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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Jarrells and Williams

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SUMMARY

- Prohibits, subject to specified exemptions, a person from terrorizing another person by violence, or by intimation by threat of violence, committed against the person or the person's property for the person's background, political affiliations, or position in a labor dispute.
- Prohibits a person from requiring another to waive any protection granted or any remedy available as a condition of entering a contract for goods or services.
- Prohibits a person from refusing to contract with, or provide good or services to, another on the basis of the person's refusal to waive any protection granted or any remedy available.
- Requires any waiver of a protection granted or remedy available to be knowing and voluntary, in writing, and expressly not made as a condition of entering a contract for goods or services or as a condition of providing or receiving goods and services.
- Makes a waiver of a protection granted or waiver of a remedy available that is required as a condition of entering a contract for goods or services void.
- Places the burden of proving that any waiver was knowing and voluntary and not as a condition of a contract on the person seeking to enforce the waiver.
- Allows a person to sue a person who terrorizes another by violence or intimidation or who requires another to waive any protection granted or remedy available as a condition of entering a contract for goods or services allows the court to award a person who prevails in the action costs and reasonable attorney's fees.

- Allows a person to file a complaint with the Attorney General or the county prosecutor for the county where the alleged violation occurred and allows the Attorney General or county prosecutor to sue for a violation.
- Provides that if the Attorney General or county prosecutor prevails in an action, the court is required to award costs, reasonable attorney's fees, and a civil penalty to the Attorney General or county prosecutor.
- Makes an offense of violence committed under specified circumstances a hate crime.
- Makes a hate crime an offense of the next higher degree than the commission of the offense that is a necessary element of the hate crime.
- Names the act the Hate Crime Act.

DETAILED ANALYSIS

Prohibiting the terrorization of another person

The bill prohibits a person from terrorizing another person by violence, or by intimidation by threat of violence, committed against the person or the person's property for any of the following reasons:¹

- The person's political affiliation;
- The person's race, color, religion, sex, national origin, or ancestry;
- The person's age, familial status, military status, or disability as those terms are defined in the Ohio Civil Rights Law;
- The person's position in a labor dispute;
- A perception that the person has a political affiliation, characteristic, or position described above.

Under the bill, a person "terrorizes" another when the person takes an action that would cause a person of ordinary emotions and sensibilities to fear for the person's personal safety. Terrorizing through "intimidation by threat of violence" includes both of the following:

- Making or threatening to make a claim or report to a peace officer or law enforcement agency falsely alleging that another person has engaged in unlawful activity or in an activity that requires law enforcement intervention, knowing that the claim or report is false or with reckless disregard for the truth or falsity of the claim or report;
- Distributing materials on private property, without authorization, with the purpose of terrorizing the property's owner or occupant.²

¹ R.C. 2749.02(A), by reference to R.C. 4112.01, not in the bill.

² R.C. 2749.01.

The bill does not apply to statements concerning positions in a labor dispute made during lawful labor picketing. It also specifies that speech alone does not constitute a violation unless all the following apply:³

- The speech itself threatens violence against a specific person or group of persons.
- The person or group of persons against whom the threat is directed reasonably fears that, because of the speech, violence will be committed against the person or group of persons or the person's or group's property.
- The person threatening violence is acting in reckless disregard for the threatening nature of the person's speech.
- The person threatening violence has the apparent ability to carry out the threat.

Prohibiting forced waivers of protection or remedies and exceptions

The bill also prohibits a person from requiring another person to waive any protection granted by the bill or remedy available under the bill as a condition of entering a contract for goods or services. A person is prohibited from refusing to contract with, or refusing to provide goods or services to, another person on the basis of the other person's refusal to waive any protection granted by or remedy under the bill.

Under the bill, any waiver of a protection granted or remedy available must be knowing and voluntary, in writing, and expressly not made as a condition of entering a contract for goods or services or as a condition of providing or receiving goods and services. Any waiver of a protection granted or remedy available that is required as a condition of entering a contract for goods or services is void. The waiver of a protection or remedy does not affect the validity of the other provisions of the contract.

