

As Reported by the House Criminal Justice Committee

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Sub. H. B. No. 208

Representatives Roemer, Miller, J.

**Cosponsors: Representatives O'Brien, Cera, McClain, Hoops, Lang, Plummer,
Leland, Rogers**

A BILL

To amend section 2903.13 of the Revised Code to
increase the penalties for assault if the victim
is acting as a sports official or the assault is
committed in retaliation for the victim's
actions as a sports official.

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

Section 1. That section 2903.13 of the Revised Code be
amended to read as follows:

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

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

(C) (1) Whoever violates this section is guilty of assault,
and the court shall sentence the offender as provided in this
division and divisions (C) (1), (2), (3), (4), (5), (6), (7),
(8), (9), ~~and (10)~~, and (11) of this section. Except as
otherwise provided in division (C) (2), (3), (4), (5), (6), (7),

(8), or (9) of this section, assault is a misdemeanor of the 18
first degree. 19

(2) Except as otherwise provided in this division, if the 20
offense is committed by a caretaker against a functionally 21
impaired person under the caretaker's care, assault is a felony 22
of the fourth degree. If the offense is committed by a caretaker 23
against a functionally impaired person under the caretaker's 24
care, if the offender previously has been convicted of or 25
pleaded guilty to a violation of this section or section 2903.11 26
or 2903.16 of the Revised Code, and if in relation to the 27
previous conviction the offender was a caretaker and the victim 28
was a functionally impaired person under the offender's care, 29
assault is a felony of the third degree. 30

(3) If the offense occurs in or on the grounds of a state 31
correctional institution or an institution of the department of 32
youth services, the victim of the offense is an employee of the 33
department of rehabilitation and correction or the department of 34
youth services, and the offense is committed by a person 35
incarcerated in the state correctional institution or by a 36
person institutionalized in the department of youth services 37
institution pursuant to a commitment to the department of youth 38
services, assault is a felony of the third degree. 39

(4) If the offense is committed in any of the following 40
circumstances, assault is a felony of the fifth degree: 41

(a) The offense occurs in or on the grounds of a local 42
correctional facility, the victim of the offense is an employee 43
of the local correctional facility or a probation department or 44
is on the premises of the facility for business purposes or as a 45
visitor, and the offense is committed by a person who is under 46
custody in the facility subsequent to the person's arrest for 47

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

(b) The offense occurs off the grounds of a state 51
correctional institution and off the grounds of an institution 52
of the department of youth services, the victim of the offense 53
is an employee of the department of rehabilitation and 54
correction, the department of youth services, or a probation 55
department, the offense occurs during the employee's official 56
work hours and while the employee is engaged in official work 57
responsibilities, and the offense is committed by a person 58
incarcerated in a state correctional institution or 59
institutionalized in the department of youth services who 60
temporarily is outside of the institution for any purpose, by a 61
parolee, by an offender under transitional control, under a 62
community control sanction, or on an escorted visit, by a person 63
under post-release control, or by an offender under any other 64
type of supervision by a government agency. 65

(c) The offense occurs off the grounds of a local 66
correctional facility, the victim of the offense is an employee 67
of the local correctional facility or a probation department, 68
the offense occurs during the employee's official work hours and 69
while the employee is engaged in official work responsibilities, 70
and the offense is committed by a person who is under custody in 71
the facility subsequent to the person's arrest for any crime or 72
delinquent act, subsequent to the person being charged with or 73
convicted of any crime, or subsequent to the person being 74
alleged to be or adjudicated a delinquent child and who 75
temporarily is outside of the facility for any purpose or by a 76
parolee, by an offender under transitional control, under a 77
community control sanction, or on an escorted visit, by a person 78

under post-release control, or by an offender under any other 79
type of supervision by a government agency. 80

(d) The victim of the offense is a school teacher or 81
administrator or a school bus operator, and the offense occurs 82
in a school, on school premises, in a school building, on a 83
school bus, or while the victim is outside of school premises or 84
a school bus and is engaged in duties or official 85
responsibilities associated with the victim's employment or 86
position as a school teacher or administrator or a school bus 87
operator, including, but not limited to, driving, accompanying, 88
or chaperoning students at or on class or field trips, athletic 89
events, or other school extracurricular activities or functions 90
outside of school premises. 91

