



Sub. H.B. 142*

127th General Assembly

(As Reported by H. Infrastructure, Homeland Security, & Veterans Affairs)

Reps. Batchelder, Bacon, B. Williams, Chandler, Bulp, Fessler, Latta, Harwood, Fende, Adams, Wachtmann, White, Collier

BILL SUMMARY

- Eliminates the existing general penalty for inducing panic at a school (felony of the fourth degree) and the enhanced penalties that are based on economic and physical harm and whether a weapon of mass destruction is involved (felonies of the second and the third degree).
- Extends the prohibition of inducing panic at a school to include the prohibition of inducing panic at an institution of higher education.
- Establishes the penalty of felony of the second degree for all instances of inducing panic when the location of the violation is a school or an institution of higher education.

CONTENT AND OPERATION

Existing law--inducing panic generally and in schools

Inducing panic

Under continuing law, a person is guilty of inducing panic if the person violates the following prohibition under R.C. 2917.31:

- (A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

* This analysis was prepared before the report of the House Infrastructure, Homeland, Security, and Veterans Affairs Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- (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;
- (2) Threatening to commit any offense of violence;
- (3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

Generally, inducing panic is a misdemeanor of the first degree. (R.C. 2917.31(C)(2).)

Existing penalties when the location of induced panic is a school

Existing law provides a general penalty of felony of the fourth degree if the public place of the induced panic is a school. Enhanced penalties also apply, based on whether there is physical harm to a person, the degree of economic harm, and whether a weapon of mass destruction is involved. (R.C. 2917.31(C)(5)(a).)

Physical or economic harm

The following enhanced penalties apply under existing law when inducing panic at a school results in physical or economic harm:

Felony of the third degree:

- The violation results in physical harm to a person and economic harm is not \$100,000 or more (R.C. 5217.31(C)(5)(b));
- The violation results in economic harm of \$5,000 to under \$100,000 (R.C. 5217.31(C)(5)(c)(ii)).

Felony of the second degree:

- The violation results in economic harm of \$100,000 or more (R.C. 5217.31(C)(5)(c)(iii)).

Weapons of mass destruction

When inducing panic at a school involves the purported, threatened, or actual use of a weapon of mass destruction, the penalty under existing law is a felony of the second degree or a felony of the third degree, depending whether physical harm is caused and the degree of any economic harm. The following are

the penalties under existing law for inducing panic in a school when a weapon of mass destruction is involved:

Felony of the second degree:

- The violation results in physical harm to any person (R.C. 2917.31(C)(9)(a));
- The violation results in economic harm of \$100,000 or more (R.C. 2917.31(C)(9)(c)).

Felony of the third degree:

- The violation results in economic harm of \$5,000 or more but less than \$100,000 and no physical harm is caused to any person (R.C. 2917.31(C)(9)(b)).

Changes under the bill

Single penalty

The bill eliminates the separate categories of penalties for inducing panic in a school that are based on economic and physical harm and the use of weapons of mass destruction. In place of these multiple penalties, the bill establishes a single penalty: a felony of the second degree. (R.C. 2917.31(C)(5).)

Institutions of higher education

Under existing law, the prohibition of inducing panic in a school does not apply to post-secondary institutions. The bill extends to institutions of higher education the prohibition against inducing panic at a school, and also extends the single penalty of a felony of the second degree for violations of the prohibition. (R.C. 2917.31(C)(5).) Under the bill, an institution of higher education includes all public and private post-secondary institutions and career colleges. (R.C. 2713.31(E)(6).)

HISTORY

ACTION	DATE
Introduced	04-03-07
Reported, H. Infrastructure, Homeland Security, & Veterans Affairs	---

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