

As Reported by the House Transportation and Public Safety Committee

133rd General Assembly

Regular Session

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Sub. H. B. No. 236

Representatives Smith, T., Plummer

**Cosponsors: Representatives Wiggam, Riedel, Kent, Romanchuk, Schaffer,
Green, Sheehy, Jones, LaRe**

A BILL

To amend sections 2903.11, 2903.12, and 2903.13 of 1
the Revised Code to increase penalties for 2
certain assault offenses if the victim is a 3
hospital police officer. 4

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

Section 1. That sections 2903.11, 2903.12, and 2903.13 of 5
the Revised Code be amended to read as follows: 6

Sec. 2903.11. (A) No person shall knowingly do either of 7
the following: 8

(1) Cause serious physical harm to another or to another's 9
unborn; 10

(2) Cause or attempt to cause physical harm to another or 11
to another's unborn by means of a deadly weapon or dangerous 12
ordnance. 13

(B) No person, with knowledge that the person has tested 14
positive as a carrier of a virus that causes acquired 15
immunodeficiency syndrome, shall knowingly do any of the 16

following:	17
(1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;	18 19 20
(2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;	21 22 23 24 25
(3) Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.	26 27
(C) The prosecution of a person under this section does not preclude prosecution of that person under section 2907.02 of the Revised Code.	28 29 30
(D) (1) (a) Whoever violates this section is guilty of felonious assault. Except as otherwise provided in this division or division (D) (1) (b) of this section, felonious assault is a felony of the second degree. If the victim of a violation of division (A) of this section is a <u>peace officer, hospital police officer,</u> or an investigator of the bureau of criminal identification and investigation, felonious assault is a felony of the first degree.	31 32 33 34 35 36 37 38
(b) Regardless of whether the felonious assault is a felony of the first or second degree under division (D) (1) (a) of this section, if the offender 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 this division or unless a longer prison	39 40 41 42 43 44 45

term is required under any other provision of law, the court 46
shall sentence the offender to a mandatory prison term as 47
provided in division (B) (8) of section 2929.14 of the Revised 48
Code. If the victim of the offense is a peace officer, hospital 49
police officer, or an investigator of the bureau of criminal 50
identification and investigation, and if the victim suffered 51
serious physical harm as a result of the commission of the 52
offense, felonious assault is a felony of the first degree, and 53
the court, pursuant to division (F) of section 2929.13 of the 54
Revised Code, shall impose as a mandatory prison term one of the 55
definite prison terms prescribed for a felony of the first 56
degree in division (A) (1) (b) of section 2929.14 of the Revised 57
Code, except that if the violation is committed on or after ~~the~~ 58
~~effective date of this amendment~~ March 22, 2019, the court shall 59
impose as the minimum prison term for the offense a mandatory 60
prison term that is one of the minimum terms prescribed for a 61
felony of the first degree in division (A) (1) (a) of section 62
2929.14 of the Revised Code. 63

(2) In addition to any other sanctions imposed pursuant to 64
division (D) (1) of this section for felonious assault committed 65
in violation of division (A) (1) or (2) of this section, if the 66
offender also is convicted of or pleads guilty to a 67
specification of the type described in section 2941.1425 of the 68
Revised Code that was included in the indictment, count in the 69
indictment, or information charging the offense, the court shall 70
sentence the offender to a mandatory prison term under division 71
(B) (9) of section 2929.14 of the Revised Code. 72

(3) If the victim of a felonious assault committed in 73
violation of division (A) of this section is a child under ten 74
years of age and if the offender also is convicted of or pleads 75
guilty to a specification of the type described in section 76

2941.1426 of the Revised Code that was included in the 77
indictment, count in the indictment, or information charging the 78
offense, in addition to any other sanctions imposed pursuant to 79
division (D) (1) of this section, the court shall sentence the 80
offender to a mandatory prison term pursuant to division (B) (10) 81
of section 2929.14 of the Revised Code. 82

(4) In addition to any other sanctions imposed pursuant to 83
division (D) (1) of this section for felonious assault committed 84
in violation of division (A) (2) of this section, if the deadly 85
weapon used in the commission of the violation is a motor 86
vehicle, the court shall impose upon the offender a class two 87
suspension of the offender's driver's license, commercial 88
driver's license, temporary instruction permit, probationary 89
license, or nonresident operating privilege as specified in 90
division (A) (2) of section 4510.02 of the Revised Code. 91

