

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 532**

**Representative Lorenz**

**Cosponsors: Representatives Williams, Brennan, Gross, Johnson, Robb Blasdel,  
Dell'Aquila, Miller, K.**

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**A BILL**

To amend sections 2903.13 and 2935.01 of the 1  
Revised Code to expand the definition of "peace 2  
officer" to include bailiffs of a municipal 3  
court and probation officers, and to increase 4  
the penalty for assault when the victim is a 5  
bailiff, probation officer, or another court 6  
official or employee. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2903.13 and 2935.01 of the 8  
Revised Code be amended to read as follows: 9

**Sec. 2903.13.** (A) No person shall knowingly cause or 10  
attempt to cause physical harm to another or to another's 11  
unborn. 12

(B) No person shall recklessly cause serious physical harm 13  
to another or to another's unborn. 14

(C) (1) Whoever violates this section is guilty of assault, 15  
and the court shall sentence the offender as provided in this 16  
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 17

(8), (9), and (10) of this section. Except as otherwise provided 18  
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 19  
section, assault is a misdemeanor of the first degree. 20

(2) Except as otherwise provided in this division, if the 21  
offense is committed by a caretaker against a person with a 22  
functional impairment under the caretaker's care, assault is a 23  
felony of the fourth degree. If the offense is committed by a 24  
caretaker against a person with a functional impairment under 25  
the caretaker's care, if the offender previously has been 26  
convicted of or pleaded guilty to a violation of this section or 27  
section 2903.11 or 2903.16 of the Revised Code, and if in 28  
relation to the previous conviction the offender was a caretaker 29  
and the victim was a person with a functional impairment under 30  
the offender's care, assault is a felony of the third degree. 31

(3) If the offense occurs in or on the grounds of a state 32  
correctional institution or an institution of the department of 33  
youth services, the victim of the offense is an employee of the 34  
department of rehabilitation and correction or the department of 35  
youth services, and the offense is committed by a person 36  
incarcerated in the state correctional institution or by a 37  
person institutionalized in the department of youth services 38  
institution pursuant to a commitment to the department of youth 39  
services, assault is a felony of the third degree. 40

(4) If the offense is committed in any of the following 41  
circumstances, assault is a felony of the fifth degree: 42

(a) The offense occurs in or on the grounds of a local 43  
correctional facility, the victim of the offense is an employee 44  
of the local correctional facility or a probation department or 45  
is on the premises of the facility for business purposes or as a 46  
visitor, and the offense is committed by a person who is under 47

custody in the facility subsequent to the person's arrest for 48  
any crime or delinquent act, subsequent to the person's being 49  
charged with or convicted of any crime, or subsequent to the 50  
person's being alleged to be or adjudicated a delinquent child. 51

(b) The offense occurs off the grounds of a state 52  
correctional institution and off the grounds of an institution 53  
of the department of youth services, the victim of the offense 54  
is an employee of the department of rehabilitation and 55  
correction, the department of youth services, or a probation 56  
department, the offense occurs during the employee's official 57  
work hours and while the employee is engaged in official work 58  
responsibilities, and the offense is committed by a person 59  
incarcerated in a state correctional institution or 60  
institutionalized in the department of youth services who 61  
temporarily is outside of the institution for any purpose, by a 62  
parolee, by an offender under transitional control, under a 63  
community control sanction, or on an escorted visit, by a person 64  
under post-release control, or by an offender under any other 65  
type of supervision by a government agency. 66

(c) The offense occurs off the grounds of a local 67  
correctional facility, the victim of the offense is an employee 68  
of the local correctional facility or a probation department, 69  
the offense occurs during the employee's official work hours and 70  
while the employee is engaged in official work responsibilities, 71  
and the offense is committed by a person who is under custody in 72  
the facility subsequent to the person's arrest for any crime or 73  
delinquent act, subsequent to the person being charged with or 74  
convicted of any crime, or subsequent to the person being 75  
alleged to be or adjudicated a delinquent child and who 76  
temporarily is outside of the facility for any purpose or by a 77  
parolee, by an offender under transitional control, under a 78

community control sanction, or on an escorted visit, by a person 79  
under post-release control, or by an offender under any other 80  
type of supervision by a government agency. 81

(d) The victim of the offense is a school teacher or 82  
administrator or a school bus operator, and the offense occurs 83  
in a school, on school premises, in a school building, on a 84  
school bus, or while the victim is outside of school premises or 85  
a school bus and is engaged in duties or official 86  
responsibilities associated with the victim's employment or 87  
position as a school teacher or administrator or a school bus 88  
operator, including, but not limited to, driving, accompanying, 89  
or chaperoning students at or on class or field trips, athletic 90  
events, or other school extracurricular activities or functions 91  
outside of school premises. 92

