

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 532

Representative Lorenz

**Cosponsors: Representatives Williams, Brennan, Gross, Johnson, Robb Blasdel,
Dell'Aquila, Miller, K.**

A BILL

To amend sections 2903.13 and 2935.01 of the	1
Revised Code to expand the definition of "peace	2
officer" to include bailiffs of a municipal	3
court and probation officers, and to increase	4
the penalty for assault when the victim is a	5
bailiff, probation officer, or another court	6
official or employee.	7

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

Section 1. That sections 2903.13 and 2935.01 of the	8
Revised Code be amended to read as follows:	9

Sec. 2903.13. (A) No person shall knowingly cause or	10
attempt to cause physical harm to another or to another's	11
unborn.	12

(B) No person shall recklessly cause serious physical harm	13
to another or to another's unborn.	14

(C) (1) Whoever violates this section is guilty of assault,	15
and the court shall sentence the offender as provided in this	16
division and divisions (C) (1), (2), (3), (4), (5), (6), (7),	17

(8), (9), and (10) of this section. Except as otherwise provided 18
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 19
section, assault is a misdemeanor of the first degree. 20

(2) Except as otherwise provided in this division, if the 21
offense is committed by a caretaker against a person with a 22
functional impairment under the caretaker's care, assault is a 23
felony of the fourth degree. If the offense is committed by a 24
caretaker against a person with a functional impairment under 25
the caretaker's care, if the offender previously has been 26
convicted of or pleaded guilty to a violation of this section or 27
section 2903.11 or 2903.16 of the Revised Code, and if in 28
relation to the previous conviction the offender was a caretaker 29
and the victim was a person with a functional impairment under 30
the offender's care, assault is a felony of the third degree. 31

(3) If the offense occurs in or on the grounds of a state 32
correctional institution or an institution of the department of 33
youth services, the victim of the offense is an employee of the 34
department of rehabilitation and correction or the department of 35
youth services, and the offense is committed by a person 36
incarcerated in the state correctional institution or by a 37
person institutionalized in the department of youth services 38
institution pursuant to a commitment to the department of youth 39
services, assault is a felony of the third degree. 40

(4) If the offense is committed in any of the following 41
circumstances, assault is a felony of the fifth degree: 42

(a) The offense occurs in or on the grounds of a local 43
correctional facility, the victim of the offense is an employee 44
of the local correctional facility or a probation department or 45
is on the premises of the facility for business purposes or as a 46
visitor, and the offense is committed by a person who is under 47

custody in the facility subsequent to the person's arrest for 48
any crime or delinquent act, subsequent to the person's being 49
charged with or convicted of any crime, or subsequent to the 50
person's being alleged to be or adjudicated a delinquent child. 51

(b) The offense occurs off the grounds of a state 52
correctional institution and off the grounds of an institution 53
of the department of youth services, the victim of the offense 54
is an employee of the department of rehabilitation and 55
correction, the department of youth services, or a probation 56
department, the offense occurs during the employee's official 57
work hours and while the employee is engaged in official work 58
responsibilities, and the offense is committed by a person 59
incarcerated in a state correctional institution or 60
institutionalized in the department of youth services who 61
temporarily is outside of the institution for any purpose, by a 62
parolee, by an offender under transitional control, under a 63
community control sanction, or on an escorted visit, by a person 64
under post-release control, or by an offender under any other 65
type of supervision by a government agency. 66

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

community control sanction, or on an escorted visit, by a person 79
under post-release control, or by an offender under any other 80
type of supervision by a government agency. 81

(d) The victim of the offense is a school teacher or 82
administrator or a school bus operator, and the offense occurs 83
in a school, on school premises, in a school building, on a 84
school bus, or while the victim is outside of school premises or 85
a school bus and is engaged in duties or official 86
responsibilities associated with the victim's employment or 87
position as a school teacher or administrator or a school bus 88
operator, including, but not limited to, driving, accompanying, 89
or chaperoning students at or on class or field trips, athletic 90
events, or other school extracurricular activities or functions 91
outside of school premises. 92

(5) If the assault is committed in any of the following 93
circumstances, assault is a felony of the fourth degree: 94

(a) The victim of the offense is a peace officer or an 95
investigator of the bureau of criminal identification and 96
investigation, a firefighter, or a person performing emergency 97
medical service, while in the performance of the officer's, 98
investigator's, firefighter's, or person's official duties. 99

