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Dayton, Ohio 45403

May 5th, 2021

Representative LaRe, Chair, Criminal Justice Committee
Ohio House of Representatives
Riffe Center
77 S. High Street
Columbus, OH 43266

Chair LaRe, Vice Chair Swearingen, Ranking Member Leland, Honorable Members of the Criminal Justice Committee:

My name is Mark Dennis Fritz and I am a constituent of Representative Plummer in Dayton. I write to you to give testimony as a proponent for H.B. No. 22. I have had the liberty to watch the last consideration of the bill by the committee, as recorded on April 22nd, and can see that there is strenuous antagonism against it. I wish to give my thoughts about it, in hopes the committee will consider my attempts at assisting the legislative process in moving this bill forward. I offer some proposal of amendment to the bill, to help it meet the needs of Ohioans while it also better protects the needs of Ohio's public servants so charged with upholding the laws of Ohio. To that end, I hope to have your full attention.

H.B. No. 22 is of dire necessity, as the recent events of the trial of former Minneapolis police officer Derek Chauvin has proved that there are many whom see only the things they wish to see and either do not or cannot see the grander picture of circumstance and collaboration happening behind the scenes of such publicly discussed subjects. While the trial concerned only the actions of one person, the conviction of the defendant spells great influence already being felt across the nation and the world. Without H.B. No. 22, there will be a growing number of aggressive actors inside Ohio, attempting to force police actions to be more and more antagonistic. The hidden agenda that is easily seen by many, but obfuscated by words of "peaceful protest", can easily be noticed when examined in light of recent opponent testimony that "a price has been being paid for some time." What is being said by such testimony is the notion that violence against the police, happening today, is the natural result of perceived crimes from decades past and, therefore, justified and reasonably expected. It advocates violence by proposing its justification, despite the repetitive call to "peaceful protest."

Without H.B. No. 22, police officers in Ohio will have less and less confidence to trust the law to protect them, as they take on the life risking duties to which they have sworn oaths to fulfill. Already, in Dayton alone, 15 police officers have retired since Derek Chauvin was arrested. While some consideration of age and change in lifestyle could account for some, 15 retirements in such a short time-frame is dramatic and was of important enough note to be discussed on local news. I, personally, cannot blame such police officers for choosing to retire; in fact, I expect more to follow, if H.B. No. 22 is not passed.

While watching the April 22nd series of testimonies concerning this bill, I took note that there is a racially motivated bias being levied against the police. Multiple persons associated with the National Association for the Advancement of Colored People spoke against the bill, citing personal opinion and referencing historical events as grounds to dismiss the need for the bill to be passed. Others proposed that the bill was designed to deter protest actions, outright, and create a sense of fear for anyone who

desires to speak against the government. Elder Larry Price mentioned multiple times that he knew the legislative process from personal experience, but all responses he gave, when asked for specific points of advice, were obfuscated by a set rhetoric that distilled down to "the police are bad and have been bad and there should be no one allowed to get in the way of people getting their revenge." This was not his exact words, but no amount of repeating the words "peaceful protest" could prevent a person of a truly liberal, reasoned mind to understand that his responses were designed to obfuscate the outright promotion of such an agenda.

But that is beside the point, as horrific a point it is on its own.

H.B. No. 22 meets the needs of law enforcement immunity from criminal punishment for fulfilling the oath associated with the position, by specifically identifying acts of civilian sabotage, against the police, as criminal behavior. To that end, I propose some amendments, so that no doubt can be contemplated about the true intent and the limits, thereof, regarding the amended forms of obstruction of justice within the bill. These proposals are not intended to create a police state that destroys democracy, but rather to solidify the power of the Republic of Ohio to enforce its laws and allow all persons to be equally and equitably protected by them.

Below are my proposals:

At line 41, after "officer" insert, ", to include announcing the possession of a deadly weapon or proficiency in a deadly art of skill or tactic followed by aggressive behavior as to be reasonably considered an announcement of possessing deadly force and aggressively utilizing such deadly force;"

This change allows for the consideration of a perceived unarmed person to be considered a lethal threat despite being unarmed, specifically when the person announces their training or possession of a deadly weapon and then acts aggressively.