(5) If the assault is committed in any of the following 93  
circumstances, assault is a felony of the fourth degree: 94

(a) The victim of the offense is a peace officer or an 95  
investigator of the bureau of criminal identification and 96  
investigation, a firefighter, or a person performing emergency 97  
medical service, while in the performance of the officer's, 98  
investigator's, firefighter's, or person's official duties. 99

(b) The victim of the offense is an emergency service 100  
responder, the offender knows or reasonably should know that the 101  
victim is an emergency service responder, and it is the 102  
offender's specific purpose to commit the offense against an 103  
emergency service responder. 104

(c) The victim of the offense is a family or household 105  
member or co-worker of a person who is an emergency service 106  
responder, the offender knows or reasonably should know that the 107

victim is a family or household member or co-worker of an 108  
emergency service responder, and it is the offender's specific 109  
purpose to commit the offense against a family or household 110  
member or co-worker of an emergency service responder. 111

(6) If the offense is a felony of the fourth degree under 112  
division (C) (5) (a) of this section, if the victim of the offense 113  
is a peace officer or an investigator of the bureau of criminal 114  
identification and investigation, and if the victim suffered 115  
serious physical harm as a result of the commission of the 116  
offense, the court, pursuant to division (F) of section 2929.13 117  
of the Revised Code, shall impose as a mandatory prison term one 118  
of the prison terms prescribed for a felony of the fourth degree 119  
that is at least twelve months in duration. 120

(7) If the victim of the offense is an officer or employee 121  
of a public children services agency or a private child placing 122  
agency and the offense relates to the officer's or employee's 123  
performance or anticipated performance of official 124  
responsibilities or duties, assault is either a felony of the 125  
fifth degree or, if the offender previously has been convicted 126  
of or pleaded guilty to an offense of violence, the victim of 127  
that prior offense was an officer or employee of a public 128  
children services agency or private child placing agency, and 129  
that prior offense related to the officer's or employee's 130  
performance or anticipated performance of official 131  
responsibilities or duties, a felony of the fourth degree. 132

(8) If the victim of the offense is a health care 133  
professional of a hospital, a health care worker of a hospital, 134  
or a security officer of a hospital whom the offender knows or 135  
has reasonable cause to know is a health care professional of a 136  
hospital, a health care worker of a hospital, or a security 137

officer of a hospital, if the victim is engaged in the 138  
performance of the victim's duties, and if the hospital offers 139  
de-escalation or crisis intervention training for such 140  
professionals, workers, or officers, assault is one of the 141  
following: 142

(a) Except as otherwise provided in division (C) (8) (b) of 143  
this section, assault committed in the specified circumstances 144  
is a misdemeanor of the first degree. Notwithstanding the fine 145  
specified in division (A) (2) (a) of section 2929.28 of the 146  
Revised Code for a misdemeanor of the first degree, in 147  
sentencing the offender under this division and if the court 148  
decides to impose a fine, the court may impose upon the offender 149  
a fine of not more than five thousand dollars. 150

(b) If the offender previously has been convicted of or 151  
pleaded guilty to one or more assault or homicide offenses 152  
committed against hospital personnel, assault committed in the 153  
specified circumstances is a felony of the fifth degree. 154

(9) If the victim of the offense is a judge, magistrate, 155  
prosecutor, or court official or employee whom the offender 156  
knows or has reasonable cause to know is a judge, magistrate, 157  
prosecutor, or court official or employee, and if the victim is 158  
engaged in the performance of the victim's duties, assault is 159  
one of the following: 160

(a) Except as otherwise provided in division (C) (9) (b) of 161  
this section, assault committed in the specified circumstances 162  
is a ~~misdemeanor~~ felony of the ~~first~~ fifth degree. In sentencing 163  
the offender under this division, if the court decides to impose 164  
a fine, notwithstanding the fine specified in division ~~(A) (2) (a)~~ 165  
(A) (3) of section ~~2929.28~~ 2929.18 of the Revised Code for a 166  
~~misdemeanor~~ felony of the ~~first~~ fifth degree, the court may 167

impose upon the offender a fine of not more than five thousand 168  
dollars. 169

(b) If the offender previously has been convicted of or 170  
pleaded guilty to one or more assault or homicide offenses 171  
committed against justice system personnel, assault committed in 172  
the specified circumstances is a felony of the ~~fifth~~fourth 173  
degree. 174

