



H.B. 141

127th General Assembly
(As Introduced)

Reps. Letson, R. Hagan, Fende, Harwood, B. Williams, Mallory, Carano, Skindell, Miller, Budish, Yuko, Brown, Strahorn, Lundy, Foley

BILL SUMMARY

- Increases the penalties for assault and aggravated menacing to felonies of the fifth degree when the offenses are committed in a courthouse.

CONTENT AND OPERATION

The bill

The bill provides that the offenses of assault and aggravated menacing are felonies of the fifth degree if the offenses occur in a courthouse or another building or structure in which a courtroom is located (R.C. 2903.13(C)(2)(f) and 2903.21(B)). Generally, under current law, assault or aggravated menacing committed in a courthouse is a misdemeanor of the first degree unless the status of the victim elevates the penalty, as discussed below in "**Background: assault and aggravated menacing.**"

Background: assault and aggravated menacing

Assault

A person commits the offense of assault if the person either knowingly causes or attempts to cause physical harm to another or to another's unborn or recklessly causes serious physical harm to another or to another's unborn. Generally, the penalty for assault is a misdemeanor of the first degree.

However, potentially relevant to assault committed in a courthouse, assault is a felony of the fourth degree if the victim was a peace officer, a BCII investigator, a firefighter, or a person performing emergency medical service, and the victim was performing official duties. Also, if the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or

anticipated performance of official responsibilities or duties, assault is a felony of the fifth degree for a first offense and a felony of the fourth degree if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that offense was an officer or employee of a public children services agency or a private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties. (R.C. 2903.13.)¹

Aggravated menacing

A person commits the offense of aggravated menacing if the person knowingly causes another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. Generally, aggravated menacing is a misdemeanor of the first degree.

However, if the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony of the fifth degree for a first offense and a felony of the fourth degree if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that offense was an officer or employee of a public children services agency or a private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties. (R.C. 2903.21.)

HISTORY

ACTION	DATE
Introduced	04-03-07

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¹ The penalty for assault is also elevated when the offense involves caretakers against functionally impaired persons, specified correctional workers, or specified school personnel.