



ENACTMENT NEWS

Senate Bill 16

Crimes against Emergency Service Responders – Importuning – Voyeurism – Other criminal offenses

Effective April 4, 2023

On January 3, 2023, Governor DeWine signed Senate Bill 16 (Sen. Tim Schaffer) into law. As introduced, the bill increased penalties for assault when committed against an emergency service responder, and made changes to the offense of menacing when committed against an emergency service responder. The bill was amended to include various other criminal law changes as described below. It takes effect on April 4, 2023.

Assault and menacing where victim is Emergency Service Responder

SB 16 elevates the offense of assault to a fourth-degree felony if the victim is an emergency service responder (or family member) and the offender both knows the victim is an emergency service responder (or family member) and had specific purpose to commit the offense against an emergency service responder (or family member).

The bill also adds new prohibitions to the offense of menacing. Under the bill, no person shall knowingly place or attempt to place another in reasonable fear of physical harm or death by displaying a deadly weapon, regardless of whether the weapon displayed is operable or inoperable, if the other person is an emergency service responder (or family member) and the offender both knows the victim is an emergency service responder (or family member) and had specific purpose to commit the offense against an emergency service responder (or family member). If the victim of the offense is an emergency service responder, the offense is a first-degree misdemeanor on a first offense, and a fourth-degree felony on subsequent offenses.

The bill defines “emergency service responder” to mean any law enforcement officer, first responder, emergency medical technician (basic, intermediate, and paramedic), firefighter, or volunteer firefighter.

Impeding public passage of an emergency services responder

SB 16 creates the offense of “unlawfully impeding public passage of an emergency services responder,” a first-degree misdemeanor. It provides that no person, without privilege to do so, shall recklessly obstruct any highway, street, sidewalk, or other public passage in such a manner as to render it impassable without unreasonable inconvenience or hazard, if both of the following apply:

- The obstruction prevents an emergency vehicle from accessing a highway or street, prevents an emergency service responder from responding to an emergency, or prevents an emergency vehicle or an emergency service responder from having access to an exit from an emergency.
- Upon receipt of a request or order from an emergency service responder to remove or cease the obstruction, the person refuses to remove or cease the obstruction.

Importuning

The offense of importuning (R.C. 2907.07) prohibits all of the following:

1. Under current law, soliciting a person who is less than 13 years old to engage in sexual activity with the offender, whether or not the offender knows the age of such person;
2. Under current law, soliciting another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is 18 years old or older and four or more years older than the other person, and the other person is 13 years old or older but less than 16 years old, whether or not the offender knows the age of the other person;
3. Under current law, soliciting another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is 18 years old or older and four or more years older than the other person, the other person is 16 or 17 years old and a victim of trafficking in persons, and the offender knows or has reckless disregard of the age of the other person;
4. **Newly created by the bill:** soliciting a person who is less than 16 years old to engage in sexual activity with the offender when the person who is less than 16 years old is substantially impaired because of a mental or physical condition;
5. Under current law, soliciting another by means of a telecommunications device to engage in sexual activity with the offender when the offender is 18 years old or older and either of the following applies:
 - a. The other person is less than 13 years old, and the offender knows that the other person is less than 13 years old or is reckless in that regard;
 - b. The other person is a law enforcement officer posing as a person who is less than 13 years old, and the offender believes that the other person is less than 13 years old or is reckless in that regard.
6. Under current law, soliciting another by means of a telecommunications device to engage in sexual activity with the offender when the offender is 18 years old or older and either of the following applies:
 - a. The other person is 13 years old or older but less than 16 years old, the offender knows that the other person is 13 years old or older but less than 16 years old or is reckless in that regard, and the offender is four or more years older than the other person;
 - b. The other person is a law enforcement officer posing as a person who is 13 years old or older but less than 16 years old, the offender believes that the other person is 13 years old but less than 16 years old or is reckless in that regard, and the offender is four or more years older than the age the law enforcement officer assumes in posing as the person who is 13 years old or older but less than 16 years old.

Penalties

The bill makes several changes to the penalties for some of the above-listed prohibitions.

Under existing law, a violation of (1), (3), or (4) above is a third-degree felony on a first offense, with a presumption for a term of imprisonment. The bill creates a mandatory prison term for a third-degree felony if, in addition to soliciting, the offender arranged to meet the other person for the purpose of engaging in sexual activity.

Under existing law, a violation of (2), (5), or (6) above is a fifth-degree felony on a first offense with a presumption for a term of imprisonment. For these offenses, the bill creates a mandatory F5 prison term if both of the following apply:

- The offender is ten or more years older than the other person, or, for a violation of (6)(b) above, a law enforcement officer posed as a person 13 years old or older but less than 16 years old and the offender is ten or more years older than the age the officer claimed to be

- The offender arranged to meet the other person for the purpose of engaging in sexual activity

Statute of limitations for conspiracy, attempt, complicity – murder/agg murder

The bill removes the statute of limitations for conspiracy, attempt, or complicity to commit murder or aggravated murder.

Voyeurism

The bill also makes several changes to the offense of voyeurism (R.C. 2907.08). Specifically, R.C. 2907.08 (B) and (C) prohibit the act, for the purpose of sexually arousing or gratifying one's self, of committing trespass or otherwise surreptitiously invading the privacy of another person or a minor to videotape, film, photograph, or otherwise record, spy, or eavesdrop on the other person or minor in a state of nudity. The bill modifies these elements as follows:

- Removes the requirement that the person act with the purpose of sexually arousing or gratifying the person's self, replacing it instead with the purpose to view the other person or minor's "private areas"
- Adds a "knowingly" mens rea
- Removes "invade the privacy of another" with language requiring the other person to be "in a place where [the] person has a reasonable expectation of privacy"
- Adds broadcasting and streaming to the list of prohibited actions, in addition to videotape, film, and photograph

The Ohio Senate passed the bill by a vote of 33-0 on June 2, 2021, and the House passed the bill by a vote of 58-20 on December 14, 2022. The Senate voted to concur in House amendments by a vote of 30-0 the same day.