(10) If an offender who is convicted of or pleads guilty 175  
to assault when it is a misdemeanor also is convicted of or 176  
pleads guilty to a specification as described in section 177  
2941.1423 of the Revised Code that was included in the 178  
indictment, count in the indictment, or information charging the 179  
offense, the court shall sentence the offender to a mandatory 180  
jail term as provided in division (F) of section 2929.24 of the 181  
Revised Code. 182

If an offender who is convicted of or pleads guilty to 183  
assault when it is a felony also is convicted of or pleads 184  
guilty to a specification as described in section 2941.1423 of 185  
the Revised Code that was included in the indictment, count in 186  
the indictment, or information charging the offense, except as 187  
otherwise provided in division (C) (6) of this section, the court 188  
shall sentence the offender to a mandatory prison term as 189  
provided in division (B) (8) of section 2929.14 of the Revised 190  
Code. 191

(D) A prosecution for a violation of this section does not 192  
preclude a prosecution of a violation of any other section of 193  
the Revised Code. One or more acts, a series of acts, or a 194  
course of behavior that can be prosecuted under this section or 195  
any other section of the Revised Code may be prosecuted under 196  
this section, the other section of the Revised Code, or both 197

sections. However, if an offender is convicted of or pleads 198  
guilty to a violation of this section and also is convicted of 199  
or pleads guilty to a violation of section 2903.22 of the 200  
Revised Code based on the same conduct involving the same victim 201  
that was the basis of the violation of this section, the two 202  
offenses are allied offenses of similar import under section 203  
2941.25 of the Revised Code. 204

(E) As used in this section: 205

(1) "Peace officer" has the same meaning as in section 206  
2935.01 of the Revised Code. 207

(2) "Firefighter" means any person who is a firefighter as 208  
defined in section 3937.41 of the Revised Code and, for purposes 209  
of division (E) (21) of this section, also includes a member of a 210  
fire department as defined in section 742.01 of the Revised 211  
Code. 212

(3) "Emergency medical service" has the same meaning as in 213  
section 4765.01 of the Revised Code. 214

(4) "Local correctional facility" means a county, 215  
multicounty, municipal, municipal-county, or multicounty- 216  
municipal jail or workhouse, a minimum security jail established 217  
under section 341.23 or 753.21 of the Revised Code, or another 218  
county, multicounty, municipal, municipal-county, or 219  
multicounty-municipal facility used for the custody of persons 220  
arrested for any crime or delinquent act, persons charged with 221  
or convicted of any crime, or persons alleged to be or 222  
adjudicated a delinquent child. 223

(5) "Employee of a local correctional facility" means a 224  
person who is an employee of the political subdivision or of one 225  
or more of the affiliated political subdivisions that operates 226



the local correctional facility and who operates or assists in	227
the operation of the facility.	228
(6) "School teacher or administrator" means either of the	229
following:	230
(a) A person who is employed in the public schools of the	231
state under a contract described in section 3311.77 or 3319.08	232
of the Revised Code in a position in which the person is	233
required to have a certificate issued pursuant to sections	234
3319.22 to 3319.311 of the Revised Code.	235
(b) A person who is employed by a nonpublic school for	236
which the director of education and workforce prescribes minimum	237
standards under section 3301.07 of the Revised Code and who is	238
certificated in accordance with section 3301.071 of the Revised	239
Code.	240
(7) "Community control sanction" has the same meaning as	241
in section 2929.01 of the Revised Code.	242
(8) "Escorted visit" means an escorted visit granted under	243
section 2967.27 of the Revised Code.	244
(9) "Post-release control" and "transitional control" have	245
the same meanings as in section 2967.01 of the Revised Code.	246
(10) "Investigator of the bureau of criminal	247
identification and investigation" has the same meaning as in	248
section 2903.11 of the Revised Code.	249
(11) "Health care professional" and "health care worker"	250
have the same meanings as in section 2305.234 of the Revised	251
Code.	252
(12) "Assault or homicide offense committed against	253
hospital personnel" means a violation of this section or of	254

