



Ohio Legislative Service Commission

Bill Analysis

Dennis M. Papp

Sub. H.B. 62

129th General Assembly
(As Passed by the House)

Reps. Gonzales, Winburn, Garland, Pillich, Uecker, R. Adams, Antonio, Baker, Barnes, Beck, Brenner, Celeste, Clyde, Combs, Driehaus, Fedor, Gerberry, Hackett, C. Hagan, Johnson, Luckie, Lundy, Milkovich, Newbold, Patmon, Reece, Ruhl, Schuring, Sears, Slesnick, Stinziano, Szollosi, Weddington, Yuko, Batchelder

BILL SUMMARY

- Increases the penalty for the offense of assault to a fourth degree felony if the victim of the offense is a health care professional, health care worker, or security officer of a hospital who is engaged in the performance of the individual's duties.

CONTENT AND OPERATION

Existing law

Existing 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 it is a fifth degree felony if it is committed in specified circumstances against an employee of or visitor to a state or local criminal or juvenile correctional facility, it is a fourth degree felony if committed in specified circumstances against a person performing emergency medical service, and in a number of other specified circumstances it is a third, fourth, or fifth degree felony¹ (see "**Background**," below for a summary of the increased penalties relevant to the bill).

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 "health care professional," "health care worker," or security officer of a hospital who is engaged in the performance

¹ R.C. 2903.13.

of the individual's duties (see "**Definitions**," below, for definitions of the terms in quotations marks). In this circumstance, assault is a fourth degree felony.²

Definitions

The bill defines the following terms that are relevant to the provision described above:³

(1) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment and are authorized to practice or are licensed or certified under the applicable chapters of the Revised Code: physicians, registered nurses, licensed practical nurses, certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, certified nurse practitioners, physician assistants, dentists, dental hygienists, physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, chiropractors, optometrists, podiatrists, dietitians, pharmacists, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, respiratory care professionals, speech-language pathologists, and audiologists.⁴

(2) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.⁵

Background

As stated above in "**Existing law**," the penalty for "assault" generally is a first degree misdemeanor, but it is a felony of the third, fourth, or fifth degree in a number of specified circumstances. The felony penalties for assault that are relevant to the bill are as follows:⁶

(1) Assault is a fourth degree felony if the victim is a person performing "emergency medical service," while in the performance of official duties. As used in

² R.C. 2903.13(C)(7).

³ R.C. 2903.13(D)(11).

⁴ R.C. 2305.234(A)(5).

⁵ R.C. 2305.234(A)(6).

⁶ R.C. 2903.13(C) and, by reference, R.C. 4765.01, which is not in the bill.

this provision, "emergency medical service" means any of the services described in R.C. 4765.35, 4765.37, 4765.38, and 4765.39 that are performed by "first responders," "emergency medical technicians-basic," "emergency medical technicians-intermediate," and "paramedics." "Emergency medical service" includes such services performed before or during any transport of a patient, including transports between hospitals and transports to and from helicopters. As used in the "emergency medical service" definition, "first responder," "emergency medical technician-basic," "emergency medical technician-intermediate," and "paramedic" mean an individual who holds a current, valid certificate issued under R.C. 4765.30 to practice in the particular profession.

(2) In addition to the increased penalties described above, if an offender convicted of assault also is convicted of a specification under R.C. 2941.1423 that charges that the victim was a woman whom the offender knew was pregnant, the court must sentence the offender to a mandatory jail term under R.C. 2929.24(G) if the assault is a misdemeanor and to a mandatory prison term under R.C. 2929.14(D)(8) if the assault is a felony.

HISTORY

ACTION	DATE
Introduced	01-26-11
Reported, H. Criminal Justice	05-18-11
Passed House (85-12)	06-01-11

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