



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 222

131st General Assembly  
(As Introduced)

**Reps.** Driehaus and Perales, Antonio, Bishoff, Brown, Grossman, Lepore-Hagan, Sheehy, K. Smith, Stinziano

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## BILL SUMMARY

- Increases the penalty for assault when the victim is an employee of an Ohio transit system whom the offender knows or has reasonable cause to know is such an employee and the victim is engaged in the performance of the victim's duties at the time of the assault.
- Authorizes a transit system to post a notice warning of the consequences of an assault on a transit worker.
- Increases the penalty for evasion of a public transit system's fares.

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## CONTENT AND OPERATION

### Assault against transit worker

#### Level of offense

The bill increases the penalty for assault when the victim is an employee of an Ohio transit system whom the offender knows or has reasonable cause to know is such an employee engaged in the performance of the victim's duties. Under current law, assault is generally a misdemeanor of the first degree, but the offense is a felony under specified circumstances. The bill makes assault a felony if (1) the victim is an operator of an Ohio transit system bus or rail car, a maintenance worker of an Ohio transit system, or a contracted employee providing any of these services to an Ohio transit system,

(2) the offender knows or has reasonable cause to know that the victim is one of those individuals, and (3) the victim is engaged in his or her duties at the time of the assault.<sup>1</sup>

Generally, under the bill, an assault on a transit worker is a felony of the fifth degree. The Revised Code authorizes the imposition of a fine of up to \$2,500 for a fifth degree felony. However, for an assault on a transit worker that is a fifth degree felony, the bill authorizes a fine of up to \$5,000. It also permits the judge to prohibit the offender from riding any Ohio transit system bus or rail car for six months.<sup>2</sup>

The bill raises the offense to a felony of the fourth degree if the offender has a prior conviction for an assault or homicide offense against a transit worker whom the offender knew or had reasonable cause to know was a transit worker and who was performing his or her duties at the time of the offense. It does not change the maximum fine that may be imposed (\$5,000), but it does authorize the court to impose a lifetime ban on riding a transit system bus or rail car.<sup>3</sup>

### **Definitions**

The bill defines "Ohio transit system" as a transit system operated by a county, regional transit authority or commission, or municipality, as well as any mass transit system that operates exclusively within the territorial limits of one municipal corporation or contiguous municipal corporations.<sup>4</sup> It defines "bus" as a motor vehicle, other than a school bus, designed to transport nine or more passengers, and defines "rail car" as, in essence, any mass transit car that runs on rails and is used for mass transit on a regular schedule.<sup>5</sup>

The prior offenses that raise an assault against a transit worker to a fourth degree felony are assault against a transit worker under the bill, aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, reckless homicide, felonious assault, aggravated assault, and negligent assault.<sup>6</sup>

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<sup>1</sup> R.C. 2903.13(C)(10).

<sup>2</sup> R.C. 2903.13(C)(10)(a) and 2929.18(A)(3)(e), not in the bill.

<sup>3</sup> R.C. 2903.13(C)(10)(b) and 2929.18(A)(3)(d), not in the bill.

<sup>4</sup> R.C. 2903.13(D)(23), incorporating by reference R.C. 2305.33(A)(7), not in the bill.

<sup>5</sup> R.C. 2903.13(D)(21) and (22).

<sup>6</sup> R.C. 2903.13(D)(25).

## Notice regarding assault on transit worker

The bill authorizes a transit system to post a notice, which the bill suggests be posted in a conspicuous location in all buses and rail cars, stating that threatening or aggressive behavior toward the transit system's staff will not be tolerated and warning that assaults against the staff might result in a felony conviction.<sup>7</sup>

## Misconduct involving a public transportation system

The Revised Code prohibits certain acts involving a public transit system, one of which is evading payment of the system's known fares. The bill raises the level of this offense from a fourth degree misdemeanor to a second-degree misdemeanor.<sup>8</sup>

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## HISTORY

ACTION	DATE
Introduced	05-20-15

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<sup>7</sup> R.C. 306.20.

<sup>8</sup> R.C. 2917.41(F)(1).

