

House Criminal Justice Committee
Opponent Testimony/Written Only
House Bill 109

Arlene Schler /June 23, 2021

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

Thank you for this opportunity. I am Arlene Schler, a registered voter and a resident of Cleveland. I want to speak in opposition to HB109; the bill should not be passed out of Committee.

House Bill 109 is flawed because it unnecessarily creates new ill-defined crimes like “harassment” in a place of public accommodation and supports enhancing penalties to 3rd, 4th, or 5th degree felonies for existing actions of riot and vandalism. What is so disturbing about HB 109 (and HB 22) is the intent to expand the law enforcement and prosecutorial net by branding more Ohioans as felons. 9.4% of all bills introduced by Ohio legislators during the 133rd General Assembly created new crimes, enhanced existing sentences, or expanded current criminal laws. HB109 in the 134th General Assembly follows the Ohio Legislative tradition of creating a statehouse to prison pipeline. Felony convictions track Ohioans through the labor and housing markets and the right to vote. HB109 creates a new class of felons based on their actions during a protest which is a protected First Amendment activity.

A member of your own Assembly cautioned that lawmakers “need to be cautious about creating new crimes and enhancing penalties” especially given the lifelong consequences that come from a felony conviction.

The sponsors of HB109 say they want to protect police and hold people accountable, but HB109 contradicts the facts about riots. The *Cleveland Plain Dealer* in July 2020 investigated the 2020 riots in downtown Cleveland and found that “Yes, the crowds were aggressive but were a largely peaceful crowd, until police began firing upon it.” This finding supports what three federal commissions between 1967 and 1976 found in investigating protests and riots: “All found that police wearing so-called “riot gear” or deploying military-style weapons and tear gas led to the same kind of violence police were supposed to prevent.”

To protect the police and protestors the direction and tone of Criminal Justice bills must change. Criminal Justice bills should focus on bringing together law enforcement and the communities they are sworn to protect. Please introduce legislation that supports training the police in de-escalation strategies and protest management policies. Engage community organizers and civil rights attorneys in crafting these policies. Do **not** pass HB109 out of committee.

Respectfully,

Arlene Schler