The bill places the burden of proving that a waiver was knowing and voluntary and not made as a condition of a contract or of providing or receiving goods or services on the person seeking to enforce the granted waiver of a protection or available remedy. The exercise of a person's right to refuse to waive a protection granted or a remedy available, including rejecting a contract provision requiring a waiver, does not affect any otherwise legal term of a contract or an agreement.⁴

The prohibitions against forcing another to waive a granted protection or available remedy does not apply to an agreement to waive a granted protection or available remedy if the agreement is intended to settle a legal claim arising from the same facts and circumstances. The prohibitions against forcing another to waive a granted protection or available remedy and any

³ R.C. 2749.02(B).

⁴ R.C. 2749.03(A).

valid exception only apply to an agreement or contract entered into, altered, modified, renewed, or extended on or after the bill's effective date.⁵

Civil action for terrorization of another or forced waivers of protection or remedies

The bill allows a person to sue another person in a court of competent jurisdiction when the other person terrorizes the first person by violence, or by intimidation by threat of violence, for any of the reasons listed above or for requiring the person to grant a prohibited waiver. If the person prevails in the lawsuit, the court must award costs and reasonable attorney's fees to the person and the court may award any of the following, as appropriate:⁶

- Actual damages;
- Punitive damages determined by the court;
- A civil fine not to exceed \$25,000.

Rather than sue directly, the bill allows a person who has a claim to file a complaint with the Attorney General or the county prosecutor for the county in which the alleged violation occurred. The Attorney General or county prosecutor may investigate the complaint. If, after the investigation, the Attorney General or county prosecutor determines that it is likely a violation has occurred, the Attorney General or county prosecutor may sue the alleged violator on behalf of the person who is the subject of the complaint.⁷ The bill requires the court to award costs, reasonable attorney's fees, and a civil penalty not exceeding \$25,000 to the Attorney General or county prosecutor if the Attorney General or county prosecutor prevails in the suit. The court must award any other remedy to the person who is the subject of the complaint.⁸

Hate crime offense

The bill prohibits a person from committing an offense of violence under the following circumstances:⁹

- The person committed the offense against a victim who was intentionally selected.
- The victim was selected because of the person's belief or perception regarding the victim's race, color, religion, sex, national origin, physical or mental disability, age, political opinion, or the exercise of the victim's political rights and privileges, whether or not the perception is correct.

⁵ R.C. 2749.03(B).

⁶ R.C. 2749.04(A).

⁷ R.C. 2749.04(B).

⁸ R.C. 2749.04.

⁹ R.C. 2927.121(A).

Whoever commits an offense of violence under the circumstances above is guilty of a hate crime, an offense of the next higher degree than the offense the commission of which is a necessary element of the hate crime.¹⁰

The Hate Crime Act

The bill names the act the “Hate Crime Act.”¹¹

Definitions

The bill defines the following additional terms for purposes of the provisions described above:

“**Peace officer**” means a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under a contract; member of a police force employed by a metropolitan housing authority; member of a police force employed by a regional transit; state university law enforcement officer; enforcement agent of the Department of Public Safety; employee of the Department of Taxation to whom investigation powers have been delegated; employee of the Department of Natural Resources who is a natural resources law enforcement staff, a forest-fire investigator, a natural resources officer, or a wildlife officer; individual designated to perform law enforcement duties; veterans’ home police officer; special police officer employed by a port authority; police constable of any township; police officer of a township or joint police district; a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations; the House of Representatives sergeant at arms if the House of Representatives sergeant at arms has arrest authority; an assistant House of Representatives sergeant at arms; the Senate sergeant at arms; an assistant Senate sergeant at arms; officer or employee of the Bureau of Criminal Identification and Investigation; a State Fire Marshal law enforcement officer; a gaming agent; and the superintendent and troopers of the State Highway Patrol.¹²

“**Law enforcement agency**” means a municipal or township police department, the office of a sheriff, the state highway patrol, federal law enforcement, a county prosecuting attorney, the office of the United States attorney, or a state or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.¹³

¹⁰ R.C. 2927.121(B).

¹¹ Section 3.

¹² R.C. 2749.01(B), by reference to R.C. 2935.01(B), not in the bill.

¹³ R.C. 2749.01(C), by reference to R.C. 149.435, not in the bill.

HISTORY

Action	Date
Introduced	05-27-25
