

## CHAPTER 648

### Peace Disturbances

648.01	Riot.	648.05	Disturbing a lawful meeting.
648.02	Failure to disperse.	648.06	Misconduct at an emergency.
648.03	Justifiable use of force to suppress riot.	648.07	Inducing panic.
648.04	Disorderly conduct.	648.08	Making false alarms.
		648.09	Inciting to violence.

### CROSS REFERENCES

See section histories for similar State law

Power to regulate peace disturbances - see Ohio R.C. 715.49

Cordoning off riot areas; prohibiting sales of firearms and explosives - see Ohio R.C. 3761.16

Suspension of beer and liquor sales during emergency - see Ohio R.C. 4301.251

Riot and civil disorder assistance by State Highway Patrol - see Ohio R.C. 5503.02

"Peeling"; cracking exhaust noises - see TRAF. 432.35

Sirens, whistles and bells on motor vehicles - see TRAF. 438.20

Noisy mufflers - see TRAF. 438.21

Definitions generally - see GEN. OFF. 606.01

"Deadly force" defined - see GEN. OFF. 606.01

"Force" defined - see GEN. OFF. 606.01

Resisting arrest - see GEN. OFF. 606.15

Interfering with civil rights - see GEN. OFF. 606.20

Detention of shoplifters and those committing motion picture piracy - see GEN. OFF. 606.23

Liquor sale to intoxicated person - see GEN. OFF. 612.03

Barking or howling animals - see GEN. OFF. 618.07

Assault - see GEN. OFF. 636.02, 636.03

Menacing - see GEN. OFF. 636.04 et seq.

Desecration - see GEN. OFF. 642.07

Arson - see GEN. OFF. 642.09

Trespass - see GEN. OFF. 642.12, 642.125

Pointing and discharging firearms and other weapons - see GEN. OFF. 672.09

Fireworks - see GEN. OFF. 672.10

#### 648.01 RIOT.

(a) No person shall participate with four or more others in a course of disorderly conduct in violation of Ohio R.C. 2917.11 or a substantially equivalent municipal ordinance:

- (1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;

- (2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede, or obstruct a function of government;
- (3) With purpose to hinder, impede, or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at the institution.

(b) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though the act might otherwise be lawful.

(c) Whoever violates this section is guilty of riot, a misdemeanor of the first degree. (ORC 2917.03)

(d) For the purposes of prosecuting violations of this section, the prosecution is not required to allege or prove that the offender expressly agreed with four or more others to commit any act that constitutes a violation this section prior to or while committing those acts.

(ORC 2917.031)

*Statutory reference:*

*Aggravated riot, felony provisions, see Ohio R.C. 2917.02*

#### 648.02 FAILURE TO DISPERSE.

(a) Where five or more persons are participating in a course of disorderly conduct in violation of Ohio R.C. 2917.11 or a substantially equivalent municipal ordinance, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance, or alarm, a law enforcement officer or other public official may order the participants and the other persons to disperse. No person shall knowingly fail to obey the order.

(b) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

- (c) (1) Whoever violates this section is guilty of failure to disperse.
  - (2) Except as otherwise provided in division (c)(3) of this section, failure to disperse is a minor misdemeanor.
  - (3) Failure to disperse is a misdemeanor of the fourth degree if the failure to obey the order described in division (a) of this section creates the likelihood of physical harm to persons or is committed at the scene of a fire, accident, disaster, riot, or emergency of any kind.
- (ORC 2917.04)

#### 648.03 JUSTIFIABLE USE OF FORCE TO SUPPRESS RIOT.

A law enforcement officer or firefighter engaged in suppressing a riot or in protecting persons or property during a riot:

- (a) Is justified in using force, other than deadly force, when and to the extent he or she has probable cause to believe such force is necessary to disperse or apprehend rioters;
- (b) Is justified in using force, including deadly force, when and to the extent he or she has probable cause to believe such force is necessary to disperse or apprehend rioters whose conduct is creating a substantial risk of serious physical harm to persons.  
(ORC 2917.05)

#### 648.04 DISORDERLY CONDUCT.

(a) No person shall recklessly cause inconvenience, annoyance, or alarm to another, by doing any of the following:

- (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
- (2) Making unreasonable noise or an offensively coarse utterance, gesture, or display, or communicating unwarranted and grossly abusive language to any person;
- (3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response;
- (4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;
- (5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.

(b) No person while voluntarily intoxicated shall do either of the following:

- (1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if he or she were not intoxicated, should know is likely to have such effect on others;
- (2) Engage in conduct or create a condition that presents a risk of physical harm to himself, herself or another, or to the property of another.

(c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse is not a violation of division (b) of this section.

(d) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that the person is voluntarily intoxicated for purposes of division (b) of this section.

