

**As Passed by the Senate**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Am. Sub. H. B. No. 142**

**Representative Batchelder**

**Cosponsors: Representatives Bacon, Williams, B., Combs, Chandler, Bupp,  
Fessler, Latta, Harwood, Fende, Adams, Wachtmann, White, Collier,  
Aslanides, Domenick, Boyd, DeBose, Distel, Dyer, Flowers, Gibbs, Hagan, J.,  
Healy, Hite, Hughes, Mallory, Mandel, Oelslager, Otterman, Patton, Peterson,  
Schindel, Wagoner, Webster, Yuko, Zehringer**

**Senators Grendell, Schaffer, Faber, Cates, Harris, Niehaus, Padgett, Spada**

—

**A B I L L**

To amend sections 2917.31 and 3313.482 of the Revised Code to increase the penalty for inducing panic to a felony of the second degree when a school or an institution of higher education is involved, and to permit school districts to make up calamity days caused other than by a bomb threat in excess of the total number of days specified in their contingency plans and otherwise allowed by adding extra hours to the remaining days in the school year. 1  
2  
3  
4  
5  
6  
7  
8  
9  
10

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

**Section 1.** That sections 2917.31 and 3313.482 of the Revised Code be amended to read as follows: 11  
12

**Sec. 2917.31.** (A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or 13  
14

alarm, by doing any of the following: 15

(1) Initiating or circulating a report or warning of an 16  
alleged or impending fire, explosion, crime, or other catastrophe, 17  
knowing that such report or warning is false; 18

(2) Threatening to commit any offense of violence; 19

(3) Committing any offense, with reckless disregard of the 20  
likelihood that its commission will cause serious public 21  
inconvenience or alarm. 22

(B) Division (A)(1) of this section does not apply to any 23  
person conducting an authorized fire or emergency drill. 24

(C)(1) Whoever violates this section is guilty of inducing 25  
panic. 26

(2) Except as otherwise provided in division (C)(3), (4), 27  
(5), (6), (7), or (8), ~~or (9)~~ of this section, inducing panic is a 28  
misdemeanor of the first degree. 29

(3) Except as otherwise provided in division (C)(4), (5), 30  
(6), (7), or (8), ~~or (9)~~ of this section, if a violation of this 31  
section results in physical harm to any person, inducing panic is 32  
a felony of the fourth degree. 33

(4) Except as otherwise provided in division (C)(5), (6), 34  
(7), or (8), ~~or (9)~~ of this section, if a violation of this 35  
section results in economic harm, the penalty shall be determined 36  
as follows: 37

(a) If the violation results in economic harm of five hundred 38  
dollars or more but less than five thousand dollars and if 39  
division (C)(3) of this section does not apply, inducing panic is 40  
a felony of the fifth degree. 41

(b) If the violation results in economic harm of five 42  
thousand dollars or more but less than one hundred thousand 43  
dollars, inducing panic is a felony of the fourth degree. 44

(c) If the violation results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree. 45  
46  
47

~~(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 penalty shall be determined as follows:~~ 48  
49  
50  
51

~~(a) Except as otherwise provided in division (C)(5)(b) or (c) of this section, inducing panic is a felony of the fourth degree.~~ 52  
53

~~(b) If the violation results in physical harm to any person and if division (C)(5)(c)(iii) of this section does not apply, inducing panic is a felony of the third degree.~~ 54  
55  
56

~~(c) If the violation results in economic harm, the penalty shall be determined as follows:~~ 57  
58

~~(i) If the violation results in economic harm of five hundred dollars or more but less than five thousand dollars and if division (C)(5)(b) of this section does not apply, inducing panic is a felony of the fourth degree.~~ 59  
60  
61  
62

~~(ii) 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 third degree.~~ 63  
64  
65

~~(iii) If the violation results in economic harm of one hundred thousand dollars or more~~ or an institution of higher education, inducing panic is a felony of the second degree. 66  
67  
68

(6) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)~~(5)~~, (7), or (8), ~~or (9)~~ of this section, inducing panic is a felony of the fourth degree. 69  
70  
71  
72

