

**As Passed by the House**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 236**

**Representatives Smith, T., Plummer**

**Cosponsors: Representatives Wiggam, Riedel, Kent, Romanchuk, Schaffer, Green, Sheehy, Jones, LaRe, Carruthers, DeVitis, Ghanbari, Greenspan, Grendell, Hambley, Koehler, Manning, D., Perales, Roemer, Scherer, Stein, Stoltzfus, Strahorn**

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**A BILL**

To amend sections 2903.11, 2903.12, and 2903.13 of 1  
the Revised Code to increase penalties for 2  
certain assault offenses if the victim is a 3  
hospital police officer. 4

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

**Section 1.** That sections 2903.11, 2903.12, and 2903.13 of 5  
the Revised Code be amended to read as follows: 6

**Sec. 2903.11.** (A) No person shall knowingly do either of 7  
the following: 8

(1) Cause serious physical harm to another or to another's 9  
unborn; 10

(2) Cause or attempt to cause physical harm to another or 11  
to another's unborn by means of a deadly weapon or dangerous 12  
ordnance. 13

(B) No person, with knowledge that the person has tested 14  
positive as a carrier of a virus that causes acquired 15

immunodeficiency syndrome, shall knowingly do any of the 16  
following: 17

(1) Engage in sexual conduct with another person without 18  
disclosing that knowledge to the other person prior to engaging 19  
in the sexual conduct; 20

(2) Engage in sexual conduct with a person whom the 21  
offender knows or has reasonable cause to believe lacks the 22  
mental capacity to appreciate the significance of the knowledge 23  
that the offender has tested positive as a carrier of a virus 24  
that causes acquired immunodeficiency syndrome; 25

(3) Engage in sexual conduct with a person under eighteen 26  
years of age who is not the spouse of the offender. 27

(C) The prosecution of a person under this section does 28  
not preclude prosecution of that person under section 2907.02 of 29  
the Revised Code. 30

(D) (1) (a) Whoever violates this section is guilty of 31  
felonious assault. Except as otherwise provided in this division 32  
or division (D) (1) (b) of this section, felonious assault is a 33  
felony of the second degree. If the victim of a violation of 34  
division (A) of this section is a peace officer, hospital police 35  
officer, or an investigator of the bureau of criminal 36  
identification and investigation, felonious assault is a felony 37  
of the first degree. 38

(b) Regardless of whether the felonious assault is a 39  
felony of the first or second degree under division (D) (1) (a) of 40  
this section, if the offender also is convicted of or pleads 41  
guilty to a specification as described in section 2941.1423 of 42  
the Revised Code that was included in the indictment, count in 43  
the indictment, or information charging the offense, except as 44

otherwise provided in this division or unless a longer prison 45  
term is required under any other provision of law, the court 46  
shall sentence the offender to a mandatory prison term as 47  
provided in division (B) (8) of section 2929.14 of the Revised 48  
Code. If the victim of the offense is a peace officer, hospital 49  
police officer, or an investigator of the bureau of criminal 50  
identification and investigation, and if the victim suffered 51  
serious physical harm as a result of the commission of the 52  
offense, felonious assault is a felony of the first degree, and 53  
the court, pursuant to division (F) of section 2929.13 of the 54  
Revised Code, shall impose as a mandatory prison term one of the 55  
definite prison terms prescribed for a felony of the first 56  
degree in division (A) (1) (b) of section 2929.14 of the Revised 57  
Code, except that if the violation is committed on or after ~~the~~ 58  
~~effective date of this amendment~~ March 22, 2019, the court shall 59  
impose as the minimum prison term for the offense a mandatory 60  
prison term that is one of the minimum terms prescribed for a 61  
felony of the first degree in division (A) (1) (a) of section 62  
2929.14 of the Revised Code. 63

(2) In addition to any other sanctions imposed pursuant to 64  
division (D) (1) of this section for felonious assault committed 65  
in violation of division (A) (1) or (2) of this section, if the 66  
offender also is convicted of or pleads guilty to a 67  
specification of the type described in section 2941.1425 of the 68  
Revised Code that was included in the indictment, count in the 69  
indictment, or information charging the offense, the court shall 70  
sentence the offender to a mandatory prison term under division 71  
(B) (9) of section 2929.14 of the Revised Code. 72

(3) If the victim of a felonious assault committed in 73  
violation of division (A) of this section is a child under ten 74  
years of age and if the offender also is convicted of or pleads 75

guilty to a specification of the type described in section 76  
2941.1426 of the Revised Code that was included in the 77  
indictment, count in the indictment, or information charging the 78  
offense, in addition to any other sanctions imposed pursuant to 79  
division (D) (1) of this section, the court shall sentence the 80  
offender to a mandatory prison term pursuant to division (B) (10) 81  
of section 2929.14 of the Revised Code. 82