(b) The victim of the offense is an emergency service 100
responder, the offender knows or reasonably should know that the 101
victim is an emergency service responder, and it is the 102
offender's specific purpose to commit the offense against an 103
emergency service responder. 104

(c) The victim of the offense is a family or household 105
member or co-worker of a person who is an emergency service 106
responder, the offender knows or reasonably should know that the 107

victim is a family or household member or co-worker of an 108
emergency service responder, and it is the offender's specific 109
purpose to commit the offense against a family or household 110
member or co-worker of an emergency service responder. 111

(6) If the offense is a felony of the fourth degree under 112
division (C) (5) (a) of this section, if the victim of the offense 113
is a peace officer or an investigator of the bureau of criminal 114
identification and investigation, and if the victim suffered 115
serious physical harm as a result of the commission of the 116
offense, the court, pursuant to division (F) of section 2929.13 117
of the Revised Code, shall impose as a mandatory prison term one 118
of the prison terms prescribed for a felony of the fourth degree 119
that is at least twelve months in duration. 120

(7) If the victim of the offense is an officer or employee 121
of a public children services agency or a private child placing 122
agency and the offense relates to the officer's or employee's 123
performance or anticipated performance of official 124
responsibilities or duties, assault is either a felony of the 125
fifth degree or, if the offender previously has been convicted 126
of or pleaded guilty to an offense of violence, the victim of 127
that prior offense was an officer or employee of a public 128
children services agency or private child placing agency, and 129
that prior offense related to the officer's or employee's 130
performance or anticipated performance of official 131
responsibilities or duties, a felony of the fourth degree. 132

(8) If the victim of the offense is a health care 133
professional of a hospital, a health care worker of a hospital, 134
or a security officer of a hospital whom the offender knows or 135
has reasonable cause to know is a health care professional of a 136
hospital, a health care worker of a hospital, or a security 137

officer of a hospital, if the victim is engaged in the 138
performance of the victim's duties, and if the hospital offers 139
de-escalation or crisis intervention training for such 140
professionals, workers, or officers, assault is one of the 141
following: 142

(a) Except as otherwise provided in division (C) (8) (b) of 143
this section, assault committed in the specified circumstances 144
is a misdemeanor of the first degree. Notwithstanding the fine 145
specified in division (A) (2) (a) of section 2929.28 of the 146
Revised Code for a misdemeanor of the first degree, in 147
sentencing the offender under this division and if the court 148
decides to impose a fine, the court may impose upon the offender 149
a fine of not more than five thousand dollars. 150

(b) If the offender previously has been convicted of or 151
pleaded guilty to one or more assault or homicide offenses 152
committed against hospital personnel, assault committed in the 153
specified circumstances is a felony of the fifth degree. 154

(9) If the victim of the offense is a judge, magistrate, 155
prosecutor, or court official or employee whom the offender 156
knows or has reasonable cause to know is a judge, magistrate, 157
prosecutor, or court official or employee, and if the victim is 158
engaged in the performance of the victim's duties, assault is 159
one of the following: 160

(a) Except as otherwise provided in division (C) (9) (b) of 161
this section, assault committed in the specified circumstances 162
is a ~~misdemeanor~~ felony of the ~~first~~ fifth degree. In sentencing 163
the offender under this division, if the court decides to impose 164
a fine, notwithstanding the fine specified in division ~~(A) (2) (a)~~ 165
(A) (3) of section ~~2929.28~~ 2929.18 of the Revised Code for a 166
~~misdemeanor~~ felony of the ~~first~~ fifth degree, the court may 167

impose upon the offender a fine of not more than five thousand 168
dollars. 169

(b) If the offender previously has been convicted of or 170
pleaded guilty to one or more assault or homicide offenses 171
committed against justice system personnel, assault committed in 172
the specified circumstances is a felony of the ~~fifth~~fourth 173
degree. 174

(10) If an offender who is convicted of or pleads guilty 175
to assault when it is a misdemeanor also is convicted of or 176
pleads guilty to a specification as described in section 177
2941.1423 of the Revised Code that was included in the 178
indictment, count in the indictment, or information charging the 179
offense, the court shall sentence the offender to a mandatory 180
jail term as provided in division (F) of section 2929.24 of the 181
Revised Code. 182

If an offender who is convicted of or pleads guilty to 183
assault when it is a felony also is convicted of or pleads 184
guilty to a specification as described in section 2941.1423 of 185
the Revised Code that was included in the indictment, count in 186
the indictment, or information charging the offense, except as 187
otherwise provided in division (C)(6) of this section, the court 188
shall sentence the offender to a mandatory prison term as 189
provided in division (B)(8) of section 2929.14 of the Revised 190
Code. 191

