



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Hobday

Sub. H.B. 38*

132nd General Assembly
(As Reported by H. Criminal Justice)

Reps. Greenspan, Anielski, Barnes, Goodman, Keller, Kick, Lipps, Patton, Perales, Riedel, Retherford, Sprague, Thompson, Wiggam, Young

BILL SUMMARY

- Expands the offense of aggravated murder to include purposely causing the death of a first responder or military member when the offender's specific purpose was to kill a first responder or military member.
 - Requires a mandatory prison term of three to 11 years for an attempt to commit aggravated murder of the type described above or an attempt to commit aggravated murder of a law enforcement officer.
 - Increases the penalty for felonious assault against a first responder or military member from a second degree felony, absent any specification, to a first degree felony if the offender specifically targeted the victim for being a first responder or military member.
 - Requires a mandatory prison term of three to 11 years for felonious assault if the offender specifically targeted the victim for being a first responder or military member and the victim suffered serious physical harm.
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CONTENT AND OPERATION

Aggravated murder

The bill expands the offense of aggravated murder to prohibit purposely causing the death of a first responder or military member whom the offender knows or has

* This analysis was prepared before the report of the House Criminal Justice Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

reasonable cause to know is a first responder or military member if the offender's specific purpose was to kill a first responder or military member.¹

Existing law prohibits a similar form of aggravated murder when the victim is a law enforcement officer and either the officer was on duty or the offender's specific purpose was to kill a law enforcement officer. However, the bill expands that prohibition by adding to the definition of "law enforcement officer" any federal law enforcement officer and anyone who has previously served as a federal or state law enforcement officer.²

Under existing law, unchanged by the bill, aggravated murder is a capital offense, punishable by death or life imprisonment.³

Attempted aggravated murder

The bill requires a mandatory prison term of 3, 4, 5, 6, 7, 8, 9, 10, or 11 years for an attempt to commit aggravated murder of a first responder or military member or an attempt to commit aggravated murder of a law enforcement officer, as described above. Under current law, an attempt to commit aggravated murder is a first degree felony, but the prison term is not mandatory.⁴

Felonious assault

The bill increases the penalty for felonious assault from a second degree felony, absent any specification, to a first degree felony if the offender specifically targeted the victim for being a first responder or military member. The bill requires a mandatory prison term of 3, 4, 5, 6, 7, 8, 9, 10, or 11 years for committing felonious assault if the offender specifically targeted the victim for being a first responder or military member and the victim suffered serious physical harm as a result of the assault. Under existing law, the mandatory prison term only applies when the victim is a peace officer or BCII investigator and the victim suffered serious physical harm as a result of the assault.⁵

The bill expands the definition of "peace officer" to include any federal law enforcement officer and anyone who has previously served as a federal or state law

¹ R.C. 2903.01(F).

² R.C. 2903.01(E) and (H)(2).

³ R.C. 2903.01(G) and 2929.02(A), not in the bill.

⁴ R.C. 2923.02(E)(1) and (4).

⁵ R.C. 2903.11(D)(1)(b), (c), and (d).

enforcement officer. This change to the definition expands the applicability of increased penalties for felonious assault of a peace officer.⁶

Definitions

As defined in the bill:

"First responder" means an emergency medical service provider, a firefighter, or any other emergency response personnel, or anyone who has previously served as a first responder.⁷

"Military member" means a member of the U.S. armed forces, reserves, or Ohio National Guard, a participant in ROTC, Junior ROTC, or any similar military training program, or anyone who has previously served in the military.⁸

HISTORY

ACTION	DATE
Introduced Reported, H. Criminal Justice	02-07-17 ---

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⁶ R.C. 2903.11(E)(3).

⁷ R.C. 2903.01(H)(3) and 2903.11(E)(7).

⁸ R.C. 2903.01(H)(4) and 2903.11(E)(8).