(e) All of the following apply: 92

(i) The victim of the offense is a sports official and the 93
offense occurs while the victim is engaged in the victim's 94
official duties at a sports event or immediately before or after 95
the sports event. 96

(ii) The offender previously has been convicted of or 97
pleaded guilty to a violation of this section under the 98
circumstances specified in division (C) (4) (e) (i) or (C) (4) (f) (i) 99
of this section. 100

(f) All of the following apply: 101

(i) The victim of the offense is a sports official and the 102
offense is committed in retaliation for an action taken by the 103
victim while the victim was engaged in the victim's official 104
duties at a sports event. 105

(ii) The offender previously has been convicted of or 106
pleaded guilty to a violation of this section under the 107

circumstances specified in division (C) (4) (e) (i) or (C) (4) (f) (i) 108
of this section. 109

(5) If the victim of the offense is a peace officer or an 110
investigator of the bureau of criminal identification and 111
investigation, a firefighter, or a person performing emergency 112
medical service, while in the performance of their official 113
duties, assault is a felony of the fourth degree. 114

(6) If the victim of the offense is a peace officer or an 115
investigator of the bureau of criminal identification and 116
investigation and if the victim suffered serious physical harm 117
as a result of the commission of the offense, assault is a 118
felony of the fourth degree, and the court, pursuant to division 119
(F) of section 2929.13 of the Revised Code, shall impose as a 120
mandatory prison term one of the prison terms prescribed for a 121
felony of the fourth degree that is at least twelve months in 122
duration. 123

(7) If the victim of the offense is an officer or employee 124
of a public children services agency or a private child placing 125
agency and the offense relates to the officer's or employee's 126
performance or anticipated performance of official 127
responsibilities or duties, assault is either a felony of the 128
fifth degree or, if the offender previously has been convicted 129
of or pleaded guilty to an offense of violence, the victim of 130
that prior offense was an officer or employee of a public 131
children services agency or private child placing agency, and 132
that prior offense related to the officer's or employee's 133
performance or anticipated performance of official 134
responsibilities or duties, a felony of the fourth degree. 135

(8) If the victim of the offense is a health care 136
professional of a hospital, a health care worker of a hospital, 137

or a security officer of a hospital whom the offender knows or 138
has reasonable cause to know is a health care professional of a 139
hospital, a health care worker of a hospital, or a security 140
officer of a hospital, if the victim is engaged in the 141
performance of the victim's duties, and if the hospital offers 142
de-escalation or crisis intervention training for such 143
professionals, workers, or officers, assault is one of the 144
following: 145

(a) Except as otherwise provided in division (C) (8) (b) of 146
this section, assault committed in the specified circumstances 147
is a misdemeanor of the first degree. Notwithstanding the fine 148
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 149
Revised Code for a misdemeanor of the first degree, in 150
sentencing the offender under this division and if the court 151
decides to impose a fine, the court may impose upon the offender 152
a fine of not more than five thousand dollars. 153

(b) If the offender previously has been convicted of or 154
pleaded guilty to one or more assault or homicide offenses 155
committed against hospital personnel, assault committed in the 156
specified circumstances is a felony of the fifth degree. 157

(9) If the victim of the offense is a judge, magistrate, 158
prosecutor, or court official or employee whom the offender 159
knows or has reasonable cause to know is a judge, magistrate, 160
prosecutor, or court official or employee, and if the victim is 161
engaged in the performance of the victim's duties, assault is 162
one of the following: 163

(a) Except as otherwise provided in division (C) ~~(8)~~ (9) (b) 164
of this section, assault committed in the specified 165
circumstances is a misdemeanor of the first degree. In 166
sentencing the offender under this division, if the court 167

decides to impose a fine, notwithstanding the fine specified in 168
division (A) (2) ~~(b)~~ (a) of section 2929.28 of the Revised Code 169
for a misdemeanor of the first degree, the court may impose upon 170
the offender a fine of not more than five thousand dollars. 171

(b) If the offender previously has been convicted of or 172
pleaded guilty to one or more assault or homicide offenses 173
committed against justice system personnel, assault committed in 174
the specified circumstances is a felony of the fifth degree. 175

