

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. S. B. No. 28**

**Senator Hottinger**

**Cosponsors: Senators Kunze, Lehner, Coley, Hackett, Terhar, Peterson, Uecker, O'Brien, Huffman, M., Sykes, Thomas, Yuko, Antonio, Brenner, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Hoagland, Johnson, Manning, McColley, Rulli, Schaffer, Williams, Wilson**

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**A BILL**

To amend sections 2903.21 and 2903.22 of the 1  
Revised Code to increase the penalties that 2  
apply to aggravated menacing and menacing under 3  
certain circumstances. 4

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

**Section 1.** That sections 2903.21 and 2903.22 of the 5  
Revised Code be amended to read as follows: 6

**Sec. 2903.21.** (A) No person shall knowingly cause another 7  
to believe that the offender will cause serious physical harm to 8  
the person or property of the other person, the other person's 9  
unborn, or a member of the other person's immediate family. In 10  
addition to any other basis for the other person's belief that 11  
the offender will cause serious physical harm to the person or 12  
property of the other person, the other person's unborn, or a 13  
member of the other person's immediate family, the other 14  
person's belief may be based on words or conduct of the offender 15  
that are directed at or identify a corporation, association, or 16

other organization that employs the other person or to which the  
other person belongs.

(B) (1) Whoever violates this section is guilty of  
aggravated menacing. Except as otherwise provided in this  
division or division (B) (2) of this section, aggravated menacing  
is a misdemeanor of the first degree. If the victim of the  
offense is an officer or employee of a public children services  
agency or a private child placing agency and the offense relates  
to the officer's or employee's performance or anticipated  
performance of official responsibilities or duties, aggravated  
menacing is a felony of the fifth degree or, if the offender  
previously has been convicted of or pleaded guilty to an offense  
of violence, the victim of that prior offense was an officer or  
employee of a public children services agency or private child  
placing agency, and that prior offense related to the officer's  
or employee's performance or anticipated performance of official  
responsibilities or duties, a felony of the fourth degree.

(2) If the victim of a violation of this section is a  
person that the offender knows is a protected person, aggravated  
menacing is a felony of the fourth degree or, if the offender  
previously has been convicted of or pleaded guilty to a  
violation of this section when the victim of the violation was a  
person that the offender knew was a protected person, aggravated  
menacing is a felony of the third degree.

(C) As used in this section, ~~"organization"~~:

(1) "Organization" includes an entity that is a  
governmental employer.

(2) "Protected person" means a person to be protected by a  
protection order issued or consent agreement approved pursuant

to section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of 46  
the Revised Code, if the order was issued or the agreement was 47  
approved against the offender. 48

**Sec. 2903.22.** (A) No person shall knowingly cause another 49  
to believe that the offender will cause physical harm to the 50  
person or property of the other person, the other person's 51  
unborn, or a member of the other person's immediate family. In 52  
addition to any other basis for the other person's belief that 53  
the offender will cause physical harm to the person or property 54  
of the other person, the other person's unborn, or a member of 55  
the other person's immediate family, the other person's belief 56  
may be based on words or conduct of the offender that are 57  
directed at or identify a corporation, association, or other 58  
organization that employs the other person or to which the other 59  
person belongs. 60

(B) (1) Whoever violates this section is guilty of 61  
menacing. Except as otherwise provided in this division or 62  
division (B) (2) of this section, menacing is a misdemeanor of 63  
the fourth degree. If the victim of the offense is an officer or 64  
employee of a public children services agency or a private child 65  
placing agency and the offense relates to the officer's or 66  
employee's performance or anticipated performance of official 67  
responsibilities or duties, menacing is a misdemeanor of the 68  
first degree or, if the offender previously has been convicted 69  
of or pleaded guilty to an offense of violence, the victim of 70  
that prior offense was an officer or employee of a public 71  
children services agency or private child placing agency, and 72  
that prior offense related to the officer's or employee's 73  
performance or anticipated performance of official 74  
responsibilities or duties, a felony of the fourth degree. 75

(2) If the victim of a violation of this section is a 76  
person that the offender knows is a protected person, menacing 77  
is a felony of the fifth degree, or if the offender previously 78  
has been convicted of or pleaded guilty to a violation of this 79  
section when the victim of the violation was a person that the 80  
offender knew was a protected person, menacing is a felony of 81  
the fourth degree. 82

(C) As used in this section, ~~"organization"~~: 83

(1) "Organization" includes an entity that is a 84  
governmental employer. 85

(2) "Protected person" means a person to be protected by a 86  
protection order issued or consent agreement approved pursuant 87  
to section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of 88  
the Revised Code, if the order was issued or the agreement was 89  
approved against the offender. 90

**Section 2.** That existing sections 2903.21 and 2903.22 of 91  
the Revised Code are hereby repealed. 92