

Chair LeRe, Vice Chair Swearingen, Ranking Member Leland and members of the Criminal Justice Committee:

Thank you for hearing me today. I am the Rev Joan VanBecelaere, Executive Director of Unitarian Universalist Justice Ohio, an organization that offers social justice education and training for all Ohio Unitarian Universalists and our partner groups throughout Ohio. I want to speak in opposition to HB 22.

Recent research at the University of Virginia shows that we humans tend to try to solve problems by adding complexity, even when it is against our own interest, rather than trying to simplify the situation: more meetings, more forms, more systems, more code and so on. In the case of public safety issues, we typically create more laws instead of seeking other less costly and simpler remedies. In the case of HB 22, I don't believe we are asking whether creating these new laws really addresses the causal issues or not. And we risk unintended consequences and unexpected complications when we create vague laws that may interfere with our constitutional rights of free assembly and speech.

The bill addresses the issue of distraction during an arrest – like the distraction created by bystanders that call or shout when they witness an arrest. The bill would prohibit bystanders from crying out like they did when they witnessed the murder of George Floyd. It would make it a criminal offense to shout at an officer when someone sees something that appears to be unreasonable use of force or an unjust action.

But many people have moral values that demand they cry out when they see something that is not right, not just. By criminalizing their cries, you are setting the stage for unintended complications and lawsuits over First Amendment rights. The late Representative John Lewis wrote about our right to public moral speech when he said: "When you see something that is not right, not fair, not just, you have to speak up. You have to say something; you have to do something." People will speak up and say something and rightly claim their First Amendment rights to do so. Creating a vague law to stop them will result in multiple court battles and legal complexities. And it does nothing to improve police procedures or relationships with the larger community.

Another problem noted in this bill is the act of throwing unnamed undefined substances or objects at police to annoy, harass or distract them during the exercise of their duties. We are not talking about assault here, since we already have laws that prohibit that act. If I were to go out and throw rocks at an officer, or throw chunks of ice or strike an officer, I will be arrested for some form of assault. The question is: what kinds of substances are we talking about that might annoy, harass or distract?

I understand that officers directing traffic or providing security at pride or mardi gras parades may be annoyed by the confetti, beads, glitter and water pistols used at such events. I know I have found myself getting rather annoyed when parade participants start using water pistols. But I am not hurt, and this is not assault.

If we make a law to prohibit annoyance by undefined and unknown substances, we are again headed toward lawsuits and legal complexities; especially given the highly subjective nature of deciding whether an object or substance is annoying or distracting enough to be a criminal offense. How do we measure this standard of personal annoyance?

Senate President Matt Huffman recently said that lawmakers "need to be cautious about creating new crimes and enhancing penalties" And Professor Kimberly Wehle of the University of Baltimore School of Law writes that "The story of law enforcement in America has always come down to two competing interests: public safety and the safety of officers on one hand, and the constitutional rights of individual citizens on the other. Tamping down on the latter indiscriminately (that is, the rights of citizens) is hardly the way out of the thorny problem of contemporary policing."

HB 22 is vague and ill-defined. Ohio will face multiple expensive court challenges and legal challenges if this should become law. I ask you to please vote against HB 22.

University of Virginia Research

Adams, G.S., Converse, B.A., Hales, A.H. *et al.* People systematically overlook subtractive changes. *Nature* **592**, 258–261 (2021). <https://doi.org/10.1038/s41586-021-03380-y>

Christopher Ingraham. "Humans solve problems by adding complexity, even when it's against our best interests." *Washington Post*. April 16,(2021).