(4) In addition to any other sanctions imposed pursuant to 83  
division (D) (1) of this section for felonious assault committed 84  
in violation of division (A) (2) of this section, if the deadly 85  
weapon used in the commission of the violation is a motor 86  
vehicle, the court shall impose upon the offender a class two 87  
suspension of the offender's driver's license, commercial 88  
driver's license, temporary instruction permit, probationary 89  
license, or nonresident operating privilege as specified in 90  
division (A) (2) of section 4510.02 of the Revised Code. 91

(E) As used in this section: 92

(1) "Deadly weapon" and "dangerous ordnance" have the same 93  
meanings as in section 2923.11 of the Revised Code. 94

(2) "Motor vehicle" has the same meaning as in section 95  
4501.01 of the Revised Code. 96

(3) "Peace officer" has the same meaning as in section 97  
2935.01 of the Revised Code. 98

(4) "Sexual conduct" has the same meaning as in section 99  
2907.01 of the Revised Code, except that, as used in this 100  
section, it does not include the insertion of an instrument, 101  
apparatus, or other object that is not a part of the body into 102  
the vaginal or anal opening of another, unless the offender knew 103  
at the time of the insertion that the instrument, apparatus, or 104

other object carried the offender's bodily fluid. 105

(5) "Investigator of the bureau of criminal identification 106  
and investigation" means an investigator of the bureau of 107  
criminal identification and investigation who is commissioned by 108  
the superintendent of the bureau as a special agent for the 109  
purpose of assisting law enforcement officers or providing 110  
emergency assistance to peace officers pursuant to authority 111  
granted under section 109.541 of the Revised Code. 112

(6) "Investigator" has the same meaning as in section 113  
109.541 of the Revised Code. 114

(7) "Hospital police officer" means a police officer who 115  
is employed by a hospital that employs and maintains its own 116  
proprietary police department or security department, and who is 117  
appointed and commissioned by the secretary of state pursuant to 118  
sections 4973.17 to 4973.22 of the Revised Code. 119

(F) The provisions of division (D) (2) of this section and 120  
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 121  
(6) of section 2929.14, and section 2941.1425 of the Revised 122  
Code shall be known as "Judy's Law." 123

**Sec. 2903.12.** (A) No person, while under the influence of 124  
sudden passion or in a sudden fit of rage, either of which is 125  
brought on by serious provocation occasioned by the victim that 126  
is reasonably sufficient to incite the person into using deadly 127  
force, shall knowingly: 128

(1) Cause serious physical harm to another or to another's 129  
unborn; 130

(2) Cause or attempt to cause physical harm to another or 131  
to another's unborn by means of a deadly weapon or dangerous 132  
ordnance, as defined in section 2923.11 of the Revised Code. 133

(B) Whoever violates this section is guilty of aggravated assault. Except as otherwise provided in this division, aggravated assault is a felony of the fourth degree. If the victim of the offense is a peace officer, hospital police officer, or an investigator of the bureau of criminal identification and investigation, aggravated assault is a felony of the third degree. Regardless of whether the offense is a felony of the third or fourth degree under this division, if the offender also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in this division, the court shall sentence the offender to a mandatory prison term as provided in division (B) (8) of section 2929.14 of the Revised Code. If the victim of the offense is a peace officer, hospital police officer, or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, aggravated assault is a felony of the third degree, and the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the definite prison terms prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for a felony of the third degree.

(C) As used in this section: 158

(1) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code. 159  
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(2) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 162  
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(3) "Hospital police officer" means a police officer who 164  
is employed by a hospital that employs and maintains its own 165  
proprietary police department or security department, and who is 166  
appointed and commissioned by the secretary of state pursuant to 167  
sections 4973.17 to 4973.22 of the Revised Code. 168

**Sec. 2903.13.** (A) No person shall knowingly cause or 169  
attempt to cause physical harm to another or to another's 170  
unborn. 171

(B) No person shall recklessly cause serious physical harm 172  
to another or to another's unborn. 173

(C) (1) Whoever violates this section is guilty of assault, 174  
and the court shall sentence the offender as provided in this 175  
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 176  
(8), (9), and (10) of this section. Except as otherwise provided 177  
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 178  
section, assault is a misdemeanor of the first degree. 179

