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Am. S. B. No. 40

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Grendell, Cirelli, Carano, Ford, Clancy, Otterman, Kilbane, Sulzer, Oakar,
Barrett, Schneider, Driehaus, Britton

A B I L L

To amend sections 2903.211, 2909.04, 2917.11, and 1
2917.13 of the Revised Code to identify certain 2
persons as "emergency facility personnel," to 3
extend the offenses of disrupting public services 4
and misconduct at an emergency to activities of 5
emergency facility personnel, to increase the 6
penalty for disorderly conduct if committed in the 7
presence of an emergency facility person performing 8
duties in an emergency facility, and to specify 9
that "pattern of conduct" in menacing by stalking 10
includes actions obstructing an emergency facility 11
person's performance of authorized acts. 12

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

Section 1. That sections 2903.211, 2909.04, 2917.11, and 13
2917.13 of the Revised Code be amended to read as follows: 14

Sec. 2903.211. (A) No person by engaging in a pattern of 15
conduct shall knowingly cause another to believe that the offender 16
will cause physical harm to the other person or cause mental 17
distress to the other person. 18

(B) Whoever violates this section is guilty of menacing by 19
stalking. 20

(1) Except as otherwise provided in divisions (B)(2) and (3) 21
of this section, menacing by stalking is a misdemeanor of the 22
first degree. 23

(2) Menacing by stalking is a felony of the fourth degree if 24
any of the following applies: 25

(a) The offender previously has been convicted of or pleaded 26
guilty to a violation of this section or a violation of section 27
2911.211 of the Revised Code. 28

(b) In committing the offense, the offender made a threat of 29
physical harm to or against the victim. 30

(c) In committing the offense, the offender trespassed on the 31
land or premises where the victim lives, is employed, or attends 32
school. 33

(d) The victim of the offense is a minor. 34

(e) The offender has a history of violence toward the victim 35
or any other person or a history of other violent acts toward the 36
victim or any other person. 37

(f) While committing the offense, the offender had a deadly 38
weapon on or about the offender's person or under the offender's 39
control. 40

(g) At the time of the commission of the offense, the 41
offender was the subject of a protection order issued under 42
section 2903.213 or 2903.214 of the Revised Code, regardless of 43

whether the person to be protected under the order is the victim
of the offense or another person.

(h) In committing the offense, the offender caused serious
physical harm to the premises at which the victim resides, to the
real property on which that premises is located, or to any
personal property located on that premises.

(i) Prior to committing the offense, the offender had been
determined to represent a substantial risk of physical harm to
others as manifested by evidence of then-recent homicidal or other
violent behavior, evidence of then-recent threats that placed
another in reasonable fear of violent behavior and serious
physical harm, or other evidence of then-present dangerousness.

(3) 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, menacing by stalking is either 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.

(C) Section 2919.271 of the Revised Code applies in relation
to a defendant charged with a violation of this section.

(D) As used in this section:

(1) "Pattern of conduct" means two or more actions or
incidents closely related in time, whether or not there has been a
prior conviction based on any of those actions or incidents.
Actions or incidents that prevent, obstruct, or delay the

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performance by a public official, firefighter, rescuer, ~~or~~ 75
emergency medical services person, or emergency facility person of 76
any authorized act within the public official's, firefighter's, 77
rescuer's, ~~or~~ emergency medical services person's, or emergency 78
facility person's official capacity may constitute a "pattern of 79
conduct." 80

(2) "Mental distress" means any mental illness or condition 81
that involves some temporary substantial incapacity or mental 82
illness or condition that would normally require psychiatric 83
treatment. 84

(3) "Emergency medical services person" is the singular of 85
"emergency medical services personnel" as defined in section 86
2133.21 of the Revised Code. 87

(4) "Emergency facility person" is the singular of "emergency 88
facility personnel" as defined in section 2909.04 of the Revised 89
Code. 90

(5) "Public official" has the same meaning as in section 91
2921.01 of the Revised Code. 92

Sec. 2909.04. (A) No person, purposely by any means or 93
knowingly by damaging or tampering with any property, shall do any 94
of the following: 95

(1) Interrupt or impair television, radio, telephone, 96
telegraph, or other mass communications service; police, fire, or 97
other public service communications; radar, loran, radio, or other 98
electronic aids to air or marine navigation or communications; or 99
amateur or citizens band radio communications being used for 100
public service or emergency communications; 101

(2) Interrupt or impair public transportation, including 102
without limitation school bus transportation, or water supply, 103
gas, power, or other utility service to the public; 104

(3) Substantially impair the ability of law enforcement officers, firefighters, rescue personnel, ~~or~~ emergency medical services personnel, or emergency facility personnel to respond to an emergency or to protect and preserve any person or property from serious physical harm.

