

As Introduced

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Representative Letson

**Cosponsors: Representatives Fende, Foley, Okey, Huffman, Yuko, Chandler,
Luckie, Brown, Domenick, Boyd**

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A B I L L

To amend sections 2903.13 and 2903.21 of the Revised 1
Code to make an assault or aggravated menacing 2
committed in a courthouse a felony of the fifth 3
degree. 4

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

Section 1. That sections 2903.13 and 2903.21 of the Revised 5
Code be amended to read as follows: 6

Sec. 2903.13. (A) No person shall knowingly cause or attempt 7
to cause physical harm to another or to another's unborn. 8

(B) No person shall recklessly cause serious physical harm to 9
another or to another's unborn. 10

(C) Whoever violates this section is guilty of assault, and 11
the court shall sentence the offender as provided in this division 12
and divisions (C)(1), (2), (3), (4), (5), and (6) of this section. 13
Except as otherwise provided in division (C)(1), (2), (3), (4), or 14
(5) of this section, assault is a misdemeanor of the first 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, and the offense occurs in 82
a school, on school premises, in a school building, on a school 83
bus, or while the victim is outside of school premises or a school 84
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, including, but 87
not limited to, driving, accompanying, or chaperoning students at 88
or on class or field trips, athletic events, or other school 89
extracurricular activities or functions outside of school 90
premises. 91

(f) The offense occurs in a courthouse or another building or 92
structure in which a courtroom is located. 93

(3) If the victim of the offense is a peace officer or an 94
investigator of the bureau of criminal identification and 95
investigation, a firefighter, or a person performing emergency 96
medical service, while in the performance of their official 97
duties, assault is a felony of the fourth degree. 98

(4) If the victim of the offense is a peace officer or an 99
investigator of the bureau of criminal identification and 100
investigation and if the victim suffered serious physical harm as 101
a result of the commission of the offense, assault is a felony of 102
the fourth degree, and the court, pursuant to division (F) of 103
section 2929.13 of the Revised Code, shall impose as a mandatory 104
prison term one of the prison terms prescribed for a felony of the 105
fourth degree that is at least twelve months in duration. 106

(5) If the victim of the offense is an officer or employee of 107
a public children services agency or a private child placing 108
agency and the offense relates to the officer's or employee's 109
performance or anticipated performance of official 110
responsibilities or duties, assault is either a felony of the 111
fifth degree or, if the offender previously has been convicted of 112
or pleaded guilty to an offense of violence, the victim of that 113

prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

(6) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in division (G) of section 2929.24 of the Revised Code.

If an offender who is convicted of or pleads guilty to assault when it is a felony also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in division (C)(4) of this section, the court shall sentence the offender to a mandatory prison term as provided in division (D)(8) of section 2929.14 of the Revised Code.

(D) As used in this section:

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.

(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under

section 341.23 or 753.21 of the Revised Code, or another county, 145
multicounty, municipal, municipal-county, or multicounty-municipal 146
facility used for the custody of persons arrested for any crime or 147
delinquent act, persons charged with or convicted of any crime, or 148
persons alleged to be or adjudicated a delinquent child. 149

(5) "Employee of a local correctional facility" means a 150
person who is an employee of the political subdivision or of one 151
or more of the affiliated political subdivisions that operates the 152
local correctional facility and who operates or assists in the 153
operation of the facility. 154

(6) "School teacher or administrator" means either of the 155
following: 156

(a) A person who is employed in the public schools of the 157
state under a contract described in section 3319.08 of the Revised 158
Code in a position in which the person is required to have a 159
certificate issued pursuant to sections 3319.22 to 3319.311 of the 160
Revised Code. 161

(b) A person who is employed by a nonpublic school for which 162
the state board of education prescribes minimum standards under 163
section 3301.07 of the Revised Code and who is certificated in 164
accordance with section 3301.071 of the Revised Code. 165

(7) "Community control sanction" has the same meaning as in 166
section 2929.01 of the Revised Code. 167

(8) "Escorted visit" means an escorted visit granted under 168
section 2967.27 of the Revised Code. 169

(9) "Post-release control" and "transitional control" have 170
the same meanings as in section 2967.01 of the Revised Code. 171

(10) "Investigator of the bureau of criminal identification 172
and investigation" has the same meaning as in section 2903.11 of 173
the Revised Code. 174

Sec. 2903.21. (A) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.

(B) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this division, aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree. If the offense occurs in a courthouse or another building or structure in which a courtroom is located, aggravated menacing is a felony of the fifth degree.

Section 2. That existing sections 2903.13 and 2903.21 of the Revised Code are hereby repealed.