



# Ohio Legislative Service Commission

## Bill Analysis

Andrea Holmes

### H.B. 243

128th General Assembly  
(As Introduced)

**Reps.** Letson, Burke, Baker, Chandler, Derickson, Domenick, Gardner, Garland, Grossman, Hagan, Harwood, Huffman, McClain, Morgan, Murray, Pillich, Stautberg, Stebelton, Stewart, Wagner, B. Williams, Yuko

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## BILL SUMMARY

- Eliminates the requirement that a witness must be "involved in a criminal action or proceeding" in order for the first degree misdemeanor offense of "intimidation of an attorney, victim, or witness in a criminal case" to apply.
- Removes the requirement that the victim of a crime or delinquent act be "intimidated" by the perpetrator in order for the perpetrator to be in violation of the first degree misdemeanor offense of "intimidation of an attorney, victim, or witness in a criminal case," and, instead, requires only that the perpetrator hinder the victim from the filing or prosecution of criminal or delinquent child charges.
- Amends the law establishing a third degree felony violation of "intimidation of an attorney, victim, or witness in a criminal case" to state that no person, knowingly and by force, unlawful conduct, or an express or implied threat of harm to any person or property, must attempt to influence, intimidate, or hinder the victim of a crime or delinquent act in the filing or prosecution of criminal or delinquent child charges, a witness to a criminal or delinquent act in the discharge of the duty of a witness, or an attorney involved in a criminal or delinquent child action or proceeding in the discharge of the duties of the attorney.
- Specifies that first degree misdemeanor and third degree felony violations of "intimidation of an attorney, victim, or witness in a criminal case" apply equally to acts occurring in conjunction with juvenile delinquency cases, by the addition of references to "delinquent acts."

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## CONTENT AND OPERATION

### **First degree misdemeanor violation of "intimidation of an attorney, victim, or witness in a criminal case"**

(R.C. 2921.04(A))

Current law establishes a first degree misdemeanor offense for "intimidation of an attorney, victim, or witness in a criminal case." Such an offense occurs when: (1) a person knowingly attempts to intimidate or hinder the victim of a crime in the filing or prosecution of criminal charges, or (2) knowingly attempts to intimidate or hinder a witness involved in a criminal action or proceeding in the discharge of the duties of the witness. The bill eliminates the requirement that a witness must be "involved in a criminal action or proceeding" in order for the prohibition of "intimidation of an attorney, victim, or witness in a criminal case" to apply. Instead, the bill requires only that the person be a witness to the criminal or delinquent act.

Additionally, the bill removes the requirement that the victim of a crime or delinquent act be "intimidated" by the perpetrator. Instead, the bill requires only that the perpetrator hinder the victim from the filing or prosecution of criminal or delinquent child charges. Finally, the bill specifies that the statute applies equally in juvenile delinquency cases by the addition of references to "delinquent acts."

### **Third degree felony violation of "intimidation of an attorney, victim, or witness in a criminal case"**

(R.C. 2921.04(B))

Current law establishes a third degree felony violation for "intimidation of an attorney, victim, or witness in a criminal case." Such an offense occurs when a person knowingly and by force or by unlawful threat of harm to any person or property, attempts to influence, intimidate, or hinder the victim of a crime in the filing or prosecution of criminal charges or an attorney or witness involved in a criminal action or proceeding in the discharge of the duties of the attorney or witness. The bill amends the law to state that no person, knowingly and by force, *unlawful conduct*, or *an express or implied threat of harm* to any person or property, must do any of the following:

(1) Attempt to influence, intimidate, or hinder the victim of a crime or delinquent act in the filing or prosecution of criminal or delinquent child charges;

(2) Attempt to influence, intimidate, or hinder a witness to a criminal or delinquent act in the discharge of the duty of a witness; or

(3) Attempt to influence, intimidate, or hinder an attorney involved in a criminal or delinquent child action or proceeding in the discharge of the duties of the attorney.

Similar to changes made by the bill to the first degree misdemeanor offense of "intimidation of an attorney, victim, or witness in a criminal case," the bill applies the third degree felony violation of that offense equally to juvenile delinquency cases by adding references to "delinquent acts."

## Definitions

(R.C. 2921.04(E))

The bill establishes the following definitions:

"Duty of a witness" includes, but is not limited to, reporting a crime or delinquent act to a law enforcement agency, cooperating with law enforcement officers and the prosecuting attorney, and testifying in a court of law.

"Unlawful conduct" means conduct that violates established criminal or civil law, threatening to commit any offense; uttering or threatening any calumny against any person, exposing or threatening to expose any matter tending to subject any person to hatred, contempt, or ridicule, to damage any person's personal or business repute, or to impair any person's credit, instituting or threatening criminal proceedings against any person, taking, withholding, or threatening to take or withhold official action, or causing or threatening to cause official action to be taken or withheld.

"Witness" means any person who has or claims to have knowledge concerning a fact or facts concerning a criminal or delinquent act, whether or not criminal or delinquent child charges are actually filed.

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## HISTORY

ACTION	DATE
Introduced	06-29-09

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