

**As Introduced**

**127th General Assembly  
Regular Session  
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**H. B. No. 183**

**Representative Setzer**

**Cosponsors: Representatives Evans, Webster**

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**A B I L L**

To amend section 2903.13 of the Revised Code to 1  
increase the penalty for assault to a felony of 2  
the fourth degree when the victim is a listed 3  
healthcare worker and to make assault against any 4  
school employee a felony of the fifth degree. 5

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

**Section 1.** That section 2903.13 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt 8  
to cause physical harm to another or to another's unborn. 9

(B) No person shall recklessly cause serious physical harm to 10  
another or to another's unborn. 11

(C) Whoever violates this section is guilty of assault. 12  
Except as otherwise provided in division (C)(1), (2), (3), (4), ~~or~~ 13  
(5), or (6) of this section, assault is a misdemeanor of the first 14  
degree. 15

(1) Except as otherwise provided in this division, if the 16  
offense is committed by a caretaker against a functionally 17  
impaired person under the caretaker's care, assault is a felony of 18

the fourth degree. If the offense is committed by a caretaker 19  
against a functionally impaired person under the caretaker's care, 20  
if the offender previously has been convicted of or pleaded guilty 21  
to a violation of this section or section 2903.11 or 2903.16 of 22  
the Revised Code, and if in relation to the previous conviction 23  
the offender was a caretaker and the victim was a functionally 24  
impaired person under the offender's care, assault is a felony of 25  
the third degree. 26

(2) If the offense is committed in any of the following 27  
circumstances, assault is a felony of the fifth degree: 28

(a) The offense occurs in or on the grounds of a state 29  
correctional institution or an institution of the department of 30  
youth services, the victim of the offense is an employee of the 31  
department of rehabilitation and correction, the department of 32  
youth services, or a probation department or is on the premises of 33  
the particular institution for business purposes or as a visitor, 34  
and the offense is committed by a person incarcerated in the state 35  
correctional institution, by a person institutionalized in the 36  
department of youth services institution pursuant to a commitment 37  
to the department of youth services, by a parolee, by an offender 38  
under transitional control, under a community control sanction, or 39  
on an escorted visit, by a person under post-release control, or 40  
by an offender under any other type of supervision by a government 41  
agency. 42

(b) The offense occurs in or on the grounds of a local 43  
correctional facility, the victim of the offense is an employee of 44  
the local correctional facility or a probation department or is on 45  
the premises of the facility for business purposes or as a 46  
visitor, and the offense is committed by a person who is under 47  
custody in the facility subsequent to the person's arrest for any 48  
crime or delinquent act, subsequent to the person's being charged 49  
with or convicted of any crime, or subsequent to the person's 50

being alleged to be or adjudicated a delinquent child. 51

(c) The offense occurs off the grounds of a state 52  
correctional institution and off the grounds of an institution of 53  
the department of youth services, the victim of the offense is an 54  
employee of the department of rehabilitation and correction, the 55  
department of youth services, or a probation department, the 56  
offense occurs during the employee's official work hours and while 57  
the employee is engaged in official work responsibilities, and the 58  
offense is committed by a person incarcerated in a state 59  
correctional institution or institutionalized in the department of 60  
youth services who temporarily is outside of the institution for 61  
any purpose, by a parolee, by an offender under transitional 62  
control, under a community control sanction, or on an escorted 63  
visit, by a person under post-release control, or by an offender 64  
under any other type of supervision by a government agency. 65

(d) The offense occurs off the grounds of a local 66  
correctional facility, the victim of the offense is an employee of 67  
the local correctional facility or a probation department, the 68  
offense occurs during the employee's official work hours and while 69  
the employee is engaged in official work responsibilities, and the 70  
offense is committed by a person who is under custody in the 71  
facility subsequent to the person's arrest for any crime or 72  
delinquent act, subsequent to the person being charged with or 73  
convicted of any crime, or subsequent to the person being alleged 74  
to be or adjudicated a delinquent child and who temporarily is 75  
outside of the facility for any purpose or by a parolee, by an 76  
offender under transitional control, under a community control 77  
sanction, or on an escorted visit, by a person under post-release 78  
control, or by an offender under any other type of supervision by 79  
a government agency. 80

