TO: Senate Judiciary Committee

FROM: Gary Daniels, Legislative Director, ACLU of Ohio

DATE: April 15, 2025

RE: Substitute House Bill 20 – Opponent Testimony

To Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for this opportunity to provide opponent testimony on Substitute House Bill 20.

As this committee knows, HB 20 is billed as necessary to prevent and penalize those who interfere with activities and actions by first responders, including, but not limited to, law enforcement. HB 20 does this, in part, by essentially establishing a 15-foot buffer zone around any first responder performing their duties. Within this distance, it is illegal for a person to "knowingly approach or remain" after receiving a warning from a first responder their actions or presence "impede or interfere" with that responder's duties.

Among others, HB 20 is framed as applying to situations such as someone filming, standing, etc. in such close proximity to a first responder the person's actions and presence legitimately interfere with those first responders' duties. But, HB 20 goes much farther than those situations, already illegal under current law.

To what necessary degree or magnitude an interruption or disruption must be for HB 20 to apply, this bill is silent. Likewise, whether that disruption, interruption, interference, etc. must be ongoing or whether it can be temporary, fleeting, or must truly prevent a first responder from performing their duties is unrevealed in HB 20. Indeed, these are very low hurdles.

Consider situations such as the following: A person watches their companion subjected to physical force and arrest and loudly yells to, and at, police officers that person has a physical limitation or disability limiting their flexibility, movement, or hearing. Or that they have the wrong suspect. Or if one or more law enforcement officers quickly descend on a person or scene but are not clearly identified or do not identify themselves as law enforcement, causing alarm.

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In addition, in the wrong hands, HB 20 can be abused, used to avoid or minimize accountability, and reduce transparency. Or to target certain individuals.

Proponent testimony from previous hearings mentioned the necessity of HB 20 for law enforcement carrying out "critical missions in volatile scenarios that can often be described as 'life or death.'" Other testimony mentioned people shoving cameras into the faces of law enforcement, described as "an all too common tactic."

What was not revealed or discussed to date is how often, under such situations where law enforcement claims other's actions have so severely hindered their performance and duties, those people are charged under existing law, how often they are prosecuted, and the results of those cases. That is, first responders have the tool, via existing law, to pursue legal charges against people engaged in behavior and actions truly preventing them from carrying out their duties. But, if they are not utilizing current law, or are unsuccessful in doing do, it is hard to imagine HB 20 offering anything of additional benefit.

That is, unless some supporters of HB 20 hope to use HB 20 to discourage and disincentivize people engaging in constitutionally protected speech or activities viewed as unwelcome and undesirable by first responders. Certainly, HB 20 can be weaponized for those situations and that is one of our concerns with this legislation.

First Amendment concerns are why similar laws in Arizona, Indiana, and Louisiana have been met with scrutiny and resistance by courts in those states. In Arizona, a law banning video recording of law enforcement within eight feet was enjoined. Later a settlement was reached preventing enforcement of Arizona's law. In Indiana, a law with a twenty-five-foot zone was enjoined by the district court and that injunction was upheld by the US Court of Appeals for the Seventh Circuit. In Louisiana, their own 25-foot buffer zone law was enjoined and is now under appeal.

To be clear, the ACLU of Ohio understands those who support HB 20 because it addresses those clear situations when a person, or persons, knowingly, literally, and physically interfere with crucial law enforcement functions like apprehension and arrest. We are not here to defend those actions or claim they have, or are deserving of, constitutional protection. We are here to say laws and legislation, like HB 20, inherently cast too wide of a net, impacting First Amendment rights, even when that is not the intention.

For these reasons and more, the ACLU of Ohio urges your rejection of Substitute House Bill 20.