

CHAPTER 537
Offenses Against Persons

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CROSS REFERENCES

See sectional histories for similar State law

Physical harm to persons defined - see GEN. OFF. 501.01(c), (e)

Fighting; provoking violent response - see GEN. OFF. 509.03

537.01 NEGLIGENT HOMICIDE.

(a) No person shall negligently cause the death of another by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

537.02 VEHICULAR HOMICIDE.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft or aircraft, shall negligently cause the death of another.

(b) Whoever violates this section is guilty of vehicular homicide, a misdemeanor of the first degree, if the offender has not previously been convicted of an offense under this section, Section 537.01 or Ohio R.C. 2903.05 or 2903.07. (ORC 2903.07)

537.03 ASSAULT.

(a) No person shall knowingly cause or attempt to cause physical harm to another.

(b) No person shall recklessly cause serious physical harm to another.

(c) Whoever violates this section is guilty of assault, a misdemeanor of the first degree. (ORC 2903.13)

537.04 NEGLIGENT ASSAULT.

(a) No person shall negligently, by means of a deadly weapon or dangerous ordnance as defined in Section 549.01 cause physical harm to another.

(b) Whoever violates this section is guilty of negligent assault, a misdemeanor of the third degree. (ORC 2903.14)

537.05 AGGRAVATED MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of such other person or member of his immediate family.

(b) Whoever violates this section is guilty of aggravated menacing, a misdemeanor of the first degree. (ORC 2903.21)

537.06 MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of such other person or member of his immediate family.

(b) Whoever violates this section is guilty of menacing, a misdemeanor of the fourth degree. (ORC 2903.22)

537.07 ENDANGERING CHILDREN.

(a) No person, being the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of such child, by violating a duty of care, protection or support. It is not a violation of a duty of care, protection or support under this subsection when the parent, guardian, custodian or person having custody or control of a child treats the physical or mental illness or defect of such child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(b) No person shall do any of the following to a child under eighteen or a mentally or physically handicapped child under twenty-one:

- (1) Torture or cruelly abuse the child;
- (2) Administer corporal punishment or other physical disciplinary measure, or physically restrain the child in a cruel manner or for a prolonged period, which punishment, discipline or restraint is excessive under the circumstances and creates a substantial risk of serious physical harm to the child;
- (3) Repeatedly administer unwarranted disciplinary measures to the child, when there is a substantial risk that such conduct, if continued, will seriously impair or retard the child's mental health or development.

(c) Whoever violates this section is guilty of endangering children, a misdemeanor of the first degree, if the violation of this section does not result in serious physical harm to the child involved, or if the offender has not previously been convicted of an offense under this section, Ohio R.C. 2919.22 or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child. (ORC 2919.22)

537.08 UNLAWFUL RESTRAINT.

(a) No person, without privilege to do so, shall knowingly restrain another of his liberty.

(b) Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree. (ORC 2905.03)

537.09 COERCION.

(a) No person, with purpose to coerce another into taking or refraining from action concerning which he has a legal freedom of choice, shall do any of the following:

- (1) Threaten to commit any offense;
- (2) Utter or threaten any calumny against any person;
- (3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt or ridicule, or to damage his personal or business repute, or to impair his credit;
- (4) Institute or threaten criminal proceedings against any person;
- (5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.

(b) Subsections (a)(4) and (5) hereof shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interests of justice:

- (1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to Ohio R.C. 2945.44;
- (2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which he is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence;
- (3) Imposing probation on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of his offense.

(c) It is an affirmative defense to a charge under subsection (a)(3), (4) or (5) hereof that the actor's conduct was a reasonable response to the circumstances which occasioned it, and that his purpose was limited to:

- (1) Compelling another to refrain from misconduct or to desist from further misconduct;
- (2) Preventing or redressing a wrong or injustice;
- (3) Preventing another from taking action for which the actor reasonably believed such other person to be disqualified;
- (4) Compelling another to take action which the actor reasonably believed such other person to be under a duty to take.

(d) Whoever violates this section is guilty of coercion, a misdemeanor of the second degree.

(e) As used in this section "threat" includes a direct threat and a threat by innuendo (ORC 2905.12)

537.10 TELEPHONE HARASSMENT.

(a) No person shall knowingly make repeated telephone calls to another in any of the following ways:

- (1) Anonymously;
- (2) At extremely inconvenient hours;
- (3) In offensively coarse language;
- (4) After reasonable request to desist.

(b) No person, with purpose to harass another, shall make a telephone call to such other person without purpose of legitimate communication.

(c) Whoever violates this section is guilty of telephone harassment, a misdemeanor of the first degree. (ORC 2917.21)

537.11 THREATENING OR HARASSING TELEPHONE CALLS.

(a) No person shall, while communicating with any other person over a telephone, threaten to do bodily harm or use or address to such other person any words or language of a lewd, lascivious or indecent character, nature or connotation for the sole purpose of annoying such other person; nor shall any person telephone any other person repeatedly or cause any person to be telephoned repeatedly for the sole purpose of harassing or molesting such other person or his family.

Any use, communication or act prohibited by this section may be deemed to have occurred or to have been committed at either the place at which the telephone call was made or was received. (ORC 4931.31)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.

537.12 PARTY LINES TO BE YIELDED IN EMERGENCIES.

(a) No person shall willfully refuse immediately to yield or relinquish the use of a party line to another person for the purpose of permitting such other person to report a fire or summon law enforcement agencies, ambulance service, medical or other aid in case of emergency.

No person shall ask for or request the use of a party line on the pretext that an emergency exists, knowing that no emergency exists.

As used in this section:

- (1) "Party line" means a subscriber's line telephone circuit to which two or more main telephone stations are connected, each station having a distinctive ring or telephone number.
- (2) "Emergency" means a situation in which property or human life is in jeopardy and in which prompt summoning of aid is essential. (ORC 4931.30)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree.

537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.

(a) No person shall do either of the following, knowing or having reasonable cause to believe that any person may suffer physical harm or be seriously inconvenienced or annoyed thereby:

- (1) Place a pin, needle, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection;
- (2) Furnish to any person any food or confection which has been adulterated in violation of subsection (a)(1) hereof. (ORC 3716.11)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 3716.99(C))

537.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)