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Representative Batchelder

**Cosponsors: Representatives Bacon, Williams, B., Combs, Chandler, Bupp,
Fessler, Latta, Harwood, Fende, Adams, Wachtmann, White, Collier,
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Healy, Hite, Hughes, Mallory, Mandel, Oelslager, Otterman, Patton, Peterson,
Schindel, Wagoner, Webster, Yuko, Zehringer**

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A B I L L

To amend sections 2917.31 and 3313.482 of the Revised 1
Code to increase the penalty for inducing panic to 2
a felony of the second degree when a school or an 3
institution of higher education is involved, and 4
to permit school districts to make up excess 5
calamity days by adding extra hours to the 6
remaining days in the school year. 7

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

Section 1. That sections 2917.31 and 3313.482 of the Revised 8
Code be amended to read as follows: 9

Sec. 2917.31. (A) No person shall cause the evacuation of any 10
public place, or otherwise cause serious public inconvenience or 11
alarm, by doing any of the following: 12

(1) Initiating or circulating a report or warning of an 13
alleged or impending fire, explosion, crime, or other catastrophe, 14
knowing that such report or warning is false; 15

(2) Threatening to commit any offense of violence;	16
(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.	17 18 19
(B) Division (A)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.	20 21
(C)(1) Whoever violates this section is guilty of inducing panic.	22 23
(2) Except as otherwise provided in division (C)(3), (4), (5), (6), (7), <u>or</u> (8), or (9) of this section, inducing panic is a misdemeanor of the first degree.	24 25 26
(3) Except as otherwise provided in division (C)(4), (5), (6), (7), <u>or</u> (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.	27 28 29 30
(4) Except as otherwise provided in division (C)(5), (6), (7), <u>or</u> (8), or (9) of this section, if a violation of this section results in economic harm, the penalty shall be determined as follows:	31 32 33 34
(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.	35 36 37 38
(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.	39 40 41
(c) If the violation results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree.	42 43 44
(5) Except as otherwise provided in division (C)(6), (7),	45

~~(8), or (9) of this section, if~~ If the public place involved in a 46
violation of division (A)(1) of this section is a school,~~the~~ 47
~~penalty shall be determined as follows:~~ 48

~~(a) Except as otherwise provided in division (C)(5)(b) or (c)~~ 49
~~of this section, inducing panic is a felony of the fourth degree.~~ 50

~~(b) If the violation results in physical harm to any person~~ 51
~~and if division (C)(5)(c)(iii) of this section does not apply,~~ 52
~~inducing panic is a felony of the third degree.~~ 53

~~(c) If the violation results in economic harm, the penalty~~ 54
~~shall be determined as follows:~~ 55

~~(i) If the violation results in economic harm of five hundred~~ 56
~~dollars or more but less than five thousand dollars and if~~ 57
~~division (C)(5)(b) of this section does not apply, inducing panic~~ 58
~~is a felony of the fourth degree.~~ 59

~~(ii) If the violation results in economic harm of five~~ 60
~~thousand dollars or more but less than one hundred thousand~~ 61
~~dollars, inducing panic is a felony of the third degree.~~ 62

~~(iii) If the violation results in economic harm of one~~ 63
~~hundred thousand dollars or more~~ or an institution of higher 64
education, inducing panic is a felony of the second degree. 65

(6) If the violation pertains to a purported, threatened, or 66
actual use of a weapon of mass destruction, and except as 67
otherwise provided in division (C)(5), (7), or (8), ~~or (9)~~ of this 68
section, inducing panic is a felony of the fourth degree. 69

(7) If the violation pertains to a purported, threatened, or 70
actual use of a weapon of mass destruction, and except as 71
otherwise provided in division (C)~~(9)(a) or (c)~~(5) of this 72
section, if a violation of this section results in physical harm 73
to any person, inducing panic is a felony of the third degree. 74

(8) If the violation pertains to a purported, threatened, or 75

actual use of a weapon of mass destruction, and except as 76
otherwise provided in division (C)(9)(a) or (e)(5) of this 77
section, if a violation of this section results in economic harm 78
of one hundred thousand dollars or more, inducing panic is a 79
felony of the third degree. 80

~~(9)(a) If the public place involved in a violation of 81
division (A)(1) of this section is a school, if the violation 82
pertains to a purported, threatened, or actual use of a weapon of 83
mass destruction, and if the violation results in physical harm to 84
any person, inducing panic is a felony of the second degree. 85~~

