

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 355**

**Representatives Driehaus, Blair**

**Cosponsors: Representatives Celebrezze, Boyd, Grossman, Ashford,  
Mallory, Blessing, Strahorn, Reece, Phillips, Antonio, Stinziano, Foley,  
Sheehy, Ramos, Boose, Pillich, Slesnick**

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**A B I L L**

To amend sections 2903.13 and 2917.41 and to enact 1  
section 306.20 of the Revised Code to increase the 2  
penalty for assault when the victim is an employee 3  
of an Ohio transit system whom the offender knows 4  
or has reasonable cause to know is such an 5  
employee engaged in the performance of the 6  
victim's duties; to permit the court to impose a 7  
fine of up to \$5000 and a six-month or lifetime 8  
prohibition from riding an Ohio transit system for 9  
assault committed in such specified circumstances; 10  
to authorize Ohio transit systems to post a 11  
warning sign indicating that abuse or assault of 12  
staff will not be tolerated and might result in a 13  
felony conviction; and to increase the penalty for 14  
evading payment of the known fares of a public 15  
transportation system. 16

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

**Section 1.** That sections 2903.13 and 2917.41 be amended and 17  
section 306.20 of the Revised Code be enacted to read as follows: 18

Sec. 306.20. (A) Any Ohio transit system may post the notice 19  
described in division (B) of this section in accordance with this 20  
division. An Ohio transit system that decides to post the notice 21  
shall consider posting it in a conspicuous location in all of the 22  
transit system's buses and rail cars. 23

(B) A notice posted pursuant to division (A) of this section 24  
shall include, at a minimum, all of the following statements and 25  
information: 26

"WE WILL NOT TOLERATE 27  
any form of threatening or 28  
aggressive behavior 29  
toward our staff. 30

Assaults against our staff might 31  
result in a felony conviction. 32

All staff have the right to carry out 33  
their work without fearing for their safety." 34

(C) As used in this section, "Ohio transit system" has the 35  
same meaning as in section 2305.33 of the Revised Code. 36

**Sec. 2903.13. (A)** No person shall knowingly cause or attempt 37  
to cause physical harm to another or to another's unborn. 38

(B) No person shall recklessly cause serious physical harm to 39  
another or to another's unborn. 40

(C)(1) Whoever violates this section is guilty of assault, 41  
and the court shall sentence the offender as provided in this 42  
division and divisions (C)(1), (2), (3), (4), (5), (6), (7), (8), 43  
~~and (9)~~, and (10) of this section. Except as otherwise provided in 44  
division (C)(2), (3), (4), (5), (6), (7), ~~or (8)~~, or (9) of this 45  
section, assault is a misdemeanor of the first degree. 46

(2) Except as otherwise provided in this division, if the 47  
offense is committed by a caretaker against a functionally 48

impaired person under the caretaker's care, assault is a felony of 49  
the fourth degree. If the offense is committed by a caretaker 50  
against a functionally impaired person under the caretaker's care, 51  
if the offender previously has been convicted of or pleaded guilty 52  
to a violation of this section or section 2903.11 or 2903.16 of 53  
the Revised Code, and if in relation to the previous conviction 54  
the offender was a caretaker and the victim was a functionally 55  
impaired person under the offender's care, assault is a felony of 56  
the third degree. 57

(3) If the offense is committed in any of the following 58  
circumstances, assault is a felony of the fifth degree: 59

(a) The offense occurs in or on the grounds of a state 60  
correctional institution or an institution of the department of 61  
youth services, the victim of the offense is an employee of the 62  
department of rehabilitation and correction, the department of 63  
youth services, or a probation department or is on the premises of 64  
the particular institution for business purposes or as a visitor, 65  
and the offense is committed by a person incarcerated in the state 66  
correctional institution, by a person institutionalized in the 67  
department of youth services institution pursuant to a commitment 68  
to the department of youth services, by a parolee, by an offender 69  
under transitional control, under a community control sanction, or 70  
on an escorted visit, by a person under post-release control, or 71  
by an offender under any other type of supervision by a government 72  
agency. 73

(b) The offense occurs in or on the grounds of a local 74  
correctional facility, the victim of the offense is an employee of 75  
the local correctional facility or a probation department or is on 76  
the premises of the facility for business purposes or as a 77  
visitor, and the offense is committed by a person who is under 78  
custody in the facility subsequent to the person's arrest for any 79  
crime or delinquent act, subsequent to the person's being charged 80

with or convicted of any crime, or subsequent to the person's 81  
being alleged to be or adjudicated a delinquent child. 82

