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H.B. 22*
134th General Assembly

Bill Analysis

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Version: As Reported by House Criminal Justice

Primary Sponsors: Reps. LaRe and Wilkin

Nicholas A. Keller, Attorney

SUMMARY

- Expands the offense of obstructing justice to include failure to follow a lawful order from a law enforcement officer or diverting a law enforcement officer's attention.

DETAILED ANALYSIS

Obstructing justice

Failure to follow a lawful order

The bill expands the existing law offense of "obstructing justice" so it also prohibits failure to follow a lawful order from a law enforcement officer under certain circumstances. Specifically, the bill prohibits a person, *with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another person for crime or to assist another to benefit from the commission of a crime*, from failing to follow a lawful order from a law enforcement officer. The bill also prohibits failure to follow a lawful order of a law enforcement officer in similar circumstances involving acts that, if committed by an adult, would be criminal.

Under continuing law, applicable to the new offense, the penalty for obstructing justice varies based on the underlying criminal conduct of the offender that the obstructing offender is aiding. If the underlying crime is a misdemeanor, obstructing justice is a misdemeanor of the same degree as the underlying criminal conduct. If the underlying criminal conduct is a third, fourth, or fifth degree felony, obstructing justice is a fifth degree felony. But if the underlying criminal conduct is murder, aggravated murder, terrorism, human trafficking, or a first or

* This analysis was prepared before the report of the House Criminal Justice Committee appeared in the House Journal. Note that the legislative history may be incomplete.

second degree felony, more severe penalties, up to a first degree felony, may apply to the offense.¹

Diverting attention of a law enforcement officer

The bill also generally prohibits the following conduct when directed at a law enforcement officer in the performance of the law enforcement officer's duties with reckless disregard as to whether the action diverts or obstructs the law enforcement officer's attention:

- Taunting or striking the law enforcement officer;
- Throwing an object or substance at a law enforcement officer;
- Interfering with or obstructing a law enforcement officer in a manner that (1) inhibits or restricts the officer's control of a subject or detainee, (2) deprives the officer of control of a subject or detainee, or (3) without the consent of the officer, enters, or places an object or substance into, a space around the officer that is large enough that no person outside of the area can reach the officer and the officer cannot reach a person outside of the area.

The penalty for a person who is guilty of obstructing justice under this diverting attention provision is similarly structured based on the underlying criminal conduct the offender is aiding. If the underlying crime is a misdemeanor, obstructing justice is a misdemeanor of the same degree as the underlying criminal conduct. If the underlying criminal conduct is a felony, obstructing justice is a felony of the fifth degree.²

Recording a law enforcement officer

The bill adds that nothing in the offense of obstructing justice is to be construed to prohibit a person from using video or audio recording equipment to record a law enforcement officer in the performance of the law enforcement officer's duties.³

HISTORY

Action	Date
Introduced	02-03-21
Reported, H. Criminal Justice	---

H0022-RH-134/ks

¹ R.C. 2921.32(A) and (D).

² R.C. 2921.32(B) and (D).

³ R.C. 2921.32(F).