

As Introduced

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H. B. No. 142

Representative Batchelder

**Cosponsors: Representatives Bacon, Williams, B., Combs, Chandler, Bubp,
Fessler, Latta, Harwood, Fende, Adams, Wachtmann, White, Collier**

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A B I L L

To amend sections 2917.31, 4501.11, and 5503.02 of 1
the Revised Code to authorize the state highway 2
patrol to provide emergency assistance to a school 3
district confronted with a bomb threat or a 4
similar threat of imminent and catastrophic harm, 5
and to increase the penalty for inducing panic to 6
a felony of the second degree when a school is 7
involved. 8

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

Section 1. That sections 2917.31, 4501.11, and 5503.02 of the 9
Revised Code be amended to read as follows: 10

Sec. 2917.31. (A) No person shall cause the evacuation of any 11
public place, or otherwise cause serious public inconvenience or 12
alarm, by doing any of the following: 13

(1) Initiating or circulating a report or warning of an 14
alleged or impending fire, explosion, crime, or other catastrophe, 15
knowing that such report or warning is false; 16

(2) Threatening to commit any offense of violence; 17

(3) Committing any offense, with reckless disregard of the
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),
(5), (6), (7), or (8), ~~or (9)~~ of this section, inducing panic is a
misdemeanor of the first degree.

(3) Except as otherwise provided in division (C)(4), (5),
(6), (7), or (8), ~~or (9)~~ 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) Except as otherwise provided in division (C)(5), (6),
(7), or (8), ~~or (9)~~ 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
division (C)(3) of this section does not apply, inducing panic is
a felony of the fifth degree.

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

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

(5) ~~Except as otherwise provided in division (C)(6), (7),
(8), or (9) of this section, if~~ If the public place involved in a

violation of division (A)(1) of this section is a school, ~~the~~ 48
~~penalty shall be determined as follows:~~ 49

~~(a) Except as otherwise provided in division (C)(5)(b) or (c)~~ 50
~~of this section, inducing panic is a felony of the fourth degree.~~ 51

~~(b) If the violation results in physical harm to any person~~ 52
~~and if division (C)(5)(c)(iii) of this section does not apply,~~ 53
~~inducing panic is a felony of the third degree.~~ 54

~~(c) If the violation results in economic harm, the penalty~~ 55
~~shall be determined as follows:~~ 56

~~(i) If the violation results in economic harm of five hundred~~ 57
~~dollars or more but less than five thousand dollars and if~~ 58
~~division (C)(5)(b) of this section does not apply, inducing panic~~ 59
~~is a felony of the fourth degree.~~ 60

~~(ii) If the violation results in economic harm of five~~ 61
~~thousand dollars or more but less than one hundred thousand~~ 62
~~dollars, inducing panic is a felony of the third degree.~~ 63

~~(iii) If the violation results in economic harm of one~~ 64
~~hundred thousand dollars or more, inducing panic is a felony of~~ 65
~~the second degree.~~ 66

(6) If the violation pertains to a purported, threatened, or 67
actual use of a weapon of mass destruction, and except as 68
otherwise provided in division (C)(5), (7), or (8), ~~or (9)~~ of this 69
section, inducing panic is a felony of the fourth degree. 70

(7) If the violation pertains to a purported, threatened, or 71
actual use of a weapon of mass destruction, and except as 72
otherwise provided in division (C)~~(9)(a) or (c)~~(5) of this 73
section, if a violation of this section results in physical harm 74
to any person, inducing panic is a felony of the third degree. 75

(8) If the violation pertains to a purported, threatened, or 76
actual use of a weapon of mass destruction, and except as 77

otherwise provided in division (C)(9)(a) or (e)(5) of this 78
section, if a violation of this section results in economic harm 79
of one hundred thousand dollars or more, inducing panic is a 80
felony of the third degree. 81

