~~ 192
193 ~~mass destruction" have the same meanings as in section 2917.31 of~~ 193

the Revised Code. 194

(2) A violation of this section "pertains to a purported, 195
threatened, or actual use of a weapon of mass destruction" if any 196
of the following applies: 197

(a) Regarding a violation of division (A)(1) of this section, 198
the alleged or impending fire, explosion, crime, or other 199
catastrophe identified or mentioned in the report or warning that 200
is initiated or circulated in committing the violation purportedly 201
involved, involves, or will involve a weapon of mass destruction; 202

(b) Regarding a violation of division (A)(2) of this section, 203
the false alarm of fire or other emergency that is knowingly 204
caused to be transmitted in committing the violation purportedly 205
involved or involves a weapon of mass destruction; 206

(c) Regarding a violation of division (A)(3) of this section, 207
the alleged offense or other incident that is reported in 208
committing the violation purportedly involved or involves a weapon 209
of mass destruction. 210

Section 2. That existing sections 2917.31 and 2917.32 of the 211
Revised Code are hereby repealed. 212