



H.B. 411

124th General Assembly
(As Introduced)

Reps. White, Clancy, Husted, Setzer, Carmichael, Collier, Faber, Grendell, Hughes, Latta, Metzger, McGregor, Olman, Reidelbach, Roman, Salerno, Schmidt, Schaffer, G. Smith, Williams, Wolpert, Boccieri, Britton, Carano, Cirelli, Distel, Ford, Otterman, Rhine, Seaver, Sferra, Wilson

BILL SUMMARY

- Enhances the penalties for the offenses of inducing panic and making false alarms when the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction.

CONTENT AND OPERATION

Inducing panic

Existing law

Prohibition. 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 the report or warning is false;¹

(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.

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

Penalty. A person who violates any of these prohibitions is guilty of inducing panic. Generally, inducing panic is a misdemeanor of the first degree. But if the violation results in physical harm to any person, inducing panic generally is a felony of the fourth degree.

Except as otherwise provided in the following paragraph, if the violation results in economic harm, the penalty is determined as follows: (1) if the violation results in economic harm of \$500 or more but less than \$5,000 and if the violation does not result in physical harm to any person, inducing panic is a felony of the fifth degree, (2) if the violation results in economic harm of \$5,000 or more but less than \$100,000, inducing panic is a felony of the fourth degree, and (3) if the violation results in economic harm of \$100,000 or more, inducing panic is a felony of the third degree.

If the public place involved in a violation of the first prohibition is a school, special penalty provisions apply. Generally, the violation is a felony of the fourth degree. If the violation results in physical harm to any person, inducing panic is a felony of the third degree. If the violation results in economic harm, the penalty is determined as follows: (1) if the violation results in economic harm of \$500 or more but less than \$5,000 and if the violation does not result in physical harm to any person, inducing panic is a felony of the fourth degree, (2) if the violation results in economic harm of \$5,000 or more but less than \$100,000, inducing panic is a felony of the third degree, and (3) if the violation results in economic harm of \$100,000 or more, inducing panic is a felony of the second degree. (R.C.2917.31(C).)

Operation of the bill

The bill enhances the penalties for inducing panic if the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction. In such a case, inducing panic generally is a felony of the fifth degree. If the violation results in physical harm to any person and if the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, inducing panic is a felony of the third degree (subject to the specific school provisions described in the following paragraph, this penalty applies regardless of the economic harm involved).

As under existing law, if the public place involved in a violation of the first prohibition is a school, special penalty provisions apply under the bill. Generally, a violation of the first prohibition involving a school is a felony of the fourth degree. If such a violation results in physical harm to any person and pertains to a purported or threatened use of a weapon of mass destruction, inducing panic is a felony of the second degree. If such a violation results in economic harm or

results in physical harm to any person but does not involve such a weapon, the penalty is the same as under existing law. (R.C. 2917.31(C).)

Under the bill, a violation "pertains to a purported, threatened, or actual use of a weapon of mass destruction" if any of the following applies (R.C. 2917.31(D)(3)):

(1) Regarding a violation of the first prohibition, the alleged or impending fire, explosion, crime, or other catastrophe identified or mentioned in the report or warning that is initiated or circulated in committing the violation purportedly involved, involves, or will involve a weapon of mass destruction;

(2) Regarding a violation of the second prohibition, the offense of violence that is threatened in committing the violation purportedly will involve a weapon of mass destruction;

(3) Regarding a violation of the third prohibition, the offense that is committed in committing the violation involved a weapon of mass destruction.

Making false alarms

Existing law

Existing law prohibits a person from doing any of the following (R.C. 2917.32(A)):²

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

(2) Knowingly causing a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Reporting to any law enforcement agency an alleged offense or other incident within its concern, knowing that the offense did not occur.

A person who violates any of the above prohibitions is guilty of making false alarms. Generally, making false alarms is a misdemeanor of the first degree. But, if the violation results in economic harm of \$500 or more but less than \$5,000, making false alarms is a felony of the fifth degree. If the violation results

² *These prohibitions do not apply to any person conducting an authorized fire or emergency drill (R.C. 2917.32(B)).*

in economic harm of \$5,000 or more but less than \$100,000, making false alarms is a felony of the fourth degree. If the violation results in economic harm of \$100,000 or more, making false alarms is a felony of the third degree. (R.C. 2917.32(C).)

Operation of the bill

The bill enhances the penalty for making false alarms if the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction. In such a case, inducing panic generally is a felony of the fifth degree. If the violation results in economic harm, the penalty is the same as under existing law. (R.C. 2917.32(C).)

Under the bill, a violation "pertains to a purported, threatened, or actual use of a weapon of mass destruction" if any of the following applies (R.C. 2917.32(D)(2)):

(1) Regarding a violation of the first prohibition, the alleged or impending fire, explosion, crime, or other catastrophe identified or mentioned in the report or warning that is initiated or circulated in committing the violation purportedly involved, involves, or will involve a weapon of mass destruction;

(2) Regarding a violation of the second prohibition, the false alarm of fire or other emergency that is knowingly caused to be transmitted in committing the violation purportedly involved or involves a weapon of mass destruction;

(3) Regarding a violation of the third prohibition, the alleged offense or other incident that is reported in committing the violation purportedly involved or involves a weapon of mass destruction.

Definitions

Economic harm

Under existing law, "economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct (R.C. 2917.31(D)(1) and 2917.32(D)(1)). "Economic harm" includes, but is not limited to, all of the following (R.C. 2917.31(D)(1) and 2917.32(D)(1)):

(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;

(4) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

Offense of violence

Under existing law, "offense of violence" means any of the following offenses (R.C. 2901.01(A)(9)):

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

(2) 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);

(3) 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;

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

Weapon of mass destruction

Under the bill, "weapon of mass destruction" means any of the following (R.C. 2917.31(D)(4) and 2917.32(D)(1)):

(1) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

(2) Any weapon involving a disease organism;

(3) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;

(4) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:

(a) Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;

(b) Any type of weapon, other than a shotgun or a shotgun shell that the United States Secretary of the Treasury finds pursuant to 18 U.S.C. 921(a)(4)(B) generally is recognized as particularly suitable for sporting purposes, by whatever name known, that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant and that has any barrel with a bore of more than one-half inch in diameter;

(c) Any combination of parts either designed or intended for use in converting any item or device into any item or device described in (a) or (b) and from which an item or device described in either of those divisions may be readily assembled.

HISTORY

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