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Sub. H. B. No. 62

Representative Gonzales

**Cosponsors: Representatives Winburn, Garland, Pillich, Uecker, Adams, R.,
Antonio, Baker, Barnes, Beck, Brenner, Celeste, Clyde, Combs, Driehaus,
Fedor, Gerberry, Hackett, Hagan, C., Johnson, Luckie, Lundy, Milkovich,
Newbold, Patmon, Reece, Ruhl, Schuring, Sears, Slesnick, Stinziano,
Szollosi, Weddington, Yuko Speaker Batchelder**

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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 health care 3
professional, health care worker, or security 4
officer of a hospital who is engaged in the 5
performance of the individual's duties. 6

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

Section 1. That section 2903.13 of the Revised Code be 7
amended to read as follows: 8

Sec. 2903.13. (A) No person shall knowingly cause or attempt 9
to cause physical harm to another or to another's unborn. 10

(B) No person shall recklessly cause serious physical harm to 11
another or to another's unborn. 12

(C) ~~(1) Whoever violates this section is guilty of assault, 13
and the court shall sentence the offender as provided in this 14~~

~~division and divisions (C)(1), (2), (3), (4), (5), and (6) of this~~ 15
~~section.~~ Except as otherwise provided in division (C)~~(1)~~, (2), 16
(3), (4), ~~or (5), (6), or (7)~~ of this section, assault is a 17
misdemeanor of the first degree. 18

~~(1)~~(2) Except as otherwise provided in this division, if the 19
offense is committed by a caretaker against a functionally 20
impaired person under the caretaker's care, assault is a felony of 21
the fourth degree. If the offense is committed by a caretaker 22
against a functionally impaired person under the caretaker's care, 23
if the offender previously has been convicted of or pleaded guilty 24
to a violation of this section or section 2903.11 or 2903.16 of 25
the Revised Code, and if in relation to the previous conviction 26
the offender was a caretaker and the victim was a functionally 27
impaired person under the offender's care, assault is a felony of 28
the third degree. 29

~~(2)~~(3) If the offense is committed in any of the following 30
circumstances, assault is a felony of the fifth degree: 31

(a) The offense occurs in or on the grounds of a state 32
correctional institution or an institution of the department of 33
youth services, the victim of the offense is an employee of the 34
department of rehabilitation and correction, the department of 35
youth services, or a probation department or is on the premises of 36
the particular institution for business purposes or as a visitor, 37
and the offense is committed by a person incarcerated in the state 38
correctional institution, by a person institutionalized in the 39
department of youth services institution pursuant to a commitment 40
to the department of youth services, by a parolee, by an offender 41
under transitional control, under a community control sanction, or 42
on an escorted visit, by a person under post-release control, or 43
by an offender under any other type of supervision by a government 44
agency. 45

(b) The offense occurs in or on the grounds of a local 46

correctional facility, the victim of the offense is an employee of 47
the local correctional facility or a probation department or is on 48
the premises of the facility for business purposes or as a 49
visitor, and the offense is committed by a person who is under 50
custody in the facility subsequent to the person's arrest for any 51
crime or delinquent act, subsequent to the person's being charged 52
with or convicted of any crime, or subsequent to the person's 53
being alleged to be or adjudicated a delinquent child. 54

(c) The offense occurs off the grounds of a state 55
correctional institution and off the grounds of an institution of 56
the department of youth services, the victim of the offense is an 57
employee of the department of rehabilitation and correction, the 58
department of youth services, or a probation department, the 59
offense occurs during the employee's official work hours and while 60
the employee is engaged in official work responsibilities, and the 61
offense is committed by a person incarcerated in a state 62
correctional institution or institutionalized in the department of 63
youth services who temporarily is outside of the institution for 64
any purpose, by a parolee, by an offender under transitional 65
control, under a community control sanction, or on an escorted 66
visit, by a person under post-release control, or by an offender 67
under any other type of supervision by a government agency. 68