(B) Whoever violates this section is guilty of disrupting public services, a felony of the fourth degree.

(C) As used in this section:

(1) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.

(2) "Emergency facility personnel" means any of the following:

(a) Any of the following individuals who perform services in the ordinary course of their professions in an emergency facility:

(i) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(ii) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;

(iii) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;

(iv) Health care workers;

(v) Clerical staffs.

(b) Any individual who is a security officer performing security services in an emergency facility;

(c) Any individual who is present in an emergency facility, who was summoned to the facility by an individual identified in division (C)(2)(a) or (b) of this section.

(3) "Emergency facility" means a hospital emergency

department or any other facility that provides emergency medical services. 134
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(4) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 136
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(5) "Health care worker" means an individual, other than an individual specified in division (C)(2)(a), (b), or (c) of this section, who provides medical or other health-related care or treatment in an emergency facility, including medical technicians, medical assistants, orderlies, aides, or individuals acting in similar capacities. 138
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Sec. 2917.11. (A) No person shall recklessly cause 144
inconvenience, annoyance, or alarm to another by doing any of the 145
following: 146

(1) Engaging in fighting, in threatening harm to persons or 147
property, or in violent or turbulent behavior; 148

(2) Making unreasonable noise or an offensively coarse 149
utterance, gesture, or display or communicating unwarranted and 150
grossly abusive language to any person; 151

(3) Insulting, taunting, or challenging another, under 152
circumstances in which that conduct is likely to provoke a violent 153
response; 154

(4) Hindering or preventing the movement of persons on a 155
public street, road, highway, or right-of-way, or to, from, 156
within, or upon public or private property, so as to interfere 157
with the rights of others, and by any act that serves no lawful 158
and reasonable purpose of the offender; 159

(5) Creating a condition that is physically offensive to 160
persons or that presents a risk of physical harm to persons or 161
property, by any act that serves no lawful and reasonable purpose 162
of the offender. 163

(B) No person, while voluntarily intoxicated, shall do either 164
of the following: 165

(1) In a public place or in the presence of two or more 166
persons, engage in conduct likely to be offensive or to cause 167
inconvenience, annoyance, or alarm to persons of ordinary 168
sensibilities, which conduct the offender, if the offender were 169
not intoxicated, should know is likely to have that effect on 170
others; 171

(2) Engage in conduct or create a condition that presents a 172
risk of physical harm to the offender or another, or to the 173
property of another. 174

(C) Violation of any statute or ordinance of which an element 175
is operating a motor vehicle, locomotive, watercraft, aircraft, or 176
other vehicle while under the influence of alcohol or any drug of 177
abuse, is not a violation of division (B) of this section. 178
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(D) If a person appears to an ordinary observer to be 180
intoxicated, it is probable cause to believe that person is 181
voluntarily intoxicated for purposes of division (B) of this 182
section. 183

(E)(1) Whoever violates this section is guilty of disorderly 184
conduct. 185

(2) Except as otherwise provided in division (E)(3) of this 186
section, disorderly conduct is a minor misdemeanor. 187

(3) Disorderly conduct is a misdemeanor of the fourth degree 188
if any of the following applies: 189

(a) The offender persists in disorderly conduct after 190
reasonable warning or request to desist. 191

(b) The offense is committed in the vicinity of a school or 192
in a school safety zone. 193

(c) The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.

(d) The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.

(F) As used in this section:

(1) "Emergency medical services person" is the singular ~~or~~ of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.

(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.

(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code.

(4) "Committed in the vicinity of a school" has the same meaning as in section 2925.01 of the Revised Code.

Sec. 2917.13. (A) No person shall knowingly do any of the following:

(1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;

(2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;

(3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(B) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.

(C) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this division, misconduct at an emergency is a minor misdemeanor. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(D) As used in this section:

(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.

(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.

(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code.

Section 2. That existing sections 2903.211, 2909.04, 2917.11, and 2917.13 of the Revised Code are hereby repealed.