

636.05 MENACING.

(a) Definition for purposes of this section:

(1) "Public employee" means any person holding a position by appointment or employment in the service of a public employer.

(2) "Utility worker" means an employee of a person or entity whose primary responsibility is the operation or maintenance of a utility, whether employed by a public or private employer.

(3) "Utility" means an entity that provides gas, electric, steam, water, sewage, communication services, or cable and broadband services, whether publicly or privately owned.

~~(a)~~ **(b)** No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. In addition to any other basis for the other person's belief that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family, the other person's belief may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

~~(b)~~ **(c)** Whoever violates this section is guilty of menacing. Except as otherwise provided in this division ~~(b)~~ **(c)** menacing is a misdemeanor of the fourth degree. If the victim of the offense is an ~~officer~~ **public employee, utility worker,** or employee of a public children services agency or a private child placing agency and the offense relates to the ~~officer's~~ **public employee's, utility worker's** or employee's performance or anticipated performance of official responsibilities or duties, menacing is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an ~~officer~~ **a public employee, utility worker,** or employee of a public children services agency or private child placing agency, and that prior offense related to the ~~officer's~~ **public employee's, utility worker's** or employee's performance or anticipated performance of official responsibilities or duties, a felony to be prosecuted under appropriate State law.

(d) Any person convicted of menacing a public employee, utility worker, or employee of a public children services agency or private child placing agency under section (c) of this ordinance shall receive a mandatory jail sentence of at least three (3) days, which shall not be suspended and during which mandatory minimum jail term the defendant shall not be eligible for any form of early release, house arrest, or work release.

~~(c)~~ As used in this section, "Organization" includes an entity that is a governmental employer.

