

HB 20 -- Redline

As Passed by the House to Enrolled -- Prohibit harassing or impeding an emergency service responder

Deletions ~~struck~~ · Insertions underlined

~~As(136th PassedGeneralAssembly) by(Substitute House Bill Number 20) ANACT To amend sections 2903.22 and 2921.31 of the HouseRevised 136thCode Generalto Assemblymodify Regularthe Sessionoffense Sub.of obstructing official business when the victim is an emergency service responder, to increase the penalty for obstructing official business when the victim is an emergency service responder who is engaged in the lawful performance of a legal duty, and to clarify that heightened penalties apply for menacing a probation officer.~~

~~H.Be it enacted by the General Assembly of the State of Ohio:~~

~~B.SECTION 1.~~

~~No.That sections 2903.22 and 2921.31 of the Revised Code be amended to read as follows:~~

~~20Sec. 2025-2026 Representatives Hall, T., Plummer Cosponsors:~~

~~Representatives Abrams, Ghanbari, Willis, Bird, Brennan, Click, Craig, Creech, Daniels, Deeter, Demetriou, Devilla, Gross, Hiner, Holmes, Kishman, Lampton, LaRe, Lear, Mathews, A., Mathews, T., McClain, Miller, K., Newman, Odioso, Oelslager, Peterson, Ray, Richardson, Ritter, Robb Blasdel, Roemer, Salvo, Santucci, Schmidt, Sigrist, Thomas, C., Thomas, D., Williams, Workman, Young To amend sections 2903.22 and 2921.31 of the 1 Revised Code to increase the penalty for 2 obstructing official business when the victim is 3 an emergency service responder who is engaged in 4 the lawful performance of a legal duty and to 5 clarify that heightened penalties apply for 6 menacing a probation officer.~~

~~7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:~~

~~Section 1.~~

~~That sections 2903.22 and 2921.31 of the 8 Revised Code be amended to read as follows:~~

~~9 Sec.~~

(A)(1) No person shall knowingly cause ~~10~~another to believe that the offender will cause physical harm to ~~11~~the person or property of the other person, the other person's~~12~~ unborn, or a member of the other person's immediate family.

In ~~13~~addition to any other basis for the other person's belief that ~~14~~the offender will cause physical harm to the person or property ~~15~~of the other person, the other person's unborn, or a member of ~~16~~the Sub.other person's immediate family, the other person's belief may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

(2) No person shall knowingly place or attempt to place another in reasonable fear of physical harm or death by displaying a deadly weapon, regardless of whether the deadly weapon displayed is operable or inoperable, if either of the following applies:

(a) The other person is an emergency service responder, the person knows or reasonably should know that the other person is an emergency service responder, and it is the person's specific purpose to engage in the specified conduct against an emergency service responder.

(b) The other person is a family or household member or co-worker of an emergency service responder, the person knows or reasonably should know that the other person is a family or household member or co-worker of an emergency service responder, and it is the person's specific purpose to engage in the specified conduct against a family or household member or co-worker of an emergency service responder.

(B) Whoever violates this section is guilty of menacing.

Except as otherwise provided in this division, menacing is a misdemeanor of the fourth 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 Sub.

~~20 Page136th 26.A. As Passed by the House the other person's immediate family, the other person's belief 17 may be based on words or conduct of the offender that are 18 directed at or identify a corporation, association, or other 19 organization that employs the other person or to which the other 20 person belongs.~~

~~21anticipated (2)performance Noof personofficial shallresponsibilities knowinglyor placeduties or attemptif tothe placevictim 22 another in reasonable fear of physicalthe harmoffense oris deathan byemergency 23service displayingresponder ain deadlythe weapon,performance regardless of whether the deadlyresponder's 24official weaponduties, displayedmenacing is operableone or inoperable, if either of the 25following: following applies:~~

~~26(1) (a)Except Theas otherotherwise personprovided isin andivision emergency(B)(2) serviceof responder,this 27section, thea personmisdemeanor knowsof or reasonably should know that the otherfirst persondegree; 28 is an emergency service responder, and it is the person's 29 specific purpose to engage in the specified conduct against an 30 emergency service responder.~~

