



Ohio Legislative Service Commission

Bill Analysis

Andrea Holmes

H.B. 384

129th General Assembly
(As Introduced)

Reps. Driehaus, Pillich

BILL SUMMARY

- Increases the penalty for assault to a fifth degree felony if the victim of the offense is an operator of an Ohio transit system bus, a maintenance worker of an Ohio transit system, or a contracted employee providing services to an Ohio transit system as an operator of a system bus or a maintenance worker for the system, and the offense occurs while the victim is engaged in duties or official responsibilities associated with the victim's employment or position as an operator of an Ohio transit system bus or a maintenance worker of or for an Ohio transit system.

CONTENT AND OPERATION

Existing law

Continuing 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. A violation of the prohibition is the offense of "assault." Assault generally is a first degree misdemeanor, but in a number of specified circumstances it is a third, fourth, or fifth degree felony.¹

Operation of the bill

The bill expands the penalty enhancement provisions in the offense of assault to include an enhanced penalty if the victim of the offense is an operator of an Ohio transit system bus, a maintenance worker of an Ohio transit system, or a contracted employee providing services to an Ohio transit system as an operator of a system bus or a maintenance worker for the system, and the offense occurs while the victim is engaged

¹ R.C. 2903.13.

in duties or official responsibilities associated with the victim's employment or position as an operator of an Ohio transit system bus or a maintenance worker of or for an Ohio transit system. In this circumstance, assault is a fifth degree felony.²

Definitions

The following definitions are relevant to the provision described above:

(1) "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.³

(2) "Ohio transit system" means a county transit system operated in accordance with R.C. 306.01 to 306.13, a regional transit authority operated in accordance with R.C. 306.30 to 306.71, a regional transit commission operated in accordance with R.C. 306.80 to 306.90, any municipally owned transportation system, and any mass transit company that operates exclusively within the territorial limits of a municipal corporation, or within the territorial limits of a municipal corporation and one or more municipal corporations immediately contiguous to that municipal corporation.⁴

(3) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.⁵

HISTORY

ACTION

DATE

Introduced

11-22-11

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² R.C. 2903.13(C)(4)(f).

³ R.C. 2903.13(D)(11).

⁴ R.C. 2903.13(D)(12) by reference to R.C. 2305.33(A)(7), which is not in the bill.

⁵ R.C. 2903.13(D)(13) by reference to 4511.01(B), which is not in the bill.