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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 299  
133<sup>rd</sup> General Assembly

## Bill Analysis

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**Version:** As Reported by House Criminal Justice

**Primary Sponsor:** Rep. Greenspan

Nicholas A. Keller, Attorney

### SUMMARY

- Enhances the penalties for aggravated murder or attempted aggravated murder of an off-duty corrections officer, parole officer, probation officer, or parole board member under certain circumstances.
- Enhances the penalty for felonious assault when the victim is an off-duty corrections officer, parole officer, probation officer, or parole board member who was specifically targeted for being a corrections officer, parole officer, probation officer, or parole board member.

### DETAILED ANALYSIS

#### Enhanced penalties

##### Aggravated murder

The bill creates a new set of circumstances under which the offense of aggravated murder may be committed. Under the bill, a person commits aggravated murder by purposely causing the death of an off-duty corrections officer, a parole or probation officer, or a parole board member whom the offender knows or has reasonable cause to know is a corrections officer, a parole or probation officer, or a parole board member when it is the offender's specific purpose to kill a corrections officer, a parole or probation officer, or a parole board member. Under continuing law, aggravated murder is punishable by a sentence of death or life imprisonment. The sentence is determined under special sentencing provisions described below in "**Background – capital sentencing law.**"<sup>1</sup>

<sup>1</sup> R.C. 2903.01(G).

## Attempted aggravated murder

If a person is convicted of or pleads guilty to attempt to commit aggravated murder under the circumstances added by the bill and described in “**Aggravated murder**,” above, the bill requires the court to impose a mandatory first degree felony prison term. Under continuing law, the prison term prescribed for a first degree felony is an indefinite term consisting of a minimum term of three, four, five, six, seven, eight, nine, ten, or eleven years and a maximum term equal to the minimum prison term plus 50%.<sup>2</sup>

## Felonious assault

The bill also enhances the penalty for felonious assault to a first degree felony if the victim of a violation is an off-duty corrections officer, a parole or probation officer, or a parole board member if the victim was specifically targeted for being a corrections officer, a parole or probation officer, or a parole board member. If the corrections officer, parole or probation officer, or parole board member suffered serious physical harm as a result of the commission of the offense, the court must impose a mandatory first degree felony prison term. Under continuing law, the prison term prescribed for a first degree felony is an indefinite term consisting of a minimum term of three, four, five, six, seven, eight, nine, ten, or eleven years and a maximum term equal to the minimum prison term plus 50%.

## Definitions

As used in the bill:<sup>3</sup>

A **corrections officer** is a person employed by a detention facility as a corrections officer or anyone who has previously served as a corrections officer.

A **detention facility** is any public or private place used for the confinement of a person charged with or convicted of any crime in Ohio or another state or under federal law or alleged or found to be a delinquent child or unruly child in Ohio or another state or under federal law.<sup>4</sup>

A **parole or probation officer** is a person employed as a parole or probation officer or anyone who has previously served as a parole or probation officer.

A **parole board member** is a person appointed to the parole board under continuing law or anyone who has previously served as a parole board member.

## Background – capital sentencing law

Under continuing law, the only situation in which a person may face a sentence of death is when the person is convicted of the offense of “aggravated murder” and of a specification of an “aggravating circumstance.” If a person is convicted of the offense but no aggravating circumstance specification, the court must sentence the person to life imprisonment with

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<sup>2</sup> R.C. 2923.02(E)(4); and R.C. 2929.14 and 2929.144, not in the bill.

<sup>3</sup> R.C. 2903.01(I).

<sup>4</sup> By reference to R.C. 2921.01, not in the bill.

parole eligibility after serving 20 years of imprisonment or a special type of sentence of life imprisonment under the Sexually Violent Predator Law.<sup>5</sup> If a person is convicted of the offense and one or more aggravating circumstance specifications, the trial jury and trial judge or, if the person was not tried by a jury, the three-judge panel that tried the case conducts a sentencing hearing to determine the sentence to impose on the person. The person may be sentenced to death only if the trial jury and trial judge, or the three-judge panel, determines at the hearing in accordance with specified procedures that the aggravating circumstances the person was convicted of committing outweigh all mitigating factors in the case. If the trial jury and trial judge, or the three-judge panel, does not sentence the person to death, it must sentence the person to life imprisonment without parole, life imprisonment with parole eligibility after serving 30 full years of imprisonment, life imprisonment with parole eligibility after serving 25 full years of imprisonment, or a special type of sentence of life imprisonment under the Sexually Violent Predator Law.<sup>6</sup>

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## HISTORY

Action	Date
Introduced	06-20-19
Reported, H Criminal Justice	11-12-20

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<sup>5</sup> R.C. 2929.022(B), not in the bill; and R.C. 2929.14 and 2929.144, not in the bill.

<sup>6</sup> R.C. 2929.02 and 2929.03, not in the bill; and R.C. 2929.022 and 2929.04, not in the bill.