



**S.B. 180**  
127th General Assembly  
(As Introduced)

Sens. Cafaro, Jacobson, R. Miller, Goodman, Schuler, Bocchieri, Cates,  
Kearney, Morano, Schaffer

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**BILL SUMMARY**

- Modifies the penalty for the offense of "assault" so that it is a felony of the fifth degree if it occurs in a courthouse or another building or structure in which a courtroom is located.
- Modifies the penalty for the offense of "aggravated menacing" so that it is a felony of the fifth degree if it occurs in a courthouse or another building or structure in which a courtroom is located.

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**CONTENT AND OPERATION**

**Assault**

**Existing law**

Existing law prohibits a person from knowingly causing or attempting to cause physical harm to another or to another's unborn, or recklessly causing serious physical harm to another or to another's unborn (R.C. 2903.13(A) and (B)). A violation of the prohibition is the offense of "assault" and is punished as follows (R.C. 2903.13(C)):

(1) Except as otherwise described below in paragraphs (2) to (6), assault is a misdemeanor of the first degree.

(2) If the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, assault is a felony of the fourth degree or, if the offender previously has been convicted of or pleaded guilty to assault, felonious assault, knowingly failing to provide for a functionally impaired person, or recklessly failing to provide for a functionally impaired person involving a victim who was a functionally impaired person under the offender's care, a felony of the third degree.

(3) If the offense is committed in any of the following circumstances, assault is a felony of the fifth degree: (a) the offense is committed in specified circumstances by a person confined in a state correctional institution, a Department of Youth Services institution, or a local correctional facility or, in relation to a person in a state institution, by a parolee, an offender under transitional control, a community control sanction, or an escorted visit, a person under post-release control, or an offender under any other type of supervision by a government agency, and the victim is an employee of the state department operating the facility, the local correctional facility, or a probation department or is on the premises for business purposes or as a visitor, or (b) the victim is a school teacher or administrator or a school bus operator, and the offense occurs in a school, on school premises, in a school building, on a school bus, or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position.

(4) If the victim of the offense is a peace officer, BCII investigator, firefighter, or person performing emergency medical service, while in the performance of their official duties, assault is a felony of the fourth degree.

(5) If the victim of the offense is a peace officer or BCII investigator who suffered serious physical harm as a result of the commission of the offense, assault is a felony of the fourth degree, and the court must impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least 12 months in duration.

(6) 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 either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence involving such a victim committed under similar such circumstances, a felony of the fourth degree.

**Operation of the bill**

The bill modifies the penalty provision for the offense of assault to provide that an increased fifth degree felony penalty applies when the offense occurs in a courthouse or another building or structure in which a courtroom is located (R.C. 2903.13(C)(1)(f)). The penalty provisions described above in paragraphs (1), (2), (3), (4), (5), and (6) under "**Existing law**" are retained without change.

**Aggravated menacing**

**Existing law**

Existing law prohibits a person from knowingly causing 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. A violation of this prohibition is the offense of "aggravated menacing." Except as otherwise described in this paragraph, aggravated menacing is a misdemeanor of the first degree. 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 or, if the offender previously has been convicted of or pleaded guilty to an offense of violence involving such a victim committed under similar such circumstances, a felony of the fourth degree. (R.C. 2903.21.)

**Operation of the bill**

The bill modifies the penalty for the offense of aggravated menacing by increasing the penalty to a felony of the fifth degree if the offense occurs in a courthouse or another building or structure in which a courtroom is located (R.C. 2903.21(B)).

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**HISTORY**

ACTION	DATE
Introduced	05-30-07

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