

Chair LeRe, Vice Chair Swearingen, Ranking Member Leland. I appreciate the opportunity to testify today on HB 22, a bill that expands the offense of obstructing justice.

My name is David Lima, a resident of Mentor, Ohio and a member of Showing Up for Racial Justice, Northeast Ohio Chapter.

HB 22, if passed, will have a chilling effect on peaceful protesting. I participate in peaceful protests and my organization, SURJ, from time to time sponsors and co-sponsors such events. We consider the language in this bill is overly broad, vague and, when coupled with police officer discretion, threatens my and others 1st Amendment rights to speak and assemble. We fear this bill will criminalize and silence speech. Speaking out about social injustices is a tradition well known in Ohio and this country. Without it women would not have the right to vote. The civil rights of minority groups would not have become the law of the land without the civil rights movement of the 1960's. Protesting has been an integral part of securing constitutional rights previously denied. HB 22, if adopted, will limit the constitutional rights of Ohioans.

I am aware of previous testimony concerning vague language

contained in this bill and testimony from Mr. Michael Weinman, Director of Governmental Affairs, Fraternal Order of Police Ohio. He said that the police will not use this law to violate peaceful protesting and the 1st Amendment rights of protesters. But how can we be sure? A law that defines crime in vague terms is likely to raise due process issues and threatens our 1st Amendment rights.

We don't want to have to guess about the meaning of “obstructing justice” and we don't want police officers guessing. We want an ordinary person to understand what is prohibited and what is not. We do not want police officers making arbitrary decisions resulting in the violation of 1st Amendment protections. We don't want officers making arrests based on whether he or she “feels” that his or her duties have been inhibited, restricted, deprived, annoyed, harassed or distracted? Do we know and does the officer know what behavior is exactly prohibited in this bill? Are explicit standards provided for in this bill? We fear this is not the case and that protesters and sponsors of protests will steer far and wide away from the “unlawful zone” that this bill seeks to create. We know that overly broad statutes allow officials to enforce laws selectively and in ways that favor some and disfavor others. The response of law enforcement in Portland, Oregon and at the US Capital are examples

of selective enforcement. Speakers at peaceful protests must not be saddled with the fear that they may be subsequently convicted for violating the statute the speakers did not believe covered their speech.

When an officer is performing his or her duties they make decisions about what to do and how to react. Discretion allows each officer to interpret applicable laws and act upon them. The problem is that HB 22 does not cover every potential situation. It can lead officers to believe they have unlimited authority. Discretion like this can put the law abiding public at risk and gives the officers the “benefit of the doubt”.

HB 22 is unnecessary and more importantly, threatens the 1st Amendment rights of peaceful protesters like me and sponsors of protests like SURJ. I and SURJ urge the rejection of HB 22.