

As Introduced

**125th General Assembly
Regular Session
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S. B. No. 57

Senators Jacobson, Armbruster, Randy Gardner, Goodman, Harris, Stivers

A B I L L

To amend sections 2909.06, 2917.04, 2917.11, and 1
2917.13 and to enact sections 2917.031 and 5502.61 2
of the Revised Code to increase the penalty under 3
specified circumstances for failure to disperse, 4
criminal damaging or endangering, disorderly 5
conduct, and misconduct at an emergency and to 6
clarify the required proof for the offenses of 7
riot and aggravated riot. 8

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

Section 1. That sections 2909.06, 2917.04, 2917.11, and 9
2917.13 be amended and sections 2917.031 and 5502.61 of the 10
Revised Code be enacted to read as follows: 11

Sec. 2909.06. (A) No person shall cause, or create a 12
substantial risk of, physical harm to any property of another 13
without the other person's consent: 14

(1) Knowingly, by any means; 15

(2) Recklessly, by means of fire, explosion, flood, poison 16
gas, poison, radioactive material, caustic or corrosive material, 17
or other inherently dangerous agency or substance. 18

(B) (1) Whoever violates this section is guilty of criminal 19

damaging or endangering~~7~~. 20

(2) Except as otherwise provided in division (B)(3), (4), 21
(5), or (6) of this section, criminal damaging or endangering is a 22
misdemeanor of the second degree. ~~if~~ 23

(3) Except as otherwise provided in division (B)(4), (5), or 24
(6) of this section, if a violation of this section creates a risk 25
of physical harm to any person, criminal damaging or endangering 26
is a misdemeanor of the first degree. ~~if~~ 27

(4) Except as otherwise provided in division (B)(5) or (6) of 28
this section, if the property involved in a violation of this 29
section is an aircraft, an aircraft engine, propeller, appliance, 30
spare part, or any other equipment or implement used or intended 31
to be used in the operation of an aircraft and if the violation 32
creates a risk of physical harm to any person, criminal damaging 33
or endangering is a felony of the fifth degree. ~~if~~ 34

(5) If the property involved in a violation of this section 35
is an aircraft, an aircraft engine, propeller, appliance, spare 36
part, or any other equipment or implement used or intended to be 37
used in the operation of an aircraft and if the violation creates 38
a substantial risk of physical harm to any person or if the 39
property involved in a violation of this section is an occupied 40
aircraft, criminal damaging or endangering is a felony of the 41
fourth degree. 42

(6) If the violation causes physical harm to property and if 43
the value of the property involved is five thousand dollars or 44
more, criminal damaging is a felony of the fourth degree. 45

Sec. 2917.031. For the purposes of prosecuting violations of 46
sections 2917.02 and 2917.03 of the Revised Code, the state is not 47
required to allege or prove that the offender expressly agreed 48
with four or more others to commit any act that constitutes a 49

violation of either section prior to or while committing those 50
acts. It is sufficient that the state prove that the defendant 51
participated in a course of disorderly conduct with four or more 52
other persons at approximately the same time and in the same area, 53
when the circumstances described in division (A)(1), (A)(2), 54
(A)(3), (B)(1), or (B)(2) of section 2917.02 or division (A)(1), 55
(2), or (3) of section 2917.03 of the Revised Code apply. 56

Sec. 2917.04. (A) Where five or more persons are 57
participating in a course of disorderly conduct in violation of 58
section 2917.11 of the Revised Code, and there are other persons 59
in the vicinity whose presence creates the likelihood of physical 60
harm to persons or property or of serious public inconvenience, 61
annoyance, or alarm, a law enforcement officer or other public 62
official may order the participants and such other persons to 63
disperse. No person shall knowingly fail to obey such order. 64

(B) Nothing in this section requires persons to disperse who 65
are peaceably assembled for a lawful purpose. 66

(C)(1) Whoever violates this section is guilty of failure to 67
disperse. 68

(2) Except as otherwise provided in division (C)(3) of this 69
section, failure to disperse is a minor misdemeanor. 70

(3) Failure to disperse is a misdemeanor of the fourth degree 71
if any of the following apply: 72

