

As Reported by the House Criminal Justice Committee

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Am. S. B. No. 40

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Hagan, White, Mumper, Amstutz, Espy, Nein, Robert Gardner**

**REPRESENTATIVES Womer Benjamin, Latta, Hughes, Seitz, Willamowski,
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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 division (B)(2) of this 21
section, menacing by stalking is a misdemeanor of the first 22
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 44
of the offense or another person. 45

(h) In committing the offense, the offender caused serious 46
physical harm to the premises at which the victim resides, to the 47

real property on which that premises is located, or to any 48
personal property located on that premises. 49

(i) Prior to committing the offense, the offender had been 50
determined to represent a substantial risk of physical harm to 51
others as manifested by evidence of then-recent homicidal or other 52
violent behavior, evidence of then-recent threats that placed 53
another in reasonable fear of violent behavior and serious 54
physical harm, or other evidence of then-present dangerousness. 55

(C) Section 2919.271 of the Revised Code applies in relation 56
to a defendant charged with a violation of this section. 57

(D) As used in this section: 58

(1) "Pattern of conduct" means two or more actions or 59
incidents closely related in time, whether or not there has been a 60
prior conviction based on any of those actions or incidents. 61
Actions or incidents that prevent, obstruct, or delay the 62
performance by a public official, firefighter, rescuer, ~~or~~ 63
emergency medical services person, or emergency facility person of 64
any authorized act within the public official's, firefighter's, 65
rescuer's, ~~or~~ emergency medical services person's, or emergency 66
facility person's official capacity may constitute a "pattern of 67
conduct." 68

(2) "Mental distress" means any mental illness or condition 69
that involves some temporary substantial incapacity or mental 70
illness or condition that would normally require psychiatric 71
treatment. 72

(3) "Emergency medical services person" is the singular of 73
"emergency medical services personnel" as defined in section 74
2133.21 of the Revised Code. 75

(4) "Emergency facility person" is the singular of "emergency 76
facility personnel" as defined in section 2909.04 of the Revised 77
Code. 78

(5) "Public official" has the same meaning as in section 2921.01 of the Revised Code. 79
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Sec. 2909.04. (A) No person, purposely by any means or knowingly by damaging or tampering with any property, shall do any of the following: 81
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(1) Interrupt or impair television, radio, telephone, telegraph, or other mass communications service; police, fire, or other public service communications; radar, loran, radio, or other electronic aids to air or marine navigation or communications; or amateur or citizens band radio communications being used for public service or emergency communications; 84
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(2) Interrupt or impair public transportation, including without limitation school bus transportation, or water supply, gas, power, or other utility service to the public; 90
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(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. 93
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(B) Whoever violates this section is guilty of disrupting public services, a felony of the fourth degree. 98
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(C) As used in this section: 100

(1) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code. 101
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(2) "Emergency facility personnel" means any of the following: 103
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(a) Any of the following individuals who perform services in the ordinary course of their professions in an emergency facility: 105
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(i) Physicians authorized under Chapter 4731. of the Revised 107

<u>Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	108
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<u>(ii) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;</u>	110
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<u>(iii) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;</u>	112
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<u>(iv) Health care workers;</u>	114
<u>(v) Clerical staffs.</u>	115
<u>(b) Any individual who is a security officer performing security services in an emergency facility;</u>	116
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<u>(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.</u>	118
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<u>(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.</u>	121
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<u>(4) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.</u>	124
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<u>(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.</u>	126
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Sec. 2917.11. (A) No person shall recklessly cause inconvenience, annoyance, or alarm to another by doing any of the following:	132
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(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;	135
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(2) Making unreasonable noise or an offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language to any person;	137 138 139
(3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response;	140 141 142
(4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;	143 144 145 146 147
(5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.	148 149 150 151
(B) No person, while voluntarily intoxicated, shall do either of the following:	152 153
(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if the offender were not intoxicated, should know is likely to have that effect on others;	154 155 156 157 158 159
(2) Engage in conduct or create a condition that presents a risk of physical harm to the offender or another, or to the property of another.	160 161 162
(C) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of division (B) of this section.	163 164 165 166 167

(D) If a person appears to an ordinary observer to be 168
intoxicated, it is probable cause to believe that person is 169
voluntarily intoxicated for purposes of division (B) of this 170
section. 171

(E)(1) Whoever violates this section is guilty of disorderly 172
conduct. 173

(2) Except as otherwise provided in division (E)(3) of this 174
section, disorderly conduct is a minor misdemeanor. 175

(3) Disorderly conduct is a misdemeanor of the fourth degree 176
if any of the following applies: 177

(a) The offender persists in disorderly conduct after 178
reasonable warning or request to desist. 179

(b) The offense is committed in the vicinity of a school or 180
in a school safety zone. 181

(c) The offense is committed in the presence of any law 182
enforcement officer, firefighter, rescuer, medical person, 183
emergency medical services person, or other authorized person who 184
is engaged in the person's duties at the scene of a fire, 185
accident, disaster, riot, or emergency of any kind. 186

(d) The offense is committed in the presence of any emergency 187
facility person who is engaged in the person's duties in an 188
emergency facility. 189

(F) As used in this section: 190

(1) "Emergency medical services person" is the singular ~~or~~ of 191
"emergency medical services personnel" as defined in section 192
2133.21 of the Revised Code. 193

(2) "Emergency facility person" is the singular of "emergency 194
facility personnel" as defined in section 2909.04 of the Revised 195
Code. 196

<u>(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code.</u>	197 198
<u>(4) "Committed in the vicinity of a school" has the same meaning as in section 2925.01 of the Revised Code.</u>	199 200
Sec. 2917.13. (A) No person shall knowingly do any of the following:	201 202
(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;	203 204 205 206 207
(2) <u>Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;</u>	208 209 210
<u>(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.</u>	211 212 213 214
(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.	215 216 217
(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.	218 219 220 221 222 223
(D) <u>As used in this section:</u>	224
<u>(1) "Emergency medical services person" is the singular of</u>	225

"emergency medical services personnel" as defined in section 2133.21 of the Revised Code. 226
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(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code. 228
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(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code. 231
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Section 2. That existing sections 2903.211, 2909.04, 2917.11, 233
and 2917.13 of the Revised Code are hereby repealed. 234