

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 306

Representatives Jarrells, Williams

Cosponsors: Representatives Brownlee, Synenberg, Mohamed, Lawson-Rowe, Thomas, C., Lett, Denson, Deeter, LaRe, Mathews, T., Daniels, Thomas, D., Ritter, King, Hall, T., Humphrey, Willis, Salvo, Mullins, Workman, Hiner, Fischer, Upchurch, Brewer, Plummer, White, E.

To amend section 2927.12 and to enact sections	1
2749.01, 2749.02, 2749.03, 2749.04, and 2927.121	2
of the Revised Code to enact the Hate Crime Act	3
to prohibit hate crimes and to create a civil	4
remedy for a person who is terrorized by another	5
because of specific characteristics or beliefs.	6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2927.12 be amended and sections	7
2749.01, 2749.02, 2749.03, 2749.04, and 2927.121 of the Revised	8
Code be enacted to read as follows:	9

<u>Sec. 2749.01.</u> As used in this chapter:	10
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<u>(A) "Intimidation by threat of violence" includes both of</u>	11
<u>the following:</u>	12

<u>(1) Making or threatening to make a claim or report to a</u>	13
<u>peace officer or law enforcement agency that falsely alleges</u>	14
<u>that another person has engaged in unlawful activity or in an</u>	15
<u>activity that requires law enforcement intervention, knowing</u>	16
<u>that the claim or report is false or with reckless disregard for</u>	17

the truth or falsity of the claim or report; 18

(2) Distributing materials on private property, without 19
authorization, with the purpose of terrorizing the owner or 20
occupant of that private property. 21

(B) "Peace officer" has the same meaning as in section 22
2935.01 of the Revised Code. 23

(C) "Law enforcement agency" has the same meaning as in 24
section 149.435 of the Revised Code. 25

(D) "Terrorize" means to cause a person of ordinary 26
emotions and sensibilities to fear for the person's personal 27
safety. 28

Sec. 2749.02. (A) Subject to division (B) of this section, 29
no person shall terrorize another person by violence, or by 30
intimidation by threat of violence, committed against the person 31
or the person's property for any of the following reasons: 32

(1) The person's political affiliation; 33

(2) The person's race, color, religion, sex, national 34
origin, or ancestry; 35

(3) The person's age, familial status, military status, or 36
disability as those terms are defined in section 4112.01 of the 37
Revised Code; 38

(4) The person's position in a labor dispute; 39

(5) A perception that the person has a political 40
affiliation, characteristic, or position described in divisions 41
(A) (1) to (4) of this section. 42

(B) (1) Division (A) of this section does not apply to 43
statements concerning positions in a labor dispute made during 44

lawful labor picketing. 45

(2) Speech alone does not constitute a violation of 46
division (A) of this section, unless all the following apply: 47

(a) The speech itself threatens violence against a 48
specific person or group of persons. 49

(b) The person or group of persons against whom the threat 50
is directed reasonably fears that, because of the speech, 51
violence will be committed against the person or group of 52
persons or the person's or group's property. 53

(c) The person threatening violence is acting in reckless 54
disregard for the threatening nature of the person's speech. 55

(d) The person threatening violence has the apparent 56
ability to carry out the threat. 57

Sec. 2749.03. (A) Except as provided in division (B) of 58
this section, all of the following apply to any protection 59
granted by section 2749.02 of the Revised Code or any remedy 60
available under section 2749.04 of the Revised Code: 61

(1) No person shall require another person to waive any 62
protection granted by section 2749.02 of the Revised Code or any 63
remedy available under section 2749.04 of the Revised Code as a 64
condition of entering a contract for goods or services. 65

(2) No person shall refuse to contract with, or refuse to 66
provide goods or services to, another person on the basis that 67
the other person refuses to waive any protection granted by 68
section 2749.02 of the Revised Code or any remedy available 69
under section 2749.04 of the Revised Code. 70

(3) Any waiver of a protection granted by section 2749.02 71
of the Revised Code or any remedy available under section 72

