



Lisa Sandberg

Bill Analysis

Legislative Service Commission

S.B. 58

125th General Assembly
(As Introduced)

Sens. Jacobson, Stivers, Goodman, Armbruster, Harris, Carey, Brady,
Fingerhut

BILL SUMMARY

- Expands the offense of endangering children to also prohibit exposing children to an illegal methamphetamine manufacturing laboratory.

CONTENT AND OPERATION

Endangering children

Current law

Current law generally prohibits a person who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under 18 years of age or a mentally or physically handicapped child under 21 years of age from creating a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support (R.C. 2919.22(A)). Current law also prohibits a person from doing any of the following to a child under 18 years of age or a mentally or physically handicapped child under 21 years of age (R.C. 2919.22(B)):

- (1) Abusing the child;
- (2) Torturing or cruelly abusing the child;
- (3) Administering corporal punishment or other 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;
- (4) 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;

(5) Enticing, coercing, permitting, encouraging, compelling, hiring, employing, using, or allowing the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter.

The penalties for these offenses range from misdemeanor of the first degree to a felony of the second degree, depending on the prohibition violated, whether or not the offender has been previously convicted of endangering children or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, and if the violation results in serious physical harm to the child (R.C. 2919.22(E)).

Operation of the bill

The bill expands the offense of endangering children by prohibiting a person from allowing a child under 18 years of age or a mentally or physically handicapped child under 21 years of age to be in the vicinity of an illegal methamphetamine manufacturing laboratory (R.C. 2919.22(B)(6)). Under the bill, the penalty for a violation of this provision is the same as the penalty for abusing the child or creating a substantial risk to the health and safety of the child by violating a duty of care, protection, or support (discussed above), which generally is a misdemeanor of the first degree. If allowing the child to be in the vicinity of an illegal methamphetamine manufacturing laboratory results in serious physical harm to the child involved, the penalty is a felony of the third degree. (R.C. 2919.22(E).)

The bill defines "in the vicinity of an illegal methamphetamine manufacturing laboratory" as being within the building in which the laboratory is located, within 100 feet of the laboratory, or within any location from which the laboratory can be seen (R.C. 2919.22(I)(2)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-25-03	p. 208

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