

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 496

Representatives Kelly, Perales

Cosponsors: Representatives Antonio, Ashford, Boggs, Smith, K., O'Brien, Kent

A BILL

To amend sections 2903.13 and 2917.41 and to enact
section 306.20 of the Revised Code to increase
the penalty for assault when the victim is an
employee of an Ohio transit system; to authorize
Ohio transit systems to post a sign regarding
abuse or assault of staff; and to increase the
penalty for evading payment of the known fares
of a public transportation system.

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

Section 1. That sections 2903.13 and 2917.41 be amended
and section 306.20 of the Revised Code be enacted to read as
follows:

Sec. 306.20. (A) Any Ohio transit system may post the
notice described in division (B) of this section in accordance
with this division. An Ohio transit system that decides to post
the notice shall consider posting it in a conspicuous location
in all of the transit system's buses and rail cars.

(B) A notice posted pursuant to division (A) of this
section shall include, at a minimum, all of the following

statements and information: 19

"WE WILL NOT TOLERATE 20

any form of threatening or 21

aggressive behavior 22

toward our staff. 23

Assaults against our staff might 24

result in a felony conviction. 25

All staff have the right to carry out 26

their work without fearing for their safety." 27

(C) As used in this section, "Ohio transit system" has the 28

same meaning as in section 2305.33 of the Revised Code. 29

Sec. 2903.13. (A) No person shall knowingly cause or 30
attempt to cause physical harm to another or to another's 31
unborn. 32

(B) No person shall recklessly cause serious physical harm 33
to another or to another's unborn. 34

(C) (1) Whoever violates this section is guilty of assault, 35
and the court shall sentence the offender as provided in this 36
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 37
(8), (9), ~~and~~ (10), and (11) of this section. Except as 38
otherwise provided in division (C) (2), (3), (4), (5), (6), (7), 39
(8), ~~or~~ (9), or (10) of this section, assault is a misdemeanor 40
of the first degree. 41

(2) Except as otherwise provided in this division, if the 42
offense is committed by a caretaker against a functionally 43
impaired person under the caretaker's care, assault is a felony 44

of the fourth degree. If the offense is committed by a caretaker 45
against a functionally impaired person under the caretaker's 46
care, if the offender previously has been convicted of or 47
pleaded guilty to a violation of this section or section 2903.11 48
or 2903.16 of the Revised Code, and if in relation to the 49
previous conviction the offender was a caretaker and the victim 50
was a functionally impaired person under the offender's care, 51
assault is a felony of the third degree. 52

(3) If the offense occurs in or on the grounds of a state 53
correctional institution or an institution of the department of 54
youth services, the victim of the offense is an employee of the 55
department of rehabilitation and correction or the department of 56
youth services, and the offense is committed by a person 57
incarcerated in the state correctional institution or by a 58
person institutionalized in the department of youth services 59
institution pursuant to a commitment to the department of youth 60
services, assault is a felony of the third degree. 61

(4) If the offense is committed in any of the following 62
circumstances, assault is a felony of the fifth degree: 63

(a) The offense occurs in or on the grounds of a local 64
correctional facility, the victim of the offense is an employee 65
of the local correctional facility or a probation department or 66
is on the premises of the facility for business purposes or as a 67
visitor, and the offense is committed by a person who is under 68
custody in the facility subsequent to the person's arrest for 69
any crime or delinquent act, subsequent to the person's being 70
charged with or convicted of any crime, or subsequent to the 71
person's being alleged to be or adjudicated a delinquent child. 72

(b) The offense occurs off the grounds of a state 73
correctional institution and off the grounds of an institution 74

of the department of youth services, the victim of the offense 75
is an employee of the department of rehabilitation and 76
correction, the department of youth services, or a probation 77
department, the offense occurs during the employee's official 78
work hours and while the employee is engaged in official work 79
responsibilities, and the offense is committed by a person 80
incarcerated in a state correctional institution or 81
institutionalized in the department of youth services who 82
temporarily is outside of the institution for any purpose, by a 83
parolee, by an offender under transitional control, under a 84
community control sanction, or on an escorted visit, by a person 85
under post-release control, or by an offender under any other 86
type of supervision by a government agency. 87