~~(9)(a) If the public place involved in a violation of 82
division (A)(1) of this section is a school, if the violation 83
pertains to a purported, threatened, or actual use of a weapon of 84
mass destruction, and if the violation results in physical harm to 85
any person, inducing panic is a felony of the second degree. 86~~

~~(b) If the public place involved in a violation of division 87
(A)(1) of this section is a school, if the violation pertains to a 88
purported, threatened, or actual use of a weapon of mass 89
destruction, and if the violation results in economic harm of five 90
thousand dollars or more but less than one hundred thousand 91
dollars, and if division (C)(9)(a) of this section does not apply, 92
inducing panic is a felony of the third degree. 93~~

~~(c) If the public place involved in a violation of division 94
(A)(1) of this section is a school, if the violation pertains to a 95
purported, threatened, or actual use of a weapon of mass 96
destruction, and if the violation results in economic harm of one 97
hundred thousand dollars or more, inducing panic is a felony of 98
the second degree. 99~~

(D)(1) It is not a defense to a charge under this section 100
that pertains to a purported or threatened use of a weapon of mass 101
destruction that the offender did not possess or have the ability 102
to use a weapon of mass destruction or that what was represented 103
to be a weapon of mass destruction was not a weapon of mass 104
destruction. 105

(2) Any act that is a violation of this section and any other 106
section of the Revised Code may be prosecuted under this section, 107
the other section, or both sections. 108

(E) As used in this section:	109
(1) "Economic harm" means any of the following:	110
(a) All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:	111 112 113 114
(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;	115 116
(ii) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;	117 118 119
(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	120 121
(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	122 123
(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.	124 125 126 127 128 129 130
(2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.	131 132 133 134 135 136
(3) "Weapon of mass destruction" means any of the following:	137
(a) Any weapon that is designed or intended to cause death or	138

serious physical harm through the release, dissemination, or	139
impact of toxic or poisonous chemicals, or their precursors;	140
(b) Any weapon involving a disease organism or biological	141
agent;	142
(c) Any weapon that is designed to release radiation or	143
radioactivity at a level dangerous to human life;	144
(d) Any of the following, except to the extent that the item	145
or device in question is expressly excepted from the definition of	146
"destructive device" pursuant to 18 U.S.C. 921(a)(4) and	147
regulations issued under that section:	148
(i) Any explosive, incendiary, or poison gas bomb, grenade,	149
rocket having a propellant charge of more than four ounces,	150
missile having an explosive or incendiary charge of more than	151
one-quarter ounce, mine, or similar device;	152
(ii) Any combination of parts either designed or intended for	153
use in converting any item or device into any item or device	154
described in division (E)(3)(d)(i) of this section and from which	155
an item or device described in that division may be readily	156
assembled.	157
(4) "Biological agent" has the same meaning as in section	158
2917.33 of the Revised Code.	159
(5) "Emergency medical services personnel" has the same	160
meaning as in section 2133.21 of the Revised Code.	161
Sec. 4501.11. (A) There is hereby created in the state	162
treasury the security, investigations, and policing fund.	163
Notwithstanding section 5503.04 of the Revised Code, no fines	164
collected from or money arising from bonds or bail forfeited by	165
persons apprehended or arrested by state highway patrol troopers	166
shall be credited to the general revenue fund until sufficient	167
revenue to fund appropriations for the activities described under	168

division (B) of this section are credited to the security, 169
investigations, and policing fund. All investment earnings of the 170
security, investigations, and policing fund shall be credited to 171
that fund. 172

This division does not apply to fines for violations of 173
division (B) of section 4513.263 of the Revised Code, or to fines 174
for violations of any municipal ordinance that is substantively 175
comparable to that division, which fines shall be delivered to the 176
treasurer of state as provided in division (E) of section 4513.263 177
of the Revised Code. 178

(B) The money credited to the security, investigations, and 179
policing fund shall be used to pay the costs of: 180

