



## LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

### Ohio Fact Sheet

## Intimidation

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Ohio's relevant law.

### Baldwin's Ohio Revised Code, § 2921.03 (second version)


(A) No person, knowingly and by force, by unlawful threat of harm to any person or property, or by filing, recording, or otherwise using a materially false or fraudulent writing with malicious purpose, in bad faith, or in a wanton or reckless manner, shall attempt to influence, intimidate, or hinder a public servant, party official, or witness in the discharge of the person's duty.

(B) Whoever violates this section is guilty of intimidation, a felony of the third degree.

(C) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.

### Definitions

***Baldwin's Ohio Revised Code, § 2921.01***



(A) "Public official" means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.

(B) "Public servant" means any of the following:

(1) Any public official;

(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;

(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

## Penalties

### ***Baldwin's Ohio Revised Code, § 12.1-32-01***

9-36 months and/or up to a \$10,000 fine

## Summary

A person is guilty of intimidation if he/she uses force or threatens harm to influence, intimidate, or hinder a public servant in his/her discharge of duty. Public servant includes any person performing a government function at the state or local level. If convicted, a person faces imprisonment up to 36 months and/or a fine of up to \$10,000.

## Template for Notifying Violators

**Below is a sample template for notifying individuals regarding their conduct relative to the code.**

**Baldwin's Ohio Revised Code, § 2921.03 (second version)** prohibits intimidating a public servant [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email threatening harm to the Ohio Governor for implementing a mask mandate.] *This may constitute a violation of § 2921.03 (second version) If convicted, you face up to 36 months imprisonment and/or a fine of up to \$10,000.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*