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S.B. 292
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Brenner

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SUMMARY

- Creates the offense of swatting and provides that generally swatting is a third degree felony, but if the violation results in serious physical harm, swatting is a first degree felony.
- Allows a court to order an offender to reimburse a law enforcement agency or emergency services provider involved in the emergency response for all or a portion of the costs incurred by the agency or provider during the emergency response.

DETAILED ANALYSIS

Swatting

The bill creates the offense of “swatting” that prohibits a person by means of a telecommunications device or telecommunications service from purposely triggering an emergency response when no emergency response is warranted by reporting or causing to be reported false or misleading information to a law enforcement agency, emergency service provider, or public safety answering point. The offense of swatting does not apply to any person conducting an authorized emergency drill.¹

A violation of the prohibition is generally a third degree felony. If the violation results in serious physical harm to any person, a violation of the prohibition is a first degree felony.²

The bill specifies that any act that is a violation of the prohibition against swatting and any other section of the Revised Code may be prosecuted under the prohibition against

¹ R.C. 2917.321(B) and (C).

² R.C. 2917.321(D).

swatting, any other section of the Revised Code, or both.³ Existing law, unchanged by the bill, specifies that: (1) where the same conduct by a defendant can be construed to constitute two or more “allied offenses of similar import,” the indictment or information may contain counts for all of the offenses, but the defendant may be convicted of only one, and (2) where the defendant’s conduct constitutes two or more offenses of dissimilar import, or results in two or more offenses of the same or similar kind committed separately or with a separate animus as to each, the indictment or information may contain counts for all such offenses, and the defendant may be convicted of all of them.⁴ The involved court determines whether the multiple offenses are “allied offenses of similar import” or are of “dissimilar import.”

Reimbursement

The bill provides that prior to the sentencing of the person who has been convicted of or pleaded guilty to swatting, the court must enter an order that directs any law enforcement agency or emergency service provider involved in the emergency response that wishes to be reimbursed for the costs incurred by the agency or provider during the emergency response, to file with the court within a specified time an itemized statement of those costs. The court may then order the offender to reimburse the agency for all or a portion of those costs.⁵

Definitions

The bill uses the following definitions:

- “Emergency response” means an action taken by a law enforcement agency to preserve the life, health, safety, or property of any person.⁶
- “Emergency service provider” means the State Highway Patrol and an emergency services department or unit of a subdivision or that provides emergency service to a subdivision under contract with the subdivision.⁷
- “Public safety answering point” means a facility to which 9-1-1 system calls for a specific territory are initially routed for response and where personnel respond to specific requests for emergency service by directly dispatching the appropriate emergency service provider, relaying a message to the appropriate provider, or transferring the call to the appropriate provider.⁸
- “Telecommunications device” means any instrument, equipment, machine, or other device that facilitates telecommunication, including, but not limited to, a computer,

³ R.C. 2917.321(F).

⁴ R.C. 2941.25, not in the bill.

⁵ R.C. 2917.321(E) and 2929.18(A)(5)(d).

⁶ R.C. 2917.321(A)(1).

⁷ R.C. 128.01(O), not in the bill, and 2917.321(A)(2).

⁸ R.C. 128.01(P), not in the bill, and 2917.321(A)(2).

computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.⁹

- “Telecommunications service” means the providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.¹⁰

HISTORY

Action	Date
Introduced	02-09-22

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⁹ R.C. 2913.01(Y), not in the bill, and 2917.321(A)(3).

¹⁰ R.C. 2913.01(Z), not in the bill, and 2917.321(A)(3).