



ENACTMENT NEWS

House Bill 151

Menacing by stalking/telecommunications harassment

Effective August 16, 2016

On May 17, 2016, Governor Kasich signed into law H.B. 151 (Rep. Anielski), which expands the offenses of menacing by stalking and telecommunications harassment. The changes become effective on August 16, 2016.

“Menacing by stalking” expanded

Existing law (R.C. 2903.211) provides that a person is guilty of menacing by stalking if the person knowingly causes another to believe that the offender will cause physical harm to the other person, or if the offender causes mental distress to the other person. H.B. 151 expands this offense to also include causing someone to believe the offender will cause physical harm to a member of the other person’s family or household, which is defined in the bill.

Additionally, existing law prohibits using any electronic method of remotely transferring information to commit a menacing by stalking offense. H.B. 151 expands this prohibition to include using “any form of written communication” as well, and specifically includes a “telecommunication device” as such an electronic method of remotely transferring information. The bill provides that no person shall use such a method to either directly commit a menacing by stalking violation, or to urge or incite another to commit such a violation.

Telecommunications harassment

Under existing law (R.C. 2917.21), no person shall make a telecommunication with the purpose to harass or abuse another person, but only if the person fails first to identify himself or herself to the recipient of the telecommunication. H.B. 151 amends this so that a person is guilty of telecommunications harassment regardless of whether the caller identifies himself or herself. The offense is also extended to include “intimidating” another person via telecommunication. The bill also adds several activities to the list of what constitutes telecommunications harassment under R.C. 2917.21:

- Knowingly making a comment, request, suggestion, or proposal to the recipient of the telecommunication that is threatening, menacing, coercive, or obscene, with the intent to abuse, threaten, or harass
- Knowingly interrupting the telecommunication service of another without a lawful business purpose to do so
- Without a lawful business purpose, knowingly transmitting to any person a file, document, or other communication that prevents the person from using his or her telephone service or electronic communication device
- Knowingly making a false statement regarding the death, injury, disfigurement, reputation, indecent conduct, or criminal conduct of the recipient of a

telecommunication (or a family or household member of that person) with the purpose to abuse, threaten, intimidate, or harass

- Knowingly inciting a person, through a telecommunication, to harass or participate in the harassment of another person
- Knowingly alarming the recipient by making a telecommunication, without a lawful purpose, at an hour known to be inconvenient to the recipient and in an offensive or repetitive manner
- Knowingly posting a text or audio statement or an image on a web site for the purpose of abusing, threatening, or harassing another person.

Finally, H.B. 151 provides that the telecommunications-harassment prohibitions set forth in R.C. 2917.21 do not apply to a person solely because the person provided access to an electronic method of remotely transferring information not under that person's control, and also creates certain exceptions for employees of newspapers, magazines, or other media outlets.