



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 62

129th General Assembly
(As Reported by H. Criminal Justice)

Reps. Gonzales, Winburn, Garland, Pillich, Uecker

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

¹ R.C. 2903.13.

² R.C. 2903.13(C)(7).

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

HISTORY

ACTION	DATE
Introduced	01-26-11
Reported, H. Criminal Justice	05-18-11

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³ R.C. 2903.13(D)(11).

⁴ R.C. 2305.234(A)(5).

⁵ R.C. 2305.234(A)(6).