

As Reported by the House Criminal Justice Committee

135th General Assembly

Regular Session

2023-2024

Am. H. B. No. 122

Representatives Pavliga, Miller, A.

Cosponsors: Representatives Baker, Blackshear, Brent, Brown, Galonski, Grim, Humphrey, Isaacsohn, Miller, J., Jarrells, Loychik, McNally, Miranda, Russo, Somani, Thomas, C., Troy, Upchurch, Weinstein, Williams, Hillyer

A BILL

To amend sections 2921.03 and 2921.04 and to enact
section 5.54 of the Revised Code to expand
intimidation offenses to include guardians ad
litem and court-appointed special advocates and
to designate May 1st as "Court-Appointed Special
Advocates Appreciation Day." 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2921.03 and 2921.04 be amended
and section 5.54 of the Revised Code be enacted to read as
follows: 7
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Sec. 5.54. The first day of May is designated as "Court-
Appointed Special Advocates Appreciation Day." 10
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Sec. 2921.03. (A) No person, knowingly and by force, by
unlawful threat of harm to any person or property, or by filing,
recording, or otherwise using a materially false or fraudulent
writing with malicious purpose, in bad faith, or in a wanton or
reckless manner, shall attempt to influence, intimidate, ~~or~~ 12
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hinder~~a~~, abuse, threaten, or harass any of the following in 17
the discharge of the person's duties: 18

(1) A public servant,~~a;~~ 19

(2) A party official,~~or an;~~ 20

(3) An attorney~~or~~, a witness, a guardian ad litem, or a 21
court-appointed special advocate involved in a civil action or 22
proceeding in the discharge of the person's the duties of the 23
public servant, party official, attorney, or witness, including 24
a domestic relations or juvenile action or proceeding, if the 25
offender knew or had reason to know that the person was an 26
attorney, a witness, a guardian ad litem, or a court-appointed 27
special advocate. 28

(B) Whoever violates this section is guilty of 29
intimidation~~r~~. If the victim of the offense is a guardian ad 30
litem or a court-appointed special advocate, a violation of this 31
section is a misdemeanor of the first degree. If the victim of 32
the offense is a public servant, a party official, an attorney, 33
or a witness, a violation of this section is a felony of the 34
third degree. 35

(C) A person who violates this section is liable in a 36
civil action to any person harmed by the violation for injury, 37
death, or loss to person or property incurred as a result of the 38
commission of the offense and for reasonable attorney's fees, 39
court costs, and other expenses incurred as a result of 40
prosecuting the civil action commenced under this division. A 41
civil action under this division is not the exclusive remedy of 42
a person who incurs injury, death, or loss to person or property 43
as a result of a violation of this section. 44

Sec. 2921.04. (A) No person shall knowingly attempt to 45

intimidate~~or, hinder, abuse, threaten, or harass~~ the victim of 46
a crime or delinquent act in the filing or prosecution of 47
criminal charges or a delinquent child action or proceeding, and 48
no person shall knowingly attempt to intimidate, abuse, 49
threaten, or harass a witness to a criminal or delinquent act by 50
reason of the person being a witness to that act if the offender 51
knew or had reason to know that the person was a witness. 52

(B) No person, knowingly and by force or by unlawful 53
threat of harm to any person or property or by unlawful threat 54
to commit any offense or calumny against any person, shall 55
attempt to influence, intimidate, ~~or hinder, abuse, threaten, or~~ 56
harass any of the following persons: 57

(1) The victim of a crime or delinquent act in the filing 58
or prosecution of criminal charges or a delinquent child action 59
or proceeding; 60

(2) A witness to a criminal or delinquent act by reason of 61
the person being a witness to that act if the offender knew or 62
had reason to know that the person was a witness; 63

(3) An attorney, guardian ad litem, or court-appointed 64
special advocate, by reason of the ~~attorney's person's~~ 65
involvement in any criminal or delinquent child action or 66
proceeding if the offender knew or had reason to know that the 67
person was an attorney, a guardian ad litem, or a court- 68
appointed special advocate. 69

(C) Division (A) of this section does not apply to any 70
person who is attempting to resolve a dispute pertaining to the 71
alleged commission of a criminal offense, either prior to or 72
subsequent to the filing of a complaint, indictment, or 73
information, by participating in the arbitration, mediation, 74

compromise, settlement, or conciliation of that dispute pursuant 75
to an authorization for arbitration, mediation, compromise, 76
settlement, or conciliation of a dispute of that nature that is 77
conferred by any of the following: 78

(1) A section of the Revised Code; 79

(2) The Rules of Criminal Procedure, the Rules of 80
Superintendence for Municipal Courts and County Courts, the 81
Rules of Superintendence for Courts of Common Pleas, or another 82
rule adopted by the supreme court in accordance with section 5 83
of Article IV, Ohio Constitution; 84

(3) A local rule of court, including, but not limited to, 85
a local rule of court that relates to alternative dispute 86
resolution or other case management programs and that authorizes 87
the referral of disputes pertaining to the alleged commission of 88
certain types of criminal offenses to appropriate and available 89
arbitration, mediation, compromise, settlement, or other 90
conciliation programs; 91

(4) The order of a judge of a municipal court, county 92
court, or court of common pleas. 93

(D) Whoever violates this section is guilty of 94
intimidation of ~~an~~ a guardian ad litem, court-appointed special 95
advocate, attorney, victim, or witness in a criminal case. A 96
violation of division (A) of this section is a misdemeanor of 97
the first degree. ~~A~~ If the victim of the offense is a guardian 98
ad litem or a court-appointed special advocate, a violation of 99
division (B) of this section is a misdemeanor of the first 100
degree. If the victim of the offense is an attorney, a victim, 101
or a witness, a violation of division (B) of this section is a 102
felony of the third degree. 103

(E) As used in this section, "witness" means any person 104
who has or claims to have knowledge concerning a fact or facts 105
concerning a criminal or delinquent act, whether or not criminal 106
or delinquent child charges are actually filed. 107

Section 2. That existing sections 2921.03 and 2921.04 of 108
the Revised Code are hereby repealed. 109

Section 3. Section 2921.03 of the Revised Code is 110
presented in this act as a composite of the section as amended 111
by both H.B. 88 and H.B. 644 of the 121st General Assembly. The 112
General Assembly, applying the principle stated in division (B) 113
of section 1.52 of the Revised Code that amendments are to be 114
harmonized if reasonably capable of simultaneous operation, 115
finds that the composite is the resulting version of the section 116
in effect prior to the effective date of the section as 117
presented in this act. 118