



Ohio Legislative Service Commission

Bill Analysis

Andrea Holmes

H.B. 62

129th General Assembly
(As Introduced)

Rep. Gonzales

BILL SUMMARY

- Increases the penalty for the offense of assault to a fourth degree felony if the victim of the offense is a registered nurse or a licensed practical nurse who is engaged in the performance of the victim's official duties and if the offender knows or has reason to believe that the victim is a registered nurse or a licensed practical nurse.

CONTENT AND OPERATION

Existing law

Continuing law prohibits a person from knowingly causing or attempting to cause physical harm to another or to another's unborn or recklessly causing serious physical harm to another or to another's unborn. A violation of the prohibition is the offense of "assault." Assault generally is a first degree misdemeanor, but in a number of specified circumstances it is a third, fourth, or fifth degree felony.¹

Operation of the bill

The bill expands the penalty enhancement provisions in the offense of assault to include an enhanced penalty if the victim of the offense is a registered nurse or a licensed practical nurse who is licensed under R.C. Chapter 4723. and who is engaged in the performance of the victim's official duties and if the offender knows or has reason to believe that the victim is a registered nurse or a licensed practical nurse. In this circumstance, assault is a fourth degree felony.²

¹ R.C. 2903.13.

² R.C. 2903.13(C)(7).

Definitions

The following definitions are relevant to the provision described above:

(1) "Registered nurse," for purposes of R.C. Ch. 4723., means an individual who holds a current, valid license issued under R.C. Chapter 4723. that authorizes the practice of nursing as a registered nurse, which is the provision to individuals and groups of nursing care requiring specialized knowledge, judgment, and skill derived from the principles of biological, physical, behavioral, social, and nursing sciences, and which includes identifying patterns of human responses to actual or potential health problems amenable to a nursing regimen, executing a nursing regimen through the selection, performance, management, and evaluation of nursing actions, assessing health status for the purpose of providing nursing care, providing health counseling and health teaching, administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice, and teaching, administering, supervising, delegating, and evaluating nursing practice.³

(2) "Licensed practical nurse," for purposes of R.C. Ch. 4723., means an individual who holds a current, valid license issued under R.C. Chapter 4723. that authorizes the practice of nursing as a licensed practical nurse, which is the provision to individuals and groups of nursing care that requires the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a licensed physician, dentist, podiatrist, optometrist, chiropractor, or registered nurse, and which includes observation, patient teaching, and care in a diversity of health care settings, contributions to the planning, implementation, and evaluation of nursing, administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice and with certain exceptions, administration to an adult of intravenous therapy authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice under certain conditions, delegation of nursing tasks as directed by a registered nurse, and teaching nursing tasks to licensed practical nurses and individuals to whom the licensed practical nurse is authorized to delegate nursing tasks as directed by a registered nurse.⁴

³ R.C. 4723.01(A) and (B).

⁴ R.C. 4723.01(E) and (F).

HISTORY

ACTION

DATE

Introduced

01-26-11

H0062-I-129.docx/jc

