



Ohio Legislative Service Commission

Bill Analysis

Dennis M. Papp

S.B. 53

131st General Assembly
(As Introduced)

Sens. Hughes, Bacon, LaRose, Patton, Schiavoni

BILL SUMMARY

- Increases the penalty for aggravated menacing to a fourth or fifth degree felony from a first degree misdemeanor when the victim of the offense is a law enforcement officer and the offense occurs during the course of the officer's duties.

CONTENT AND OPERATION

Aggravated menacing penalty

The bill increases the penalty for the offense of "aggravated menacing" in specified circumstances if the victim of the offense is a "law enforcement officer." Under the bill, if the victim is a law enforcement officer and the offense occurs during the course of the officer's duties, the offense is a fifth degree felony. If the offender previously was convicted of an offense of violence, as defined under continuing law, committed against a law enforcement officer during the course of the officer's duties, aggravated menacing is a fourth degree felony.¹

Currently, aggravated menacing generally is a first degree misdemeanor. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the victim's performance or anticipated performance of official responsibilities or duties, it is a fourth or fifth degree felony, depending upon the circumstances present.²

¹ R.C. 2903.21(B).

² R.C. 2903.21(B).

Aggravated menacing prohibitions

Under existing law, unchanged by the bill, the prohibition under aggravated menacing prohibits a person from knowingly causing another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. In addition to any other basis for the other person's belief that the offender will cause the specified serious physical harm, that belief may be based on the offender's words or conduct that are directed at or identify the other person's employer or organization.³

Definition of law enforcement officer

As used in the bill, "law enforcement officer" means any of the following:⁴

(1) A sheriff, deputy sheriff, constable, township or joint township police district police officer, marshal, deputy marshal, municipal police officer, metropolitan housing authority police force member, or State Highway Patrol trooper;

(2) An officer, agent, or employee of the state or any state agency, instrumentality, or political subdivision, with a statutory duty to conserve the peace or enforce all or certain laws and authority to arrest violators, within the limits of that duty and authority;

(3) A mayor, as chief conservator of the peace within the mayor's municipality;

(4) A county, township, or municipal auxiliary police force member, within the scope of the member's appointment or commission;

(5) A person lawfully called to aid a sheriff in keeping the peace, for the purposes and during the time of the calling;

(6) A special patrolling officer appointed by a mayor during riot or emergency, for the purposes and during the time of the appointment;

(7) A member of the Ohio organized militia or the U.S. armed forces, aiding civil authorities in keeping the peace or protecting against domestic violence;

(8) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

³ R.C. 2903.21(A) and (B).

⁴ R.C. 2901.01, not in the bill.



(9) A veterans' home police officer, regional transit authority police force member, or port authority special police officer;

(10) The House of Representatives Sergeant at Arms if he or she has arrest authority, an assistant House of Representatives Sergeant at Arms, the Senate Sergeant at Arms, and an assistant Senate Sergeant at Arms; or

(11) A municipal special police officer employed at a municipal airport or air navigation facility that has scheduled operations, is required to be under a security program, and is governed by federal aviation security rules.

HISTORY

ACTION	DATE
Introduced	02-11-15

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