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*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 552**

123rd General Assembly  
(As Introduced)

**Reps. Jolivette, Calvert, Cates, Corbin, Evans, Goodman, Hoops, Mottley, O'Brien, Schuler, Taylor, Tiberi, Van Vyven, Widener, Willamowski, Winkler, Grendell, Flannery, Hartnett, Ogg**

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### **BILL SUMMARY**

- Enhances the penalty for inducing panic when the offense involves a school, the offender causes serious public inconvenience or alarm by initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false, and the school is not evacuated.
- Revises the definition of "economic harm" for the offense of inducing panic to mean all direct, incidental, and consequential pecuniary harm done to any person, property, or institution as a result of criminal conduct.
- Amends the definition of "economic harm" for the offense of inducing panic to specifically include the cost of all wages, salaries, or other compensation paid to employees for time those employees are required to work as a result of the criminal conduct and to specifically include all expenses incurred as a result of the criminal conduct.

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### **CONTENT AND OPERATION**

#### **Prohibition and penalties**

##### **Existing law**

**Prohibitions.** Existing law prohibits a person from causing the evacuation of any public place, or otherwise causing serious public inconvenience or alarm, by doing any of the following (R.C. 2917.31(A)):

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false;<sup>1</sup>

(2) Threatening to commit any offense of violence (see "Definitions," below);

(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

**Penalties.** A person who violates any of these prohibitions is guilty of inducing panic. Inducing panic is one of the following (R.C. 2917.31(C)):

(1) Generally, it is a misdemeanor of the first degree.

(2) Except as otherwise provided in paragraphs (3) or (4), if the violation results in physical harm to any person, it is a felony of the fourth degree.

(3) Except as otherwise provided in paragraph (4), if the violation results in economic harm (see "Definition of 'economic harm'," below), the penalty is determined as follows: (a) if the violation results in economic harm of \$500 or more but less than \$5,000 and if paragraph (2) does not apply, it is a felony of the fifth degree, (b) if the violation results in economic harm of \$5,000 or more but less than \$100,000, it is a felony of the fourth degree, and (c) if the violation results in economic harm of \$100,000 or more, it is a felony of the third degree.

(4) If the violation was a violation of paragraph (1) of "Prohibitions" *and if the public place involved in the violation is a school*, inducing panic is one of the following: (a) generally, a felony of the fourth degree, (b) if the violation also results in physical harm to any person, a felony of the third degree, (c) if the violation also results in economic harm of \$500 or more but less than \$5,000 and if clause (4)(b) does not apply, a felony of the fourth degree, (d) if the violation also results in economic harm of \$5,000 or more but less than \$100,000, a felony of the third degree, or (e) if the violation also results in economic harm of \$100,000 or more, a felony of the second degree.

### **Operation of the bill**

The bill enhances the penalty when inducing panic involves a school, when the offender causes serious public inconvenience or alarm by initiating or

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<sup>1</sup> This prohibition does not apply to any person conducting an authorized fire or emergency drill (R.C. 2917.31(B)).

circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false, and the school is not evacuated (R.C. 2917.31(A)(1)). Under existing law, such a violation is punished under paragraphs (1) through (3) of "Penalties," above; the penalties in paragraph (4) of "Penalties," are limited to when the violation involves the evacuation of a public place that is a school by initiating or circulating the prohibited false report or warning. The bill makes *any* violation of paragraph (1) of "Prohibitions," above, that involves a school punishable under paragraph (4) of "Penalties."

Thus, under the bill, if the offender causes the evacuation of any public place, or otherwise causes serious public inconvenience or alarm, by initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false, and if the violation involves a school, inducing panic is one of the following (R.C. 2917.31(C)(5)):

- (1) Generally, a felony of the fourth degree;
- (2) If the violation also results in physical harm to any person, a felony of the third degree;
- (3) If the violation also results in economic harm of \$500 or more but less than \$5,000 and if the preceding paragraph does not apply, a felony of the fourth degree;
- (4) If the violation also results in economic harm of \$5,000 or more but less than \$100,000, a felony of the third degree;
- (5) If the violation also results in economic harm of \$100,000 or more, a felony of the second degree.

### Definition of "economic harm"

#### Existing law

As used in the offense of inducing panic, "economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim, as a result of criminal conduct. "Economic harm" includes, but is not limited to, all of the following: (1) all wages, salaries, or other compensation lost as a result of the criminal conduct, (2) the cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct, (3) the overhead costs incurred for the time that a business is shut down as a result of the criminal conduct, and (4) the loss of value to tangible

or intangible property that was damaged as a result of the criminal conduct. (R.C. 2917.31(D)(1).)

### **Operation of the bill**

The bill revises the definition of "economic harm" for the offense of inducing panic. Under the bill, "economic harm" means all direct, incidental, and consequential pecuniary harm *done to any person, property, or institution* (as opposed to pecuniary harm "suffered by a victim" under existing law) as a result of criminal conduct. The bill also amends the definition to specifically include the cost of all wages, salaries, or other compensation paid to employees for time those employees are required to work as a result of the criminal conduct and to specifically include all expenses incurred as a result of the criminal conduct. (R.C. 2917.31(D)(1).)

### **Other definitions**

#### **Offense of violence**

"Offense of violence" means any of the following (sec. 2901.01(A)(9)):

(1) Aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, permitting child abuse, aggravated menacing, menacing by stalking, menacing, kidnapping, abduction, extortion, rape, sexual battery, gross sexual imposition, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, inciting to violence, aggravated riot, riot, inducing panic, domestic violence, intimidation, intimidation of an attorney, victim, or witness in a criminal case, escape, improperly discharging a firearm at or into a habitation or school, burglary in certain instances, or the former offense of felonious sexual penetration;

(2) The offense of "endangering children" in violation of the portion of that offense that prohibits a person from doing any of the following to a child under 18 years of age or to a mentally or physically handicapped child under 21 years of age: (a) abusing the child, (b) torturing or cruelly abusing the child, (c) administering corporal punishment or another physical disciplinary measure, or physically restraining the child in a cruel manner or for a prolonged period, which punishment, discipline, or restraint is excessive under the circumstances and creates a substantial risk of serious physical harm to the child, or (d) repeatedly administering unwarranted disciplinary measures to the child, when there is a substantial risk that such conduct, if continued, will seriously impair or retard the child's mental health or development.

(3) A violation of an existing or former municipal ordinance or law of Ohio, any other state, or the United States, substantially equivalent to any offense listed in (1) or (2);

(4) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of Ohio, any other state, or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;

(5) A conspiracy or attempt to commit, or complicity in committing, any offense described in (1), (2), (3), or (4).

**School**

"School" means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time the offense of inducing panic is committed (R.C. 2917.31(D)(2)).

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-00	pp. 1536-1537

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