(E) As used in this section: 92

(1) "Deadly weapon" and "dangerous ordnance" have the same 93
meanings as in section 2923.11 of the Revised Code. 94

(2) "Motor vehicle" has the same meaning as in section 95
4501.01 of the Revised Code. 96

(3) "Peace officer" has the same meaning as in section 97
2935.01 of the Revised Code. 98

(4) "Sexual conduct" has the same meaning as in section 99
2907.01 of the Revised Code, except that, as used in this 100
section, it does not include the insertion of an instrument, 101
apparatus, or other object that is not a part of the body into 102
the vaginal or anal opening of another, unless the offender knew 103
at the time of the insertion that the instrument, apparatus, or 104
other object carried the offender's bodily fluid. 105

(5) "Investigator of the bureau of criminal identification and investigation" means an investigator of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under section 109.541 of the Revised Code.

(6) "Investigator" has the same meaning as in section 109.541 of the Revised Code.

(7) "Hospital police officer" means a police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code.

(F) The provisions of division (D) (2) of this section and of division (F) (20) of section 2929.13, divisions (B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

Sec. 2903.12. (A) No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly:

(1) Cause serious physical harm to another or to another's unborn;

(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code.

(B) Whoever violates this section is guilty of aggravated

assault. Except as otherwise provided in this division, 135
aggravated assault is a felony of the fourth degree. If the 136
victim of the offense is a peace officer, hospital police 137
officer, or an investigator of the bureau of criminal 138
identification and investigation, aggravated assault is a felony 139
of the third degree. Regardless of whether the offense is a 140
felony of the third or fourth degree under this division, if the 141
offender also is convicted of or pleads guilty to a 142
specification as described in section 2941.1423 of the Revised 143
Code that was included in the indictment, count in the 144
indictment, or information charging the offense, except as 145
otherwise provided in this division, the court shall sentence 146
the offender to a mandatory prison term as provided in division 147
(B) (8) of section 2929.14 of the Revised Code. If the victim of 148
the offense is a peace officer, hospital police officer, or an 149
investigator of the bureau of criminal identification and 150
investigation, and if the victim suffered serious physical harm 151
as a result of the commission of the offense, aggravated assault 152
is a felony of the third degree, and the court, pursuant to 153
division (F) of section 2929.13 of the Revised Code, shall 154
impose as a mandatory prison term one of the definite prison 155
terms prescribed in division (A) (3) (b) of section 2929.14 of the 156
Revised Code for a felony of the third degree. 157

(C) As used in this section: 158

(1) "Investigator of the bureau of criminal identification 159
and investigation" has the same meaning as in section 2903.11 of 160
the Revised Code. 161

(2) "Peace officer" has the same meaning as in section 162
2935.01 of the Revised Code. 163

(3) "Hospital police officer" means a police officer who 164

is employed by a hospital that employs and maintains its own 165
proprietary police department or security department, and who is 166
appointed and commissioned by the secretary of state pursuant to 167
sections 4973.17 to 4973.22 of the Revised Code. 168

Sec. 2903.13. (A) No person shall knowingly cause or 169
attempt to cause physical harm to another or to another's 170
unborn. 171

(B) No person shall recklessly cause serious physical harm 172
to another or to another's unborn. 173

(C) (1) Whoever violates this section is guilty of assault, 174
and the court shall sentence the offender as provided in this 175
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 176
(8), (9), and (10) of this section. Except as otherwise provided 177
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 178
section, assault is a misdemeanor of the first degree. 179

(2) Except as otherwise provided in this division, if the 180
offense is committed by a caretaker against a functionally 181
impaired person under the caretaker's care, assault is a felony 182
of the fourth degree. If the offense is committed by a caretaker 183
against a functionally impaired person under the caretaker's 184
care, if the offender previously has been convicted of or 185
pleaded guilty to a violation of this section or section 2903.11 186
or 2903.16 of the Revised Code, and if in relation to the 187
previous conviction the offender was a caretaker and the victim 188
was a functionally impaired person under the offender's care, 189
assault is a felony of the third degree. 190