(c) The offense occurs off the grounds of a state 83  
correctional institution and off the grounds of an institution of 84  
the department of youth services, the victim of the offense is an 85  
employee of the department of rehabilitation and correction, the 86  
department of youth services, or a probation department, the 87  
offense occurs during the employee's official work hours and while 88  
the employee is engaged in official work responsibilities, and the 89  
offense is committed by a person incarcerated in a state 90  
correctional institution or institutionalized in the department of 91  
youth services who temporarily is outside of the institution for 92  
any purpose, by a parolee, by an offender under transitional 93  
control, under a community control sanction, or on an escorted 94  
visit, by a person under post-release control, or by an offender 95  
under any other type of supervision by a government agency. 96

(d) The offense occurs off the grounds of a local 97  
correctional facility, the victim of the offense is an employee of 98  
the local correctional facility or a probation department, the 99  
offense occurs during the employee's official work hours and while 100  
the employee is engaged in official work responsibilities, and the 101  
offense is committed by a person who is under custody in the 102  
facility subsequent to the person's arrest for any crime or 103  
delinquent act, subsequent to the person being charged with or 104  
convicted of any crime, or subsequent to the person being alleged 105  
to be or adjudicated a delinquent child and who temporarily is 106  
outside of the facility for any purpose or by a parolee, by an 107  
offender under transitional control, under a community control 108  
sanction, or on an escorted visit, by a person under post-release 109  
control, or by an offender under any other type of supervision by 110  
a government agency. 111

(e) The victim of the offense is a school teacher or 112

administrator or a school bus operator, and the offense occurs in 113  
a school, on school premises, in a school building, on a school 114  
bus, or while the victim is outside of school premises or a school 115  
bus and is engaged in duties or official responsibilities 116  
associated with the victim's employment or position as a school 117  
teacher or administrator or a school bus operator, including, but 118  
not limited to, driving, accompanying, or chaperoning students at 119  
or on class or field trips, athletic events, or other school 120  
extracurricular activities or functions outside of school 121  
premises. 122

(4) If the victim of the offense is a peace officer or an 123  
investigator of the bureau of criminal identification and 124  
investigation, a firefighter, or a person performing emergency 125  
medical service, while in the performance of their official 126  
duties, assault is a felony of the fourth degree. 127

(5) If the victim of the offense is a peace officer or an 128  
investigator of the bureau of criminal identification and 129  
investigation and if the victim suffered serious physical harm as 130  
a result of the commission of the offense, assault is a felony of 131  
the fourth degree, and the court, pursuant to division (F) of 132  
section 2929.13 of the Revised Code, shall impose as a mandatory 133  
prison term one of the prison terms prescribed for a felony of the 134  
fourth degree that is at least twelve months in duration. 135

(6) If the victim of the offense is an officer or employee of 136  
a public children services agency or a private child placing 137  
agency and the offense relates to the officer's or employee's 138  
performance or anticipated performance of official 139  
responsibilities or duties, assault is either a felony of the 140  
fifth degree or, if the offender previously has been convicted of 141  
or pleaded guilty to an offense of violence, the victim of that 142  
prior offense was an officer or employee of a public children 143  
services agency or private child placing agency, and that prior 144

offense related to the officer's or employee's performance or 145  
anticipated performance of official responsibilities or duties, a 146  
felony of the fourth degree. 147

(7) If the victim of the offense is a health care 148  
professional of a hospital, a health care worker of a hospital, or 149  
a security officer of a hospital whom the offender knows or has 150  
reasonable cause to know is a health care professional of a 151  
hospital, a health care worker of a hospital, or a security 152  
officer of a hospital, if the victim is engaged in the performance 153  
of the victim's duties, and if the hospital offers de-escalation 154  
or crisis intervention training for such professionals, workers, 155  
or officers, assault is one of the following: 156

(a) Except as otherwise provided in division (C)(7)(b) of 157  
this section, assault committed in the specified circumstances is 158  
a misdemeanor of the first degree. Notwithstanding the fine 159  
specified in division (A)(2)~~(b)~~(a) of section 2929.28 of the 160  
Revised Code for a misdemeanor of the first degree, in sentencing 161  
the offender under this division and if the court decides to 162  
impose a fine, the court may impose upon the offender a fine of 163  
not more than five thousand dollars. 164

(b) If the offender previously has been convicted of or 165  
pleaded guilty to one or more assault or homicide offenses 166  
committed against hospital personnel, assault committed in the 167  
specified circumstances is a felony of the fifth degree. 168

