

NOTICE

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CHAPTER 636
Offenses Relating to Persons

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CROSS REFERENCES

See section histories for similar State law
 Vehicular homicide - see TRAF. 434.08
 Definitions generally - see GEN. OFF. 606.01
 "Physical harm to persons" defined - see GEN. OFF. 606.01(c)
 "Serious physical harm to persons" defined - see GEN. OFF. 606.01(e)
 Personal accountability for organizational conduct - see GEN. OFF. 606.09
 Minors - see GEN. OFF. Ch. 630
 Disorderly conduct - see GEN. OFF. 648.04
 Drug offenses - see GEN. OFF. 660.06 et seq.
 Sex related offenses - see GEN. OFF. Ch. 666
 Discrimination by lending institutions and insurers - see GEN. OFF.
 628.02(c) through (e)
 Discrimination in employment - see GEN. OFF. 628.02(f)
 Loitering - see GEN. OFF. 648.10
 Molesting or insulting persons - see GEN. OFF. 666.17

636.01 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 672.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02. (ORC 2903.05)

636.02 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) No person shall recklessly cause physical harm to another. (Ord. No. 3163-85. Passed 5-28-85.)

(d) Whoever violates section (a) or (b) of this section is guilty of assault, a misdemeanor of the first degree. Whoever violates section (c) of this section is guilty of reckless assault, a misdemeanor of the fourth degree. (Ord. No. 3163-85. Passed 5-28-85)

636.03 NEGLIGENT ASSAULT.

(a) No person shall negligently, by means of a deadly weapon or dangerous ordnance as defined in Section 672.01, cause physical harm to another.

(b) Whoever violates this section is guilty of negligent assault, a misdemeanor of the third degree. Punishment shall be as provided in Section 698.02. (ORC 2903.14)

✓ 636.04 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. Punishment shall be as provided in Section 698.02. (ORC 2903.21)

636.05 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. Punishment shall be provided in Section 698.02. (ORC 2903.22)

636.06 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. Punishment shall be as provided in Section 698.02. (ORC 2905.03)

636.07 CHILD STEALING.

(a) No person, by any means, and with purpose to withhold a child under the age of fourteen or mentally incompetent from the legal custody of his parent, guardian or custodian, shall remove such child from the place where he is found.

(b) It is an affirmative defense to a charge under this section that the actor reasonably believed that his conduct was necessary to preserve the child's health or welfare.

(c) Whoever violates this section is guilty of child stealing, a misdemeanor of the first degree, provided the offender is a natural or adoptive parent or a step-parent of the child, but not entitled to legal custody of the child when the offense is committed, and provided the violator has not removed the child from the State. Punishment shall be as provided in Section 698.02. (ORC 2905.04)

636.08 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) Subparagraphs (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) As used in this section, "threat" includes a direct threat and a threat by innuendo.

(e) Whoever violates this section is guilty of coercion, a misdemeanor of the second degree. Punishment shall be as provided in Section 698.02.

(ORC 2905.12)

636.09 ABUSE OF A CORPSE.

(a) No person, except as authorized by law, shall treat a human corpse in a way that he knows would outrage reasonable family sensibilities.

(b) Whoever violates this section is guilty of abuse of a corpse, a misdemeanor of the second degree. Punishment shall be as provided in Section 698.02.
(ORC 2927.01)

636.10 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; Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned not less than thirty days nor more than three months, or both. (ORC 4931.99(G))

636.11 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. (ORC 4931.31)

(b) 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.

(c) No person, with purpose to harass another, shall make a telephone call to such other person without purpose of legitimate communication. (ORC 2917.21)

(d) 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)

(e) Whoever violates subsection (a) hereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both.

(ORC 4931.99(H))

(f) Whoever violates subsection (b) or (c) hereof is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02.

(ORC 2917.21)

636.12 PLACING HARMFUL SUBSTANCE OR OBJECTS IN 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 subparagraph (1) hereof.

(ORC 3716.11)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02.

(ORC 3716.99(C))

636.13 ABUSE OF FAMILY.

(a) No person shall abuse his family. For the purpose of enforcing this section, it shall be lawful for the police to enter any dwelling or other structure to arrest any person violating the same. (Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section 698.02.