(a) The failure to obey the order described in division (A) 73
of this section hampers the lawful operations of any law 74
enforcement officer, firefighter, rescuer, medical person, 75
emergency medical services person, or other authorized person who 76
is engaged in the person's duties at the scene of a fire, 77
accident, disaster, riot, or emergency of any kind. 78

(b) The failure to obey the order described in division (A) of this section hampers the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility. 79
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(c) The offender fails 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. 83
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(D) As used in this section: 87

(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code. 88
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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. 91
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(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code. 94
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Sec. 2917.11. (A) No person shall recklessly cause 96
inconvenience, annoyance, or alarm to another by doing any of the 97
following: 98

(1) Engaging in fighting, in threatening harm to persons or 99
property, or in violent or turbulent behavior; 100

(2) Making unreasonable noise or an offensively coarse 101
utterance, gesture, or display or communicating unwarranted and 102
grossly abusive language to any person; 103

(3) Insulting, taunting, or challenging another, under 104
circumstances in which that conduct is likely to provoke a violent 105
response; 106

(4) Hindering or preventing the movement of persons on a 107

public street, road, highway, or right-of-way, or to, from, 108
within, or upon public or private property, so as to interfere 109
with the rights of others, and by any act that serves no lawful 110
and reasonable purpose of the offender; 111

(5) Creating a condition that is physically offensive to 112
persons or that presents a risk of physical harm to persons or 113
property, by any act that serves no lawful and reasonable purpose 114
of the offender. 115

(B) No person, while voluntarily intoxicated, shall do either 116
of the following: 117

(1) In a public place or in the presence of two or more 118
persons, engage in conduct likely to be offensive or to cause 119
inconvenience, annoyance, or alarm to persons of ordinary 120
sensibilities, which conduct the offender, if the offender were 121
not intoxicated, should know is likely to have that effect on 122
others; 123

(2) Engage in conduct or create a condition that presents a 124
risk of physical harm to the offender or another, or to the 125
property of another. 126

(C) Violation of any statute or ordinance of which an element 127
is operating a motor vehicle, locomotive, watercraft, aircraft, or 128
other vehicle while under the influence of alcohol or any drug of 129
abuse, is not a violation of division (B) of this section. 130

(D) If a person appears to an ordinary observer to be 131
intoxicated, it is probable cause to believe that person is 132
voluntarily intoxicated for purposes of division (B) of this 133
section. 134

(E)(1) Whoever violates this section is guilty of disorderly 135
conduct. 136

(2) Except as otherwise provided in division (E)(3), (4), and 137

<u>(5) of this section, disorderly conduct is a minor misdemeanor.</u>	138
<u>(3) Disorderly Except as otherwise provided in division</u>	139
<u>(E)(5) of this section, disorderly</u> conduct is a misdemeanor of the	140
fourth degree if any of the following applies:	141
(a) The offender persists in disorderly conduct after	142
reasonable warning or request to desist.	143
(b) The offense is committed in the vicinity of a school or	144
in a school safety zone.	145
(c) The offense is committed in the presence of any law	146
enforcement officer, firefighter, rescuer, medical person,	147
emergency medical services person, or other authorized person who	148
is engaged in the person's duties at the scene of a fire,	149
accident, disaster, riot, or emergency of any kind.	150
(d) The offense is committed in the presence of any emergency	151
facility person who is engaged in the person's duties in an	152
emergency facility.	153
<u>(e) The offense is committed under circumstances that pose a</u>	154
<u>risk of physical harm to others and is committed on real property</u>	155
<u>that is owned by an institution of higher education and on which</u>	156
<u>are located dormitories or other types of student housing that</u>	157
<u>house more than one thousand people or within the geographical</u>	158
<u>area specified by the department of public safety pursuant to</u>	159
<u>section 5502.61 of the Revised Code surrounding an institution of</u>	160
<u>higher education of that nature.</u>	161
<u>(4) Disorderly conduct is a misdemeanor of the fourth degree</u>	162
<u>if the offender violates division (A)(4) of this section and if</u>	163
<u>the offender is one of four or more persons who are participating</u>	164
<u>in a course of disorderly conduct involving a violation of</u>	165
<u>division (A)(4) of this section.</u>	166
<u>(5) Disorderly conduct is a misdemeanor of the second degree</u>	167