(1) Providing security for the governor, other officials and 181
dignitaries, the capitol square, and other state property pursuant 182
to division ~~(E)~~(F) of section 5503.02 of the Revised Code; 183

(2) Undertaking major criminal investigations that involve 184
state property interests; 185

(3) Providing traffic control and security for the Ohio 186
expositions commission on a full-time, year-round basis; 187

(4) Performing nonhighway-related duties of the state highway 188
patrol at the Ohio state fair; 189

(5) Coordinating homeland security activities. 190

Sec. 5503.02. (A) The state highway patrol shall enforce the 191
laws of the state relating to the titling, registration, and 192
licensing of motor vehicles; enforce on all roads and highways, 193
notwithstanding section 4513.39 of the Revised Code, the laws 194
relating to the operation and use of vehicles on the highways; 195
enforce and prevent the violation of the laws relating to the 196
size, weight, and speed of commercial motor vehicles and all laws 197
designed for the protection of the highway pavements and 198

structures on the highways; investigate and enforce rules and laws 199
of the public utilities commission governing the transportation of 200
persons and property by motor carriers and report violations of 201
such rules and laws to the commission; enforce against any motor 202
transportation company as defined in section 4921.02 of the 203
Revised Code, any contract carrier by motor vehicle as defined in 204
section 4923.02 of the Revised Code, any private motor carrier as 205
defined in section 4923.20 of the Revised Code, and any motor 206
carrier as defined in section 4919.75 of the Revised Code those 207
rules and laws that, if violated, may result in a forfeiture as 208
provided in section 4905.83, 4919.99, 4921.99, or 4923.99 of the 209
Revised Code; investigate and report violations of all laws 210
relating to the collection of excise taxes on motor vehicle fuels; 211
and regulate the movement of traffic on the roads and highways of 212
the state, notwithstanding section 4513.39 of the Revised Code. 213

The patrol, whenever possible, shall determine the identity 214
of the persons who are causing or who are responsible for the 215
breaking, damaging, or destruction of any improved surfaced 216
roadway, structure, sign, marker, guardrail, or other appurtenance 217
constructed or maintained by the department of transportation and 218
shall arrest the persons who are responsible for the breaking, 219
damaging, or destruction and bring them before the proper 220
officials for prosecution. 221

State highway patrol troopers shall investigate and report 222
all motor vehicle accidents on all roads and highways outside of 223
municipal corporations. The superintendent of the patrol or any 224
state highway patrol trooper may arrest, without a warrant, any 225
person, who is the driver of or a passenger in any vehicle 226
operated or standing on a state highway, whom the superintendent 227
or trooper has reasonable cause to believe is guilty of a felony, 228
under the same circumstances and with the same power that any 229
peace officer may make such an arrest. 230

The superintendent or any state highway patrol trooper may 231
enforce the criminal laws on all state properties and state 232
institutions, owned or leased by the state, and, when so ordered 233
by the governor in the event of riot, civil disorder, or 234
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 235
Revised Code, arrest offenders against the criminal laws wherever 236
they may be found within the state if the violations occurred 237
upon, or resulted in injury to person or property on, state 238
properties or state institutions, or under the conditions 239
described in division (B) or (C) of this section. 240

(B) In the event of riot, civil disorder, or insurrection, or 241
the reasonable threat of riot, civil disorder, or insurrection, 242
and upon request, as provided in this section, of the sheriff of a 243
county or the mayor or other chief executive of a municipal 244
corporation, the governor may order the state highway patrol to 245
enforce the criminal laws within the area threatened by riot, 246
civil disorder, or insurrection, as designated by the governor, 247
upon finding that law enforcement agencies within the counties 248
involved will not be reasonably capable of controlling the riot, 249
civil disorder, or insurrection and that additional assistance is 250
necessary. In cities in which the sheriff is under contract to 251
provide exclusive police services pursuant to section 311.29 of 252
the Revised Code, in villages, and in the unincorporated areas of 253
the county, the sheriff has exclusive authority to request the use 254
of the patrol. In cities in which the sheriff does not exclusively 255
provide police services, the mayor, or other chief executive 256
performing the duties of mayor, has exclusive authority to request 257
the use of the patrol. 258