(8) If the victim of the offense is a judge, magistrate, 169  
prosecutor, or court official or employee whom the offender knows 170  
or has reasonable cause to know is a judge, magistrate, 171  
prosecutor, or court official or employee, and if the victim is 172  
engaged in the performance of the victim's duties, assault is one 173  
of the following: 174

(a) Except as otherwise provided in division (C)(7)(b) of 175

this section, assault committed in the specified circumstances is 176  
a misdemeanor of the first degree. In sentencing the offender 177  
under this division, if the court decides to impose a fine, 178  
notwithstanding the fine specified in division (A)(2)~~(b)~~(a) of 179  
section 2929.28 of the Revised Code for a misdemeanor of the first 180  
degree, the court may impose upon the offender a fine of not more 181  
than five thousand dollars. 182

(b) If the offender previously has been convicted of or 183  
pleaded guilty to one or more assault or homicide offenses 184  
committed against justice system personnel, assault committed in 185  
the specified circumstances is a felony of the fifth degree. 186

(9) If the victim of the offense is an operator of an Ohio 187  
transit system bus or Ohio transit system rail car, a maintenance 188  
worker of an Ohio transit system, or a contracted employee 189  
providing any of these services to an Ohio transit system, if the 190  
offender knows or has reasonable cause to know that the victim is 191  
an operator of an Ohio transit system bus or Ohio transit system 192  
rail car, a maintenance worker of an Ohio transit system, or a 193  
contracted employee providing any of these services to an Ohio 194  
transit system, and if the victim is engaged in the performance of 195  
the victim's duties, assault is one of the following: 196

(a) Except as otherwise provided in division (C)(9)(b) of 197  
this section, assault committed in the specified circumstances is 198  
a felony of the fifth degree. Notwithstanding the fine specified 199  
in division (A)(3) of section 2929.18 of the Revised Code for a 200  
felony of the fifth degree, if the court decides to impose a fine 201  
under this division, the court may impose upon the offender a fine 202  
of not more than five thousand dollars. Additionally, the court 203  
may prohibit the offender from riding any Ohio transit system bus 204  
or Ohio transit system rail car for six months. 205

(b) If the offender previously has been convicted of or 206  
pleaded guilty to one or more assault or homicide offenses 207

committed against an operator of an Ohio transit system bus or 208  
Ohio transit system rail car, a maintenance worker of an Ohio 209  
transit system, or a contracted employee providing any of these 210  
services to an Ohio transit system, assault committed in the 211  
specified circumstances is a felony of the fourth degree. 212  
Additionally, the court may prohibit the offender from riding any 213  
Ohio transit system bus or Ohio transit system rail car for the 214  
offender's lifetime. 215

(10) If an offender who is convicted of or pleads guilty to 216  
assault when it is a misdemeanor also is convicted of or pleads 217  
guilty to a specification as described in section 2941.1423 of the 218  
Revised Code that was included in the indictment, count in the 219  
indictment, or information charging the offense, the court shall 220  
sentence the offender to a mandatory jail term as provided in 221  
division (G) of section 2929.24 of the Revised Code. 222

If an offender who is convicted of or pleads guilty to 223  
assault when it is a felony also is convicted of or pleads guilty 224  
to a specification as described in section 2941.1423 of the 225  
Revised Code that was included in the indictment, count in the 226  
indictment, or information charging the offense, except as 227  
otherwise provided in division (C)(5) of this section, the court 228  
shall sentence the offender to a mandatory prison term as provided 229  
in division (B)(8) of section 2929.14 of the Revised Code. 230

(D) As used in this section: 231

(1) "Peace officer" has the same meaning as in section 232  
2935.01 of the Revised Code. 233

(2) "Firefighter" has the same meaning as in section 3937.41 234  
of the Revised Code. 235

(3) "Emergency medical service" has the same meaning as in 236  
section 4765.01 of the Revised Code. 237

(4) "Local correctional facility" means a county, 238



multicounty, municipal, municipal-county, or multicounty-municipal 239  
jail or workhouse, a minimum security jail established under 240  
section 341.23 or 753.21 of the Revised Code, or another county, 241  
multicounty, municipal, municipal-county, or multicounty-municipal 242  
facility used for the custody of persons arrested for any crime or 243  
delinquent act, persons charged with or convicted of any crime, or 244  
persons alleged to be or adjudicated a delinquent child. 245

