



# Ohio Legislative Service Commission

## Bill Analysis

Andrea Holmes

### H.B. 20

129th General Assembly  
(As Introduced)

**Reps.** Burke and Letson, Amstutz, Boose, Derickson, Gardner, Grossman, Murray, Pillich, Snitchler, Stautberg, Stinziano

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## BILL SUMMARY

- Amends the law establishing a first degree misdemeanor violation of "intimidation of an attorney, victim, or witness in a criminal case" to state that no person may knowingly attempt to intimidate or hinder the victim of a crime *or delinquent act* in the filing or prosecution of criminal charges *or a delinquent child action or proceeding* and that *no person may knowingly attempt to intimidate a witness to a criminal or delinquent act by reason of the person being a witness to that act* (new language in italics).
- Amends the law establishing a third degree felony violation of "intimidation of an attorney, victim, or witness in a criminal case" to state that no person, knowingly and by force *or by an express or implied threat* of harm to any person or property *or by an express or implied threat to commit any offense or calumny against any person*, may attempt to influence, intimidate, or hinder *any of the following persons: (1) the victim of a crime or delinquent act in the filing or prosecution of criminal charges or a delinquent child action or proceeding, (2) a witness to a criminal or delinquent act by reason of the person being a witness to that act, or (3) an attorney by reason of the attorney's involvement in any criminal or delinquent child action or proceeding.*
- Provides that it is an affirmative defense to a charge of "intimidation of an attorney, victim, or witness in a criminal case," if the actor's conduct was a reasonable effort to negotiate the settlement of a criminal or delinquent child action or proceeding.

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## CONTENT AND OPERATION

### **First degree misdemeanor violation of "intimidation of an attorney, victim, or witness in a criminal case"**

The bill alters the first degree misdemeanor offense "intimidation of an attorney, victim, or witness in a criminal case" such that it occurs when: (1) a person knowingly attempts to intimidate or hinder the victim of a crime *or delinquent act* in the filing or prosecution of criminal charges *or a delinquent child action or proceeding*, or (2) knowingly attempts to intimidate a witness to a criminal *or delinquent act by reason of the person being a witness to that act* (new language in italics). Additionally, the bill defines "witness" to mean any person who has or claims to have knowledge concerning a fact or facts concerning a criminal or delinquent act, whether or not criminal or delinquent child charges are actually filed.<sup>1</sup>

Under current law, the above offense occurs when: (1) a person knowingly attempts to intimidate or hinder the victim of a crime in the filing or prosecution of criminal charges, or (2) knowingly attempts to intimidate or hinder a witness involved in a criminal action or proceeding in the discharge of the duties of the witness.

### **Third degree felony violation of "intimidation of an attorney, victim, or witness in a criminal case"**

The bill amends the existing third degree felony violation for "intimidation of an attorney, victim, or witness in a criminal case" to state that no person, knowingly and by force or by *an express or implied* threat of harm to any person or property *or by an express or implied threat to commit any offense or calumny against any person*, may attempt to influence, intimidate or hinder any of the following persons:

(1) The victim of a crime *or delinquent act* in the filing or prosecution of criminal charges *or a delinquent child action or proceeding*;

(2) A witness *to a criminal or delinquent act by reason of the person being a witness to that act*;

(3) An attorney *by reason of the attorney's involvement* in any criminal *or delinquent child* action or proceeding<sup>2</sup> (new language in italics).

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<sup>1</sup> R.C. 2921.04(A) and (F).

<sup>2</sup> R.C. 2921.04(B).

Under current law, the above offense occurs when a person knowingly and by force or by unlawful threat of harm to any person or property, attempts to influence, intimidate, or hinder the victim of a crime in the filing or prosecution of criminal charges or an attorney or witness involved in a criminal action or proceeding in the discharge of the duties of the attorney or witness.

### **Affirmative defense**

The bill creates an affirmative defense to a charge of "intimidation of an attorney, victim, or witness in a criminal case," if the actor's conduct was a reasonable effort to negotiate the settlement of a criminal or delinquent child action or proceeding.<sup>3</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	01-13-11

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<sup>3</sup> R.C. 2921.04(D).