(3) If the offense occurs in or on the grounds of a state 191
correctional institution or an institution of the department of 192
youth services, the victim of the offense is an employee of the 193

department of rehabilitation and correction or the department of 194
youth services, and the offense is committed by a person 195
incarcerated in the state correctional institution or by a 196
person institutionalized in the department of youth services 197
institution pursuant to a commitment to the department of youth 198
services, assault is a felony of the third degree. 199

(4) If the offense is committed in any of the following 200
circumstances, assault is a felony of the fifth degree: 201

(a) The offense occurs in or on the grounds of a local 202
correctional facility, the victim of the offense is an employee 203
of the local correctional facility or a probation department or 204
is on the premises of the facility for business purposes or as a 205
visitor, and the offense is committed by a person who is under 206
custody in the facility subsequent to the person's arrest for 207
any crime or delinquent act, subsequent to the person's being 208
charged with or convicted of any crime, or subsequent to the 209
person's being alleged to be or adjudicated a delinquent child. 210

(b) The offense occurs off the grounds of a state 211
correctional institution and off the grounds of an institution 212
of the department of youth services, the victim of the offense 213
is an employee of the department of rehabilitation and 214
correction, the department of youth services, or a probation 215
department, the offense occurs during the employee's official 216
work hours and while the employee is engaged in official work 217
responsibilities, and the offense is committed by a person 218
incarcerated in a state correctional institution or 219
institutionalized in the department of youth services who 220
temporarily is outside of the institution for any purpose, by a 221
parolee, by an offender under transitional control, under a 222
community control sanction, or on an escorted visit, by a person 223

under post-release control, or by an offender under any other 224
type of supervision by a government agency. 225

(c) The offense occurs off the grounds of a local 226
correctional facility, the victim of the offense is an employee 227
of the local correctional facility or a probation department, 228
the offense occurs during the employee's official work hours and 229
while the employee is engaged in official work responsibilities, 230
and the offense is committed by a person who is under custody in 231
the facility subsequent to the person's arrest for any crime or 232
delinquent act, subsequent to the person being charged with or 233
convicted of any crime, or subsequent to the person being 234
alleged to be or adjudicated a delinquent child and who 235
temporarily is outside of the facility for any purpose or by a 236
parolee, by an offender under transitional control, under a 237
community control sanction, or on an escorted visit, by a person 238
under post-release control, or by an offender under any other 239
type of supervision by a government agency. 240

(d) The victim of the offense is a school teacher or 241
administrator or a school bus operator, and the offense occurs 242
in a school, on school premises, in a school building, on a 243
school bus, or while the victim is outside of school premises or 244
a school bus and is engaged in duties or official 245
responsibilities associated with the victim's employment or 246
position as a school teacher or administrator or a school bus 247
operator, including, but not limited to, driving, accompanying, 248
or chaperoning students at or on class or field trips, athletic 249
events, or other school extracurricular activities or functions 250
outside of school premises. 251

(5) If the victim of the offense is a peace officer, 252
hospital police officer, or an investigator of the bureau of 253

criminal identification and investigation, a firefighter, or a 254
person performing emergency medical service, while in the 255
performance of their official duties, assault is a felony of the 256
fourth degree. 257

(6) If the victim of the offense is a peace officer, 258
hospital police officer, or an investigator of the bureau of 259
criminal identification and investigation and if the victim 260
suffered serious physical harm as a result of the commission of 261
the offense, assault is a felony of the fourth degree, and the 262
court, pursuant to division (F) of section 2929.13 of the 263
Revised Code, shall impose as a mandatory prison term one of the 264
prison terms prescribed for a felony of the fourth degree that 265
is at least twelve months in duration. 266

(7) If the victim of the offense is an officer or employee 267
of a public children services agency or a private child placing 268
agency and the offense relates to the officer's or employee's 269
performance or anticipated performance of official 270
responsibilities or duties, assault is either a felony of the 271
fifth degree or, if the offender previously has been convicted 272
of or pleaded guilty to an offense of violence, the victim of 273
that prior offense was an officer or employee of a public 274
children services agency or private child placing agency, and 275
that prior offense related to the officer's or employee's 276
performance or anticipated performance of official 277
responsibilities or duties, a felony of the fourth degree. 278