(5) "Employee of a local correctional facility" means a 246  
person who is an employee of the political subdivision or of one 247  
or more of the affiliated political subdivisions that operates the 248  
local correctional facility and who operates or assists in the 249  
operation of the facility. 250

(6) "School teacher or administrator" means either of the 251  
following: 252

(a) A person who is employed in the public schools of the 253  
state under a contract described in section 3311.77 or 3319.08 of 254  
the Revised Code in a position in which the person is required to 255  
have a certificate issued pursuant to sections 3319.22 to 3319.311 256  
of the Revised Code. 257

(b) A person who is employed by a nonpublic school for which 258  
the state board of education prescribes minimum standards under 259  
section 3301.07 of the Revised Code and who is certificated in 260  
accordance with section 3301.071 of the Revised Code. 261

(7) "Community control sanction" has the same meaning as in 262  
section 2929.01 of the Revised Code. 263

(8) "Escorted visit" means an escorted visit granted under 264  
section 2967.27 of the Revised Code. 265

(9) "Post-release control" and "transitional control" have 266  
the same meanings as in section 2967.01 of the Revised Code. 267

(10) "Investigator of the bureau of criminal identification 268

and investigation" has the same meaning as in section 2903.11 of 269  
the Revised Code. 270

(11) "Health care professional" and "health care worker" have 271  
the same meanings as in section 2305.234 of the Revised Code. 272

(12) "Assault or homicide offense committed against hospital 273  
personnel" means a violation of this section or of section 274  
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 275  
2903.14 of the Revised Code committed in circumstances in which 276  
all of the following apply: 277

(a) The victim of the offense was a health care professional 278  
of a hospital, a health care worker of a hospital, or a security 279  
officer of a hospital. 280

(b) The offender knew or had reasonable cause to know that 281  
the victim was a health care professional of a hospital, a health 282  
care worker of a hospital, or a security officer of a hospital. 283

(c) The victim was engaged in the performance of the victim's 284  
duties. 285

(d) The hospital offered de-escalation or crisis intervention 286  
training for such professionals, workers, or officers. 287

(13) "De-escalation or crisis intervention training" means 288  
de-escalation or crisis intervention training for health care 289  
professionals of a hospital, health care workers of a hospital, 290  
and security officers of a hospital to facilitate interaction with 291  
patients, members of a patient's family, and visitors, including 292  
those with mental impairments. 293

(14) "Assault or homicide offense committed against justice 294  
system personnel" means a violation of this section or of section 295  
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 296  
2903.14 of the Revised Code committed in circumstances in which 297  
the victim of the offense was a judge, magistrate, prosecutor, or 298

court official or employee whom the offender knew or had 299  
reasonable cause to know was a judge, magistrate, prosecutor, or 300  
court official or employee, and the victim was engaged in the 301  
performance of the victim's duties. 302

(15) "Court official or employee" means any official or 303  
employee of a court created under the constitution or statutes of 304  
this state or of a United States court located in this state. 305

(16) "Judge" means a judge of a court created under the 306  
constitution or statutes of this state or of a United States court 307  
located in this state. 308

(17) "Magistrate" means an individual who is appointed by a 309  
court of record of this state and who has the powers and may 310  
perform the functions specified in Civil Rule 53, Criminal Rule 311  
19, or Juvenile Rule 40, or an individual who is appointed by a 312  
United States court located in this state who has similar powers 313  
and functions. 314

(18) "Prosecutor" has the same meaning as in section 2935.01 315  
of the Revised Code. 316

(19)(a) "Hospital" means, subject to division (D)(19)(b) of 317  
this section, an institution classified as a hospital under 318  
section 3701.01 of the Revised Code in which are provided to 319  
patients diagnostic, medical, surgical, obstetrical, psychiatric, 320  
or rehabilitation care or a hospital operated by a health 321  
maintenance organization. 322

(b) "Hospital" does not include any of the following: 323

(i) A facility licensed under Chapter 3721. of the Revised 324  
Code, a health care facility operated by the department of mental 325  
health or the department of developmental disabilities, a health 326  
maintenance organization that does not operate a hospital, or the 327  
office of any private, licensed health care professional, whether 328  
organized for individual or group practice; 329

(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.

(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code.

(21) "Ohio transit system bus" means a motor vehicle of an Ohio transit system that is designed for carrying more than nine passengers and used for the transportation of persons but does not mean any school bus.