(10) If an offender who is convicted of or pleads guilty 176
to assault when it is a misdemeanor also is convicted of or 177
pleads guilty to a specification as described in section 178
2941.1423 of the Revised Code that was included in the 179
indictment, count in the indictment, or information charging the 180
offense, the court shall sentence the offender to a mandatory 181
jail term as provided in division (G) of section 2929.24 of the 182
Revised Code. 183

If an offender who is convicted of or pleads guilty to 184
assault when it is a felony also is convicted of or pleads 185
guilty to a specification as described in section 2941.1423 of 186
the Revised Code that was included in the indictment, count in 187
the indictment, or information charging the offense, except as 188
otherwise provided in division (C) (6) of this section, the court 189
shall sentence the offender to a mandatory prison term as 190
provided in division (B) (8) of section 2929.14 of the Revised 191
Code. 192

(11) If an offender is convicted of or pleads guilty to 193
assault when it is a misdemeanor of the first degree, in 194
addition to the sentence for that misdemeanor, the court shall 195
impose a mandatory fine of one thousand five hundred dollars, 196
notwithstanding the fine specified in division (A) (2) (a) of 197

section 2929.28 of the Revised Code for a misdemeanor of the 198
first degree, and shall impose forty hours of community service 199
if either of the following applies: 200

(a) The victim of the offense is a sports official and the 201
offense occurs while the victim is engaged in the victim's 202
official duties at a sports event or immediately before or after 203
the sports event. 204

(b) The victim of the offense is a sports official and the 205
offense is committed in retaliation for an action taken by the 206
victim while the victim was engaged in the victim's official 207
duties at a sports event. 208

(D) Nothing in division (C) (4) (e) or (f) of this section 209
shall prevent an offender from being prosecuted for a violation 210
of section 2903.11 or 2903.12 of the Revised Code if the 211
elements of the offense under either of those sections are 212
present, the victim of the offense is a sports official, and the 213
offense occurs while the victim is engaged in the victim's 214
official duties at a sports event or immediately before or after 215
the sports event. 216

(E) As used in this section: 217

(1) "Peace officer" has the same meaning as in section 218
2935.01 of the Revised Code. 219

(2) "Firefighter" has the same meaning as in section 220
3937.41 of the Revised Code. 221

(3) "Emergency medical service" has the same meaning as in 222
section 4765.01 of the Revised Code. 223

(4) "Local correctional facility" means a county, 224
multicounty, municipal, municipal-county, or multicounty- 225

municipal jail or workhouse, a minimum security jail established 226
under section 341.23 or 753.21 of the Revised Code, or another 227
county, multicounty, municipal, municipal-county, or 228
multicounty-municipal facility used for the custody of persons 229
arrested for any crime or delinquent act, persons charged with 230
or convicted of any crime, or persons alleged to be or 231
adjudicated a delinquent child. 232

(5) "Employee of a local correctional facility" means a 233
person who is an employee of the political subdivision or of one 234
or more of the affiliated political subdivisions that operates 235
the local correctional facility and who operates or assists in 236
the operation of the facility. 237

(6) "School teacher or administrator" means either of the 238
following: 239

(a) A person who is employed in the public schools of the 240
state under a contract described in section 3311.77 or 3319.08 241
of the Revised Code in a position in which the person is 242
required to have a certificate issued pursuant to sections 243
3319.22 to 3319.311 of the Revised Code. 244

(b) A person who is employed by a nonpublic school for 245
which the state board of education prescribes minimum standards 246
under section 3301.07 of the Revised Code and who is 247
certificated in accordance with section 3301.071 of the Revised 248
Code. 249

(7) "Community control sanction" has the same meaning as 250
in section 2929.01 of the Revised Code. 251

(8) "Escorted visit" means an escorted visit granted under 252
section 2967.27 of the Revised Code. 253

(9) "Post-release control" and "transitional control" have 254

the same meanings as in section 2967.01 of the Revised Code. 255

(10) "Investigator of the bureau of criminal 256
identification and investigation" has the same meaning as in 257
section 2903.11 of the Revised Code. 258