(2) Except as otherwise provided in this division, if the 180  
offense is committed by a caretaker against a functionally 181  
impaired person under the caretaker's care, assault is a felony 182  
of the fourth degree. If the offense is committed by a caretaker 183  
against a functionally impaired person under the caretaker's 184  
care, if the offender previously has been convicted of or 185  
pleaded guilty to a violation of this section or section 2903.11 186  
or 2903.16 of the Revised Code, and if in relation to the 187  
previous conviction the offender was a caretaker and the victim 188  
was a functionally impaired person under the offender's care, 189  
assault is a felony of the third degree. 190

(3) If the offense occurs in or on the grounds of a state 191  
correctional institution or an institution of the department of 192

youth services, the victim of the offense is an employee of the 193  
department of rehabilitation and correction or the department of 194  
youth services, and the offense is committed by a person 195  
incarcerated in the state correctional institution or by a 196  
person institutionalized in the department of youth services 197  
institution pursuant to a commitment to the department of youth 198  
services, assault is a felony of the third degree. 199

(4) If the offense is committed in any of the following 200  
circumstances, assault is a felony of the fifth degree: 201

(a) The offense occurs in or on the grounds of a local 202  
correctional facility, the victim of the offense is an employee 203  
of the local correctional facility or a probation department or 204  
is on the premises of the facility for business purposes or as a 205  
visitor, and the offense is committed by a person who is under 206  
custody in the facility subsequent to the person's arrest for 207  
any crime or delinquent act, subsequent to the person's being 208  
charged with or convicted of any crime, or subsequent to the 209  
person's being alleged to be or adjudicated a delinquent child. 210

(b) The offense occurs off the grounds of a state 211  
correctional institution and off the grounds of an institution 212  
of the department of youth services, the victim of the offense 213  
is an employee of the department of rehabilitation and 214  
correction, the department of youth services, or a probation 215  
department, the offense occurs during the employee's official 216  
work hours and while the employee is engaged in official work 217  
responsibilities, and the offense is committed by a person 218  
incarcerated in a state correctional institution or 219  
institutionalized in the department of youth services who 220  
temporarily is outside of the institution for any purpose, by a 221  
parolee, by an offender under transitional control, under a 222

community control sanction, or on an escorted visit, by a person 223  
under post-release control, or by an offender under any other 224  
type of supervision by a government agency. 225

(c) The offense occurs off the grounds of a local 226  
correctional facility, the victim of the offense is an employee 227  
of the local correctional facility or a probation department, 228  
the offense occurs during the employee's official work hours and 229  
while the employee is engaged in official work responsibilities, 230  
and the offense is committed by a person who is under custody in 231  
the facility subsequent to the person's arrest for any crime or 232  
delinquent act, subsequent to the person being charged with or 233  
convicted of any crime, or subsequent to the person being 234  
alleged to be or adjudicated a delinquent child and who 235  
temporarily is outside of the facility for any purpose or by a 236  
parolee, by an offender under transitional control, under a 237  
community control sanction, or on an escorted visit, by a person 238  
under post-release control, or by an offender under any other 239  
type of supervision by a government agency. 240

(d) The victim of the offense is a school teacher or 241  
administrator or a school bus operator, and the offense occurs 242  
in a school, on school premises, in a school building, on a 243  
school bus, or while the victim is outside of school premises or 244  
a school bus and is engaged in duties or official 245  
responsibilities associated with the victim's employment or 246  
position as a school teacher or administrator or a school bus 247  
operator, including, but not limited to, driving, accompanying, 248  
or chaperoning students at or on class or field trips, athletic 249  
events, or other school extracurricular activities or functions 250  
outside of school premises. 251

(5) If the victim of the offense is a peace officer, 252

hospital police officer, or an investigator of the bureau of 253  
criminal identification and investigation, a firefighter, or a 254  
person performing emergency medical service, while in the 255  
performance of their official duties, assault is a felony of the 256  
fourth degree. 257

(6) If the victim of the offense is a peace officer, 258  
hospital police officer, or an investigator of the bureau of 259  
criminal identification and investigation and if the victim 260  
suffered serious physical harm as a result of the commission of 261  
the offense, assault is a felony of the fourth degree, and the 262  
court, pursuant to division (F) of section 2929.13 of the 263  
Revised Code, shall impose as a mandatory prison term one of the 264  
prison terms prescribed for a felony of the fourth degree that 265  
is at least twelve months in duration. 266