- (e) Whoever violates this section is guilty of disorderly conduct.
- (1) Except as otherwise provided in division (e)(2) of this section, disorderly conduct is a minor misdemeanor.
  - (2) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:
    - A. The offender persists in disorderly conduct after reasonable warning or request to desist.
    - B. The offense is committed in the vicinity of a school or in a school safety zone.
    - C. The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.
    - D. The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.
- (f) As used in this section:
- (1) "Committed in the vicinity of a school" has the same meaning as in Ohio R.C. 2925.01.
  - (2) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
  - (3) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
  - (4) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.  
(ORC 2917.11)

#### 648.05 DISTURBING A LAWFUL MEETING.

(a) No person, with purpose to prevent or disrupt a lawful meeting, procession, or gathering, shall do either of the following:

- (1) Do any act which obstructs or interferes with the due conduct of the meeting, procession, or gathering.
- (2) Make any utterance, gesture, or display which outrages the sensibilities of the group.

(b) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree.  
(ORC 2917.12)

#### 648.06 MISCONDUCT AT AN EMERGENCY.

(a) No person shall knowingly do any of the following:

- (1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;

- (2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;
- (3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.

(c) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this division, misconduct at an emergency is a misdemeanor of the fourth degree. If violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(d) As used in this section:

- (1) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
- (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
- (3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.  
(ORC 2917.13)

#### 648.07 INDUCING PANIC.

(a) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

- (1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false.
- (2) Threatening to commit any offense of violence.
- (3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(b) Division (a)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.

- (c) (1) Whoever violates this section is guilty of inducing panic.
- (2) Except as otherwise provided in division (c)(3), inducing panic is a misdemeanor of the first degree.
- (3) If a violation of this section results in physical harm to any person, inducing panic is a felony to be prosecuted under appropriate State law. If a violation of this section results in economic harm of one thousand dollars (\$1,000) or more, inducing panic is a felony to be prosecuted under appropriate State

law. If the public place involved in a violation of division (a)(1) is a school or an institution of higher education, inducing panic is a felony to be prosecuted under appropriate State law. If a violation of this section pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony to be prosecuted under appropriate State law.

- (d) (1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.
  - (2) Any act that is a violation of this section and any other section of the Ohio Revised Code or these Codified Ordinances may be prosecuted under this section, the other section, or both sections.
- (e) As used in this section:
- (1) "Biological agent" has the same meaning as in Ohio R.C. 2917.33.
  - (2) "Economic harm" means any of the following:
    - A. All direct, incidental and consequential pecuniary harm suffered by a victim as a result of the criminal conduct. "Economic harm" as described in this division includes but is not limited to all of the following:
      - 1. All wages, salaries or other compensation lost as a result of the criminal conduct;
      - 2. The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
      - 3. The overhead costs incurred from the time that a business is shut down as a result of the criminal conduct;
      - 4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
    - B. All costs incurred by the State or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Ohio R.C. 2917.32, or any substantially equivalent municipal ordinance, including but not limited to all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the State or the political subdivision.
  - (3) "Emergency medical services personnel" has the same meaning as in Ohio R.C. 2133.21.



- (4) "Institution of higher education" means any of the following:
  - A. A State university or college as defined in Ohio R.C. 3345.12(A)(1), community college, State community college, university branch, or technical college;
  - B. A private, nonprofit college, university or other post-secondary institution located in this State that possesses a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713;
  - C. A post-secondary institution with a certificate of registration issued by the State Board of Career Colleges and Schools pursuant to Ohio R.C. Chapter 3332.
- (5) "School" means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.
- (6) "Weapon of mass destruction" means any of the following:
  - A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or other precursors;
  - B. Any weapon involving a disease organism or biological agent;
  - C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;
  - D. Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:
    - 1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
    - 2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division D.1. of this definition and from which an item or device described in that division may be readily assembled.

(ORC 2917.31)

#### 648.08 MAKING FALSE ALARMS.

- (a) No person shall do any of the following:
  - (1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm.

- (2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property.
- (3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that the offense did not occur.

(b) This section does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of making false alarms. Except as otherwise provided in this division, making false alarms is a misdemeanor of the first degree. If a violation of this section results in economic harm of one thousand dollars (\$1,000) or more, making false alarms is a felony to be prosecuted under appropriate State law. If a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony to be prosecuted under appropriate State law.

- (d) (1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.
- (2) Any act that is a violation of this section and any other section of the Ohio Revised Code or these Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section, "economic harm" and "weapon of mass destruction" have the same meaning as in Ohio R.C. 2917.31.  
(ORC 2917.32)

#### 648.09 INCITING TO VIOLENCE.

(a) No person shall knowingly engage in conduct designed to urge or incite another to commit any offense of violence when either of the following apply:

- (1) The conduct takes place under circumstances that create a clear and present danger that any offense of violence will be committed.
- (2) The conduct proximately results in the commission of any offense of violence.

(b) Whoever violates this section is guilty of inciting to violence. If the offense of violence that the other person is being urged or incited to commit is a misdemeanor, inciting to violence is a misdemeanor of the first degree. If the offense of violence that the other person is being urged or incited to commit is a felony, inciting to violence is a felony to be prosecuted under appropriate State law.  
(ORC 2917.01)