(c) The offense occurs off the grounds of a local 88
correctional facility, the victim of the offense is an employee 89
of the local correctional facility or a probation department, 90
the offense occurs during the employee's official work hours and 91
while the employee is engaged in official work responsibilities, 92
and the offense is committed by a person who is under custody in 93
the facility subsequent to the person's arrest for any crime or 94
delinquent act, subsequent to the person being charged with or 95
convicted of any crime, or subsequent to the person being 96
alleged to be or adjudicated a delinquent child and who 97
temporarily is outside of the facility for any purpose or by a 98
parolee, by an offender under transitional control, under a 99
community control sanction, or on an escorted visit, by a person 100
under post-release control, or by an offender under any other 101
type of supervision by a government agency. 102

(d) The victim of the offense is a school teacher or 103
administrator or a school bus operator, and the offense occurs 104
in a school, on school premises, in a school building, on a 105

school bus, or while the victim is outside of school premises or 106
a school bus and is engaged in duties or official 107
responsibilities associated with the victim's employment or 108
position as a school teacher or administrator or a school bus 109
operator, including, but not limited to, driving, accompanying, 110
or chaperoning students at or on class or field trips, athletic 111
events, or other school extracurricular activities or functions 112
outside of school premises. 113

(5) If the victim of the offense is a peace officer or an 114
investigator of the bureau of criminal identification and 115
investigation, a firefighter, or a person performing emergency 116
medical service, while in the performance of their official 117
duties, assault is a felony of the fourth degree. 118

(6) If the victim of the offense is a peace officer or an 119
investigator of the bureau of criminal identification and 120
investigation and if the victim suffered serious physical harm 121
as a result of the commission of the offense, assault is a 122
felony of the fourth degree, and the court, pursuant to division 123
(F) of section 2929.13 of the Revised Code, shall impose as a 124
mandatory prison term one of the prison terms prescribed for a 125
felony of the fourth degree that is at least twelve months in 126
duration. 127

(7) If the victim of the offense is an officer or employee 128
of a public children services agency or a private child placing 129
agency and the offense relates to the officer's or employee's 130
performance or anticipated performance of official 131
responsibilities or duties, assault is either a felony of the 132
fifth degree or, if the offender previously has been convicted 133
of or pleaded guilty to an offense of violence, the victim of 134
that prior offense was an officer or employee of a public 135

children services agency or private child placing agency, and 136
that prior offense related to the officer's or employee's 137
performance or anticipated performance of official 138
responsibilities or duties, a felony of the fourth degree. 139

(8) If the victim of the offense is a health care 140
professional of a hospital, a health care worker of a hospital, 141
or a security officer of a hospital whom the offender knows or 142
has reasonable cause to know is a health care professional of a 143
hospital, a health care worker of a hospital, or a security 144
officer of a hospital, if the victim is engaged in the 145
performance of the victim's duties, and if the hospital offers 146
de-escalation or crisis intervention training for such 147
professionals, workers, or officers, assault is one of the 148
following: 149

(a) Except as otherwise provided in division (C) (8) (b) of 150
this section, assault committed in the specified circumstances 151
is a misdemeanor of the first degree. Notwithstanding the fine 152
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 153
Revised Code for a misdemeanor of the first degree, in 154
sentencing the offender under this division and if the court 155
decides to impose a fine, the court may impose upon the offender 156
a fine of not more than five thousand dollars. 157

(b) If the offender previously has been convicted of or 158
pleaded guilty to one or more assault or homicide offenses 159
committed against hospital personnel, assault committed in the 160
specified circumstances is a felony of the fifth degree. 161

(9) If the victim of the offense is a judge, magistrate, 162
prosecutor, or court official or employee whom the offender 163
knows or has reasonable cause to know is a judge, magistrate, 164
prosecutor, or court official or employee, and if the victim is 165

engaged in the performance of the victim's duties, assault is 166
one of the following: 167

(a) Except as otherwise provided in division (C) (8) (b) of 168
this section, assault committed in the specified circumstances 169
is a misdemeanor of the first degree. In sentencing the offender 170
under this division, if the court decides to impose a fine, 171
notwithstanding the fine specified in division (A) (2) ~~(b)~~ (a) of 172
section 2929.28 of the Revised Code for a misdemeanor of the 173
first degree, the court may impose upon the offender a fine of 174
not more than five thousand dollars. 175

(b) If the offender previously has been convicted of or 176
pleaded guilty to one or more assault or homicide offenses 177
committed against justice system personnel, assault committed in 178
the specified circumstances is a felony of the fifth degree. 179

