

As Introduced

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H. B. No. 243

Representatives Letson, Burke

**Cosponsors: Representatives Baker, Chandler, Derickson, Domenick,
Gardner, Garland, Grossman, Hagan, Harwood, Huffman, McClain, Morgan,
Murray, Pillich, Stautberg, Stebelton, Stewart, Wagner, Williams, B., Yuko**

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A B I L L

To amend section 2921.04 of the Revised Code to 1
specify that the offense of intimidation of an 2
attorney, victim, or witness in a criminal case 3
also applies to delinquency cases and to any 4
attempt to influence, intimidate, or hinder a 5
witness to a criminal or delinquent act in the 6
discharge of the duty of a witness, and to 7
prohibit any attempt to influence, intimidate, or 8
hinder a victim, witness, or attorney through any 9
act of unlawful conduct. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2921.04 of the Revised Code be 11
amended to read as follows: 12

Sec. 2921.04. (A) No person shall knowingly attempt to 13
~~intimidate or~~ hinder the victim of a crime or delinquent act in 14
the filing or prosecution of criminal or delinquent child charges 15
or a witness ~~involved in~~ to a criminal ~~action or proceeding~~ or 16
delinquent act in the discharge of the duties of the witness. 17

(B) No person, knowingly and by force, ~~unlawful conduct,~~ or
~~by unlawful~~ an express or implied threat of harm to any person or
property, shall attempt to influence, intimidate, or hinder the
victim of a crime or delinquent act in the filing or prosecution
of criminal or delinquent child charges ~~or an attorney or,~~ a
witness to a criminal or delinquent act in the discharge of the
duty of a witness, or an attorney involved in a criminal or
delinquent child action or proceeding in the discharge of the
duties of the attorney ~~or witness~~.

(C) Division (A) of this section does not apply to any person
who is attempting to resolve a dispute pertaining to the alleged
commission of a criminal offense, either prior to or subsequent to
the filing of a complaint, indictment, or information, by
participating in the arbitration, mediation, compromise,
settlement, or conciliation of that dispute pursuant to an
authorization for arbitration, mediation, compromise, settlement,
or conciliation of a dispute of that nature that is conferred by
any of the following:

(1) A section of the Revised Code;

(2) The Rules of Criminal Procedure, the Rules of
Superintendence for Municipal Courts and County Courts, the Rules
of Superintendence for Courts of Common Pleas, or another rule
adopted by the supreme court in accordance with section 5 of
Article IV, Ohio Constitution;

(3) A local rule of court, including, but not limited to, a
local rule of court that relates to alternative dispute resolution
or other case management programs and that authorizes the referral
of disputes pertaining to the alleged commission of certain types
of criminal offenses to appropriate and available arbitration,
mediation, compromise, settlement, or other conciliation programs;

(4) The order of a judge of a municipal court, county court,

or court of common pleas. 49

(D) Whoever violates this section is guilty of intimidation 50
of an attorney, victim, or witness in a criminal case. A violation 51
of division (A) of this section is a misdemeanor of the first 52
degree. A violation of division (B) of this section is a felony of 53
the third degree. 54

(E) As used in this section: 55

(1) "Duty of a witness" includes, but is not limited to, 56
reporting a crime or delinquent act to a law enforcement agency, 57
cooperating with law enforcement officers and the prosecuting 58
attorney, and testifying in a court of law. 59

(2) "Unlawful conduct" means: 60

(a) Conduct that violates established criminal or civil law; 61

(b) Threatening to commit any offense; 62

(c) Uttering or threatening any calumny against any person; 63

(d) Exposing or threatening to expose any matter tending to 64
subject any person to hatred, contempt, or ridicule, to damage any 65
person's personal or business repute, or to impair any person's 66
credit; 67

(e) Instituting or threatening criminal proceedings against 68
any person; 69

(f) Taking, withholding, or threatening to take or withhold 70
official action, or causing or threatening to cause official 71
action to be taken or withheld. 72

(3) "Witness" means any person who has or claims to have 73
knowledge concerning a fact or facts concerning a criminal or 74
delinquent act, whether or not criminal or delinquent child 75
charges are actually filed. 76

Section 2. That existing section 2921.04 of the Revised Code 77

is hereby repealed.