section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11,	255
2903.12, or 2903.14 of the Revised Code committed in	256
circumstances in which all of the following apply:	257
(a) The victim of the offense was a health care	258
professional of a hospital, a health care worker of a hospital,	259
or a security officer of a hospital.	260
(b) The offender knew or had reasonable cause to know that	261
the victim was a health care professional of a hospital, a	262
health care worker of a hospital, or a security officer of a	263
hospital.	264
(c) The victim was engaged in the performance of the	265
victim's duties.	266
(d) The hospital offered de-escalation or crisis	267
intervention training for such professionals, workers, or	268
officers.	269
(13) "De-escalation or crisis intervention training" means	270
de-escalation or crisis intervention training for health care	271
professionals of a hospital, health care workers of a hospital,	272
and security officers of a hospital to facilitate interaction	273
with patients, members of a patient's family, and visitors,	274
including those with mental impairments.	275
(14) "Assault or homicide offense committed against	276
justice system personnel" means a violation of this section or	277
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041,	278
2903.11, 2903.12, or 2903.14 of the Revised Code committed in	279
circumstances in which the victim of the offense was a judge,	280
magistrate, prosecutor, or court official or employee whom the	281
offender knew or had reasonable cause to know was a judge,	282
magistrate, prosecutor, or court official or employee, and the	283

victim was engaged in the performance of the victim's duties.	284
(15) "Court official or employee" means any official or	285
employee of a court created under the constitution or statutes	286
of this state or of a United States court located in this state.	287
(16) "Judge" means a judge of a court created under the	288
constitution or statutes of this state or of a United States	289
court located in this state.	290
(17) "Magistrate" means an individual who is appointed by	291
a court of record of this state and who has the powers and may	292
perform the functions specified in Civil Rule 53, Criminal Rule	293
19, or Juvenile Rule 40, or an individual who is appointed by a	294
United States court located in this state who has similar powers	295
and functions.	296
(18) "Prosecutor" has the same meaning as in section	297
2935.01 of the Revised Code.	298
(19) (a) "Hospital" means, subject to division (E) (19) (b)	299
of this section, an institution classified as a hospital under	300
section 3701.01 of the Revised Code in which are provided to	301
patients diagnostic, medical, surgical, obstetrical,	302
psychiatric, or rehabilitation care or a hospital operated by a	303
health maintenance organization.	304
(b) "Hospital" does not include any of the following:	305
(i) A facility licensed under Chapter 3721. of the Revised	306
Code, a health care facility operated by the department of	307
mental health and addiction services or the department of	308
developmental disabilities, a health maintenance organization	309
that does not operate a hospital, or the office of any private,	310
licensed health care professional, whether organized for	311
individual or group practice;	312

(ii) An institution for the sick that is operated 313  
exclusively for patients who use spiritual means for healing and 314  
for whom the acceptance of medical care is inconsistent with 315  
their religious beliefs, accredited by a national accrediting 316  
organization, exempt from federal income taxation under section 317  
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 318  
U.S.C. 1, as amended, and providing twenty-four-hour nursing 319  
care pursuant to the exemption in division (E) of section 320  
4723.32 of the Revised Code from the licensing requirements of 321  
Chapter 4723. of the Revised Code. 322

(20) "Health maintenance organization" has the same 323  
meaning as in section 3727.01 of the Revised Code. 324

(21) "Emergency service responder" means any law 325  
enforcement officer, first responder, emergency medical 326  
technician-basic, emergency medical technician-intermediate, 327  
emergency medical technician-paramedic, firefighter, or 328  
volunteer firefighter. 329

(22) "Family or household member" means any of the 330  
following: 331

(a) Any of the following who is residing or has resided 332  
with a person who is employed as an emergency service responder: 333

(i) A spouse, a person living as a spouse, or a former 334  
spouse of a person who is employed as an emergency service 335  
responder; 336

(ii) A parent, a foster parent, or a child of a person who 337  
is employed as an emergency service responder, or another person 338  
related by consanguinity or affinity to a person who is employed 339  
as an emergency service responder; 340

(iii) A parent or a child of a spouse, person living as a 341

spouse, or former spouse of a person who is employed as an 342  
emergency service responder, or another person related by 343  
consanguinity or affinity to a spouse, person living as a 344  
spouse, or former spouse of a person who is employed as an 345  
emergency service responder. 346

(b) The natural parent of any child of whom a person who 347  
is employed as an emergency service responder is the other 348  
natural parent or is the putative other natural parent. 349

(23) "First responder," "emergency medical technician- 350  
basic," "emergency medical technician-intermediate," and 351  
"emergency medical technician-paramedic" have the same meanings 352  
as in section 4765.01 of the Revised Code. 353

(24) "Volunteer firefighter" has the same meaning as in 354  
section 146.01 of the Revised Code. 355

(25) "Person living as a spouse" means a person who is 356  
living or has lived with a person who is employed as an 357  
emergency service responder in a common law marital 358  
relationship, who otherwise is cohabiting with a person who is 359  
employed as an emergency service responder, or who otherwise has 360  
cohabited with a person who is employed as an emergency service 361  
responder within five years prior to the date of the alleged 362  
commission of the act in question. 363

