

Opponent Testimony: SB 33
Ohio House Public Utilities Committee
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Chairman Callender, Vice Chair Wilkin, Ranking Member Smith and members of the House Public Utilities Committee,

We are master's level social work students at Case Western Reserve University writing to give our opposition to Senate Bill 33. As students, activists, young people, Ohioans, and future leaders, we are concerned with the threat that senate bill 33 presents to the right to peaceful protest. Many other individuals and groups have spoken to the effect that SB 33 will have on their organizations, environmental work, and causes. We would like to bring forward a student and youth perspective on the impact that SB 33 could have on our future careers in advocacy, and our free speech and constitutional rights.

The first amendment is colossally necessary to protect our American democracy, and free speech was a primary ideal in which our nation was founded upon. Included within the first amendment is the right to peacefully protest. If SB 33 were to pass, free speech and peaceful protesting would suffer. SB 33 proponents claim that the bill is simply a protection of private property rights, but ignore the fact that trespassing and vandalism are already covered under existing Ohio state laws. We agree that private property rights must be protected, but believe current laws already provide adequate property protection.

SB 33 proposes a hyper criminalization of such issues far beyond what is constitutionally just punishment. To charge an individual with a felony is incongruent to a minor crime such as trespass or petty vandalism. This penalty is unconstitutional, and it would be a waste of time and our limited funds to pass a bill that would only be challenged in court and overturned, as a similar bill was in South Dakota. Additionally, any organization who is viewed as providing support to an individual can be charged with up to a \$100,000 fine. Organizations cannot be held responsible for the acts of individuals, and this exorbitant fine would put a large burden on nonprofits and faith-based organizations. Because of these individual and organizational penalties, as student advocates, we do not believe a bill such as SB 33 should be anywhere near a priority for Ohio when we have much more pressing issues that reflect constituents concerns rather than corporate whims.

If SB 33 were to pass, police forces would be forced to divert scarce resources to enforce a law that has little to do with public safety concerns. Additionally, the increased incarceration of nonviolent citizens of Ohio would only further burden the capacity of our already crowded criminal justice system. Ohioans tax dollars are utilized best towards funding a police presence that protects their public safety, not one that criminalizes nonviolent free speech.

Additionally, the specifically vague rhetoric used within the bill is of particular concern. "Critical infrastructure" is an expansive and encompassing term that includes everything from telephone poles to fracking sites. This vague language could pave the way for industries to use the bill to claim that landowners are "impeding" their commercial interests. SB 33 could set a

dangerous precedent with implications that reach much farther than environmental activism concerns.

As masters level students preparing for careers in advocacy and social justice work, the social work code of ethics has put us particularly in tune with the needs of disenfranchised populations, and we are especially concerned with protecting the right for citizens to be able to voice their concerns in nonviolent and peaceful forms of free speech. At a time of climate catastrophe, we must protect the right to nonviolent protest.

Senate Bill 33 is not simply a bill to protect private property rights. SB 33 poses a threat to our constitutional rights. As students, advocates, and Ohioans, we ask you to not support SB 33.