(7) If the victim of the offense is an officer or employee 267  
of a public children services agency or a private child placing 268  
agency and the offense relates to the officer's or employee's 269  
performance or anticipated performance of official 270  
responsibilities or duties, assault is either a felony of the 271  
fifth degree or, if the offender previously has been convicted 272  
of or pleaded guilty to an offense of violence, the victim of 273  
that prior offense was an officer or employee of a public 274  
children services agency or private child placing agency, and 275  
that prior offense related to the officer's or employee's 276  
performance or anticipated performance of official 277  
responsibilities or duties, a felony of the fourth degree. 278

(8) If the victim of the offense is a health care 279  
professional of a hospital, a health care worker of a hospital, 280  
or a security officer of a hospital whom the offender knows or 281  
has reasonable cause to know is a health care professional of a 282

hospital, a health care worker of a hospital, or a security 283  
officer of a hospital, if the victim is engaged in the 284  
performance of the victim's duties, and if the hospital offers 285  
de-escalation or crisis intervention training for such 286  
professionals, workers, or officers, assault is one of the 287  
following: 288

(a) Except as otherwise provided in division (C) (8) (b) of 289  
this section, assault committed in the specified circumstances 290  
is a misdemeanor of the first degree. Notwithstanding the fine 291  
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 292  
Revised Code for a misdemeanor of the first degree, in 293  
sentencing the offender under this division and if the court 294  
decides to impose a fine, the court may impose upon the offender 295  
a fine of not more than five thousand dollars. 296

(b) If the offender previously has been convicted of or 297  
pleaded guilty to one or more assault or homicide offenses 298  
committed against hospital personnel, assault committed in the 299  
specified circumstances is a felony of the fifth degree. 300

(9) If the victim of the offense is a judge, magistrate, 301  
prosecutor, or court official or employee whom the offender 302  
knows or has reasonable cause to know is a judge, magistrate, 303  
prosecutor, or court official or employee, and if the victim is 304  
engaged in the performance of the victim's duties, assault is 305  
one of the following: 306

(a) Except as otherwise provided in division (C) ~~(8)~~ (9) (b) 307  
of this section, assault committed in the specified 308  
circumstances is a misdemeanor of the first degree. In 309  
sentencing the offender under this division, if the court 310  
decides to impose a fine, notwithstanding the fine specified in 311  
division (A) (2) ~~(b)~~ (a) of section 2929.28 of the Revised Code 312

for a misdemeanor of the first degree, the court may impose upon 313  
the offender a fine of not more than five thousand dollars. 314

(b) If the offender previously has been convicted of or 315  
pleaded guilty to one or more assault or homicide offenses 316  
committed against justice system personnel, assault committed in 317  
the specified circumstances is a felony of the fifth degree. 318

(10) If an offender who is convicted of or pleads guilty 319  
to assault when it is a misdemeanor also is convicted of or 320  
pleads guilty to a specification as described in section 321  
2941.1423 of the Revised Code that was included in the 322  
indictment, count in the indictment, or information charging the 323  
offense, the court shall sentence the offender to a mandatory 324  
jail term as provided in division (G) of section 2929.24 of the 325  
Revised Code. 326

If an offender who is convicted of or pleads guilty to 327  
assault when it is a felony also is convicted of or pleads 328  
guilty to a specification as described in section 2941.1423 of 329  
the Revised Code that was included in the indictment, count in 330  
the indictment, or information charging the offense, except as 331  
otherwise provided in division (C) (6) of this section, the court 332  
shall sentence the offender to a mandatory prison term as 333  
provided in division (B) (8) of section 2929.14 of the Revised 334  
Code. 335

(D) As used in this section: 336

(1) "Peace officer" has the same meaning as in section 337  
2935.01 of the Revised Code. 338

(2) "Firefighter" has the same meaning as in section 339  
3937.41 of the Revised Code. 340

(3) "Emergency medical service" has the same meaning as in 341

section 4765.01 of the Revised Code. 342

(4) "Local correctional facility" means a county, 343  
multicounty, municipal, municipal-county, or multicounty- 344  
municipal jail or workhouse, a minimum security jail established 345  
under section 341.23 or 753.21 of the Revised Code, or another 346  
county, multicounty, municipal, municipal-county, or 347  
multicounty-municipal facility used for the custody of persons 348  
arrested for any crime or delinquent act, persons charged with 349  
or convicted of any crime, or persons alleged to be or 350  
adjudicated a delinquent child. 351

(5) "Employee of a local correctional facility" means a 352  
person who is an employee of the political subdivision or of one 353  
or more of the affiliated political subdivisions that operates 354  
the local correctional facility and who operates or assists in 355  
the operation of the facility. 356