At line 48 to 51, change the reading to be "(c) Without the consent of the law enforcement officer, enters a space around the law enforcement officer in such a manner as to block the law enforcement officer from reaching a person outside of the area or block the law enforcement officer from reaching a person outside of the area by the placement of an object or substance;

(d) While not holding legal authority and/or qualification to do so, dictate advice and/or give orders to the law enforcement officer."

This change fixes grammar and allows easy interpretation of the intended meaning of clause (c), and provides a specific circumstance of behavior to be considered obstruction of justice by any persons not legally authorized to give orders or unrequested advice to law enforcement officers in the course of their duties.

At line 112 to 114, change the reading to be "(b) If a violation of division (B) or (C) of this section causes, or results in, severe injury, or death, to any person, as determined by a licensed medical physician, a felony of the fifth degree."

This change prevents the vague meaning of "physical harm" from being used and incorporates language to match the intent behind the bill and prevents unwarranted but legally required application of a felony charge for an act that could otherwise be considered a misdemeanor or lesser offense, in the original proposed language.

At line 4 of AM_134_1087, in place of the period insert, ", unless such use of video or audio recording equipment is otherwise prohibited by law."

This change prevents law enforcement from being prohibited from censoring certain activities that are of necessity to censor, without breaching this clause. It has been for decades a necessary step in certain police actions to censor the public from certain matters and no law passed by the General Assembly should limit the ability of police to enact such necessary censorship in the rare event of need.

I am hopeful that the proposed amendments will be considered and put into the bill. As it is clearly seen from recent events, common citizens are being urged to interfere and "advise" police officers in aggressive ways. While it is important to uncover and prove malfeasance in government, if it is witnessed, the manner in which citizens are being urged to do so is tantamount to reckless rebellion. It is crucial that the law enforcement officers of Ohio have the protection of law against bad actors that are so dangerous as to formulate effective means of dissent against the police themselves all while proclaiming "peaceful protest."

A final point of importance I wish to raise is that of the right to protest. No where in the US Constitution does it grant the right to "protest." Instead, the rights of the first amendment are specific and limited to the Congress. In it it says, "Congress shall make no law [...] abridging the freedom of speech, or of the press; of the right of the people peaceably to assemble, and to petition the government for a redress of grievances." No law can be passed to abridge these freedoms, as we all know from elementary education onward. However, the police are not law makers, they are executive authorities and sometimes, as hard as it is to stomach, freedoms are restricted to meet the circumstances of the real world. Just as criminals have no defense to attack the police when they commit a crime, so too do members of society hold no defense to attack the police to exercise a freedom to petition the government through peaceable assembly.

I have heard so many references to Dr. Martin Luther King Jr., throughout my life. One thing I have learned and will not forget is that Dr. Martin Luther King Jr. was adamant about who could march for the cause he led. He did not entertain extremist, because he knew the danger that violent actors could pose to the entire march that changed the world. Today's organizations are not so cunning as Dr. Martin Luther King Jr. They do not require those who attend their rallies to be checked for proper character or for extremist allegiance. They do not do their due diligence to guarantee that only peaceable actions will be had at their gatherings.

One lesson I learned while attending school and, most especially, when I participated in marching band events, was that of collective responsibility. If any member of the classroom or the band misbehaved, the entire class or band suffered consequence. This collective responsibility bred collective trust that any one member of the class or band would behave or suffer the sneers of the rest for that member's poor choices.

This lesson is vacant among today's generation of liberal extremist organizations. They feel it is only the responsibility of the individual to control the individual and that others are, solely, responsible for their own behavior. They do not understand that if they cry out foul to the point the referee chooses to ignore the game altogether, there is only butchery to be had. Without law and order there is anarchy and anarchy breeds the very Autocracy these liberal extremists so vehemently declare we are already under. If H.B. No. 22 is not passed in some form or fashion, with the protections to law enforcement that it

creates, that anarchy will soon arrive, as police stations everywhere slowly close their doors or, worse, become nothing more than a charity ruled by the collective bullies that reign these extremist groups. I do not fancy seeing Antifa in the streets of Dayton, but I guarantee they will come if they see the door open by the tabling of this bill.

I thank the Committee for considering my testimony and this amendment. I offer these changes to the bill, to help make it as good and proper for the Ohio constituency as possible. I hope it will prove itself worthy of passage in the Committee as well as the General Assembly.

Thank you,
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Attached to this emailed testimony is a draft copy of Amended H.B. No. 22 with the proposals, I have so made, included. I, again, urge its adoption by the Committee.