

As Introduced

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H. B. No. 450

Representatives Driehaus, Bolon

**Cosponsors: Representatives Oelslager, Domenick, Yuko, Garland, Gardner,
Patten, Chandler, Winburn, Letson**

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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 when the victim 2
is a registered nurse or a licensed practical 3
nurse engaged in the performance of official 4
duties whom the offender knows or has reasonable 5
cause to believe is a registered nurse or a 6
licensed practical nurse. 7

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

Section 1. That section 2903.13 of the Revised Code be 8
amended to read as follows: 9

Sec. 2903.13. (A) No person shall knowingly cause or attempt 10
to cause physical harm to another or to another's unborn. 11

(B) No person shall recklessly cause serious physical harm to 12
another or to another's unborn. 13

(C) (1) Whoever violates this section is guilty of assault, 14
~~and the court shall sentence the offender as provided in this~~ 15
~~division and divisions (C)(1), (2), (3), (4), (5), and (6) of this~~ 16
~~section.~~ Except as otherwise provided in division (C) ~~(1)~~, (2), 17
(3), (4), ~~or~~ (5), (6), or (7) of this section, assault is a 18

misdemeanor of the first degree. 19

~~(1)~~(2) Except as otherwise provided in this division, if the 20
offense is committed by a caretaker against a functionally 21
impaired person under the caretaker's care, assault is a felony of 22
the fourth degree. If the offense is committed by a caretaker 23
against a functionally impaired person under the caretaker's care, 24
if the offender previously has been convicted of or pleaded guilty 25
to a violation of this section or section 2903.11 or 2903.16 of 26
the Revised Code, and if in relation to the previous conviction 27
the offender was a caretaker and the victim was a functionally 28
impaired person under the offender's care, assault is a felony of 29
the third degree. 30

~~(2)~~(3) If the offense is committed in any of the following 31
circumstances, assault is a felony of the fifth degree: 32

(a) The offense occurs in or on the grounds of a state 33
correctional institution or an institution of the department of 34
youth services, the victim of the offense is an employee of the 35
department of rehabilitation and correction, the department of 36
youth services, or a probation department or is on the premises of 37
the particular institution for business purposes or as a visitor, 38
and the offense is committed by a person incarcerated in the state 39
correctional institution, by a person institutionalized in the 40
department of youth services institution pursuant to a commitment 41
to the department of youth services, by a parolee, by an offender 42
under transitional control, under a community control sanction, or 43
on an escorted visit, by a person under post-release control, or 44
by an offender under any other type of supervision by a government 45
agency. 46

(b) The offense occurs in or on the grounds of a local 47
correctional facility, the victim of the offense is an employee of 48
the local correctional facility or a probation department or is on 49
the premises of the facility for business purposes or as a 50

visitor, and the offense is committed by a person who is under 51
custody in the facility subsequent to the person's arrest for any 52
crime or delinquent act, subsequent to the person's being charged 53
with or convicted of any crime, or subsequent to the person's 54
being alleged to be or adjudicated a delinquent child. 55

(c) The offense occurs off the grounds of a state 56
correctional institution and off the grounds of an institution of 57
the department of youth services, the victim of the offense is an 58
employee of the department of rehabilitation and correction, the 59
department of youth services, or a probation department, the 60
offense occurs during the employee's official work hours and while 61
the employee is engaged in official work responsibilities, and the 62
offense is committed by a person incarcerated in a state 63
correctional institution or institutionalized in the department of 64
youth services who temporarily is outside of the institution for 65
any purpose, by a parolee, by an offender under transitional 66
control, under a community control sanction, or on an escorted 67
visit, by a person under post-release control, or by an offender 68
under any other type of supervision by a government agency. 69

(d) The offense occurs off the grounds of a local 70
correctional facility, the victim of the offense is an employee of 71
the local correctional facility or a probation department, the 72
offense occurs during the employee's official work hours and while 73
the employee is engaged in official work responsibilities, and the 74
offense is committed by a person who is under custody in the 75
facility subsequent to the person's arrest for any crime or 76
delinquent act, subsequent to the person being charged with or 77
convicted of any crime, or subsequent to the person being alleged 78
to be or adjudicated a delinquent child and who temporarily is 79
outside of the facility for any purpose or by a parolee, by an 80
offender under transitional control, under a community control 81
sanction, or on an escorted visit, by a person under post-release 82

control, or by an offender under any other type of supervision by 83
a government agency. 84

