

Chair LeRe, Vice Chair Swearingen, Ranking Member Leland, Committee Members. I appreciate the opportunity to testify today on HB 109, a bill to amend certain sections of the Revised Code to increase penalties for certain assault, vandalism, and riot offenses, to allow peace officers to bring civil suits against a person participating in a riot, and to prohibit bias motivated intimidation of first responders.

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

HB 109, 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. I am concerned about many of the provisions of this bill but will focus on just one – the liability and penalties proposed for organizations who sponsor protests.

Specifically, this bill is proposing treble damages to be assessed to organizations should violations of the law occur. Civil action can be brought against the responsible party and against any organization that provided material support or resources to the responsible party if various sections of the Revised Code are violated. HB 109 states that an organization that provides material support or resources with

the purpose that the material support or resources will be used in whole or in part to plan, prepare, carry out, or aid in conduct that creates liability IS RESPONSIBLE FOR THAT CONDUCT and liable to the peace officer in treble the amount of damages sustained as a result of the conduct. The material support and resources definition found in Section 2909.21 – Terrorism definitions - is adopted in HB 109. As you are probably aware the section 2923.31 (I) (6), material support and resources, has been removed from from SB 16. I can assure you that SURJ and other organizations engaged in the pursuit of racial and social justice are not a terrorist organizations and do not engage in terrorism.

This provision assumes organizations have the ability to predict the future, are able to predict the unpredictable. It assumes that any misbehavior of protesters is foreseeable. This provision also assumes the organization knows all participants who chose to join the action. This includes those who join the protest with the purpose of engaging in criminal behavior designed to put the organization at risk of liability.

Let me offer a realistic example. SURJ decides to sponsor a protest or rally to speak against a perceived injustice. SURJ describes the event as a peaceful protest and and establishes lawful rules of conduct for participants. They offer and pay for child care services for those wanting to join the protest or they provide a PA system or

bullhorns for use in the protest. Something goes wrong. Criminal behavior occurs violating the rules SURJ expressed and publicized. Or the police initiate force rather than using deescalation actions as happened in Cleveland on May 30th. There's push back. The situation deteriorates. SURJ could be charged with providing material support, child care services, and, if convicted, assessed treble damages. How provisions of this bill will be interpreted by law enforcement officers and the courts is unknown creating uncertainty among organizations. This bill creates uncertainty – a very effective way of curtaining human behavior and, in this case, discouraging the exercise of our civil liberties and the right of the people to petition their government for redress of grievances through peaceful protest and assembly.

HB 109 threatens organizations like SURJ with unwarranted liability and outlandish penalties. I and SURJ urge the rejection of HB 109.