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Veterans Affairs Committee**

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

**Representative Batchelder**

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

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**A B I L L**

To amend section 2917.31 of the Revised Code to 1  
increase the penalty for inducing panic to a 2  
felony of the second degree when a school or an 3  
institution of higher education is involved. 4

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

**Section 1.** That section 2917.31 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 2917.31.** (A) No person shall cause the evacuation of any 7  
public place, or otherwise cause serious public inconvenience or 8  
alarm, by doing any of the following: 9

(1) Initiating or circulating a report or warning of an 10  
alleged or impending fire, explosion, crime, or other catastrophe, 11  
knowing that such report or warning is false; 12

(2) Threatening to commit any offense of violence; 13

(3) Committing any offense, with reckless disregard of the 14  
likelihood that its commission will cause serious public 15

inconvenience or alarm. 16

(B) Division (A)(1) of this section does not apply to any 17  
person conducting an authorized fire or emergency drill. 18

(C)(1) Whoever violates this section is guilty of inducing 19  
panic. 20

(2) Except as otherwise provided in division (C)(3), (4), 21  
(5), (6), (7), or (8), ~~or (9)~~ of this section, inducing panic is a 22  
misdemeanor of the first degree. 23

(3) Except as otherwise provided in division (C)(4), (5), 24  
(6), (7), or (8), ~~or (9)~~ of this section, if a violation of this 25  
section results in physical harm to any person, inducing panic is 26  
a felony of the fourth degree. 27

(4) Except as otherwise provided in division (C)(5), (6), 28  
(7), or (8), ~~or (9)~~ of this section, if a violation of this 29  
section results in economic harm, the penalty shall be determined 30  
as follows: 31

(a) If the violation results in economic harm of five hundred 32  
dollars or more but less than five thousand dollars and if 33  
division (C)(3) of this section does not apply, inducing panic is 34  
a felony of the fifth degree. 35

(b) If the violation results in economic harm of five 36  
thousand dollars or more but less than one hundred thousand 37  
dollars, inducing panic is a felony of the fourth degree. 38

(c) If the violation results in economic harm of one hundred 39  
thousand dollars or more, inducing panic is a felony of the third 40  
degree. 41

(5) ~~Except as otherwise provided in division (C)(6), (7), 42  
(8), or (9) of this section, if If the public place involved in a 43  
violation of division (A)(1) of this section is a school, ~~the 44  
penalty shall be determined as follows:~~ 45~~

~~(a) Except as otherwise provided in division (C)(5)(b) or (c) of this section, inducing panic is a felony of the fourth degree.~~ 46  
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~~(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.~~ 48  
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~~(c) If the violation results in economic harm, the penalty shall be determined as follows:~~ 51  
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~~(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.~~ 53  
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~~(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.~~ 57  
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~~(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.~~ 60  
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(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. 63  
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(7) 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)~~(9)(a) or (e)~~(5) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the third degree. 67  
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(8) 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)~~(9)(a) or (e)~~(5) of this section, if a violation of this section results in economic harm 72  
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of one hundred thousand dollars or more, inducing panic is a 76  
felony of the third degree. 77

~~(9)(a) If the public place involved in a violation of 78  
division (A)(1) of this section is a school, if the violation 79  
pertains to a purported, threatened, or actual use of a weapon of 80  
mass destruction, and if the violation results in physical harm to 81  
any person, inducing panic is a felony of the second degree. 82~~

~~(b) If the public place involved in a violation of division 83  
(A)(1) of this section is a school, if the violation pertains to a 84  
purported, threatened, or actual use of a weapon of mass 85  
destruction, and if the violation results in economic harm of five 86  
thousand dollars or more but less than one hundred thousand 87  
dollars, and if division (C)(9)(a) of this section does not apply, 88  
inducing panic is a felony of the third degree. 89~~

~~(c) If the public place involved in a violation of division 90  
(A)(1) of this section is a school, if the violation pertains to a 91  
purported, threatened, or actual use of a weapon of mass 92  
destruction, and if the violation results in economic harm of one 93  
hundred thousand dollars or more, inducing panic is a felony of 94  
the second degree. 95~~

(D)(1) It is not a defense to a charge under this section 96  
that pertains to a purported or threatened use of a weapon of mass 97  
destruction that the offender did not possess or have the ability 98  
to use a weapon of mass destruction or that what was represented 99  
to be a weapon of mass destruction was not a weapon of mass 100  
destruction. 101

(2) Any act that is a violation of this section and any other 102  
section of the Revised Code may be prosecuted under this section, 103  
the other section, or both sections. 104

(E) As used in this section: 105

(1) "Economic harm" means any of the following: 106

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

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

(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;

(b) Any weapon involving a disease organism or biological agent;	137 138
(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;	139 140
(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:	141 142 143 144
(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;	145 146 147 148
(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.	149 150 151 152 153
(4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code.	154 155
(5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.	156 157
<u>(6) "Institution of higher education" means any of the following:</u>	158 159
<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>	160 161 162
<u>(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;</u>	163 164 165 166

(c) A post-secondary institution with a certificate of 167  
registration issued by the state board of career colleges and 168  
schools under Chapter 3332. of the Revised Code. 169

**Section 2.** That existing section 2917.31 of the Revised Code 170  
is hereby repealed. 171