



# OHIO LEGISLATIVE SERVICE COMMISSION

## Sub. Bill Comparative Synopsis

Jeff Hobday

### Sub. H.B. 38

132nd General Assembly  
(H. Criminal Justice)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (L-132-0286-6)
<b>Aggravated murder of a first responder or military member</b>	Expands the offense of aggravated murder to include purposely causing the death of a first responder or military member whom the offender knew or had reasonable cause to know was a first responder or military member when the victim was engaged in official duties or it was the offender's specific purpose to kill a first responder or military member ( <i>R.C. 2903.01(E)</i> ).	Expands aggravated murder to include purposely causing the death of a first responder or military member whom the offender knew or had reasonable cause to know was a first responder or military member when it was the offender's specific purpose to kill a first responder or military member ( <i>R.C. 2903.01(F)</i> ).
<b>Penalty for attempted aggravated murder</b>	No provision.	Requires a mandatory prison term of 3 to 11 years for an attempt to commit aggravated murder of the type described in the previous row or for an attempt to commit aggravated murder of a law enforcement officer as described in R.C. 2903.01(E) ( <i>R.C. 2923.02(E)(4)</i> ).

Topic	Previous Version (As Introduced)	Sub. Version (L-132-0286-6)
<b>Penalty for felonious assault</b>	<p>Increases the penalty for felonious assault against a first responder or military member from a second degree felony to a first degree felony, regardless of whether the offender knew the victim's profession (<i>R.C. 2903.11(D)(1)(a)</i>).</p> <p>Requires a mandatory prison term of 3 to 11 years if the offender knew or had reasonable cause to know that the victim was a peace officer, BCII investigator, first responder, or military member (<i>R.C. 2903.11(D)(1)(c)</i>).</p> <p>Requires the offender to serve the mandatory prison term consecutively to any prison term imposed for one or more offenses committed at the same time, as part of a common scheme or plan, or as part of a course of criminal conduct connected to the felonious assault (<i>R.C. 2903.11(D)(1)(c) and 2929.14(C)(6)</i>).</p>	<p>Increases the penalty for felonious assault from a second degree felony to a first degree felony if the offender specifically targeted the victim for being a first responder or military member (<i>R.C. 2903.11(D)(1)(c)</i>).</p> <p>Requires a mandatory prison term of 3 to 11 years if the offender specifically targeted the victim for being a first responder or military member and the victim suffered serious physical harm and retains current law that requires a mandatory prison term of 3 to 11 years if the victim is a peace officer or BCII investigator and the victim suffered serious physical harm (<i>R.C. 2903.11(D)(1)(d)</i>).</p> <p>No provision.</p>
<b>Definition of "military member"</b>	<p>Defines a "military member" for purposes of the bill as a member of the U.S. armed forces, reserves, or Ohio national guard, a participant in ROTC or JROTC, or anyone who has previously served in the military (<i>R.C. 2903.01(G)(4)</i>).</p>	<p>Same, but also includes a participant in any military training program similar to ROTC or JROTC (<i>R.C. 2903.01(H)(4)</i>).</p>

H0038-132.docx/ks