(e) The victim of the offense is a school ~~teacher or~~ 81  
~~administrator or a school bus operator~~ employee, and the offense 82

occurs in a school, on school premises, in a school building, on a 83  
school bus, or while the victim is outside of school premises or a 84  
school bus and is engaged in duties or official responsibilities 85  
associated with the victim's employment or position as a school 86  
~~teacher or administrator or a school bus operator~~ employee, 87  
including, but not limited to, driving, accompanying, or 88  
chaperoning students at or on class or field trips, athletic 89  
events, or other school extracurricular activities or functions 90  
outside of school premises. 91

(3) If the victim of the offense is a peace officer or an 92  
investigator of the bureau of criminal identification and 93  
investigation, a firefighter, or a person performing emergency 94  
medical service, while in the performance of their official 95  
duties, assault is a felony of the fourth degree. 96

(4) If the victim of the offense is a peace officer or an 97  
investigator of the bureau of criminal identification and 98  
investigation and if the victim suffered serious physical harm as 99  
a result of the commission of the offense, assault is a felony of 100  
the fourth degree, and the court, pursuant to division (F) of 101  
section 2929.13 of the Revised Code, shall impose as a mandatory 102  
prison term one of the prison terms prescribed for a felony of the 103  
fourth degree that is at least twelve months in duration. 104

(5) If the victim of the offense is an officer or employee of 105  
a public children services agency or a private child placing 106  
agency and the offense relates to the officer's or employee's 107  
performance or anticipated performance of official 108  
responsibilities or duties, assault is either a felony of the 109  
fifth degree or, if the offender previously has been convicted of 110  
or pleaded guilty to an offense of violence, the victim of that 111  
prior offense was an officer or employee of a public children 112  
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

(6) Assault is a felony of the fourth degree if the victim of 117  
the offense is one of the following persons who is engaged in the 118  
performance of the victim's official duties and the offender knows 119  
or has reason to believe that the victim is one of the following 120  
persons: 121

(a) A registered nurse, licensed practical nurse, or advanced 122  
practice nurse licensed under Chapter 4723. of the Revised Code; 123

(b) A pharmacist licensed under Chapter 4729. of the Revised 124  
Code; 125

(c) A physician assistant authorized to practice under 126  
Chapter 4730. of the Revised Code; 127

(d) A physician authorized under Chapter 4731. of the Revised 128  
Code to practice medicine and surgery or osteopathic medicine and 129  
surgery or a podiatrist authorized under Chapter 4731. of the 130  
Revised Code to practice podiatric medicine and surgery; 131

(e) A psychologist licensed under Chapter 4732. of the 132  
Revised Code; 133

(f) A chiropractor licensed under Chapter 4734. of the 134  
Revised Code; 135

(g) A speech-language pathologist, audiologist, 136  
speech-language pathology aide, or audiology aide licensed under 137  
Chapter 4753. of the Revised Code; 138

(h) An occupational therapist, occupational therapy 139  
assistant, physical therapist, physical therapist assistant, or 140  
athletic trainer who is licensed under Chapter 4755. of the 141  
Revised Code or has received a permit under Chapter 4755. of the 142  
Revised Code; 143

(i) A professional clinical counselor, professional 144

counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code or a social work assistant registered under Chapter 4757. of the Revised Code; 145  
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(j) An independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II who is licensed under Chapter 4758. of the Revised Code or a counselor assistant, prevention specialist II, or prevention specialist I who has been issued a certificate pursuant to Chapter 4758. of the Revised Code; 149  
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(k) A dietician who is licensed under Chapter 4759. of the Revised Code; 155  
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(l) An anesthesiologist assistant who has been issued a certificate under Chapter 4760. of the Revised Code; 157  
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(m) A respiratory care professional licensed under Chapter 4761. of the Revised Code or a provider of respiratory care who has been issued a limited permit under Chapter 4761. of the Revised Code; 159  
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(n) An acupuncturist issued a certificate under Chapter 4762. of the Revised Code; 163  
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(o) A general X-ray machine operator, radiographer, radiation therapy technologist, or nuclear medicine technologist licensed under Chapter 4773. of the Revised Code; 165  
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(p) An orthotist, prosthetist, or pedorthist licensed under Chapter 4779. of the Revised Code. 168  
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(D) As used in this section: 170