(D) A prosecution for a violation of this section does not 192
preclude a prosecution of a violation of any other section of 193
the Revised Code. One or more acts, a series of acts, or a 194
course of behavior that can be prosecuted under this section or 195
any other section of the Revised Code may be prosecuted under 196
this section, the other section of the Revised Code, or both 197

sections. However, if an offender is convicted of or pleads 198
guilty to a violation of this section and also is convicted of 199
or pleads guilty to a violation of section 2903.22 of the 200
Revised Code based on the same conduct involving the same victim 201
that was the basis of the violation of this section, the two 202
offenses are allied offenses of similar import under section 203
2941.25 of the Revised Code. 204

(E) As used in this section: 205

(1) "Peace officer" has the same meaning as in section 206
2935.01 of the Revised Code. 207

(2) "Firefighter" means any person who is a firefighter as 208
defined in section 3937.41 of the Revised Code and, for purposes 209
of division (E) (21) of this section, also includes a member of a 210
fire department as defined in section 742.01 of the Revised 211
Code. 212

(3) "Emergency medical service" has the same meaning as in 213
section 4765.01 of the Revised Code. 214

(4) "Local correctional facility" means a county, 215
multicounty, municipal, municipal-county, or multicounty- 216
municipal jail or workhouse, a minimum security jail established 217
under section 341.23 or 753.21 of the Revised Code, or another 218
county, multicounty, municipal, municipal-county, or 219
multicounty-municipal facility used for the custody of persons 220
arrested for any crime or delinquent act, persons charged with 221
or convicted of any crime, or persons alleged to be or 222
adjudicated a delinquent child. 223

(5) "Employee of a local correctional facility" means a 224
person who is an employee of the political subdivision or of one 225
or more of the affiliated political subdivisions that operates 226

the local correctional facility and who operates or assists in 227
the operation of the facility. 228

(6) "School teacher or administrator" means either of the 229
following: 230

(a) A person who is employed in the public schools of the 231
state under a contract described in section 3311.77 or 3319.08 232
of the Revised Code in a position in which the person is 233
required to have a certificate issued pursuant to sections 234
3319.22 to 3319.311 of the Revised Code. 235

(b) A person who is employed by a nonpublic school for 236
which the director of education and workforce prescribes minimum 237
standards under section 3301.07 of the Revised Code and who is 238
certificated in accordance with section 3301.071 of the Revised 239
Code. 240

(7) "Community control sanction" has the same meaning as 241
in section 2929.01 of the Revised Code. 242

(8) "Escorted visit" means an escorted visit granted under 243
section 2967.27 of the Revised Code. 244

(9) "Post-release control" and "transitional control" have 245
the same meanings as in section 2967.01 of the Revised Code. 246

(10) "Investigator of the bureau of criminal 247
identification and investigation" has the same meaning as in 248
section 2903.11 of the Revised Code. 249

(11) "Health care professional" and "health care worker" 250
have the same meanings as in section 2305.234 of the Revised 251
Code. 252

(12) "Assault or homicide offense committed against 253
hospital personnel" means a violation of this section or of 254

section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 255
2903.12, or 2903.14 of the Revised Code committed in 256
circumstances in which all of the following apply: 257

(a) The victim of the offense was a health care 258
professional of a hospital, a health care worker of a hospital, 259
or a security officer of a hospital. 260

(b) The offender knew or had reasonable cause to know that 261
the victim was a health care professional of a hospital, a 262
health care worker of a hospital, or a security officer of a 263
hospital. 264

(c) The victim was engaged in the performance of the 265
victim's duties. 266

(d) The hospital offered de-escalation or crisis 267
intervention training for such professionals, workers, or 268
officers. 269

(13) "De-escalation or crisis intervention training" means 270
de-escalation or crisis intervention training for health care 271
professionals of a hospital, health care workers of a hospital, 272
and security officers of a hospital to facilitate interaction 273
with patients, members of a patient's family, and visitors, 274
including those with mental impairments. 275

(14) "Assault or homicide offense committed against 276
justice system personnel" means a violation of this section or 277
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 278
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 279
circumstances in which the victim of the offense was a judge, 280
magistrate, prosecutor, or court official or employee whom the 281
offender knew or had reasonable cause to know was a judge, 282
magistrate, prosecutor, or court official or employee, and the 283

victim was engaged in the performance of the victim's duties. 284

(15) "Court official or employee" means any official or 285
employee of a court created under the constitution or statutes 286
of this state or of a United States court located in this state. 287