The superintendent or any state highway patrol trooper may 259
enforce the criminal laws within the area designated by the 260
governor during the emergency arising out of the riot, civil 261
disorder, or insurrection until released by the governor upon 262

consultation with the requesting authority. State highway patrol 263
troopers shall never be used as peace officers in connection with 264
any strike or labor dispute. 265

When a request for the use of the patrol is made pursuant to 266
this division, the requesting authority shall notify the law 267
enforcement authorities in contiguous communities and the sheriff 268
of each county within which the threatened area, or any part of 269
the threatened area, lies of the request, but the failure to 270
notify the authorities or a sheriff shall not affect the validity 271
of the request. 272

(C) The state highway patrol may provide emergency assistance 273
to a school district if all of the following apply: 274

(1) The school district has received a threat of a bomb, 275
fire, explosion, or similar catastrophic event concerning one or 276
more school buildings, facilities, or vehicles; 277

(2) The threat poses a risk of imminent harm to persons or 278
property under the authority or control of the school district; 279

(3) The school district believes immediate assistance is 280
required; and 281

(4) The state highway patrol receives a written request for 282
emergency assistance from either of the following: 283

(a) The sheriff of any county in which territory of the 284
school district is located; or 285

(b) The chief law enforcement officer of any municipal 286
corporation located wholly or partly within the territorial 287
boundaries of the school district. 288

(D) Any person who is arrested by the superintendent or a 289
state highway patrol trooper shall be taken before any court or 290
magistrate having jurisdiction of the offense with which the 291
person is charged. Any person who is arrested or apprehended 292

within the limits of a municipal corporation shall be brought 293
before the municipal court or other tribunal of the municipal 294
corporation. 295

~~(D)~~(E)(1) State highway patrol troopers have the same right 296
and power of search and seizure as other peace officers. 297

No state official shall command, order, or direct any state 298
highway patrol trooper to perform any duty or service that is not 299
authorized by law. The powers and duties conferred on the patrol 300
are supplementary to, and in no way a limitation on, the powers 301
and duties of sheriffs or other peace officers of the state. 302

(2)(a) ~~A~~ Except as otherwise provided in division (C) of this 303
section, a state highway patrol trooper, pursuant to the policy 304
established by the superintendent of the state highway patrol 305
under division ~~(D)~~(E)(2)(b) of this section, may render emergency 306
assistance to any other peace officer who has arrest authority 307
under section 2935.03 of the Revised Code, if both of the 308
following apply: 309

(i) There is a threat of imminent physical danger to the 310
peace officer, a threat of physical harm to another person, or any 311
other serious emergency situation; 312

(ii) Either the peace officer requests emergency assistance 313
or it appears that the peace officer is unable to request 314
emergency assistance and the circumstances observed by the state 315
highway patrol trooper reasonably indicate that emergency 316
assistance is appropriate. 317

(b) The superintendent of the state highway patrol shall 318
establish, within sixty days of August 8, 1991, a policy that sets 319
forth the manner and procedures by which a state highway patrol 320
trooper may render emergency assistance to any other peace officer 321
under division ~~(D)~~(E)(2)(a) of this section. The policy shall 322
include a provision that a state highway patrol trooper never be 323

used as a peace officer in connection with any strike or labor 324
dispute. 325

(3)(a) A state highway patrol trooper who renders emergency 326
assistance to any other peace officer under the policy established 327
by the superintendent pursuant to division ~~(D)~~(E)(2)(b) of this 328
section or who renders emergency assistance as provided in 329
division (C) of this section shall be considered to be performing 330
regular employment for the purposes of compensation, pension, 331
indemnity fund rights, workers' compensation, and other rights or 332
benefits to which the trooper may be entitled as incident to 333
regular employment. 334