(d) The offense occurs off the grounds of a local 69
correctional facility, the victim of the offense is an employee of 70
the local correctional facility or a probation department, the 71
offense occurs during the employee's official work hours and while 72
the employee is engaged in official work responsibilities, and the 73
offense is committed by a person who is under custody in the 74
facility subsequent to the person's arrest for any crime or 75
delinquent act, subsequent to the person being charged with or 76
convicted of any crime, or subsequent to the person being alleged 77
to be or adjudicated a delinquent child and who temporarily is 78

outside of the facility for any purpose or by a parolee, by an 79
offender under transitional control, under a community control 80
sanction, or on an escorted visit, by a person under post-release 81
control, or by an offender under any other type of supervision by 82
a government agency. 83

(e) The victim of the offense is a school teacher or 84
administrator or a school bus operator, and the offense occurs in 85
a school, on school premises, in a school building, on a school 86
bus, or while the victim is outside of school premises or a school 87
bus and is engaged in duties or official responsibilities 88
associated with the victim's employment or position as a school 89
teacher or administrator or a school bus operator, including, but 90
not limited to, driving, accompanying, or chaperoning students at 91
or on class or field trips, athletic events, or other school 92
extracurricular activities or functions outside of school 93
premises. 94

~~(3)~~(4) If the victim of the offense is a peace officer or an 95
investigator of the bureau of criminal identification and 96
investigation, a firefighter, or a person performing emergency 97
medical service, while in the performance of their official 98
duties, assault is a felony of the fourth degree. 99

~~(4)~~(5) If the victim of the offense is a peace officer or an 100
investigator of the bureau of criminal identification and 101
investigation and if the victim suffered serious physical harm as 102
a result of the commission of the offense, assault is a felony of 103
the fourth degree, and the court, pursuant to division (F) of 104
section 2929.13 of the Revised Code, shall impose as a mandatory 105
prison term one of the prison terms prescribed for a felony of the 106
fourth degree that is at least twelve months in duration. 107

~~(5)~~(6) If the victim of the offense is an officer or employee 108
of a public children services agency or a private child placing 109
agency and the offense relates to the officer's or employee's 110

performance or anticipated performance of official 111
responsibilities or duties, assault is either a felony of the 112
fifth degree or, if the offender previously has been convicted of 113
or pleaded guilty to an offense of violence, the victim of that 114
prior offense was an officer or employee of a public children 115
services agency or private child placing agency, and that prior 116
offense related to the officer's or employee's performance or 117
anticipated performance of official responsibilities or duties, a 118
felony of the fourth degree. 119

~~(6)~~(7) If the victim of the offense is a health care 120
professional, health care worker, or security officer of a 121
hospital who is engaged in the performance of the individual's 122
duties, assault is a felony of the fourth degree. 123

(8) If an offender who is convicted of or pleads guilty to 124
assault when it is a misdemeanor also is convicted of or pleads 125
guilty to a specification as described in section 2941.1423 of the 126
Revised Code that was included in the indictment, count in the 127
indictment, or information charging the offense, the court shall 128
sentence the offender to a mandatory jail term as provided in 129
division (G) of section 2929.24 of the Revised Code. 130

If an offender who is convicted of or pleads guilty to 131
assault when it is a felony also is convicted of or pleads guilty 132
to a specification as described in section 2941.1423 of the 133
Revised Code that was included in the indictment, count in the 134
indictment, or information charging the offense, except as 135
otherwise provided in division (C)~~(4)~~(5) of this section, the 136
court shall sentence the offender to a mandatory prison term as 137
provided in division (D)(8) of section 2929.14 of the Revised 138
Code. 139

(D) As used in this section: 140

(1) "Peace officer" has the same meaning as in section 141

2935.01 of the Revised Code.	142
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	143 144
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	145 146
(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, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	147 148 149 150 151 152 153 154
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	155 156 157 158 159
(6) "School teacher or administrator" means either of the following:	160 161
(a) A person who is employed in the public schools of the state under a contract described in section 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	162 163 164 165 166
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	167 168 169 170
(7) "Community control sanction" has the same meaning as in	171

section 2929.01 of the Revised Code.	172
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	173 174
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	175 176
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	177 178 179
<u>(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.</u>	180 181
Section 2. That existing section 2903.13 of the Revised Code is hereby repealed.	182 183