(8) If the victim of the offense is a health care 279
professional of a hospital, a health care worker of a hospital, 280
or a security officer of a hospital whom the offender knows or 281
has reasonable cause to know is a health care professional of a 282
hospital, a health care worker of a hospital, or a security 283

officer of a hospital, if the victim is engaged in the 284
performance of the victim's duties, and if the hospital offers 285
de-escalation or crisis intervention training for such 286
professionals, workers, or officers, assault is one of the 287
following: 288

(a) Except as otherwise provided in division (C) (8) (b) of 289
this section, assault committed in the specified circumstances 290
is a misdemeanor of the first degree. Notwithstanding the fine 291
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 292
Revised Code for a misdemeanor of the first degree, in 293
sentencing the offender under this division and if the court 294
decides to impose a fine, the court may impose upon the offender 295
a fine of not more than five thousand dollars. 296

(b) If the offender previously has been convicted of or 297
pleaded guilty to one or more assault or homicide offenses 298
committed against hospital personnel, assault committed in the 299
specified circumstances is a felony of the fifth degree. 300

(9) If the victim of the offense is a judge, magistrate, 301
prosecutor, or court official or employee whom the offender 302
knows or has reasonable cause to know is a judge, magistrate, 303
prosecutor, or court official or employee, and if the victim is 304
engaged in the performance of the victim's duties, assault is 305
one of the following: 306

(a) Except as otherwise provided in division (C) ~~(8)~~ (9) (b) 307
of this section, assault committed in the specified 308
circumstances is a misdemeanor of the first degree. In 309
sentencing the offender under this division, if the court 310
decides to impose a fine, notwithstanding the fine specified in 311
division (A) (2) ~~(b)~~ (a) of section 2929.28 of the Revised Code 312
for a misdemeanor of the first degree, the court may impose upon 313

the offender a fine of not more than five thousand dollars. 314

(b) If the offender previously has been convicted of or 315
pleaded guilty to one or more assault or homicide offenses 316
committed against justice system personnel, assault committed in 317
the specified circumstances is a felony of the fifth degree. 318

(10) If an offender who is convicted of or pleads guilty 319
to assault when it is a misdemeanor also is convicted of or 320
pleads guilty to a specification as described in section 321
2941.1423 of the Revised Code that was included in the 322
indictment, count in the indictment, or information charging the 323
offense, the court shall sentence the offender to a mandatory 324
jail term as provided in division (G) of section 2929.24 of the 325
Revised Code. 326

If an offender who is convicted of or pleads guilty to 327
assault when it is a felony also is convicted of or pleads 328
guilty to a specification as described in section 2941.1423 of 329
the Revised Code that was included in the indictment, count in 330
the indictment, or information charging the offense, except as 331
otherwise provided in division (C)(6) of this section, the court 332
shall sentence the offender to a mandatory prison term as 333
provided in division (B)(8) of section 2929.14 of the Revised 334
Code. 335

(D) As used in this section: 336

(1) "Peace officer" has the same meaning as in section 337
2935.01 of the Revised Code. 338

(2) "Firefighter" has the same meaning as in section 339
3937.41 of the Revised Code. 340

(3) "Emergency medical service" has the same meaning as in 341
section 4765.01 of the Revised Code. 342

(4) "Local correctional facility" means a county, 343
multicounty, municipal, municipal-county, or multicounty- 344
municipal jail or workhouse, a minimum security jail established 345
under section 341.23 or 753.21 of the Revised Code, or another 346
county, multicounty, municipal, municipal-county, or 347
multicounty-municipal facility used for the custody of persons 348
arrested for any crime or delinquent act, persons charged with 349
or convicted of any crime, or persons alleged to be or 350
adjudicated a delinquent child. 351

(5) "Employee of a local correctional facility" means a 352
person who is an employee of the political subdivision or of one 353
or more of the affiliated political subdivisions that operates 354
the local correctional facility and who operates or assists in 355
the operation of the facility. 356

(6) "School teacher or administrator" means either of the 357
following: 358

(a) A person who is employed in the public schools of the 359
state under a contract described in section 3311.77 or 3319.08 360
of the Revised Code in a position in which the person is 361
required to have a certificate issued pursuant to sections 362
3319.22 to 3319.311 of the Revised Code. 363

