

**As Passed by the House**

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**Sub. H. B. No. 129**

**Representative Stautberg**

**Cosponsors: Representatives Adams, J., Becker, Fedor, Hackett, Hayes, McGregor, Letson, Pillich, Winburn, Amstutz, Anielski, Baker, Beck, Bishoff, Blair, Brown, Buchy, Burkley, Butler, Carney, Derickson, Green, Grossman, Hagan, C., Hall, Heard, Johnson, McClain, Milkovich, O'Brien, Patmon, Retherford, Rogers, Romanchuk, Rosenberger, Ruhl, Sears, Sheehy, Slaby, Smith, Sprague, Stinziano, Wachtmann, Young Speaker Batchelder**

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**A B I L L**

To amend sections 2903.21, 2903.211, and 2903.22 and 1  
to enact section 2903.215 of the Revised Code to 2  
specify that aggravated menacing, menacing by 3  
stalking, and menacing include words or conduct 4  
that are directed at or identify a corporation, 5  
association, or other organization that employs 6  
the victim or to which the victim belongs, to 7  
authorize the corporation, association, or other 8  
organization that employs two or more victims or 9  
to which two or more victims belong to seek 10  
protection orders in certain cases, and to 11  
increase the penalty for aggravated menacing or 12  
menacing by stalking if there are four or more 13  
victims. 14

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

**Section 1.** That sections 2903.21, 2903.211, and 2903.22 be 15

amended and section 2903.215 of the Revised Code be enacted to 16  
read as follows: 17

**Sec. 2903.21.** (A) No person shall knowingly cause another to 18  
believe that the offender will cause serious physical harm to the 19  
person or property of the other person, the other person's unborn, 20  
or a member of the other person's immediate family. In addition to 21  
any other basis for the other person's belief that the offender 22  
will cause serious physical harm to the person or property of the 23  
other person, the other person's unborn, or a member of the other 24  
person's immediate family, the other person's belief may be based 25  
on words or conduct of the offender that are directed at or 26  
identify a corporation, association, or other organization that 27  
employs the other person or to which the other person belongs. 28

(B) Whoever violates this section is guilty of aggravated 29  
menacing. Except as otherwise provided in this division, 30  
aggravated menacing is a misdemeanor of the first degree. If the 31  
victim of the offense is an officer or employee of a public 32  
children services agency or a private child placing agency and the 33  
offense relates to the officer's or employee's performance or 34  
anticipated performance of official responsibilities or duties, 35  
aggravated menacing is a felony of the fifth degree or, if the 36  
offender previously has been convicted of or pleaded guilty to an 37  
offense of violence, the victim of that prior offense was an 38  
officer or employee of a public children services agency or 39  
private child placing agency, and that prior offense related to 40  
the officer's or employee's performance or anticipated performance 41  
of official responsibilities or duties, a felony of the fourth 42  
degree. If a violation of division (A) of this section causes each 43  
of four or more persons to believe that the offender will cause 44  
serious physical harm to the person or property of that person, 45  
that person's unborn, or a member of that person's immediate 46

family, aggravated menacing is a felony of the fifth degree or, if 47  
the offender previously has been convicted of an offense of 48  
violence, a felony of the fourth degree. 49

**Sec. 2903.211.** (A)(1) No person by engaging in a pattern of 50  
conduct shall knowingly cause another person to believe that the 51  
offender will cause physical harm to the other person or cause 52  
mental distress to the other person. In addition to any other 53  
basis for the other person's belief that the offender will cause 54  
physical harm to the other person or the other person's mental 55  
distress, the other person's belief or mental distress may be 56  
based on words or conduct of the offender that are directed at or 57  
identify a corporation, association, or other organization that 58  
employs the other person or to which the other person belongs. 59

(2) No person, through the use of any electronic method of 60  
remotely transferring information, including, but not limited to, 61  
any computer, computer network, computer program, or computer 62  
system, shall post a message with purpose to urge or incite 63  
another to commit a violation of division (A)(1) of this section. 64

(3) No person, with a sexual motivation, shall violate 65  
division (A)(1) or (2) of this section. 66

(B) Whoever violates this section is guilty of menacing by 67  
stalking. 68

(1) Except as otherwise provided in divisions (B)(2) and (3) 69  
of this section, menacing by stalking is a misdemeanor of the 70  
first degree. 71

(2) Menacing by stalking is a felony of the fourth degree if 72  
any of the following applies: 73

(a) The offender previously has been convicted of or pleaded 74  
guilty to a violation of this section or a violation of section 75  
2911.211 of the Revised Code. 76

(b) In committing the offense under division (A)(1), (2), or 77  
(3) of this section, the offender made a threat of physical harm 78  
to or against the victim, or as a result of an offense committed 79  
under division (A)(2) or (3) of this section, a third person 80  
induced by the offender's posted message made a threat of physical 81  
harm to or against the victim. 82

