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H.B. 20
136th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsors: Reps. T. Hall and Plummer

Local Impact Statement Procedure Required: No

Keegan Kennedy, Budget Analyst

Highlights

- The bill's creation of the offense of harassing an emergency service responder and expansion of existing menacing offenses to include probation officers may result in a relatively small statewide increase in criminal cases handled by county and municipal criminal justice systems. Any additional costs are likely to be minimal at most annually. Revenue in the form of court costs, fees, and fines may offset those costs to some degree.

Detailed Analysis

Harassing an emergency service responder

The bill creates the offense of "harassing an emergency service responder," which prohibits a person from knowingly harassing an emergency service responder who is engaged in the lawful performance of a legal duty when both of the following apply: (1) the person received a warning from the emergency service responder not to approach, and (2) the person approached or remained within 14 feet after receiving the warning.¹

A violation of this prohibition is a first degree misdemeanor, for which a court may impose a jail term of not more than 180 days, a fine of up to \$1,000, or both.

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 and also includes a probation officer.

Menacing

Additionally, the bill modifies the current offense of menacing by including a “probation officer” within the definition of “emergency service responder.” As a result, a person is guilty of menacing if they knowingly place or attempt to place another person in reasonable fear of physical harm or death by displaying a deadly weapon, regardless of whether that deadly weapon displayed is operable or inoperable and either of the following applies: (1) the other person is a probation officer, the person knows or reasonably should know that the other person is a probation officer, and it is the person’s specified purpose to engage in the specified conduct against a probation officer, or (2) the other person is a probation officer’s family or household member or co-worker, the person knows or reasonably should know that the other person is a probation officer’s family or household member or co-worker, and it is the person’s specific purpose to engage in the specified conduct against a probation officer’s family or household member or co-worker.

The penalty for menacing under these circumstances is a fourth degree misdemeanor, for which a court may impose a jail term of not more than 30 days, a fine of up to \$250, or both.

Local criminal justice systems

It appears unlikely that the bill will create many new cases for municipal and county criminal justice systems to process.² That said, any new criminal case that is created as a result of violating the bill’s prohibitions carries the potential to increase related local criminal justice system costs, for example, expenses related to investigating, prosecuting, adjudicating, and sanctioning the offender, as well as paying for defense counsel if the offender is indigent.

Also possible is that the bill will (1) guide the charges filed by law enforcement and prosecutors in certain situations, and (2) clarify an element which may factor into the bargaining process between the prosecution and defense counsel. Based on conversations with subject matter experts, such conduct may be charged under other statutes, for example “obstructing official business.” As such, the bill’s changes may impact, to some degree, the adjudication process for some offenders.

These possibilities are not likely to discernibly add to the operating costs of local governments. To the degree that new cases are generated and a county or municipal justice system incurs costs, those costs will likely be minimal annually, as violations are expected to be small relative to existing criminal caseloads. Costs may be offset to some degree by the collection of fines, and court costs and fees imposed by the court. Fines are generally credited to a county’s general fund, while local court costs and fees can be deposited for a mix of general and special purposes. For misdemeanors, state court costs are \$29 and credited as follows: \$20 to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020). If additional offenders are sentenced to jail, there may be a marginal annual increase in local incarceration expenditures.

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² County and municipal courts have jurisdiction over misdemeanor offenses.