(26) "Co-worker" means a person who is employed by the 364  
organization or entity that is served by a person who is 365  
employed as an emergency service responder. 366

**Sec. 2935.01.** As used in this chapter: 367

(A) "Magistrate" has the same meaning as in section 368  
2931.01 of the Revised Code. 369

(B) "Peace officer" includes, except as provided in 370  
section 2935.081 of the Revised Code, a sheriff; deputy sheriff; 371  
marshal; deputy marshal; member of the organized police 372  
department of any municipal corporation, including a member of 373  
the organized police department of a municipal corporation in an 374  
adjoining state serving in Ohio under a contract pursuant to 375  
section 737.04 of the Revised Code; member of a police force 376  
employed by a metropolitan housing authority under division (D) 377  
of section 3735.31 of the Revised Code; member of a police force 378  
employed by a regional transit authority under division (Y) of 379  
section 306.35 of the Revised Code; state university law 380  
enforcement officer appointed under section 3345.04 of the 381  
Revised Code; enforcement agent of the department of public 382  
safety designated under section 5502.14 of the Revised Code; 383  
employee of the department of taxation to whom investigation 384  
powers have been delegated under section 5743.45 of the Revised 385  
Code; employee of the department of natural resources who is a 386  
natural resources law enforcement staff officer designated 387  
pursuant to section 1501.013 of the Revised Code, a forest-fire 388  
investigator appointed pursuant to section 1503.09 of the 389  
Revised Code, a natural resources officer appointed pursuant to 390  
section 1501.24 of the Revised Code, or a wildlife officer 391  
designated pursuant to section 1531.13 of the Revised Code; 392  
individual designated to perform law enforcement duties under 393  
section 511.232, 1545.13, or 6101.75 of the Revised Code; 394  
veterans' home police officer appointed under section 5907.02 of 395  
the Revised Code; special police officer employed by a port 396  
authority under section 4582.04 or 4582.28 of the Revised Code; 397  
police constable of any township; police officer of a township 398  
or joint police district; a special police officer employed by a 399  
municipal corporation at a municipal airport, or other municipal 400  
air navigation facility, that has scheduled operations, as 401

defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended; the house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E) (1) of section 101.311 of the Revised Code; an assistant house of representatives sergeant at arms; the senate sergeant at arms; an assistant senate sergeant at arms; officer or employee of the bureau of criminal identification and investigation established pursuant to section 109.51 of the Revised Code who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the officer's or employee's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program and who is providing assistance upon request to a law enforcement officer or emergency assistance to a peace officer pursuant to section 109.54 or 109.541 of the Revised Code; a state fire marshal law enforcement officer described in division (A) (23) of section 109.71 of the Revised Code; a gaming agent, as defined in section 3772.01 of the Revised Code; a bailiff or deputy bailiff of a municipal court appointed pursuant to section 1901.32 of the Revised Code; a probation officer; and, for the purpose of arrests within those areas, for the purposes of Chapter 5503. of the Revised Code, and the filing of and service of process relating to those offenses witnessed or investigated by them, the superintendent and troopers of the state highway patrol.

(C) "Prosecutor" includes the county prosecuting attorney 433  
and any assistant prosecutor designated to assist the county 434  
prosecuting attorney, and, in the case of courts inferior to 435  
courts of common pleas, includes the village solicitor, city 436  
director of law, or similar chief legal officer of a municipal 437  
corporation, any such officer's assistants, or any attorney 438  
designated by the prosecuting attorney of the county to appear 439  
for the prosecution of a given case. 440

(D) "Offense," except where the context specifically 441  
indicates otherwise, includes felonies, misdemeanors, and 442  
violations of ordinances of municipal corporations and other 443  
public bodies authorized by law to adopt penal regulations. 444

(E) "Probation officer" means a probation officer 445  
appointed by a municipal court under section 1901.33 of the 446  
Revised Code, a probation officer appointed by a county court 447  
under section 1907.201 of the Revised Code, and a probation 448  
officer appointed by a court of common pleas under section 449  
2301.27 of the Revised Code. 450

(F) "Tier one offense" means a violation of section 451  
2903.01, 2903.02, 2903.03, 2903.04, 2903.06, 2903.11, 2903.12, 452  
2903.21, 2903.211, 2905.01, 2905.02, 2905.32, 2907.02, 2907.03, 453  
2907.04, 2907.05, 2907.321, 2907.322, 2907.323, 2909.02, 454  
2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2919.25, 2921.34, 455  
2923.161, 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 456  
Code. 457

**Section 2.** That existing sections 2903.13 and 2935.01 of 458  
the Revised Code are hereby repealed. 459