(11) "Health care professional" and "health care worker" 259
have the same meanings as in section 2305.234 of the Revised 260
Code. 261

(12) "Assault or homicide offense committed against 262
hospital personnel" means a violation of this section or of 263
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 264
2903.12, or 2903.14 of the Revised Code committed in 265
circumstances in which all of the following apply: 266

(a) The victim of the offense was a health care 267
professional of a hospital, a health care worker of a hospital, 268
or a security officer of a hospital. 269

(b) The offender knew or had reasonable cause to know that 270
the victim was a health care professional of a hospital, a 271
health care worker of a hospital, or a security officer of a 272
hospital. 273

(c) The victim was engaged in the performance of the 274
victim's duties. 275

(d) The hospital offered de-escalation or crisis 276
intervention training for such professionals, workers, or 277
officers. 278

(13) "De-escalation or crisis intervention training" means 279
de-escalation or crisis intervention training for health care 280
professionals of a hospital, health care workers of a hospital, 281
and security officers of a hospital to facilitate interaction 282

with patients, members of a patient's family, and visitors, 283
including those with mental impairments. 284

(14) "Assault or homicide offense committed against 285
justice system personnel" means a violation of this section or 286
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 287
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 288
circumstances in which the victim of the offense was a judge, 289
magistrate, prosecutor, or court official or employee whom the 290
offender knew or had reasonable cause to know was a judge, 291
magistrate, prosecutor, or court official or employee, and the 292
victim was engaged in the performance of the victim's duties. 293

(15) "Court official or employee" means any official or 294
employee of a court created under the constitution or statutes 295
of this state or of a United States court located in this state. 296

(16) "Judge" means a judge of a court created under the 297
constitution or statutes of this state or of a United States 298
court located in this state. 299

(17) "Magistrate" means an individual who is appointed by 300
a court of record of this state and who has the powers and may 301
perform the functions specified in Civil Rule 53, Criminal Rule 302
19, or Juvenile Rule 40, or an individual who is appointed by a 303
United States court located in this state who has similar powers 304
and functions. 305

(18) "Prosecutor" has the same meaning as in section 306
2935.01 of the Revised Code. 307

(19) (a) "Hospital" means, subject to division (D) (19) (b) 308
of this section, an institution classified as a hospital under 309
section 3701.01 of the Revised Code in which are provided to 310
patients diagnostic, medical, surgical, obstetrical, 311

psychiatric, or rehabilitation care or a hospital operated by a 312
health maintenance organization. 313

(b) "Hospital" does not include any of the following: 314

(i) A facility licensed under Chapter 3721. of the Revised 315
Code, a health care facility operated by the department of 316
mental health or the department of developmental disabilities, a 317
health maintenance organization that does not operate a 318
hospital, or the office of any private, licensed health care 319
professional, whether organized for individual or group 320
practice; 321

(ii) An institution for the sick that is operated 322
exclusively for patients who use spiritual means for healing and 323
for whom the acceptance of medical care is inconsistent with 324
their religious beliefs, accredited by a national accrediting 325
organization, exempt from federal income taxation under section 326
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 327
U.S.C. 1, as amended, and providing twenty-four-hour nursing 328
care pursuant to the exemption in division (E) of section 329
4723.32 of the Revised Code from the licensing requirements of 330
Chapter 4723. of the Revised Code. 331

(20) "Health maintenance organization" has the same 332
meaning as in section 3727.01 of the Revised Code. 333

(21) "Sports official" means any person who is paid or 334
volunteers to enforce the rules of a sports event as a referee, 335
umpire, linesperson, timer, scorekeeper, or in a similar 336
capacity. 337

(22) "Sports event" includes all of the following: 338

(a) Any interscholastic or intramural athletic event or 339
athletic activity at an elementary or secondary school, college, 340

or university or in which an elementary or secondary school, 341
college, or university participates; 342

(b) Any organized athletic activity, including an 343
organized athletic activity that is sponsored by a community, 344
business, or nonprofit organization; 345

(c) Any athletic activity that is a professional or 346
semiprofessional event. 347

Section 2. That existing section 2903.13 of the Revised 348
Code is hereby repealed. 349