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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

H.B. 236  
133<sup>rd</sup> General Assembly

## Bill Analysis

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**Version:** As Reported by House Transportation and Public Safety

**Primary Sponsors:** Reps. T. Smith and Plummer

Carlen Zhang-D'Souza, Attorney

## SUMMARY

- Increases the penalties for certain assault offenses if the victim is a hospital police officer.

## DETAILED ANALYSIS

### Hospital police officer definition

The bill defines "hospital police officer" as a police officer who is both of the following:

- Employed by a hospital that employs and maintains its own proprietary police department or security department; and
- Appointed and commissioned by the Secretary of State.<sup>1</sup>

### Felonious assault

The bill increases the penalty for felonious assault<sup>2</sup> to a first degree felony if the victim is a hospital police officer. If the hospital police officer suffered serious physical harm as a result of the commission of the offense, the court must impose a mandatory minimum prison term of 3, 4, 5, 6, 7, 8, 9, 10, or 11 years. The current penalty for a violation of the offense is generally a second degree felony.<sup>3</sup>

<sup>1</sup> R.C. 2903.11(E), 2903.12(C), and 2903.13(D).

<sup>2</sup> The offense of felonious assault prohibits a person from knowingly causing serious physical harm to another, or causing (or attempting to cause) physical harm to another with a deadly weapon or dangerous ordnance. R.C. 2903.11(A).

<sup>3</sup> R.C. 2903.11(D)(1), 2923.13(F), not in the bill, and 2929.14(A)(1)(a), not in the bill.

## Aggravated assault

The bill increases the penalty for aggravated assault<sup>4</sup> to a third degree felony if the victim is a hospital police officer. If the hospital police officer suffered serious physical harm as a result of the commission of the offense, the court must impose a mandatory prison term of 9, 12, 18, 24, 30, or 36 months. The current penalty for a violation of the offense is generally a fourth degree felony.<sup>5</sup>

## Assault

The bill increases the penalty for assault<sup>6</sup> to a fourth degree felony if the victim is a hospital police officer who is in the performance of the officer's official duties. If the hospital police officer suffered serious physical harm as a result of the commission of the offense, the court must impose a mandatory prison term of 12, 13, 14, 15, 16, 17, or 18 months. The current penalty for a violation of the offense is generally a first degree misdemeanor.<sup>7</sup>

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## HISTORY

Action	Date
Introduced	05-06-19
Reported, H. Transportation and Public Safety	06-19-19

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<sup>4</sup> The offense of aggravated assault prohibits a person, while under the influence of sudden passion or in a sudden fit of rage — either of which is brought on by serious provocation by the victim that is reasonably sufficient to incite the person into using deadly force — from knowingly causing serious physical harm to another, or causing (or attempting to cause) physical harm to another with a deadly weapon or dangerous ordnance. R.C. 2903.12(A).

<sup>5</sup> R.C. 2903.12(B), 2929.13(F), not in the bill, and 2929.14(A)(3)(b), not in the bill.

<sup>6</sup> The offense of assault prohibits a person from knowingly causing (or attempting to cause) physical harm to another; recklessly causing serious physical harm to another. R.C. 2903.13(A) and (B).

<sup>7</sup> R.C. 2903.13(C)(6), 2929.13(F), not in the bill, and 2929.14(A)(4), not in the bill.