(c) In committing the offense under division (A)(1), (2), or 83  
(3) of this section, the offender trespassed on the land or 84  
premises where the victim lives, is employed, or attends school, 85  
or as a result of an offense committed under division (A)(2) or 86  
(3) of this section, a third person induced by the offender's 87  
posted message trespassed on the land or premises where the victim 88  
lives, is employed, or attends school. 89

(d) The victim of the offense is a minor. 90

(e) The offender has a history of violence toward the victim 91  
or any other person or a history of other violent acts toward the 92  
victim or any other person. 93

(f) While committing the offense under division (A)(1) of 94  
this section or a violation of division (A)(3) of this section 95  
based on conduct in violation of division (A)(1) of this section, 96  
the offender had a deadly weapon on or about the offender's person 97  
or under the offender's control. Division (B)(2)(f) of this 98  
section does not apply in determining the penalty for a violation 99  
of division (A)(2) of this section or a violation of division 100  
(A)(3) of this section based on conduct in violation of division 101  
(A)(2) of this section. 102

(g) At the time of the commission of the offense, the 103  
offender was the subject of a protection order issued under 104  
section 2903.213 or 2903.214 of the Revised Code, regardless of 105  
whether the person to be protected under the order is the victim 106  
of the offense or another person. 107

(h) In committing the offense under division (A)(1), (2), or 108  
(3) of this section, the offender caused serious physical harm to 109  
the premises at which the victim resides, to the real property on 110  
which that premises is located, or to any personal property 111  
located on that premises, or, as a result of an offense committed 112  
under division (A)(2) of this section or an offense committed 113  
under division (A)(3) of this section based on a violation of 114  
division (A)(2) of this section, a third person induced by the 115  
offender's posted message caused serious physical harm to that 116  
premises, that real property, or any personal property on that 117  
premises. 118

(i) Prior to committing the offense, the offender had been 119  
determined to represent a substantial risk of physical harm to 120  
others as manifested by evidence of then-recent homicidal or other 121  
violent behavior, evidence of then-recent threats that placed 122  
another in reasonable fear of violent behavior and serious 123  
physical harm, or other evidence of then-present dangerousness. 124

(j) A violation of division (A)(1) of this section causes 125  
each of four or more persons to believe that the offender will 126  
cause physical harm or mental distress to that person. 127

(3) If the victim of the offense is an officer or employee of 128  
a public children services agency or a private child placing 129  
agency and the offense relates to the officer's or employee's 130  
performance or anticipated performance of official 131  
responsibilities or duties, menacing by stalking is either a 132  
felony of the fifth degree or, if the offender previously has been 133  
convicted of or pleaded guilty to an offense of violence, the 134  
victim of that prior offense was an officer or employee of a 135  
public children services agency or private child placing agency, 136  
and that prior offense related to the officer's or employee's 137  
performance or anticipated performance of official 138  
responsibilities or duties, a felony of the fourth degree. 139

(C) Section 2919.271 of the Revised Code applies in relation 140  
to a defendant charged with a violation of this section. 141

(D) As used in this section: 142

(1) "Pattern of conduct" means two or more actions or 143  
incidents closely related in time, whether or not there has been a 144  
prior conviction based on any of those actions or incidents, or 145  
two or more actions or incidents closely related in time, whether 146  
or not there has been a prior conviction based on any of those 147  
actions or incidents, directed at one or more persons employed by 148  
or belonging to the same corporation, association, or other 149  
organization. Actions or incidents that prevent, obstruct, or 150  
delay the performance by a public official, firefighter, rescuer, 151  
emergency medical services person, or emergency facility person of 152  
any authorized act within the public official's, firefighter's, 153  
rescuer's, emergency medical services person's, or emergency 154  
facility person's official capacity, or the posting of messages or 155  
receipt of information or data through the use of an electronic 156  
method of remotely transferring information, including, but not 157  
limited to, a computer, computer network, computer program, 158  
computer system, or telecommunications device, may constitute a 159  
"pattern of conduct." 160

(2) "Mental distress" means any of the following: 161

(a) Any mental illness or condition that involves some 162  
temporary substantial incapacity; 163

(b) Any mental illness or condition that would normally 164  
require psychiatric treatment, psychological treatment, or other 165  
mental health services, whether or not any person requested or 166  
received psychiatric treatment, psychological treatment, or other 167  
mental health services. 168

(3) "Emergency medical services person" is the singular of 169  
"emergency medical services personnel" as defined in section 170