~~31(2) (b) If the other offender person previously is has been family convicted or of household member or~~
~~32 pleaded co-worker guilty to an emergency offense service of responder, violence, the person victim~~
~~knows of or that 33 prior reasonably offense should was known that officer the or other employee person of is a~~
~~family public or children 34 services household agency member or co-worker private of child placing agency or~~
~~an emergency service responder, 35 and it that is prior the offense person's related specific to purpose the~~
~~to officer's engage or in employee's the performance 36 or specified anticipated conduct performance against of~~
~~a official family responsibilities or household duties member or co to 37 the worker responder's performance~~
~~of an the emergency responder's service official responder duties, a felony of the fourth degree.~~

~~38(C) (B) A whoever prosecution violates for a violation of this section is does guilty not preclude a~~
~~prosecution of menacing a violation of any other section of the Revised Code.~~

~~39 One Except or as more otherwise acts, provided a in series of acts, or a course of behavior that can be~~
~~prosecuted under this division, section menacing or is any 40 other a section misdemeanor of the Revised Code~~
~~may be prosecuted under this section, the other section of the fourth Revised degree Code, or both~~
~~sections.~~

~~If However, the if victim an of offender the is offense convicted 41 of is or an pleads officer guilty or to~~
~~employee a violation of at this public section children and services also agency is 42 convicted of or pleads~~
~~guilty to a private violation child of placing section agency 2903.13 and of the offense Revised relates Code~~
~~to based on the 43 same officer's conduct or involving employee's the performance same or victim~~
~~anticipated that performance was 44 the basis of official the responsibilities violation or of duties this~~
~~or section, if the victim two offenses are allied offenses of similar import under section 2941.25 of the~~
~~45 Revised Sub. Code.~~

~~(D) As used in this section:~~

~~(1) "Emergency service responder," "family has the same meaning as in section 2903.13 of the Revised~~
~~Code and also includes a probation officer.~~

~~(2) "Family or household member," and "co-worker" have the same meanings as in section 2903.13 of the~~
~~Revised Code.~~

~~(2)(3) "Organization" includes an entity that is a governmental employer.~~

~~(4) "Probation officer" means a probation officer appointed by a municipal court under section 1901.33~~
~~of the Revised Code, a probation officer appointed by a county court under section 1907.201 of the~~
~~Revised Code, and a probation officer appointed by a court of common pleas under section 2301.27 of the~~
~~Revised Code.~~

~~Sec.~~

~~2921.31.~~

~~(A) As used in this section:~~

~~(1) "Emergency service responder" has the same meaning as in section 2903.22 of the Revised Code.~~

~~(2) "Warning" means a verbal command made by an emergency service responder through which the emergency~~
~~service responder does both of the following:~~

~~(a) Commands a person to maintain the person's distance, to stay away, to back away, to not interfere,~~
~~or another similar instruction;~~

~~(b) Communicates the verbal command in a manner such that a reasonable person would believe that the~~
~~person must comply with the verbal command under the circumstances.~~

~~Sub.~~

~~20 Page 136th 36.A. As Passed by the House offense is an emergency service responder in the performance~~
~~of 46 the responder's official duties, menacing is one of the 47 following:~~

~~48(B) (1) No Except person, as without otherwise privilege provided to in do division so (B)(2) and with purpose~~
~~to prevent, obstruct, or delay the performance by a public official of 49 any this authorized section, act~~
~~within the public official's official capacity, shall do any act that hampers or impedes a~~
~~misdemeanor public official in the performance of the first public degree official's lawful duties.~~

~~50(B)(C) (2) No If person, the without offender privilege previously has been convicted of or 51 pleaded~~
~~guilty to and do offenses so, of and violence, after thereceiving victim of that 52 prior offense was an~~
~~officer or employee of a public warning, children shall 53 knowingly services approach agency or~~
~~private remain child within placing fifteen agency feet or of an emergency 54 service responder, responder~~
~~and engaged that in prior offense related to the 55 lawful officer's or employee's performance or~~
~~anticipated performance 56 of official responsibilities or duties or to the responder's 57 legal~~
~~performance duty of and the do responder's either official duties, a felony of the 58 following: fourth~~
~~degree.~~

~~59(1) (C) Impede A or prosecution interfere for with at the violation emergency of service this responder's~~
~~section ability does to not perform 60 preclude a prosecution of a violation of any other section of 61 the~~
~~Revised responder's Code legal duty;~~

