

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 208

Representatives Roemer, Miller, J.

Cosponsors: Representatives O'Brien, Cera, McClain, Hoops

A BILL

To amend section 2903.13 of the Revised Code to
increase the penalty for assault if the victim
is acting as a sports official or the assault is
committed in retaliation for the victim's
actions as a sports official.

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

Section 1. That section 2903.13 of the Revised Code be
amended to read as follows:

Sec. 2903.13. (A) No person shall knowingly cause or
attempt to cause physical harm to another or to another's
unborn.

(B) No person shall recklessly cause serious physical harm
to another or to another's unborn.

(C) (1) Whoever violates this section is guilty of assault,
and the court shall sentence the offender as provided in this
division and divisions (C) (1), (2), (3), (4), (5), (6), (7),
(8), (9), and (10) of this section. Except as otherwise provided
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this
section, assault is a misdemeanor of the first degree.

(2) Except as otherwise provided in this division, 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. If the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, if the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.11 or 2903.16 of the Revised Code, and if in relation to the previous conviction the offender was a caretaker and the victim was a functionally impaired person under the offender's care, assault is a felony of the third degree.

(3) If the offense occurs in or on the grounds of a state correctional institution or an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction or the department of youth services, and the offense is committed by a person incarcerated in the state correctional institution or by a person institutionalized in the department of youth services institution pursuant to a commitment to the department of youth services, assault is a felony of the third degree.

(4) If the offense is committed in any of the following circumstances, assault is a felony of the fifth degree:

(a) The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the

person's being alleged to be or adjudicated a delinquent child. 49

(b) The offense occurs off the grounds of a state 50
correctional institution and off the grounds of an institution 51
of the department of youth services, the victim of the offense 52
is an employee of the department of rehabilitation and 53
correction, the department of youth services, or a probation 54
department, the offense occurs during the employee's official 55
work hours and while the employee is engaged in official work 56
responsibilities, and the offense is committed by a person 57
incarcerated in a state correctional institution or 58
institutionalized in the department of youth services who 59
temporarily is outside of the institution for any purpose, by a 60
parolee, by an offender under transitional control, under a 61
community control sanction, or on an escorted visit, by a person 62
under post-release control, or by an offender under any other 63
type of supervision by a government agency. 64

(c) The offense occurs off the grounds of a local 65
correctional facility, the victim of the offense is an employee 66
of the local correctional facility or a probation department, 67
the offense occurs during the employee's official work hours and 68
while the employee is engaged in official work responsibilities, 69
and the offense is committed by a person who is under custody in 70
the facility subsequent to the person's arrest for any crime or 71
delinquent act, subsequent to the person being charged with or 72
convicted of any crime, or subsequent to the person being 73
alleged to be or adjudicated a delinquent child and who 74
temporarily is outside of the facility for any purpose or by a 75
parolee, by an offender under transitional control, under a 76
community control sanction, or on an escorted visit, by a person 77
under post-release control, or by an offender under any other 78
type of supervision by a government agency. 79

(d) The victim of the offense 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 as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.

(e) The victim of the offense is a sports official and the offense occurs while the victim is engaged in the victim's official duties at a sports event or immediately before or after the sports event.

(f) The victim of the offense is a sports official and the offense is committed in retaliation for an action taken by the victim while the victim was engaged in the victim's official duties at a sports event.

(5) If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties, assault is a felony of the fourth degree.

(6) If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation and if the victim suffered serious physical harm as a result of the commission of the offense, assault is a felony of the fourth degree, and the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a

mandatory prison term one of the prison terms prescribed for a 110
felony of the fourth degree that is at least twelve months in 111
duration. 112

(7) If the victim of the offense is an officer or employee 113
of a public children services agency or a private child placing 114
agency and the offense relates to the officer's or employee's 115
performance or anticipated performance of official 116
responsibilities or duties, assault is either a felony of the 117
fifth degree or, if the offender previously has been convicted 118
of or pleaded guilty to an offense of violence, the victim of 119
that prior offense was an officer or employee of a public 120
children services agency or private child placing agency, and 121
that prior offense related to the officer's or employee's 122
performance or anticipated performance of official 123
responsibilities or duties, a felony of the fourth degree. 124

(8) If the victim of the offense is a health care 125
professional of a hospital, a health care worker of a hospital, 126
or a security officer of a hospital whom the offender knows or 127
has reasonable cause to know is a health care professional of a 128
hospital, a health care worker of a hospital, or a security 129
officer of a hospital, if the victim is engaged in the 130
performance of the victim's duties, and if the hospital offers 131
de-escalation or crisis intervention training for such 132
professionals, workers, or officers, assault is one of the 133
following: 134

(a) Except as otherwise provided in division (C) (8) (b) of 135
this section, assault committed in the specified circumstances 136
is a misdemeanor of the first degree. Notwithstanding the fine 137
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 138
Revised Code for a misdemeanor of the first degree, in 139

sentencing the offender under this division and if the court 140
decides to impose a fine, the court may impose upon the offender 141
a fine of not more than five thousand dollars. 142

(b) If the offender previously has been convicted of or 143
pleaded guilty to one or more assault or homicide offenses 144
committed against hospital personnel, assault committed in the 145
specified circumstances is a felony of the fifth degree. 146