(10) If the victim of the offense is an operator of an 180
Ohio transit system bus or Ohio transit system rail car, a 181
maintenance worker of an Ohio transit system, or a contracted 182
employee providing any of those services to an Ohio transit 183
system, if the offender knows or has reasonable cause to know 184
that the victim is an operator of an Ohio transit system bus or 185
Ohio transit system rail car, a maintenance worker of an Ohio 186
transit system, or a contracted employee providing any of these 187
services to an Ohio transit system, and if the victim is engaged 188
in the performance of the victim's duties, assault is one of the 189
following: 190

(a) Except as otherwise provided in division (C) (10) (b) of 191
this section, assault committed in the specified circumstances 192
is a felony of the fifth degree. Notwithstanding the fine 193
specified in division (A) (3) of section 2929.18 of the Revised 194
Code for a felony of the fifth degree, if the court decides to 195

impose a fine under this division, the court may impose upon the 196
offender a fine of not more than five thousand dollars. 197
Additionally, the court may prohibit the offender from riding 198
any Ohio transit system bus or Ohio transit system rail car for 199
six months. 200

(b) If the offender previously has been convicted of or 201
pleaded guilty to one or more assault or homicide offenses 202
committed against an operator of an Ohio transit system bus or 203
Ohio transit system rail car, a maintenance worker of an Ohio 204
transit system, or a contracted employee providing any of these 205
services to an Ohio transit system, assault committed in the 206
specified circumstances is a felony of the fourth degree. 207
Additionally, the court may prohibit the offender from riding 208
any Ohio transit system bus or Ohio transit system rail car for 209
the offender's lifetime. 210

(11) If an offender who is convicted of or pleads guilty 211
to assault when it is a misdemeanor also is convicted of or 212
pleads guilty to a specification as described in section 213
2941.1423 of the Revised Code that was included in the 214
indictment, count in the indictment, or information charging the 215
offense, the court shall sentence the offender to a mandatory 216
jail term as provided in division (G) of section 2929.24 of the 217
Revised Code. 218

If an offender who is convicted of or pleads guilty to 219
assault when it is a felony also is convicted of or pleads 220
guilty to a specification as described in section 2941.1423 of 221
the Revised Code that was included in the indictment, count in 222
the indictment, or information charging the offense, except as 223
otherwise provided in division (C) (6) of this section, the court 224
shall sentence the offender to a mandatory prison term as 225

provided in division (B) (8) of section 2929.14 of the Revised Code.	226 227
(D) As used in this section:	228
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	229 230
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	231 232
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	233 234
(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.	235 236 237 238 239 240 241 242 243
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	244 245 246 247 248
(6) "School teacher or administrator" means either of the following:	249 250
(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is	251 252 253

required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	254 255
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	256 257 258 259 260
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	261 262
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	263 264
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	265 266
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	267 268 269
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	270 271 272
(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:	273 274 275 276 277
(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.	278 279 280
(b) The offender knew or had reasonable cause to know that	281

the victim was a health care professional of a hospital, a 282
health care worker of a hospital, or a security officer of a 283
hospital. 284

(c) The victim was engaged in the performance of the 285
victim's duties. 286

(d) The hospital offered de-escalation or crisis 287
intervention training for such professionals, workers, or 288
officers. 289

(13) "De-escalation or crisis intervention training" means 290
de-escalation or crisis intervention training for health care 291
professionals of a hospital, health care workers of a hospital, 292
and security officers of a hospital to facilitate interaction 293
with patients, members of a patient's family, and visitors, 294
including those with mental impairments. 295

(14) "Assault or homicide offense committed against 296
justice system personnel" means a violation of this section or 297
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 298
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 299
circumstances in which the victim of the offense was a judge, 300
magistrate, prosecutor, or court official or employee whom the 301
offender knew or had reasonable cause to know was a judge, 302
magistrate, prosecutor, or court official or employee, and the 303
victim was engaged in the performance of the victim's duties. 304

(15) "Court official or employee" means any official or 305
employee of a court created under the constitution or statutes 306
of this state or of a United States court located in this state. 307

(16) "Judge" means a judge of a court created under the 308
constitution or statutes of this state or of a United States 309
court located in this state. 310

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

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

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

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

(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health or the department of developmental disabilities, a health maintenance organization that does not operate a 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 340
4723.32 of the Revised Code from the licensing requirements of 341
Chapter 4723. of the Revised Code. 342