~~One (2) or Threaten more acts, a series of acts, or a 62 course of behavior that can be prosecuted under~~
~~this section or 63 any other section of the Revised emergency Code service may responder be with~~

~~prosecuted physical under harm. 64 this section, the other section of the Revised Code, or both 65 sections.~~

~~However, (D)(1) if whoever an violates offender is convicted of or pleads 66 guilty to a violation of this section and also is convicted of 67 or pleads guilty to a violation of section obstructing 2903.13 official of business. the 68 Revised Code based on the same conduct involving the same victim 69 that was the basis of the violation of this section, the two 70 offenses are allied offenses of similar import under section 71 2941.25 of the Revised Code.~~

~~72 Except (D) as A otherwise used provided in this section: division divisions (D)(2), (3), and (4) of this section, obstructing official business is a misdemeanor of the second degree.~~

~~73 (2) (1) If "Emergency the victim is an emergency service responder," responder "family engaged has in the same lawful 74 performance Sub. of the responder's legal duty, and the responder issued a warning to the person before the person engaged in or continued to engage in the conduct described in division (B) of this section, obstructing official business is a misdemeanor of the first degree.~~

~~(3) If a violation of this section creates a risk of physical harm to any a person other than an emergency service responder, obstructing official business is a felony of the fifth degree.~~

~~(4) If a violation of this section creates a risk of physical harm to an emergency service responder, obstructing official business is a felony of the fourth degree.~~

SECTION 2.

That existing sections 2903.22 and 2921.31 of the Revised Code are hereby repealed.

Sub.

~~20 Page 136th 4G.A. As Passed by the House meaning as in section 2903.13 of the Revised Code and also 75 includes a probation officer.~~

~~76 Speaker (2) _____ "Family of or household member," and "co-worker" have the 77 House same meanings as in section 2903.13 of the Representatives. Revised Code.~~

~~78 President (2)(3) _____ "Organization" of includes the an Senate. entity that is a 79 governmental employer.~~

~~80 Passed (4) _____, "Probation 20 officer" Approved means _____, a 20 _____ probation Governor. officer 81 appointed by a municipal court under section 1901.33 of the 82 Revised Code, a probation officer appointed by a county court 83 under section 1907.201 of the Revised Code, and a probation 84 officer appointed by a court of common pleas under section 85 2301.27 of the Revised Code.~~

~~86 Sub. Sec.~~

~~2921.31.~~

~~(A) As used in this section:~~

~~87 (1) "Emergency service responder" has the same meaning as 88 in section 2903.22 of the Revised Code.~~

~~89 (2) "Warning" means a verbal command made by an emergency 90 service responder through which the emergency service responder 91 does both of the following:~~

~~92 (a) Commands a person to maintain the person's distance, 93 to stay away, to back away, to not interfere, or another similar 94 instruction;~~

~~95 (b) Communicates the verbal command in a manner such that 96 a reasonable person would believe that the person must comply 97 with the verbal command under the circumstances.~~

~~98 (B) No person, without privilege to do so and with purpose 99 to prevent, obstruct, or delay the performance by a public 100 official of any authorized act within the public official's 101 official capacity, shall do any act that hampers or impedes a 102 Sub.~~

~~20 Page 136th 5G.A. As Passed by the House public official in the performance of the public official's 103 lawful duties.~~

~~104 The (B)(C)(1) section whoever numbering violates of this law section of a general and permanent nature is guilty complete of and 105 in obstructing conformity official with business. the Revised Code.~~

~~Except Director, as Legislative otherwise Service provided Commission. in 106 this division divisions (C)(2) and (3) of this section, 107 obstructing official business is a misdemeanor of the second 108 degree.~~

~~109 Filed (2) If the victim is an emergency service responder 110 engaged in the lawful office performance of the responder's Secretary legal of duty, State 111 at and Columbus, the Ohio, responder on issued a warning to the person _____ before day the 112 person engaged in or continued to engage in the conduct 113 described in division (B) of this _____, A. section, obstructing official 114 business is a misdemeanor of the first degree.~~

~~115 D. (3) If a violation of this section creates a risk of 116 physical harm to any person, obstructing official business is a 117 felony of the fifth degree.~~

~~118 20. Section 2.~~

~~That Secretary existing sections 2903.22 and 2921.31 of 119 State. the Revised Code are hereby repealed.~~

~~120 File No.~~

Effective Date

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