(6) "School teacher or administrator" means either of the 357  
following: 358

(a) A person who is employed in the public schools of the 359  
state under a contract described in section 3311.77 or 3319.08 360  
of the Revised Code in a position in which the person is 361  
required to have a certificate issued pursuant to sections 362  
3319.22 to 3319.311 of the Revised Code. 363

(b) A person who is employed by a nonpublic school for 364  
which the state board of education prescribes minimum standards 365  
under section 3301.07 of the Revised Code and who is 366  
certificated in accordance with section 3301.071 of the Revised 367  
Code. 368

(7) "Community control sanction" has the same meaning as 369  
in section 2929.01 of the Revised Code. 370

- (8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code. 371  
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- (9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code. 373  
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- (10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code. 375  
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- (11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code. 378  
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- (12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply: 381  
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- (a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital. 386  
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- (b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital. 389  
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- (c) The victim was engaged in the performance of the victim's duties. 393  
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- (d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers. 395  
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- (13) "De-escalation or crisis intervention training" means 398

de-escalation or crisis intervention training for health care 399  
professionals of a hospital, health care workers of a hospital, 400  
and security officers of a hospital to facilitate interaction 401  
with patients, members of a patient's family, and visitors, 402  
including those with mental impairments. 403

(14) "Assault or homicide offense committed against 404  
justice system personnel" means a violation of this section or 405  
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 406  
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 407  
circumstances in which the victim of the offense was a judge, 408  
magistrate, prosecutor, or court official or employee whom the 409  
offender knew or had reasonable cause to know was a judge, 410  
magistrate, prosecutor, or court official or employee, and the 411  
victim was engaged in the performance of the victim's duties. 412

(15) "Court official or employee" means any official or 413  
employee of a court created under the constitution or statutes 414  
of this state or of a United States court located in this state. 415

(16) "Judge" means a judge of a court created under the 416  
constitution or statutes of this state or of a United States 417  
court located in this state. 418

(17) "Magistrate" means an individual who is appointed by 419  
a court of record of this state and who has the powers and may 420  
perform the functions specified in Civil Rule 53, Criminal Rule 421  
19, or Juvenile Rule 40, or an individual who is appointed by a 422  
United States court located in this state who has similar powers 423  
and functions. 424

(18) "Prosecutor" has the same meaning as in section 425  
2935.01 of the Revised Code. 426

(19) (a) "Hospital" means, subject to division (D) (19) (b) 427

of this section, an institution classified as a hospital under 428  
section 3701.01 of the Revised Code in which are provided to 429  
patients diagnostic, medical, surgical, obstetrical, 430  
psychiatric, or rehabilitation care or a hospital operated by a 431  
health maintenance organization. 432

(b) "Hospital" does not include any of the following: 433

(i) A facility licensed under Chapter 3721. of the Revised 434  
Code, a health care facility operated by the department of 435  
mental health and addiction services or the department of 436  
developmental disabilities, a health maintenance organization 437  
that does not operate a hospital, or the office of any private, 438  
licensed health care professional, whether organized for 439  
individual or group practice; 440

(ii) An institution for the sick that is operated 441  
exclusively for patients who use spiritual means for healing and 442  
for whom the acceptance of medical care is inconsistent with 443  
their religious beliefs, accredited by a national accrediting 444  
organization, exempt from federal income taxation under section 445  
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 446  
U.S.C. 1, as amended, and providing twenty-four-hour nursing 447  
care pursuant to the exemption in division (E) of section 448  
4723.32 of the Revised Code from the licensing requirements of 449  
Chapter 4723. of the Revised Code. 450

(20) "Health maintenance organization" has the same 451  
meaning as in section 3727.01 of the Revised Code. 452

(21) "Hospital police officer" means a police officer who 453  
is employed by a hospital that employs and maintains its own 454  
proprietary police department or security department, and who is 455  
appointed and commissioned by the secretary of state pursuant to 456

sections 4973.17 to 4973.22 of the Revised Code. 457

**Section 2.** That existing sections 2903.11, 2903.12, and 458  
2903.13 of the Revised Code are hereby repealed. 459

**Section 3.** Section 2903.11 of the Revised Code is 460  
presented in this act as a composite of the section as amended 461  
by both Sub. S.B. 20 and Am. Sub. S.B. 201 of the 132 General 462  
Assembly. The General Assembly, applying the principle stated in 463  
division (B) of section 1.52 of the Revised Code that amendments 464  
are to be harmonized if reasonably capable of simultaneous 465  
operation, finds that the composite is the resulting version of 466  
the section in effect prior to the effective date of the section 467  
as presented in this act. 468