H.B. 498
132nd General Assembly
(As Introduced)

Rep.   Schuring

BILL SUMMARY

- Modifies the penalties for resisting arrest, depending on the circumstances.

- Classifies resisting arrest as an "offense of violence."

CONTENT AND OPERATION

Resisting arrest

Penalties

A person who, recklessly or by force, resists or interferes with the lawful arrest of the person or another is guilty of resisting arrest. Under current law, resisting arrest is generally a second degree misdemeanor. The bill raises the base level penalty to a first degree misdemeanor. If the offense results in physical harm to a law enforcement officer, the penalty increases from a first degree misdemeanor to a fifth degree felony. If the offender caused physical harm to a law enforcement officer by means of a deadly weapon, the bill reduces the penalty for the offense from a fourth degree felony to a fifth degree felony. However, if the offender brandishes a deadly weapon while resisting arrest, the offense remains a fourth degree felony.[1]

Classification as "offense of violence"

The bill adds "resisting arrest" to the list of offenses within the definition of "offense of violence."[2] The term "offense of violence" is used throughout the Revised

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[1] R.C. 2921.33.

[2] R.C. 2901.01(A)(9).

Code in a variety of ways. The uses include the criminalization of conduct involving threats to commit, or the commission of, an offense of violence,[3] an increase in the penalty for certain offenses if an offender previously has been convicted of or pleaded guilty to an offense of violence,[4] and license issuance, employment, and other restrictions imposed upon persons convicted of an offense of violence.[5]

HISTORY

ACTION	DATE
Introduced	02-13-18

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[3] e.g., R.C. 2903.02, 2905.11, 2917.01, 2917.02, and 2917.31, not in the bill.

[4] e.g., R.C. 2903.13, 2903.21, 2903.22, 2919.25, and 2923.12, not in the bill.

[5] e.g., R.C. 2923.125, 2923.1210, 2923.13, 3319.31, and 3345.23, not in the bill.