(b) A state highway patrol trooper who renders emergency 335
assistance to any other peace officer under the policy established 336
by the superintendent pursuant to division ~~(D)~~(E)(2)(b) of this 337
section or who renders emergency assistance as provided in 338
division (C) of this section retains personal immunity from 339
liability as specified in section 9.86 of the Revised Code. 340

(c) A state highway patrol trooper who renders emergency 341
assistance under the policy established by the superintendent 342
pursuant to division ~~(D)~~(E)(2)(b) of this section has the same 343
authority as the peace officer for or with whom the state highway 344
patrol trooper is providing emergency assistance. 345

~~(E)~~(F)(1) Subject to the availability of funds specifically 346
appropriated by the general assembly for security detail purposes, 347
the state highway patrol shall provide security as follows: 348

(a) For the governor; 349

(b) At the direction of the governor, for other officials of 350
the state government of this state; officials of the state 351
governments of other states who are visiting this state; officials 352
of the United States government who are visiting this state; 353
officials of the governments of foreign countries or their 354

political subdivisions who are visiting this state; or other 355
officials or dignitaries who are visiting this state, including, 356
but not limited to, members of trade missions; 357

(c) For the capitol square, as defined in section 105.41 of 358
the Revised Code; 359

(d) For other state property. 360

(2) To carry out the security responsibilities of the patrol 361
listed in division ~~(E)~~(F)(1) of this section, the superintendent 362
may assign state highway patrol troopers to a separate unit that 363
is responsible for security details. The number of troopers 364
assigned to particular security details shall be determined by the 365
superintendent. 366

(3) The superintendent and any state highway patrol trooper, 367
when providing security pursuant to division ~~(E)~~(F)(1)(a) or (b) 368
of this section, have the same arrest powers as other peace 369
officers to apprehend offenders against the criminal laws who 370
endanger or threaten the security of any person being protected, 371
no matter where the offense occurs. 372

The superintendent, any state highway patrol trooper, and any 373
special police officer designated under section 5503.09 of the 374
Revised Code, when providing security pursuant to division 375
~~(E)~~(F)(1)(c) of this section, shall enforce any rules governing 376
capitol square adopted by the capitol square review and advisory 377
board. 378

~~(F)~~(G) The governor may order the state highway patrol to 379
undertake major criminal investigations that involve state 380
property interests. If an investigation undertaken pursuant to 381
this division results in either the issuance of a no bill or the 382
filing of an indictment, the superintendent shall file a complete 383
and accurate report of the investigation with the president of the 384
senate, the speaker of the house of representatives, the minority 385

leader of the senate, and the minority leader of the house of 386
representatives within fifteen days after the issuance of the no 387
bill or the filing of an indictment. If the investigation does not 388
have as its result any prosecutorial action, the superintendent 389
shall, upon reporting this fact to the governor, file a complete 390
and accurate report of the investigation with the president of the 391
senate, the speaker of the house of representatives, the minority 392
leader of the senate, and the minority leader of the house of 393
representatives. 394

~~(G)~~(H) The superintendent may purchase or lease real property 395
and buildings needed by the patrol, negotiate the sale of real 396
property owned by the patrol, rent or lease real property owned or 397
leased by the patrol, and make or cause to be made repairs to all 398
property owned or under the control of the patrol. Any instrument 399
by which real property is acquired pursuant to this division shall 400
identify the agency of the state that has the use and benefit of 401
the real property as specified in section 5301.012 of the Revised 402
Code. 403

Sections 123.01 and 125.02 of the Revised Code do not limit 404
the powers granted to the superintendent by this division. 405

Section 2. That existing sections 2917.31, 4501.11 and 406
5503.02 of the Revised Code are hereby repealed. 407