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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 16
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 16's Bill Analysis](#)

Version: As Passed by the Senate

Primary Sponsor: Sen. Schaffer

Local Impact Statement Procedure Required: No

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Highlights

- The bill's criminal offense and penalty modification provisions are not expected to have a significant ongoing fiscal effect on county and municipal criminal justice systems.
- Local criminal justice systems and the Department of Rehabilitation and Correction may experience a minimal annual expenditure increase to incarcerate or supervise certain offenders for a longer period than otherwise may have been the case under existing law.
- The bill adds Casino Control Commission gaming agents as peace officers under that standard definition of the term, which may have a minimal annual fiscal effect on the state generally and local criminal justice systems that prosecute, adjudicate, and sanction violations of criminal law.

Detailed Analysis

The bill makes changes to the law as it pertains to specified conduct committed or directed against an emergency service responder¹ (ESR) or a family or household member or co-worker of an ESR, and adds a casino gaming agent to the standard definition of peace officer.

New offense and modifications of existing offenses

The bill creates the offense of unlawfully impeding public passage of an ESR, a violation of which is a first degree misdemeanor, and modifies the prohibitions and penalties for the

¹ "Emergency service responder" means any law enforcement officer, first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, firefighter, or volunteer firefighter.

existing offenses of assault and menacing as it relates to certain conduct against or directed at an ESR, or family or household member or co-worker of an ESR. The following table summarizes the criminal offense created by the bill as well as the bill's modifications to existing prohibitions or penalties when the victim is an ESR, a family or household member, or co-worker of an ESR.

S.B. 16 – Criminal Offenses

New criminal offense

Unlawfully impeding public passage of an emergency service responder: First degree misdemeanor subject to a jail stay of not more than 180 days, a fine of up to \$1,000, or both.

Existing penalty modifications and enhancements

Assault	Generally a first degree misdemeanor under current law. The bill modifies the penalty so that in addition to the current circumstances in which assault is already a fourth degree felony, it also is a fourth degree felony if the victim is an ESR, or a family or household member or co-worker of an ESR, and the offender knows or reasonably should know that status of the other person, and it is the offender's specific purpose to commit the offense against the other person because of that status. For a fourth degree felony, the court may impose a 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18-month definite prison term, a fine not to exceed \$5,000, or both.
Menacing	Generally a fourth degree misdemeanor under current law. The bill prohibits a person from knowingly placing or attempting to place another in fear of physical harm or death by displaying a deadly weapon, if the other person is an ESR or a family or household member of an ESR and the offender knows or reasonably should know that status of the other person, and makes a violation a first degree misdemeanor. A subsequent violation is a fourth degree felony.

Based on LBO conversations with the Ohio Prosecuting Attorneys Association and the Ohio Judicial Conference, the impact of the bill's creation of a new offense and penalty modifications on county and municipal criminal justice systems is not likely to exceed minimal. This is because the bill is not expected to generate a large number of additional cases, as at least some of the bill's prohibited conduct can generally be charged under existing law. The exception to this would be if the state were to experience an increase in public disorder or disturbances, such as was experienced in the summer of 2020. If that were to happen, the bill may result in a significant number of new cases and charges, thereby having a greater impact on county and municipal criminal justice systems. Assuming such occurrences are relatively rare, the bill is unlikely to have a discernible impact on any given criminal justice system on an ongoing basis.

In the event that offenders are convicted under the bill instead of under existing law, the likely effect may be increased time incarcerated. As a result, local correctional facilities, e.g., jails and community-based correctional facilities, and the Department of Rehabilitation and Correction may experience an increase in expenditures to incarcerate certain offenders for a longer period than otherwise may have been the case under existing law. Such an increase is likely to be no more than minimal annually.

Casino Control Commission gaming agents

The bill adds Casino Control Commission gaming agents as peace officers under that standard definition of the term, which may have a minimal annual fiscal effect on the state generally and local criminal justice systems that prosecute, adjudicate, and sanction violations of criminal law.

Currently, gaming agents are certified peace officers in the state of Ohio and have arrest authority on all casino property as well as outside the casino when enforcing the criminal section of the Casino Control Law. Gaming agents, however, are not included in the standard definition of the term in R.C. 2935.01. The term is used in other R.C. sections, some of which are more generally criminal law related. Of note is that it applies the increased penalties under felonious assault and assault if the victim is a peace officer as defined in R.C. 2935.01.