(22) "Ohio transit system rail car" means a street rail car, tramline car, subway car, monorail car, or rapid transit car within a ground transportation system having as its primary purpose the regularly scheduled mass movement of passengers between locations within the territorial boundaries of an Ohio transit system.

(23) "Ohio transit system" has the same meaning as in section 2305.33 of the Revised Code.

(24) "Motor vehicle" has the same meaning as in section 4511.01 of the Revised Code.

(25) "Assault or homicide offense committed against an operator of an Ohio transit system bus or Ohio transit system rail car, a maintenance worker of an Ohio transit system, or a contracted employee providing any of these services to an Ohio transit system" means a violation of this section or of section

2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 361  
2903.14 of the Revised Code committed in circumstances in which 362  
all of the following apply: 363

(a) The victim of the offense was an operator of an Ohio 364  
transit system bus or Ohio transit system rail car, a maintenance 365  
worker of an Ohio transit system, or a contracted employee 366  
providing any of these services to an Ohio transit system. 367

(b) The offender knew or had reasonable cause to know that 368  
the victim was an operator of an Ohio transit system bus or Ohio 369  
transit system rail car, a maintenance worker of an Ohio transit 370  
system, or a contracted employee providing any of these services 371  
to an Ohio transit system. 372

(c) The victim was engaged in the performance of the victim's 373  
duties. 374

**Sec. 2917.41.** (A) No person shall evade the payment of the 375  
known fares of a public transportation system. 376

(B) No person shall alter any transfer, pass, ticket, or 377  
token of a public transportation system with the purpose of 378  
evading the payment of fares or of defrauding the system. 379

(C) No person shall do any of the following while in any 380  
facility or on any vehicle of a public transportation system: 381

(1) Play sound equipment without the proper use of a private 382  
earphone; 383

(2) Smoke, eat, or drink in any area where the activity is 384  
clearly marked as being prohibited; 385

(3) Expectorate upon a person, facility, or vehicle. 386

(D) No person shall write, deface, draw, or otherwise mark on 387  
any facility or vehicle of a public transportation system. 388

(E) No person shall fail to comply with a lawful order of a 389

public transportation system police officer, and no person shall 390  
resist, obstruct, or abuse a public transportation police officer 391  
in the performance of the officer's duties. 392

(F) Whoever violates this section is guilty of misconduct 393  
involving a public transportation system. 394

(1) Violation of division (A), ~~(B)~~, or ~~(E)~~ of this section is 395  
a misdemeanor of the ~~fourth~~ second degree. 396

(2) Violation of division (B) or (E) of this section is a 397  
misdemeanor of the fourth degree. 398

(3) Violation of division (C) of this section is a minor 399  
misdemeanor on a first offense. If a person previously has been 400  
convicted of or pleaded guilty to a violation of any division of 401  
this section or of a municipal ordinance that is substantially 402  
similar to any division of this section, violation of division (C) 403  
of this section is a misdemeanor of the fourth degree. 404

~~(3)~~(4) Violation of division (D) of this section is a 405  
misdemeanor of the third degree. 406

(G) Notwithstanding any other provision of law, seventy-five 407  
per cent of each fine paid to satisfy a sentence imposed for a 408  
violation of this section shall be deposited into the treasury of 409  
the county in which the violation occurred and twenty-five per 410  
cent shall be deposited with the county transit board, regional 411  
transit authority, or regional transit commission that operates 412  
the public transportation system involved in the violation, unless 413  
the board of county commissioners operates the public 414  
transportation system, in which case one hundred per cent of each 415  
fine shall be deposited into the treasury of the county. 416

(H) As used in this section, "public transportation system" 417  
means a county transit system operated in accordance with sections 418  
306.01 to 306.13 of the Revised Code, a regional transit authority 419  
operated in accordance with sections 306.30 to 306.71 of the 420

Revised Code, or a regional transit commission operated in 421  
accordance with sections 306.80 to 306.90 of the Revised Code. 422

**Section 2.** That existing sections 2903.13 and 2917.41 of the 423  
Revised Code are hereby repealed. 424

**Section 3.** Section 2903.13 of the Revised Code is presented 425  
in this act as a composite of the section as amended by both Am. 426  
Sub. H.B. 62 and Sub. H.B. 525 of the 129th General Assembly. The 427  
General Assembly, applying the principle stated in division (B) of 428  
section 1.52 of the Revised Code that amendments are to be 429  
harmonized if reasonably capable of simultaneous operation, finds 430  
that the composite is the resulting version of the section in 431  
effect prior to the effective date of the section as presented in 432  
this act. 433