(7) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as 73  
74

otherwise provided in division (C)~~(9)(a)~~ or (e)(5) of this 75  
section, if a violation of this section results in physical harm 76  
to any person, inducing panic is a felony of the third degree. 77

(8) If the violation pertains to a purported, threatened, or 78  
actual use of a weapon of mass destruction, and except as 79  
otherwise provided in division (C)~~(9)(a)~~ or (e)(5) of this 80  
section, if a violation of this section results in economic harm 81  
of one hundred thousand dollars or more, inducing panic is a 82  
felony of the third degree. 83

~~(9)(a) If the public place involved in a violation of 84  
division (A)(1) of this section is a school, if the violation 85  
pertains to a purported, threatened, or actual use of a weapon of 86  
mass destruction, and if the violation results in physical harm to 87  
any person, inducing panic is a felony of the second degree. 88~~

~~(b) If the public place involved in a violation of division 89  
(A)(1) of this section is a school, if the violation pertains to a 90  
purported, threatened, or actual use of a weapon of mass 91  
destruction, and if the violation results in economic harm of five 92  
thousand dollars or more but less than one hundred thousand 93  
dollars, and if division (C)(9)(a) of this section does not apply, 94  
inducing panic is a felony of the third degree. 95~~

~~(c) If the public place involved in a violation of division 96  
(A)(1) of this section is a school, if the violation pertains to a 97  
purported, threatened, or actual use of a weapon of mass 98  
destruction, and if the violation results in economic harm of one 99  
hundred thousand dollars or more, inducing panic is a felony of 100  
the second degree. 101~~

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

to be a weapon of mass destruction was not a weapon of mass  
destruction.

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

(E) As used in this section:

(1) "Economic harm" means any of the following:

(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:

(i) All wages, salaries, or other compensation lost as a  
result of the criminal conduct;

(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;

(iii) The overhead costs incurred for the time that a  
business is shut down as a result of the criminal conduct;

(iv) The loss of value to tangible or intangible property  
that was damaged as a result of the criminal conduct.

(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.

(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, 136  
or training provided by the school is being conducted at the time 137  
a violation of this section is committed. 138

(3) "Weapon of mass destruction" means any of the following: 139

(a) Any weapon that is designed or intended to cause death or 140  
serious physical harm through the release, dissemination, or 141  
impact of toxic or poisonous chemicals, or their precursors; 142

(b) Any weapon involving a disease organism or biological 143  
agent; 144

(c) Any weapon that is designed to release radiation or 145  
radioactivity at a level dangerous to human life; 146

(d) Any of the following, except to the extent that the item 147  
or device in question is expressly excepted from the definition of 148  
"destructive device" pursuant to 18 U.S.C. 921(a)(4) and 149  
regulations issued under that section: 150

(i) Any explosive, incendiary, or poison gas bomb, grenade, 151  
rocket having a propellant charge of more than four ounces, 152  
missile having an explosive or incendiary charge of more than 153  
one-quarter ounce, mine, or similar device; 154

(ii) Any combination of parts either designed or intended for 155  
use in converting any item or device into any item or device 156  
described in division (E)(3)(d)(i) of this section and from which 157  
an item or device described in that division may be readily 158  
assembled. 159

(4) "Biological agent" has the same meaning as in section 160  
2917.33 of the Revised Code. 161

(5) "Emergency medical services personnel" has the same 162  
meaning as in section 2133.21 of the Revised Code. 163

(6) "Institution of higher education" means any of the 164  
following: 165

(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; 166  
167  
168

(b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code; 169  
170  
171  
172

(c) A post-secondary institution with a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code. 173  
174  
175

**Sec. 3313.482.** (A) Annually, prior to the first day of September, the board of education of each city, local, and exempted village school district shall adopt a resolution specifying a contingency plan under which the district's students will make up days on which it was necessary to close schools for any of the reasons specified in division (B) of section 3317.01 of the Revised Code, if any such days must be made up in order to comply with the requirements of that section and sections 3313.48 and 3313.481 of the Revised Code. The resolution shall provide in the plan for making up at least five full school days. No resolution adopted pursuant to this division shall conflict with any collective bargaining agreement into which a board has entered pursuant to Chapter 4117. of the Revised Code and that is in effect in the district. 176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189