(16) "Judge" means a judge of a court created under the 288
constitution or statutes of this state or of a United States 289
court located in this state. 290

(17) "Magistrate" means an individual who is appointed by 291
a court of record of this state and who has the powers and may 292
perform the functions specified in Civil Rule 53, Criminal Rule 293
19, or Juvenile Rule 40, or an individual who is appointed by a 294
United States court located in this state who has similar powers 295
and functions. 296

(18) "Prosecutor" has the same meaning as in section 297
2935.01 of the Revised Code. 298

(19) (a) "Hospital" means, subject to division (E) (19) (b) 299
of this section, an institution classified as a hospital under 300
section 3701.01 of the Revised Code in which are provided to 301
patients diagnostic, medical, surgical, obstetrical, 302
psychiatric, or rehabilitation care or a hospital operated by a 303
health maintenance organization. 304

(b) "Hospital" does not include any of the following: 305

(i) A facility licensed under Chapter 3721. of the Revised 306
Code, a health care facility operated by the department of 307
mental health and addiction services or the department of 308
developmental disabilities, a health maintenance organization 309
that does not operate a hospital, or the office of any private, 310
licensed health care professional, whether organized for 311
individual or group practice; 312

(ii) An institution for the sick that is operated 313
exclusively for patients who use spiritual means for healing and 314
for whom the acceptance of medical care is inconsistent with 315
their religious beliefs, accredited by a national accrediting 316
organization, exempt from federal income taxation under section 317
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 318
U.S.C. 1, as amended, and providing twenty-four-hour nursing 319
care pursuant to the exemption in division (E) of section 320
4723.32 of the Revised Code from the licensing requirements of 321
Chapter 4723. of the Revised Code. 322

(20) "Health maintenance organization" has the same 323
meaning as in section 3727.01 of the Revised Code. 324

(21) "Emergency service responder" means any law 325
enforcement officer, first responder, emergency medical 326
technician-basic, emergency medical technician-intermediate, 327
emergency medical technician-paramedic, firefighter, or 328
volunteer firefighter. 329

(22) "Family or household member" means any of the 330
following: 331

(a) Any of the following who is residing or has resided 332
with a person who is employed as an emergency service responder: 333

(i) A spouse, a person living as a spouse, or a former 334
spouse of a person who is employed as an emergency service 335
responder; 336

(ii) A parent, a foster parent, or a child of a person who 337
is employed as an emergency service responder, or another person 338
related by consanguinity or affinity to a person who is employed 339
as an emergency service responder; 340

(iii) A parent or a child of a spouse, person living as a 341

spouse, or former spouse of a person who is employed as an 342
emergency service responder, or another person related by 343
consanguinity or affinity to a spouse, person living as a 344
spouse, or former spouse of a person who is employed as an 345
emergency service responder. 346

(b) The natural parent of any child of whom a person who 347
is employed as an emergency service responder is the other 348
natural parent or is the putative other natural parent. 349

(23) "First responder," "emergency medical technician- 350
basic," "emergency medical technician-intermediate," and 351
"emergency medical technician-paramedic" have the same meanings 352
as in section 4765.01 of the Revised Code. 353

(24) "Volunteer firefighter" has the same meaning as in 354
section 146.01 of the Revised Code. 355

(25) "Person living as a spouse" means a person who is 356
living or has lived with a person who is employed as an 357
emergency service responder in a common law marital 358
relationship, who otherwise is cohabiting with a person who is 359
employed as an emergency service responder, or who otherwise has 360
cohabited with a person who is employed as an emergency service 361
responder within five years prior to the date of the alleged 362
commission of the act in question. 363

(26) "Co-worker" means a person who is employed by the 364
organization or entity that is served by a person who is 365
employed as an emergency service responder. 366

Sec. 2935.01. As used in this chapter: 367

(A) "Magistrate" has the same meaning as in section 368
2931.01 of the Revised Code. 369

