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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 188
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sen. Patton

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SUMMARY

- Prohibits taking a position in a location that prevents immediate access by any law enforcement officer, and refusing or resisting orders to exit the location, when a person knows or reasonably should know that the officer is attempting to apprehend or arrest the person in connection to an alleged felony offense or misdemeanor offense of violence.
- Prohibits aiding, assisting, or attempting to aid or assist another person to take a position for the purposes described in the above dot point.
- Replaces “police officer” with “law enforcement officer.”

DETAILED ANALYSIS

Failure to comply

The bill expands the offense of failure to comply with an order or signal of a law enforcement officer by prohibiting a person from taking a position in a physical location that prevents immediate access by any law enforcement officer and refusing or resisting orders to exit the location, or complying with other lawful order or direction, when that person knows or reasonably should know that the law enforcement officer is attempting to apprehend the person in connection to an alleged felony offense or misdemeanor offense of violence.¹

¹ R.C. 2921.331(C)(1).

Generally, the offense of failure to comply under the above described circumstances is a third degree felony.² If any of the following apply, the offense is a second degree felony, and the court must impose a mandatory prison term:³

- The violation creates a risk of serious physical harm to any person;
- During the commission of the violation, the person indicates to the law enforcement officer that the person has possession of a deadly weapon;
- During the commission of the violation, a third party is present and is unable to immediately and safely leave the physical location of the commission of the violation.
 - If the third party is a minor or an elderly individual and is unable to immediately and safely leave the physical location of the commission of the violation, then the offense is a first degree felony and the court must impose a mandatory prison term. For purposes of this provision, “elderly person” means a person who is 65 or older.⁴

The bill also prohibits aiding, assisting, or attempting to aid or assist another person in taking a position for the purposes described above.⁵ Generally, aiding, assisting, or attempting to aid or assist another person in the offense of failure to comply with an order or signal of a law enforcement officer is a felony of the next lesser degree than the offense of the associated violation.⁶ If the aiding, assisting, or attempting to aid or assist another person in the offense of failure to comply with an order or signal of a law enforcement officer creates a serious risk of physical harm, the violation is a second degree felony, and the court will impose a mandatory prison term.⁷

“Law enforcement officer”

The term “police officer” is replaced with the term “law enforcement officer” throughout the bill.⁸ “Police officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.⁹ “Law enforcement officer” means any of the following:¹⁰

² R.C. 2921.331(D)(6)(a).

³ R.C. 2921.331(D)(6)(b) and 2929.14(A)(3)(a).

⁴ R.C. 2921.331(D)(6)(c) and (F)(1). The bill uses the term “elderly individual” but defines the term as “elderly person.” The committee could accept a technical amendment to correct this.

⁵ R.C. 2921.331(C)(2).

⁶ R.C. 2921.331(D)(7)(a).

⁷ R.C. 2921.331(D)(7)(b).

⁸ R.C. 2921.331.

⁹ R.C. 2921.331(F)(2), by reference to R.C. 4511.01(Z).

¹⁰ R.C. 2901.01(A)(11), not in the bill.

- A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority, or state highway patrol trooper;
- An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions who has the statutory duty to conserve the peace or to enforce all or certain laws and the statutory authority to arrest violators, within the limits of that statutory duty and authority;
- A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;
- A member of an auxiliary peace force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;
- A person lawfully called to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;
- A person appointed by a mayor as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;
- A member of the organized militia of this state or the U.S. armed forces, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
- A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;
- A veterans' home police officer;
- A member of a police force employed by a regional transit authority;
- A special police officer employed by a port authority;
- The House of Representatives Sergeant-at-Arms, if the Sergeant has arrest authority, and an Assistant House of Representatives Sergeant-at-Arms;
- The Senate Sergeant-at-Arms and an Assistant Senate Sergeant-at-Arms;
- A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations under federal air carriers and commercial operators regulations, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the U.S. Department of Transportation.

HISTORY

Action	Date
Introduced	04-29-25