~~(b)~~(B) Notwithstanding the content of the contingency plan it adopts under division (A) of this section, if a school district closes or evacuates any school building as a result of a bomb threat or any other report of an alleged or impending explosion, and if, as a result of the closing or evacuation, the school district would be unable to meet the requirements of sections 3313.48, 3313.481, and 3317.01 of the Revised Code regarding the 190  
191  
192  
193  
194  
195  
196

number of days schools must be open for instruction or the 197  
requirements of the state minimum standards for the school day 198  
that are established by the department of education regarding the 199  
number of hours there must be in the school day, the school 200  
district may increase the length of one or more other school days 201  
for the school that was closed or evacuated, in increments of 202  
one-half hour, to make up the number of hours or days that the 203  
school building in question was so closed or evacuated for the 204  
purpose of satisfying the requirements of those sections regarding 205  
the number of days schools must be open for instruction or the 206  
requirements of those standards regarding the number of hours 207  
there must be in the school day. ~~Notwithstanding~~ 208

(C) If a school district closes or evacuates any school 209  
building for any of the reasons specified in division (B) of 210  
section 3317.01 of the Revised Code, and if for that school the 211  
total number of full school days specified in the district's 212  
contingency plan adopted under division (A) of this section is 213  
insufficient to enable the school district to meet the 214  
requirements of sections 3313.48, 3313.481, and 3317.01 of the 215  
Revised Code regarding the number of days schools must be open for 216  
instruction or the requirements of the state minimum standards for 217  
the school day that are established by the department of education 218  
regarding the number of hours there must be in the school day, the 219  
school district may increase the length of one or more other 220  
school days for the school that was closed or evacuated, in 221  
increments of one-half hour, to make up the number of hours or 222  
days that the school building in question was so closed or 223  
evacuated for the purpose of satisfying the requirements of those 224  
sections regarding the number of days schools must be open for 225  
instruction or the requirements of those standards regarding the 226  
number of hours there must be in the school day. The district 227  
shall not be required to actually make up any of the days 228  
specified in the district's contingency plan prior to increasing 229



the length of one or more school days to make up the shortage of 230  
hours or days caused by the school's closure or evacuation, but in 231  
no case shall the district fail to make up the total number of 232  
full school days specified in the contingency plan in accordance 233  
with that plan. 234

(D) If a school district closes or evacuates a school 235  
building as a result of a bomb threat or any other report of an 236  
alleged or impending explosion and also closes or evacuates that 237  
school building on a different day for any of the reasons 238  
specified in division (B) of section 3317.01 of the Revised Code, 239  
division (B) of this section applies regarding the closing or 240  
evacuation of the school building as a result of the bomb threat 241  
or report of an alleged or impending explosion and division (C) of 242  
this section applies regarding the closing or evacuation of the 243  
school building for the reason specified in division (B) of 244  
section 3317.01 of the Revised Code. 245

Notwithstanding the provisions of sections 3313.48, 3313.481, 246  
and 3317.01 of the Revised Code and the requirements of the state 247  
minimum standards for the school day that are established by the 248  
department of education and notwithstanding the content of the 249  
contingency plan it adopts under division (A) of this section 250  
regarding the closing or evacuation of a school building as a 251  
result of a bomb threat or any other report of an alleged or 252  
impending explosion, a school district that makes up, as described 253  
in ~~this~~ division (B) or (C) of this section, all of the hours or 254  
days that its school buildings were ~~se~~ closed or evacuated for any 255  
of the reasons identified in division (B) or (C) of this section 256  
shall be deemed to have complied with the requirements of those 257  
sections regarding the number of days schools must be open for 258  
instruction and the requirements of those minimum standards 259  
regarding the number of hours there must be in the school day. 260

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

262

263