

**As Introduced**

**127th General Assembly  
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**H. B. No. 141**

**Representative Letson**

**Cosponsors: Representatives Hagan, R., Fende, Harwood, Williams, B.,  
Mallory, Carano, Skindell, Miller, Budish, Yuko, Brown, Strahorn, Lundy,  
Foley**

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**A B I L L**

To amend sections 2903.13 and 2903.21 of the Revised 1  
Code to make an assault or aggravated menacing 2  
committed in a courthouse a felony of the fifth 3  
degree. 4

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

**Section 1.** That sections 2903.13 and 2903.21 of the Revised 5  
Code be amended to read as follows: 6

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt 7  
to cause physical harm to another or to another's unborn. 8

(B) No person shall recklessly cause serious physical harm to 9  
another or to another's unborn. 10

(C) Whoever violates this section is guilty of assault. 11  
Except as otherwise provided in division (C)(1), (2), (3), (4), or 12  
(5) of this section, assault is a misdemeanor of the first degree. 13

(1) Except as otherwise provided in this division, if the 14  
offense is committed by a caretaker against a functionally 15  
impaired person under the caretaker's care, assault is a felony of 16

the fourth degree. If the offense is committed by a caretaker 17  
against a functionally impaired person under the caretaker's care, 18  
if the offender previously has been convicted of or pleaded guilty 19  
to a violation of this section or section 2903.11 or 2903.16 of 20  
the Revised Code, and if in relation to the previous conviction 21  
the offender was a caretaker and the victim was a functionally 22  
impaired person under the offender's care, assault is a felony of 23  
the third degree. 24

(2) If the offense is committed in any of the following 25  
circumstances, assault is a felony of the fifth degree: 26

(a) The offense occurs in or on the grounds of a state 27  
correctional institution or an institution of the department of 28  
youth services, the victim of the offense is an employee of the 29  
department of rehabilitation and correction, the department of 30  
youth services, or a probation department or is on the premises of 31  
the particular institution for business purposes or as a visitor, 32  
and the offense is committed by a person incarcerated in the state 33  
correctional institution, by a person institutionalized in the 34  
department of youth services institution pursuant to a commitment 35  
to the department of youth services, by a parolee, by an offender 36  
under transitional control, under a community control sanction, or 37  
on an escorted visit, by a person under post-release control, or 38  
by an offender under any other type of supervision by a government 39  
agency. 40

(b) The offense occurs in or on the grounds of a local 41  
correctional facility, the victim of the offense is an employee of 42  
the local correctional facility or a probation department or is on 43  
the premises of the facility for business purposes or as a 44  
visitor, and the offense is committed by a person who is under 45  
custody in the facility subsequent to the person's arrest for any 46  
crime or delinquent act, subsequent to the person's being charged 47  
with or convicted of any crime, or subsequent to the person's 48

being alleged to be or adjudicated a delinquent child. 49

(c) The offense occurs off the grounds of a state 50  
correctional institution and off the grounds of an institution of 51  
the department of youth services, the victim of the offense is an 52  
employee of the department of rehabilitation and correction, the 53  
department of youth services, or a probation department, the 54  
offense occurs during the employee's official work hours and while 55  
the employee is engaged in official work responsibilities, and the 56  
offense is committed by a person incarcerated in a state 57  
correctional institution or institutionalized in the department of 58  
youth services who temporarily is outside of the institution for 59  
any purpose, by a parolee, by an offender under transitional 60  
control, under a community control sanction, or on an escorted 61  
visit, by a person under post-release control, or by an offender 62  
under any other type of supervision by a government agency. 63

(d) The offense occurs off the grounds of a local 64  
correctional facility, the victim of the offense is an employee of 65  
the local correctional facility or a probation department, the 66  
offense occurs during the employee's official work hours and while 67  
the employee is engaged in official work responsibilities, and the 68  
offense is committed by a person who is under custody in the 69  
facility subsequent to the person's arrest for any crime or 70  
delinquent act, subsequent to the person being charged with or 71  
convicted of any crime, or subsequent to the person being alleged 72  
to be or adjudicated a delinquent child and who temporarily is 73  
outside of the facility for any purpose or by a parolee, by an 74  
offender under transitional control, under a community control 75  
sanction, or on an escorted visit, by a person under post-release 76  
control, or by an offender under any other type of supervision by 77  
a government agency. 78

(e) The victim of the offense is a school teacher or 79  
administrator or a school bus operator, and the offense occurs in 80

a school, on school premises, in a school building, on a school bus, or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.

(f) The offense occurs in a courthouse or another building or structure in which a courtroom is located.

(3) If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties, assault is a felony of the fourth degree.

(4) If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation and if the victim suffered serious physical harm as a result of the commission of the offense, assault is a felony of the fourth degree, and the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least twelve months in duration.

(5) 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, assault 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 113  
offense related to the officer's or employee's performance or 114  
anticipated performance of official responsibilities or duties, a 115  
felony of the fourth degree. 116

(D) As used in this section: 117

(1) "Peace officer" has the same meaning as in section 118  
2935.01 of the Revised Code. 119

(2) "Firefighter" has the same meaning as in section 3937.41 120  
of the Revised Code. 121

(3) "Emergency medical service" has the same meaning as in 122  
section 4765.01 of the Revised Code. 123

(4) "Local correctional facility" means a county, 124  
multicounty, municipal, municipal-county, or multicounty-municipal 125  
jail or workhouse, a minimum security jail established under 126  
section 341.23 or 753.21 of the Revised Code, or another county, 127  
multicounty, municipal, municipal-county, or multicounty-municipal 128  
facility used for the custody of persons arrested for any crime or 129  
delinquent act, persons charged with or convicted of any crime, or 130  
persons alleged to be or adjudicated a delinquent child. 131

(5) "Employee of a local correctional facility" means a 132  
person who is an employee of the political subdivision or of one 133  
or more of the affiliated political subdivisions that operates the 134  
local correctional facility and who operates or assists in the 135  
operation of the facility. 136

(6) "School teacher or administrator" means either of the 137  
following: 138

(a) A person who is employed in the public schools of the 139  
state under a contract described in section 3319.08 of the Revised 140  
Code in a position in which the person is required to have a 141  
certificate issued pursuant to sections 3319.22 to 3319.311 of the 142

Revised Code.	143
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	144 145 146 147
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	148 149
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	150 151
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	152 153
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	154 155 156
<b>Sec. 2903.21.</b> (A) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.	157 158 159 160
(B) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this division, aggravated menacing is a misdemeanor of the first degree. 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, aggravated menacing is 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	161 162 163 164 165 166 167 168 169 170 171 172

the officer's or employee's performance or anticipated performance 173  
of official responsibilities or duties, a felony of the fourth 174  
degree. If the offense occurs in a courthouse or another building 175  
or structure in which a courtroom is located, aggravated menacing 176  
is a felony of the fifth degree. 177

**Section 2.** That existing sections 2903.13 and 2903.21 of the 178  
Revised Code are hereby repealed. 179