(B) "Peace officer" includes, except as provided in 370
section 2935.081 of the Revised Code, a sheriff; deputy sheriff; 371
marshal; deputy marshal; member of the organized police 372
department of any municipal corporation, including a member of 373
the organized police department of a municipal corporation in an 374
adjoining state serving in Ohio under a contract pursuant to 375
section 737.04 of the Revised Code; member of a police force 376
employed by a metropolitan housing authority under division (D) 377
of section 3735.31 of the Revised Code; member of a police force 378
employed by a regional transit authority under division (Y) of 379
section 306.35 of the Revised Code; state university law 380
enforcement officer appointed under section 3345.04 of the 381
Revised Code; enforcement agent of the department of public 382
safety designated under section 5502.14 of the Revised Code; 383
employee of the department of taxation to whom investigation 384
powers have been delegated under section 5743.45 of the Revised 385
Code; employee of the department of natural resources who is a 386
natural resources law enforcement staff officer designated 387
pursuant to section 1501.013 of the Revised Code, a forest-fire 388
investigator appointed pursuant to section 1503.09 of the 389
Revised Code, a natural resources officer appointed pursuant to 390
section 1501.24 of the Revised Code, or a wildlife officer 391
designated pursuant to section 1531.13 of the Revised Code; 392
individual designated to perform law enforcement duties under 393
section 511.232, 1545.13, or 6101.75 of the Revised Code; 394
veterans' home police officer appointed under section 5907.02 of 395
the Revised Code; special police officer employed by a port 396
authority under section 4582.04 or 4582.28 of the Revised Code; 397
police constable of any township; police officer of a township 398
or joint police district; a special police officer employed by a 399
municipal corporation at a municipal airport, or other municipal 400
air navigation facility, that has scheduled operations, as 401

defined in section 119.3 of Title 14 of the Code of Federal 402
Regulations, 14 C.F.R. 119.3, as amended, and that is required 403
to be under a security program and is governed by aviation 404
security rules of the transportation security administration of 405
the United States department of transportation as provided in 406
Parts 1542. and 1544. of Title 49 of the Code of Federal 407
Regulations, as amended; the house of representatives sergeant 408
at arms if the house of representatives sergeant at arms has 409
arrest authority pursuant to division (E) (1) of section 101.311 410
of the Revised Code; an assistant house of representatives 411
sergeant at arms; the senate sergeant at arms; an assistant 412
senate sergeant at arms; officer or employee of the bureau of 413
criminal identification and investigation established pursuant 414
to section 109.51 of the Revised Code who has been awarded a 415
certificate by the executive director of the Ohio peace officer 416
training commission attesting to the officer's or employee's 417
satisfactory completion of an approved state, county, municipal, 418
or department of natural resources peace officer basic training 419
program and who is providing assistance upon request to a law 420
enforcement officer or emergency assistance to a peace officer 421
pursuant to section 109.54 or 109.541 of the Revised Code; a 422
state fire marshal law enforcement officer described in division 423
(A) (23) of section 109.71 of the Revised Code; a gaming agent, 424
as defined in section 3772.01 of the Revised Code; a bailiff or 425
deputy bailiff of a municipal court appointed pursuant to 426
section 1901.32 of the Revised Code; a probation officer; and, 427
for the purpose of arrests within those areas, for the purposes 428
of Chapter 5503. of the Revised Code, and the filing of and 429
service of process relating to those offenses witnessed or 430
investigated by them, the superintendent and troopers of the 431
state highway patrol. 432

(C) "Prosecutor" includes the county prosecuting attorney 433
and any assistant prosecutor designated to assist the county 434
prosecuting attorney, and, in the case of courts inferior to 435
courts of common pleas, includes the village solicitor, city 436
director of law, or similar chief legal officer of a municipal 437
corporation, any such officer's assistants, or any attorney 438
designated by the prosecuting attorney of the county to appear 439
for the prosecution of a given case. 440

(D) "Offense," except where the context specifically 441
indicates otherwise, includes felonies, misdemeanors, and 442
violations of ordinances of municipal corporations and other 443
public bodies authorized by law to adopt penal regulations. 444

(E) "Probation officer" means a probation officer 445
appointed by a municipal court under section 1901.33 of the 446
Revised Code, a probation officer appointed by a county court 447
under section 1907.201 of the Revised Code, and a probation 448
officer appointed by a court of common pleas under section 449
2301.27 of the Revised Code. 450

(F) "Tier one offense" means a violation of section 451
2903.01, 2903.02, 2903.03, 2903.04, 2903.06, 2903.11, 2903.12, 452
2903.21, 2903.211, 2905.01, 2905.02, 2905.32, 2907.02, 2907.03, 453
2907.04, 2907.05, 2907.321, 2907.322, 2907.323, 2909.02, 454
2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2919.25, 2921.34, 455
2923.161, 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 456
Code. 457

Section 2. That existing sections 2903.13 and 2935.01 of 458
the Revised Code are hereby repealed. 459