(9) If the victim of the offense is a judge, magistrate, 147
prosecutor, or court official or employee whom the offender 148
knows or has reasonable cause to know is a judge, magistrate, 149
prosecutor, or court official or employee, and if the victim is 150
engaged in the performance of the victim's duties, assault is 151
one of the following: 152

(a) Except as otherwise provided in division (C) ~~(9)~~ (9) (b) 153
of this section, assault committed in the specified 154
circumstances is a misdemeanor of the first degree. In 155
sentencing the offender under this division, if the court 156
decides to impose a fine, notwithstanding the fine specified in 157
division (A) (2) ~~(b)~~ (a) of section 2929.28 of the Revised Code 158
for a misdemeanor of the first degree, the court may impose upon 159
the offender a fine of not more than five thousand dollars. 160

(b) If the offender previously has been convicted of or 161
pleaded guilty to one or more assault or homicide offenses 162
committed against justice system personnel, assault committed in 163
the specified circumstances is a felony of the fifth degree. 164

(10) If an offender who is convicted of or pleads guilty 165
to assault when it is a misdemeanor also is convicted of or 166
pleads guilty to a specification as described in section 167
2941.1423 of the Revised Code that was included in the 168

indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in division (G) of section 2929.24 of the Revised Code.

If an offender who is convicted of or pleads guilty to assault when it is a felony also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in division (C) (6) of this section, the court shall sentence the offender to a mandatory prison term as provided in division (B) (8) of section 2929.14 of the Revised Code.

(D) As used in this section:

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.

(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.

(5) "Employee of a local correctional facility" means a	198
person who is an employee of the political subdivision or of one	199
or more of the affiliated political subdivisions that operates	200
the local correctional facility and who operates or assists in	201
the operation of the facility.	202
(6) "School teacher or administrator" means either of the	203
following:	204
(a) A person who is employed in the public schools of the	205
state under a contract described in section 3311.77 or 3319.08	206
of the Revised Code in a position in which the person is	207
required to have a certificate issued pursuant to sections	208
3319.22 to 3319.311 of the Revised Code.	209
(b) A person who is employed by a nonpublic school for	210
which the state board of education prescribes minimum standards	211
under section 3301.07 of the Revised Code and who is	212
certificated in accordance with section 3301.071 of the Revised	213
Code.	214
(7) "Community control sanction" has the same meaning as	215
in section 2929.01 of the Revised Code.	216
(8) "Escorted visit" means an escorted visit granted under	217
section 2967.27 of the Revised Code.	218
(9) "Post-release control" and "transitional control" have	219
the same meanings as in section 2967.01 of the Revised Code.	220
(10) "Investigator of the bureau of criminal	221
identification and investigation" has the same meaning as in	222
section 2903.11 of the Revised Code.	223
(11) "Health care professional" and "health care worker"	224
have the same meanings as in section 2305.234 of the Revised	225

Code.	226
(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:	227 228 229 230 231
(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	232 233 234
(b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	235 236 237 238
(c) The victim was engaged in the performance of the victim's duties.	239 240
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	241 242 243
(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.	244 245 246 247 248 249
(14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which the victim of the offense was a judge,	250 251 252 253 254

magistrate, prosecutor, or court official or employee whom the 255
offender knew or had reasonable cause to know was a judge, 256
magistrate, prosecutor, or court official or employee, and the 257
victim was engaged in the performance of the victim's duties. 258

(15) "Court official or employee" means any official or 259
employee of a court created under the constitution or statutes 260
of this state or of a United States court located in this state. 261

(16) "Judge" means a judge of a court created under the 262
constitution or statutes of this state or of a United States 263
court located in this state. 264

(17) "Magistrate" means an individual who is appointed by 265
a court of record of this state and who has the powers and may 266
perform the functions specified in Civil Rule 53, Criminal Rule 267
19, or Juvenile Rule 40, or an individual who is appointed by a 268
United States court located in this state who has similar powers 269
and functions. 270

(18) "Prosecutor" has the same meaning as in section 271
2935.01 of the Revised Code. 272

(19) (a) "Hospital" means, subject to division (D) (19) (b) 273
of this section, an institution classified as a hospital under 274
section 3701.01 of the Revised Code in which are provided to 275
patients diagnostic, medical, surgical, obstetrical, 276
psychiatric, or rehabilitation care or a hospital operated by a 277
health maintenance organization. 278

(b) "Hospital" does not include any of the following: 279

(i) A facility licensed under Chapter 3721. of the Revised 280
Code, a health care facility operated by the department of 281
mental health or the department of developmental disabilities, a 282
health maintenance organization that does not operate a 283

hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;

(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.

(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code.

(21) "Sports official" means any person who is paid or volunteers to enforce the rules of a sports event as a referee, umpire, linesperson, timer, scorekeeper, or in a similar capacity.

(22) "Sports event" includes all of the following:

(a) Any interscholastic or intramural athletic event or athletic activity at an elementary or secondary school, college, or university or in which an elementary or secondary school, college, or university participates;

(b) Any organized athletic activity, including an organized athletic activity that is sponsored by a community, business, or nonprofit organization;

(c) Any athletic activity that is a professional or semiprofessional event.

Section 2. That existing section 2903.13 of the Revised Code is hereby repealed. 313
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