(b) A person who is employed by a nonpublic school for 364
which the state board of education prescribes minimum standards 365
under section 3301.07 of the Revised Code and who is 366
certificated in accordance with section 3301.071 of the Revised 367
Code. 368

(7) "Community control sanction" has the same meaning as 369
in section 2929.01 of the Revised Code. 370

(8) "Escorted visit" means an escorted visit granted under 371

section 2967.27 of the Revised Code.	372
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	373 374
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	375 376 377
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	378 379 380
(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:	381 382 383 384 385
(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.	386 387 388
(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.	389 390 391 392
(c) The victim was engaged in the performance of the victim's duties.	393 394
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	395 396 397
(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care	398 399

professionals of a hospital, health care workers of a hospital, 400
and security officers of a hospital to facilitate interaction 401
with patients, members of a patient's family, and visitors, 402
including those with mental impairments. 403

(14) "Assault or homicide offense committed against 404
justice system personnel" means a violation of this section or 405
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 406
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 407
circumstances in which the victim of the offense was a judge, 408
magistrate, prosecutor, or court official or employee whom the 409
offender knew or had reasonable cause to know was a judge, 410
magistrate, prosecutor, or court official or employee, and the 411
victim was engaged in the performance of the victim's duties. 412

(15) "Court official or employee" means any official or 413
employee of a court created under the constitution or statutes 414
of this state or of a United States court located in this state. 415

(16) "Judge" means a judge of a court created under the 416
constitution or statutes of this state or of a United States 417
court located in this state. 418

(17) "Magistrate" means an individual who is appointed by 419
a court of record of this state and who has the powers and may 420
perform the functions specified in Civil Rule 53, Criminal Rule 421
19, or Juvenile Rule 40, or an individual who is appointed by a 422
United States court located in this state who has similar powers 423
and functions. 424

(18) "Prosecutor" has the same meaning as in section 425
2935.01 of the Revised Code. 426

(19) (a) "Hospital" means, subject to division (D) (19) (b) 427
of this section, an institution classified as a hospital under 428

section 3701.01 of the Revised Code in which are provided to 429
patients diagnostic, medical, surgical, obstetrical, 430
psychiatric, or rehabilitation care or a hospital operated by a 431
health maintenance organization. 432

(b) "Hospital" does not include any of the following: 433

(i) A facility licensed under Chapter 3721. of the Revised 434
Code, a health care facility operated by the department of 435
mental health and addiction services or the department of 436
developmental disabilities, a health maintenance organization 437
that does not operate a hospital, or the office of any private, 438
licensed health care professional, whether organized for 439
individual or group practice; 440

(ii) An institution for the sick that is operated 441
exclusively for patients who use spiritual means for healing and 442
for whom the acceptance of medical care is inconsistent with 443
their religious beliefs, accredited by a national accrediting 444
organization, exempt from federal income taxation under section 445
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 446
U.S.C. 1, as amended, and providing twenty-four-hour nursing 447
care pursuant to the exemption in division (E) of section 448
4723.32 of the Revised Code from the licensing requirements of 449
Chapter 4723. of the Revised Code. 450

(20) "Health maintenance organization" has the same 451
meaning as in section 3727.01 of the Revised Code. 452

(21) "Hospital police officer" means a police officer who 453
is employed by a hospital that employs and maintains its own 454
proprietary police department or security department, and who is 455
appointed and commissioned by the secretary of state pursuant to 456
sections 4973.17 to 4973.22 of the Revised Code. 457

Section 2. That existing sections 2903.11, 2903.12, and 458
2903.13 of the Revised Code are hereby repealed. 459

Section 3. Section 2903.11 of the Revised Code is 460
presented in this act as a composite of the section as amended 461
by both Sub. S.B. 20 and Am. Sub. S.B. 201 of the 132 General 462
Assembly. The General Assembly, applying the principle stated in 463
division (B) of section 1.52 of the Revised Code that amendments 464
are to be harmonized if reasonably capable of simultaneous 465
operation, finds that the composite is the resulting version of 466
the section in effect prior to the effective date of the section 467
as presented in this act. 468