(e) The victim of the offense is a school teacher or 85
administrator or a school bus operator, and the offense occurs in 86
a school, on school premises, in a school building, on a school 87
bus, or while the victim is outside of school premises or a school 88
bus and is engaged in duties or official responsibilities 89
associated with the victim's employment or position as a school 90
teacher or administrator or a school bus operator, including, but 91
not limited to, driving, accompanying, or chaperoning students at 92
or on class or field trips, athletic events, or other school 93
extracurricular activities or functions outside of school 94
premises. 95

~~(3)~~(4) If the victim of the offense is a peace officer or an 96
investigator of the bureau of criminal identification and 97
investigation, a firefighter, or a person performing emergency 98
medical service, while in the performance of their official 99
duties, assault is a felony of the fourth degree. 100

~~(4)~~(5) If the victim of the offense is a peace officer or an 101
investigator of the bureau of criminal identification and 102
investigation and if the victim suffered serious physical harm as 103
a result of the commission of the offense, assault is a felony of 104
the fourth degree, and the court, pursuant to division (F) of 105
section 2929.13 of the Revised Code, shall impose as a mandatory 106
prison term one of the prison terms prescribed for a felony of the 107
fourth degree that is at least twelve months in duration. 108

~~(5)~~(6) If the victim of the offense is an officer or employee 109
of a public children services agency or a private child placing 110
agency and the offense relates to the officer's or employee's 111
performance or anticipated performance of official 112
responsibilities or duties, assault is either a felony of the 113
fifth degree or, if the offender previously has been convicted of 114

or pleaded guilty to an offense of violence, the victim of that 115
prior offense was an officer or employee of a public children 116
services agency or private child placing agency, and that prior 117
offense related to the officer's or employee's performance or 118
anticipated performance of official responsibilities or duties, a 119
felony of the fourth degree. 120

~~(6)~~(7) If the victim of the offense is a registered nurse or 121
a licensed practical nurse who is licensed under Chapter 4723. of 122
the Revised Code and who is engaged in the performance of the 123
victim's official duties and if the offender knows or has reason 124
to believe that the victim is a registered nurse or a licensed 125
practical nurse, assault is a felony of the fourth degree. 126

(8) If an offender who is convicted of or pleads guilty to 127
assault when it is a misdemeanor also is convicted of or pleads 128
guilty to a specification as described in section 2941.1423 of the 129
Revised Code that was included in the indictment, count in the 130
indictment, or information charging the offense, the court shall 131
sentence the offender to a mandatory jail term as provided in 132
division (G) of section 2929.24 of the Revised Code. 133

If an offender who is convicted of or pleads guilty to 134
assault when it is a felony also is convicted of or pleads guilty 135
to a specification as described in section 2941.1423 of the 136
Revised Code that was included in the indictment, count in the 137
indictment, or information charging the offense, except as 138
otherwise provided in division (C)~~(4)~~(5) of this section, the 139
court shall sentence the offender to a mandatory prison term as 140
provided in division (D)(8) of section 2929.14 of the Revised 141
Code. 142

(D) As used in this section: 143

(1) "Peace officer" has the same meaning as in section 144
2935.01 of the Revised Code. 145

(2) "Firefighter" has the same meaning as in section 3937.41 146
of the Revised Code. 147

(3) "Emergency medical service" has the same meaning as in 148
section 4765.01 of the Revised Code. 149

(4) "Local correctional facility" means a county, 150
multicounty, municipal, municipal-county, or multicounty-municipal 151
jail or workhouse, a minimum security jail established under 152
section 341.23 or 753.21 of the Revised Code, or another county, 153
multicounty, municipal, municipal-county, or multicounty-municipal 154
facility used for the custody of persons arrested for any crime or 155
delinquent act, persons charged with or convicted of any crime, or 156
persons alleged to be or adjudicated a delinquent child. 157

(5) "Employee of a local correctional facility" means a 158
person who is an employee of the political subdivision or of one 159
or more of the affiliated political subdivisions that operates the 160
local correctional facility and who operates or assists in the 161
operation of the facility. 162

(6) "School teacher or administrator" means either of the 163
following: 164

(a) A person who is employed in the public schools of the 165
state under a contract described in section 3319.08 of the Revised 166
Code in a position in which the person is required to have a 167
certificate issued pursuant to sections 3319.22 to 3319.311 of the 168
Revised Code. 169

(b) A person who is employed by a nonpublic school for which 170
the state board of education prescribes minimum standards under 171
section 3301.07 of the Revised Code and who is certificated in 172
accordance with section 3301.071 of the Revised Code. 173

(7) "Community control sanction" has the same meaning as in 174
section 2929.01 of the Revised Code. 175

(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code. 176
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(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code. 178
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(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code. 180
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Section 2. That existing section 2903.13 of the Revised Code is hereby repealed. 183
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