2749.04 of the Revised Code shall be knowing and voluntary, in 73
writing, and expressly not made as a condition of entering a 74
contract for goods or services or as a condition of providing or 75
receiving goods and services. 76

(4) Any waiver of a protection granted by section 2749.02 77
of the Revised Code or a waiver of a remedy available under 78
section 2749.04 of the Revised Code that is required as a 79
condition of entering a contract for goods or services is void. 80
This division does not affect the validity of any other 81
provision of the contract. 82

(5) A person who seeks to enforce a waiver of a protection 83
granted by section 2749.02 of the Revised Code or any remedy 84
available under section 2749.04 of the Revised Code has the 85
burden of proving that the waiver was knowing and voluntary and 86
not made as a condition of a contract or of providing or 87
receiving goods or services. 88

(6) The exercise of a person's right to refuse to waive a 89
protection granted by section 2749.02 of the Revised Code or a 90
remedy available under section 2749.04 of the Revised Code, 91
including rejecting a contract provision requiring a waiver, 92
does not affect any otherwise legal term of a contract or an 93
agreement. 94

(B) (1) Division (A) of this section does not apply to an 95
agreement to waive a protection granted by section 2749.02 of 96
the Revised Code or a remedy available under section 2749.04 of 97
the Revised Code if the agreement is intended to settle a legal 98
claim arising from the same facts and circumstances. 99

(2) This section applies to an agreement or contract 100
entered into, altered, modified, renewed, or extended on or 101

after the effective date of this section. 102

Sec. 2749.04. (A) A person may bring a civil action 103
against another person alleging a violation of section 2749.02 104
or 2749.03 of the Revised Code in a court of competent 105
jurisdiction. In the event the person prevails in the action, 106
the court shall award costs and reasonable attorney's fees to 107
the person. The court may award any of the following, as 108
appropriate: 109

(1) Actual damages; 110

(2) Punitive damages determined by the court; 111

(3) A civil fine not to exceed twenty-five thousand 112
dollars. 113

(B) A person may file a complaint alleging a violation of 114
section 2749.02 or 2749.03 of the Revised Code with the attorney 115
general or the county prosecutor for the county in which the 116
alleged violation occurred. The attorney general or county 117
prosecutor may investigate the complaint. If, after 118
investigating a complaint, the attorney general or county 119
prosecutor determines that it is likely a violation has 120
occurred, the attorney general or county prosecutor may bring an 121
action described in division (A) of this section against the 122
person alleged to have violated section 2749.02 or 2749.03 of 123
the Revised Code on behalf of the person who is the subject of 124
the complaint. In the event the attorney general or county 125
prosecutor prevails in the action, the court shall award costs, 126
reasonable attorney's fees, and the civil penalty described in 127
division (A) (3) to the attorney general or county prosecutor. 128
The court shall award any other remedy described in division (A) 129
of this section to the person who is the subject of the 130

complaint. 131

Sec. 2927.12. (A) No person shall violate section ~~2903.21~~, 132
~~2903.22~~, ~~2909.06~~, or ~~2909.07~~, or division (A) (3), (4), or (5) of 133
section 2917.21 of the Revised Code by reason of the race, 134
color, religion, or national origin of another person or group 135
of persons. 136

(B) Whoever violates this section is guilty of ethnic 137
intimidation. Ethnic intimidation is an offense of the next 138
higher degree than the offense the commission of which is a 139
necessary element of ethnic intimidation. 140

Sec. 2927.121. (A) No person shall commit an offense of 141
violence under the following circumstances: 142

(1) The person committed the offense against a victim who 143
was intentionally selected. 144

(2) The victim was selected because of the person's belief 145
or perception regarding the victim's race, color, religion, sex, 146
national origin, physical or mental disability, age, political 147
opinion, or the exercise of the victim's political rights and 148
privileges, whether or not the perception is correct. 149

(B) Whoever violates this section is guilty of a hate 150
crime. A hate crime is an offense of the next higher degree than 151
the offense the commission of which is a necessary element of 152
the hate crime. 153

Section 2. That existing section 2927.12 of the Revised 154
Code is hereby repealed. 155

Section 3. This act shall be known as the Hate Crime Act. 156