

As Reported by the House Criminal Justice Committee

**129th General Assembly
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H. B. No. 20

Representatives Burke, Letson

**Cosponsors: Representatives Amstutz, Boose, Derickson, Gardner,
Grossman, Murray, Pillich, Snitchler, Stautberg, Stinziano, Winburn, Garland,
Bubp, Blessing, Hayes, Slaby**

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A B I L L

To amend section 2921.04 of the Revised Code to 1
specify that the offense of intimidation of an 2
attorney, victim, or witness in a criminal case 3
also applies to delinquency cases and to any 4
attempt to influence, intimidate, or hinder a 5
witness to a criminal or delinquent act and to 6
create an affirmative defense to a charge of 7
intimidation of an attorney, victim, or witness in 8
a criminal case. 9

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

Section 1. That section 2921.04 of the Revised Code be 10
amended to read as follows: 11

Sec. 2921.04. (A) No person shall knowingly attempt to 12
intimidate or hinder the victim of a crime or delinquent act in 13
the filing or prosecution of criminal charges or a delinquent 14
child action or proceeding, and no person shall knowingly attempt 15
to intimidate a witness ~~involved in~~ to a criminal ~~action or~~ 16
~~proceeding in the discharge of the duties of the witness or~~ 17

delinquent act by reason of the person being a witness to that 18
act. 19

(B) No person, knowingly and by force or by ~~unlawful~~ an 20
express or implied threat of harm to any person or property or by 21
an express or implied threat to commit any offense or calumny 22
against any person, shall attempt to influence, intimidate, or 23
hinder ~~the~~ any of the following persons: 24

(1) The victim of a crime or delinquent act in the filing or 25
prosecution of criminal charges or ~~an attorney or a delinquent~~
child action or proceeding; 26
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(2) A witness involved in a to a criminal or delinquent act 28
by reason of the person being a witness to that act; 29

(3) An attorney by reason of the attorney's involvement in 30
any criminal or delinquent child action or proceeding ~~in the~~ 31
~~discharge of the duties of the attorney or witness.~~ 32

(C) Division (A) of this section does not apply to any person 33
who is attempting to resolve a dispute pertaining to the alleged 34
commission of a criminal offense, either prior to or subsequent to 35
the filing of a complaint, indictment, or information, by 36
participating in the arbitration, mediation, compromise, 37
settlement, or conciliation of that dispute pursuant to an 38
authorization for arbitration, mediation, compromise, settlement, 39
or conciliation of a dispute of that nature that is conferred by 40
any of the following: 41

(1) A section of the Revised Code; 42

(2) The Rules of Criminal Procedure, the Rules of 43
Superintendence for Municipal Courts and County Courts, the Rules 44
of Superintendence for Courts of Common Pleas, or another rule 45
adopted by the supreme court in accordance with section 5 of 46
Article IV, Ohio Constitution; 47

(3) A local rule of court, including, but not limited to, a local rule of court that relates to alternative dispute resolution or other case management programs and that authorizes the referral of disputes pertaining to the alleged commission of certain types of criminal offenses to appropriate and available arbitration, mediation, compromise, settlement, or other conciliation programs;

(4) The order of a judge of a municipal court, county court, or court of common pleas.

(D) It is an affirmative defense to a charge under this section that the actor's conduct was a reasonable effort to negotiate the settlement of a criminal or delinquent child action or proceeding.

(E) Whoever violates this section is guilty of intimidation of an attorney, victim, or witness in a criminal case. A violation of division (A) of this section is a misdemeanor of the first degree. A violation of division (B) of this section is a felony of the third degree.

(F) As used in this section, "witness" means any person who has or claims to have knowledge concerning a fact or facts concerning a criminal or delinquent act, whether or not criminal or delinquent child charges are actually filed.

Section 2. That existing section 2921.04 of the Revised Code is hereby repealed.