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 171  
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(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code. 173  
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(3) "Emergency medical service" has the same meaning as in 175  
section 4765.01 of the Revised Code. 176

(4) "Local correctional facility" means a county, 177  
multicounty, municipal, municipal-county, or multicounty-municipal 178  
jail or workhouse, a minimum security jail established under 179  
section 341.23 or 753.21 of the Revised Code, or another county, 180  
multicounty, municipal, municipal-county, or multicounty-municipal 181  
facility used for the custody of persons arrested for any crime or 182  
delinquent act, persons charged with or convicted of any crime, or 183  
persons alleged to be or adjudicated a delinquent child. 184

(5) "Employee of a local correctional facility" means a 185  
person who is an employee of the political subdivision or of one 186  
or more of the affiliated political subdivisions that operates the 187  
local correctional facility and who operates or assists in the 188  
operation of the facility. 189

(6) "~~School teacher or administrator~~ employee" means either 190  
~~of the following:~~ 191

~~(a) A a person who is employed in the public schools of the 192  
state under a contract described in section 3319.08 of the Revised 193  
Code in a position in which the person is required to have a 194  
certificate issued pursuant to sections 3319.22 to 3319.311 of the 195  
Revised Code. 196~~

~~(b) A person who is employed by a nonpublic school for which 197  
the state board of education prescribes minimum standards under 198  
section 3301.07 by a city, local, exempted village, joint 199  
vocational, or cooperative education school district, an 200  
educational service center, or a community school established 201  
under Chapter 3314. of the Revised Code ~~and who is certificated, a 202  
nonpublic school chartered by the state board of education in 203  
accordance with section 3301.071 3301.16 of the Revised Code, or a 204  
county board of mental retardation and developmental disabilities. 205~~~~

(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	206 207
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	208 209
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	210 211
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	212 213 214
<u>(11) "School" has the same meaning as in section 2925.01 of the Revised Code and also includes an education program for handicapped children established by a county board of mental retardation and developmental disabilities under Chapter 3323. of the Revised Code.</u>	215 216 217 218 219
<u>(12) "School premises" has the same meaning as in section 2901.01 of the Revised Code and also includes both of the following:</u>	220 221 222
<u>(a) The parcel of real property on which an education program for handicapped children established by a county board of mental retardation and developmental disabilities under Chapter 3323. of the Revised Code is situated, whether or not any instruction, extracurricular activities, or training provided by the education program is being conducted on the premises at the time a criminal offense is committed;</u>	223 224 225 226 227 228 229
<u>(b) Any other parcel of real property that is owned or leased by a county board of mental retardation and developmental disabilities for use in an education program for handicapped children established by the board under Chapter 3323. of the Revised Code and on which some of the instruction, extracurricular activities, or training of the education program is conducted, whether or not any instruction, extracurricular activities, or</u>	230 231 232 233 234 235 236



training provided by the education program is being conducted on 237  
the parcel of real property at the time a criminal offense is 238  
committed. 239

(13) "School building" has the same meaning as in section 240  
2901.01 of the Revised Code and also includes any building in 241  
which any of the instruction, extracurricular activities, or 242  
training provided by an education program for handicapped children 243  
established by a county board of mental retardation and 244  
developmental disabilities under Chapter 3323. of the Revised Code 245  
is conducted, whether or not any instruction, extracurricular 246  
activities, or training provided by the education program is being 247  
conducted in the school building at the time a criminal offense is 248  
committed. 249

**Section 2.** That existing section 2903.13 of the Revised Code 250  
is hereby repealed. 251