



Ohio Legislative Service Commission

Bill Analysis

Dennis M. Papp

S.B. 58

128th General Assembly
(As Introduced)

Sens. Hughes, Schaffer, Wagoner

BILL SUMMARY

- Prohibits a person from knowingly collecting any blood, urine, tissue, or other bodily substance of another person without privilege to do so.

CONTENT AND OPERATION

The bill prohibits a person from knowingly collecting any blood, urine, tissue, or other bodily substance of another person without "privilege" (see the next paragraph) to do so. A violation of this prohibition is the offense of "unlawful collection of a bodily substance." The offense generally is a misdemeanor of the first degree, but if the offender previously has been convicted of or pleaded guilty to a violation of the prohibition, the offense is a felony of the fifth degree. (R.C. 2927.15; see **COMMENT**.)

Existing R.C. 2901.01, which is not in the bill, provides that, as used in the Revised Code, "privilege" means an immunity, license, or right conferred by law, bestowed by an express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.

COMMENT

The Criminal Code currently does not address the collection of a bodily substance of a person, but it does address the harassment of another in specified circumstances with a bodily substance. Existing R.C. 2921.38, which is not in the bill, prohibits a person from doing any of the following: (a) if the person is confined in a detention facility, with intent to harass, annoy, threaten, or alarm another person, causing or attempting to cause the other person to come into contact with blood, semen, urine, feces, or another bodily substance by throwing the substance at the other person, by expelling the substance upon the other person, or in any other manner, (b) with

intent to harass, annoy, threaten, or alarm a law enforcement officer, causing or attempting to cause the officer to come into contact with blood, semen, urine, feces, or another bodily substance by throwing the substance at the officer, by expelling the substance upon the officer, or in any other manner, or (c) with knowledge that the person is a carrier of the virus that causes AIDS, is a carrier of a hepatitis virus, or is infected with tuberculosis and with intent to harass, annoy, threaten, or alarm another person, causing or attempting to cause the other person to come into contact with blood, semen, urine, feces, or another bodily substance by throwing the substance at the other person, by expelling the substance upon the other person, or in any other manner. The prohibition does not apply to a person who is hospitalized, institutionalized, or confined in a facility operated by the Department of Mental Health or the Department of Mental Retardation and Developmental Disabilities. A violation of the prohibition is the offense of "harassment with a bodily substance" and, depending upon the portion violated, is either a felony of the fifth degree or a felony of the third degree.

HISTORY

ACTION	DATE
Introduced	02-26-09

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