



Chair LeRe, Vice-Chair Swearingten, Ranking Member Leland and members of the House Criminal Justice Committee, thank you for the opportunity to provide testimony in opposition of Ohio House Bill 109, which will not only harm the rights of Ohians to peacefully protest and use their freedom of speech, but will also harm pride organizations and festivals for years to come.

My name is Alana Jochum, and I am the Executive Director for Equality Ohio, our state's LGBTQ advocacy and education organization. Equality Ohio believes that protest is an essential tool for furthering social justice in this country and has been a key part of the right for LGBTQ liberation in past decades. Simply put, Equality Ohio would not be here today if it wasn't for peaceful protest.

While today many think of pride as a festival, that has not always been the case. In fact, Pride began as—and has always been—a protest. From the Stonewall riot in New York, to the marches for access to HIV & AIDS treatment in the 80s, the LGBTQ movement for equality has constantly taken to the streets to make our voices heard, often led by people of color. Pride month, which takes place in June every year, exists to commemorate the Stonewall rebellion in June of 1969, in which LGBTQ people of color, like Marsha P. Johnson, pushed back against police escalation at the Stonewall Inn. Today, we owe our movement to these moments in our history and recognize that pride will always be symbolic of those historic events.

The legislation before you today, if enacted, would have a devastating top down effect on freedom of speech and protest for the marginalized communities that are essential to our progress. HB109 adds significant penalties for blocking traffic, property damage, and adds a new broadly defined “riot assault” charge—all of which are raised to felony charges. Not only are these specific violations already covered in other areas of the law, presenting possible confusion during prosecution, but we also know that charges like these are often targeted at minority communities and their leaders who are exercising their First Amendment rights.

Many components of this bill are vague, but perhaps the most concerning part is the amount of discretion a peace officer is given when deciding whether or not a certain action during a peaceful protest violates the law. The peace officer involved gets to decide whether or not a situation falls under the definition of “intimidation of a first responder” or takes place because of “bias against a first responder” before making the arrest or pressing charges in civil court, without a third party opinion—potentially holding someone up in the court system for months afterward. The definition of a “riot” in this bill is so vague that any group using their First Amendment right to free speech in close proximity to a peace officer could be charged.

This bill would also create a very specific threat to organizations who provide support for peaceful protest in the future. Organizations, groups, and even faith organizations who attend, advertise, or donate to events where this legislation may apply could be held liable for an individual's actions with triple the amount of damages. Small organizations, who often have loose membership and are supported by donations, simply cannot afford the threat of being held liable for supporting activists on the ground. Specifically for Pride organizers and organizations, in communities that are less accepting of diverse sexual orientations and gender expressions, a charge like this could be devastating.

Simply put, it is clear that the purpose of this legislation is not to enforce or protect against violence, but to hamper freedom of speech and target those who wish to challenge the current status quo. It is a mean-spirited response to the thousands of Ohioans who stood up against racism last summer that could have severe impacts on nonprofits like Equality Ohio for years to come. We strongly urge that you reject this bill and other attempts to limit the First Amendment Protections that we hold so dearly as Americans.