2133.21 of the Revised Code.	171
(4) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.	172 173 174
(5) "Public official" has the same meaning as in section 2921.01 of the Revised Code.	175 176
(6) "Computer," "computer network," "computer program," "computer system," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.	177 178 179
(7) "Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating, or attempting to transfer, send, post, publish, disseminate, or otherwise communicate, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.	180 181 182 183 184 185 186
(8) "Third person" means, in relation to conduct as described in division (A)(2) of this section, an individual who is neither the offender nor the victim of the conduct.	187 188 189
(9) "Sexual motivation" has the same meaning as in section 2971.01 of the Revised Code.	190 191
(E) The state does not need to prove in a prosecution under this section that a person requested or received psychiatric treatment, psychological treatment, or other mental health services in order to show that the person was caused mental distress as described in division (D)(2)(b) of this section.	192 193 194 195 196
(F)(1) This section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are	197 198 199 200

incidental to providing access or connection to or from the 201  
electronic method of remotely transferring the information, and 202  
that do not include the creation of the content of the material 203  
that is the subject of the access or connection. In addition, any 204  
person providing access or connection to or from an electronic 205  
method of remotely transferring information not under that 206  
person's control shall not be liable for any action voluntarily 207  
taken in good faith to block the receipt or transmission through 208  
its service of any information that it believes is, or will be 209  
sent, in violation of this section. 210

(2) Division (F)(1) of this section does not create an 211  
affirmative duty for any person providing access or connection to 212  
or from an electronic method of remotely transferring information 213  
not under that person's control to block the receipt or 214  
transmission through its service of any information that it 215  
believes is, or will be sent, in violation of this section except 216  
as otherwise provided by law. 217

(3) Division (F)(1) of this section does not apply to a 218  
person who conspires with a person actively involved in the 219  
creation or knowing distribution of material in violation of this 220  
section or who knowingly advertises the availability of material 221  
of that nature. 222

Sec. 2903.215. (A) A corporation, association, or other 223  
organization that employs two or more alleged victims of a 224  
violation of section 2903.21, 2923.211, or 2903.22 of the Revised 225  
Code or to which two or more alleged victims of a violation of 226  
section 2903.21, 2923.211, or 2903.22 of the Revised Code belong 227  
may file a motion for a temporary protection order pursuant to 228  
section 2903.213 of the Revised Code on behalf of the corporation, 229  
association, or other organization if the violation is based on 230  
words or conduct of the offender that are directed at or identify 231

the corporation, association, or other organization. 232

(B) A corporation, association, or other organization that 233  
employs two or more alleged victims of a violation of section 234  
2923.211 of the Revised Code or to which two or more alleged 235  
victims of a violation of section 2923.211 of the Revised Code 236  
belong may file a petition for a protection order pursuant to 237  
section 2903.214 of the Revised Code on behalf of the corporation, 238  
association, or other organization if the violation is based on 239  
words or conduct of the offender that are directed at or identify 240  
the corporation, association, or other organization. 241

(C) An attorney who is licensed to practice law in this 242  
state, on behalf of the corporation, association, or other 243  
organization, may file an affidavit to provide sufficient 244  
evidentiary support for the issuance of a temporary protection 245  
order pursuant to section 2903.213 of the Revised Code or a 246  
protection order pursuant to section 2903.214 of the Revised Code. 247

(D) Any temporary protection order issued pursuant to section 248  
2903.213 of the Revised Code or any protection order issued 249  
pursuant to section 2903.214 of the Revised Code shall specify 250  
with particularity the location or persons to be protected by the 251  
temporary protection order or the protection order. 252

**Sec. 2903.22.** (A) No person shall knowingly cause another to 253  
believe that the offender will cause physical harm to the person 254  
or property of the other person, the other person's unborn, or a 255  
member of the other person's immediate family. In addition to any 256  
other basis for the other person's belief that the offender will 257  
cause physical harm to the person or property of the other person, 258  
the other person's unborn, or a member of the other person's 259  
immediate family, the other person's belief may be based on words 260  
or conduct of the offender that are directed at or identify a 261

corporation, association, or other organization that employs the 262  
other person or to which the other person belongs. 263

(B) Whoever violates this section is guilty of menacing. 264  
Except as otherwise provided in this division, menacing is a 265  
misdemeanor of the fourth degree. If the victim of the offense is 266  
an officer or employee of a public children services agency or a 267  
private child placing agency and the offense relates to the 268  
officer's or employee's performance or anticipated performance of 269  
official responsibilities or duties, menacing is a misdemeanor of 270  
the first degree or, if the offender previously has been convicted 271  
of or pleaded guilty to an offense of violence, the victim of that 272  
prior offense was an officer or employee of a public children 273  
services agency or private child placing agency, and that prior 274  
offense related to the officer's or employee's performance or 275  
anticipated performance of official responsibilities or duties, a 276  
felony of the fourth degree. If a violation of division (A) of 277  
this section causes each of four or more persons to believe that 278  
the offender will cause serious harm to the person or property of 279  
that person, that person's unborn, or a member of that person's 280  
immediate family, menacing is a misdemeanor of the first degree 281  
or, if the offender previously has been convicted of an offense of 282  
violence, a felony of the fourth degree. 283

**Section 2.** That existing sections 2903.21, 2903.211, and 284  
2903.22 of the Revised Code are hereby repealed. 285