



H.B. 142

127th General Assembly
(As Introduced)

**Reps. Batchelder, Bacon, B. Williams, Chandler, Bulp, Fessler, Latta,
Harwood, Fende, Adams, Wachtmann, White, Collier**

BILL SUMMARY

- Eliminates the existing general penalty for inducing panic at a school (felony of the fourth degree) and the enhanced penalties that are based on economic and physical harm and whether a weapon of mass destruction is involved (felonies of the second and the third degree).
- Establishes the penalty of felony of the second degree for all instances of inducing panic when the location of the violation is a school.
- Authorizes the State Highway Patrol to offer emergency assistance to school districts that receive a bomb threat or under other emergency conditions when specified procedures are followed.
- Establishes that rendering emergency assistance to a school district pursuant to the bill is considered performing regular employment for specified rights and benefits.
- Extends personal immunity from liability to a trooper who renders emergency assistance to a school district pursuant to the bill.

CONTENT AND OPERATION

Existing law--inducing panic generally and in schools

Inducing panic

Under continuing law, a person is guilty of inducing panic if the person violates the following prohibition under R.C. 2917.31:

(A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false;

(2) Threatening to commit any offense of violence;

(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

Generally, inducing panic is a misdemeanor of the first degree. (R.C. 2917.31(C)(2).)

Existing penalties when the location of induced panic is a school

Existing law also provides heightened penalties if the public place of the induced panic is a school. Under existing law, the general enhanced penalty for inducing panic at a school is a felony of the fourth degree. Additional enhanced penalties also apply, based on whether there is physical harm to a person, the degree of economic harm, and whether a weapon of mass destruction is involved. (R.C. 2917.31(C)(5)(a).)

Physical or economic harm

The following enhanced penalties apply under existing law when inducing panic at a school results in physical or economic harm:

Felony of the third degree:

- The violation results in physical harm to a person and economic harm is not \$100,000 or more (R.C. 5217.31(C)(5)(b));
- The violation results in economic harm of \$5,000 to under \$100,000 (R.C. 5217.31(C)(5)(c)(ii)).

Felony of the second degree:

- The violation results in economic harm of \$100,000 or more (R.C. 5217.31(C)(5)(c)(iii)).

Weapons of mass destruction

When inducing panic at a school involves the purported, threatened, or actual use of a weapon of mass destruction, the penalty under existing law is a felony of the second degree or a felony of the third degree, depending whether physical harm is caused and the degree of any economic harm. The following are the penalties under existing law for inducing panic in a school when a weapon of mass destruction is involved:

Felony of the second degree:

- The violation results in physical harm to any person (R.C. 2917.31(C)(9)(a));
- The violation results in economic harm of \$100,000 or more (R.C. 2917.31(C)(9)(c)).

Felony of the third degree:

- The violation results in economic harm of \$5,000 or more but less than \$100,000 and no physical harm is caused to any person (R.C. 2917.31(C)(9)(b)).

Single penalty under the bill for inducing panic in a school: felony of the second degree

The bill eliminates the separate categories of penalties for inducing panic in a school as listed above and establishes a single penalty for inducing panic at a school: a felony of the second degree. (R.C. 2917.31(C)(5).)

Highway Patrol assistance

Continuing law establishes the duties of the State Highway Patrol and delineates the types of assistance that troopers may offer. The bill authorizes the State Highway Patrol to provide emergency assistance to a school district if all of the following apply:

- The school district has received a threat of a bomb, fire, explosion, or similar catastrophic event concerning one or more school buildings, facilities, or vehicles;
- The threat poses a risk of imminent harm to persons or property under the authority or control of the school district;
- The school district believes immediate assistance is required; and

- The State Highway Patrol receives a written request for emergency assistance from either the sheriff of any county in which the school district is located or the chief law enforcement officer of any municipal corporation that is, in whole or in part, within the territorial boundaries of the school district. (R.C. 5503.02(C).)

Assistance considered regular employment

Under continuing law, a State Highway Patrol trooper who renders emergency assistance to another peace officer, under the policy the Superintendent of the Highway Patrol establishes, is considered to be performing regular employment for the purposes of compensation, pension, indemnity fund rights, workers' compensation, and other rights or benefits to which the trooper may be entitled as incident to regular employment. The bill includes a trooper's provision of emergency assistance to a school district pursuant to the bill's provisions as an additional type of emergency assistance that is considered regular employment for the above purposes specified under continuing law. (R.C. 5503.02(E)(3)(a).)

Personal immunity

Under continuing law, a State Highway Patrol trooper who renders specified types of emergency assistance is granted personal immunity from liability. The bill extends this personal immunity to a trooper who renders emergency assistance to a school district as the bill provides. (R.C. 5503.02(E)(3)(b).)

HISTORY

ACTION

DATE

Introduced

04-03-07

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