

Dear Members of the House Criminal Justice Committee,

I write in opposition to HB22. This bill is fundamentally unnecessary and on its face, therefore, its function is to intimidate and inhibit protest that is lawful.

It is unnecessary and redundant because it seeks to further criminalize actions that are already illegal under Ohio law, such as throwing objects at a police officer, assaulting an officer and obstructing an officer's arrest and detention of a suspect.

Since Ohio law already addresses these unlawful actions, one must ask why HB22 is needed. The answer appears to be that it is meant to inhibit constitutionally-protected protest.

HB22's preemptive chill comes about by way of open-ended language that creates uncertainty as to what activities will be censured and subject to penalties.

The proposed legislation further criminalizes failure to follow a police officer's "lawful order," for example, without stating or clarifying what is meant by "lawful" and what is meant by "order." Were a police officer's comments to protestors a suggestion or an order? If an order by an officer to disperse a crowd, was the order delivered such that members of the crowd were aware of it and could act accordingly? In this obscurity rests great latitude for subjective interpretation by law enforcement, for unwarranted arrests of peaceful protestors, and for what is the typical deference by courts to the narrative of police officers in contested situations.

Other language in HB22 criminalizes actions that "inhibit" an officer from "control of a subject or detainee." Again, obscurity: What is meant by "inhibit." The law leaves the definition a blank, to be filled in by the interpretation of police and prosecutors.

In sum, HB22 is a vague and unnecessary complexity thrown into existing Ohio law that, if enacted, would function not as protection for police during protests, but rather as an assault on the First Amendment free speech rights that are the foundation of our civil society.

Thank you for consideration of this testimony. Attached please find the committee witness testimony form.

sincerely,

Alison Grant