



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Nicholas A. Keller

### **S.B. 196**

132nd General Assembly  
(As Introduced)

**Sens.** Williams, Brown

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### **BILL SUMMARY**

- Creates the offense of aggravated bullying, a third degree misdemeanor.
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### **CONTENT AND OPERATION**

#### **Aggravated bullying**

Under the bill, a student of a public primary or secondary school is guilty of aggravated bullying if the student does either of the following:

(1) Knowingly causes serious emotional harm to another person who is a student of that school.<sup>1</sup>

(2) Knowingly causes another student of a public primary or secondary school to believe that the offender will cause serious emotional harm to the other student or serious physical harm to the other student, the other student's property, the other student's unborn, or a member of the other student's immediate family. In addition to any other basis for the other student's belief that the offender will cause serious emotional harm to the other student or serious physical harm to the person or property of the other student, the other student's unborn, or a member of the other student's immediate family, the other student's belief may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other student or to which the other student belongs.<sup>2</sup>

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<sup>1</sup> R.C. 2903.23(B).

<sup>2</sup> R.C. 2903.23(A).

Aggravated bullying, a third degree misdemeanor, is punishable by a jail term of up to 60 days and a fine of up to \$500.<sup>3</sup>

## Juvenile adjudication

Under continuing law, unchanged by the bill, juveniles are not charged with felonies and misdemeanors in the same fashion as adults. Instead, if a child violates a criminal prohibition that is not a traffic offense and charges are filed against the child, the charges will allege that the child is a delinquent child and will be heard in juvenile court under the Delinquent Child Law.<sup>4</sup> A juvenile court making a disposition of a child who has been adjudicated a delinquent child generally has discretion to make any disposition or a combination of dispositions provided in the Delinquent Child Law. Dispositions for an offense that would be a third degree misdemeanor if committed by an adult include:<sup>5</sup>

- Commitment to a specified type of public or private facility;
- Placement in a detention home for up to 90 days;
- Commitment to a period of community control, with sanctions or conditions that the court prescribes, such as probation supervision, day reporting, house arrest, and community service of up to 200 hours;
- Commitment to the custody of the court;
- Imposition of a fine of up to \$150 or another financial sanction;
- Any further disposition that the court finds proper, except that the child may not be placed in a place in which an adult convicted of a crime, under arrest, or charged with a crime is held.

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## HISTORY

ACTION	DATE
Introduced	09-19-17

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<sup>3</sup> R.C. 2903.23(C) and R.C. 2929.24 and 2929.28, not in the bill.

<sup>4</sup> R.C. 2152.021, not in the bill.

<sup>5</sup> R.C. 2152.19 and 2152.20, not in the bill.