<u>if the offender violates division (A)(4) of this section, if the</u>	168
<u>offender is one of four or more persons who are participating in a</u>	169
<u>course of disorderly conduct involving a violation of division</u>	170
<u>(A)(4) of this section, and if any of the following applies:</u>	171
<u>(a) The offender persists in disorderly conduct after</u>	172
<u>reasonable warning or request to desist.</u>	173
<u>(b) The offense is committed in the vicinity of a school or</u>	174
<u>in a school safety zone.</u>	175
<u>(c) The offense is committed in the presence of any law</u>	176
<u>enforcement officer, firefighter, rescuer, medical person,</u>	177
<u>emergency medical services person, or other authorized person who</u>	178
<u>is engaged in the person's duties at the scene of a fire,</u>	179
<u>accident, disaster, riot, or emergency of any kind.</u>	180
<u>(d) The offense is committed in the presence of any emergency</u>	181
<u>facility person who is engaged in the person's duties in an</u>	182
<u>emergency facility.</u>	183
(F) As used in this section:	184
(1) "Emergency medical services person" is the singular of	185
"emergency medical services personnel" as defined in section	186
2133.21 of the Revised Code.	187
(2) "Emergency facility person" is the singular of "emergency	188
facility personnel" as defined in section 2909.04 of the Revised	189
Code.	190
(3) "Emergency facility" has the same meaning as in section	191
2909.04 of the Revised Code.	192
(4) "Committed in the vicinity of a school" has the same	193
meaning as in section 2925.01 of the Revised Code.	194
<u>(5) "Institution of higher education" means institutions of</u>	195
<u>higher education as defined in section 3345.12 of the Revised Code</u>	196
<u>and nonpublic institutions of higher education that have received</u>	197

a certificate of authorization from the board of regents according 198
to Chapter 1713. of the Revised Code. 199

Sec. 2917.13. (A) No person shall knowingly do any of the 200
following: 201

(1) Hamper the lawful operations of any law enforcement 202
officer, firefighter, rescuer, medical person, emergency medical 203
services person, or other authorized person, engaged in the 204
person's duties at the scene of a fire, accident, disaster, riot, 205
or emergency of any kind; 206

(2) Hamper the lawful activities of any emergency facility 207
person who is engaged in the person's duties in an emergency 208
facility; 209

(3) Fail to obey the lawful order of any law enforcement 210
officer engaged in the law enforcement officer's duties at the 211
scene of or in connection with a fire, accident, disaster, riot, 212
or emergency of any kind. 213

(B) Nothing in this section shall be construed to limit 214
access or deny information to any news media representative in the 215
lawful exercise of the news media representative's duties. 216

(C) Whoever violates this section is guilty of misconduct at 217
an emergency. Except as otherwise provided in this division, 218
misconduct at an emergency is a ~~minor~~ misdemeanor of the fourth 219
degree. If a violation of this section creates a risk of physical 220
harm to persons or property, misconduct at an emergency is a 221
misdemeanor of the first degree. 222

(D) As used in this section: 223

(1) "Emergency medical services person" is the singular of 224
"emergency medical services personnel" as defined in section 225
2133.21 of the Revised Code. 226

(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code. 227
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(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code. 230
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Sec. 5502.61. For the purposes of division (E) of section 2917.11 of the Revised Code, the director of public safety shall by rule establish a geographical area that consists of not more than one thousand feet contiguous to real property that is owned by an institution of higher education and on which are located dormitories or other types of student housing that house more than one thousand people. Before adopting a rule establishing a geographical area in relation to a particular institution of higher education, the director shall consult with the sheriff of the county in which the institution is located, with the police department of any municipal corporation with jurisdiction over the institution, and, if one exists, with the chief state university law enforcement officer of the institution. 232
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As used in this section, "institution of higher education" has the same meaning as in section 2917.11 of the Revised Code. 245
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Section 2. That existing sections 2909.06, 2917.04, 2917.11, and 2917.13 of the Revised Code are hereby repealed. 247
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