(20) "Health maintenance organization" has the same 343
meaning as in section 3727.01 of the Revised Code. 344

(21) "Ohio transit system bus" means a motor vehicle of an 345
Ohio transit system that is designed for carrying more than nine 346
passengers and used for the transportation of persons but does 347
not mean any school bus. 348

(22) "Ohio transit system rail car" means a street rail 349
car, tramline car, subway car, monorail car, or rapid transit 350
car within a ground transportation system having as its primary 351
purpose the regularly scheduled mass movement of passengers 352
between locations within the territorial boundaries of an Ohio 353
transit system. 354

(23) "Ohio transit system" has the same meaning as in 355
section 2305.33 of the Revised Code. 356

(24) "Motor vehicle" has the same meaning as in section 357
4511.01 of the Revised Code. 358

(25) "Assault or homicide offense committed against an 359
operator of an Ohio transit system bus or Ohio transit system 360
rail car, a maintenance worker of an Ohio transit system, or a 361
contracted employee providing any of these services to an Ohio 362
transit system" means a violation of this section or of section 363
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 364
or 2903.14 of the Revised Code committed in circumstances in 365
which all of the following apply: 366

(a) The victim of the offense was an operator of an Ohio 367
transit system bus or Ohio transit system rail car, a 368

maintenance worker of an Ohio transit system, or a contracted 369
employee providing any of these services to an Ohio transit 370
system. 371

(b) The offender knew or had reasonable cause to know that 372
the victim was an operator of an Ohio transit system bus or Ohio 373
transit system rail car, a maintenance worker of an Ohio transit 374
system, or a contracted employee providing any of these services 375
to an Ohio transit system. 376

(c) The victim was engaged in the performance of the 377
victim's duties. 378

Sec. 2917.41. (A) No person shall evade the payment of the 379
known fares of a public transportation system. 380

(B) No person shall alter any transfer, pass, ticket, or 381
token of a public transportation system with the purpose of 382
evading the payment of fares or of defrauding the system. 383

(C) No person shall do any of the following while in any 384
facility or on any vehicle of a public transportation system: 385

(1) Play sound equipment without the proper use of a 386
private earphone; 387

(2) Smoke, eat, or drink in any area where the activity is 388
clearly marked as being prohibited; 389

(3) Expectorate upon a person, facility, or vehicle. 390

(D) No person shall write, deface, draw, or otherwise mark 391
on any facility or vehicle of a public transportation system. 392

(E) No person shall fail to comply with a lawful order of 393
a public transportation system police officer, and no person 394
shall resist, obstruct, or abuse a public transportation police 395

officer in the performance of the officer's duties. 396

(F) Whoever violates this section is guilty of misconduct 397
involving a public transportation system. 398

(1) ~~Violation~~ A violation of division (A), ~~(B), or (E)~~ of 399
this section is a misdemeanor of the ~~fourth~~ second degree. 400

(2) ~~Violation~~ A violation of division (B) or (E) of this 401
section is a misdemeanor of the fourth degree. 402

(3) A violation of division (C) of this section is a minor 403
misdemeanor on a first offense. If a person previously has been 404
convicted of or pleaded guilty to a violation of any division of 405
this section or of a municipal ordinance that is substantially 406
similar to any division of this section, violation of division 407
(C) of this section is a misdemeanor of the fourth degree. 408

~~(3) Violation~~ (4) A violation of division (D) of this 409
section is a misdemeanor of the third degree. 410

(G) Notwithstanding any other provision of law, seventy- 411
five per cent of each fine paid to satisfy a sentence imposed 412
for a violation of this section shall be deposited into the 413
treasury of the county in which the violation occurred and 414
twenty-five per cent shall be deposited with the county transit 415
board, regional transit authority, or regional transit 416
commission that operates the public transportation system 417
involved in the violation, unless the board of county 418
commissioners operates the public transportation system, in 419
which case one hundred per cent of each fine shall be deposited 420
into the treasury of the county. 421

(H) As used in this section, "public transportation 422
system" means a county transit system operated in accordance 423
with sections 306.01 to 306.13 of the Revised Code, a regional 424

transit authority operated in accordance with sections 306.30 to 425
306.71 of the Revised Code, or a regional transit commission 426
operated in accordance with sections 306.80 to 306.90 of the 427
Revised Code. 428

Section 2. That existing sections 2903.13 and 2917.41 of 429
the Revised Code are hereby repealed. 430