~~(b) If the public place involved in a violation of division 86
(A)(1) of this section is a school, if the violation pertains to a 87
purported, threatened, or actual use of a weapon of mass 88
destruction, and if the violation results in economic harm of five 89
thousand dollars or more but less than one hundred thousand 90
dollars, and if division (C)(9)(a) of this section does not apply, 91
inducing panic is a felony of the third degree. 92~~

~~(c) If the public place involved in a violation of division 93
(A)(1) of this section is a school, if the violation pertains to a 94
purported, threatened, or actual use of a weapon of mass 95
destruction, and if the violation results in economic harm of one 96
hundred thousand dollars or more, inducing panic is a felony of 97
the second degree. 98~~

(D)(1) It is not a defense to a charge under this section 99
that pertains to a purported or threatened use of a weapon of mass 100
destruction that the offender did not possess or have the ability 101
to use a weapon of mass destruction or that what was represented 102
to be a weapon of mass destruction was not a weapon of mass 103
destruction. 104

(2) Any act that is a violation of this section and any other 105
section of the Revised Code may be prosecuted under this section, 106

the other section, or both sections.	107
(E) As used in this section:	108
(1) "Economic harm" means any of the following:	109
(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:	110
(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;	111
(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;	112
(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	113
(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	114
(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.	115
(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.	116
(3) "Weapon of mass destruction" means any of the following:	117

(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;	137 138 139
(b) Any weapon involving a disease organism or biological agent;	140 141
(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;	142 143
(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:	144 145 146 147
(i) Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;	148 149 150 151
(ii) Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (E)(3)(d)(i) of this section and from which an item or device described in that division may be readily assembled.	152 153 154 155 156
(4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code.	157 158
(5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.	159 160
<u>(6) "Institution of higher education" means any of the following:</u>	161 162
<u>(a) A state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college;</u>	163 164 165
<u>(b) A private, nonprofit college, university or other</u>	166

post-secondary institution located in this state that possesses a 167
certificate of authorization issued by the Ohio board of regents 168
pursuant to Chapter 1713. of the Revised Code; 169

(c) A post-secondary institution with a certificate of 170
registration issued by the state board of career colleges and 171
schools under Chapter 3332. of the Revised Code. 172

Sec. 3313.482. (A) Annually, prior to the first day of 173
September, the board of education of each city, local, and 174
exempted village school district shall adopt a resolution 175
specifying a contingency plan under which the district's students 176
will make up days on which it was necessary to close schools for 177
any of the reasons specified in division (B) of section 3317.01 of 178
the Revised Code, if any such days must be made up in order to 179
comply with the requirements of that section and sections 3313.48 180
and 3313.481 of the Revised Code. The resolution shall provide in 181
the plan for making up at least five full school days. No 182
resolution adopted pursuant to this division shall conflict with 183
any collective bargaining agreement into which a board has entered 184
pursuant to Chapter 4117. of the Revised Code and that is in 185
effect in the district. 186

~~(b)~~(B) Notwithstanding the content of the contingency plan it 187
adopts under division (A) of this section, if a school district 188
closes or evacuates any school building for any of the reasons 189
specified in division (B) of section 3317.01 of the Revised Code, 190
or as a result of a bomb threat or any other report of an alleged 191
or impending explosion, and if, as a result of the closing or 192
evacuation, the school district would be unable to meet the 193
requirements of sections 3313.48, 3313.481, and 3317.01 of the 194
Revised Code regarding the number of days schools must be open for 195
instruction or the requirements of the state minimum standards for 196
the school day that are established by the department of education 197

regarding the number of hours there must be in the school day, the 198
school district may increase the length of one or more other 199
school days for the school that was closed or evacuated, in 200
increments of one-half hour, to make up the number of hours or 201
days that the school building in question was so closed or 202
evacuated for the purpose of satisfying the requirements of those 203
sections regarding the number of days schools must be open for 204
instruction or the requirements of those standards regarding the 205
number of hours there must be in the school day. Notwithstanding 206
the provisions of sections 3313.48, 3313.481, and 3317.01 of the 207
Revised Code and the requirements of the state minimum standards 208
for the school day that are established by the department of 209
education and notwithstanding the content of the contingency plan 210
it adopts under division (A) of this section, a school district 211
that makes up, as described in this division, all of the hours or 212
days that its school buildings were so closed or evacuated shall 213
be deemed to have complied with the requirements of those sections 214
regarding the number of days schools must be open for instruction 215
and the requirements of those minimum standards regarding the 216
number of hours there must be in the school day. 217

Section 2. That existing sections 2917.31 and 3313.482 of the 218
Revised Code is hereby repealed. 219