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# OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 87  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Johnson

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### SUMMARY

- Expands the offense of ethnic intimidation to include the offenses of riot and aggravated riot committed by reason of the race, color, religion, or national origin of another person or group of persons.
- Defines antisemitism for the purpose of investigations and proceedings by state agencies.

### DETAILED ANALYSIS

#### Ethnic intimidation

The bill expands the offense of ethnic intimidation to include the offenses of riot and aggravated riot committed by reason of the race, color, religion, or national origin of another person or group of persons.<sup>1</sup>

Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation, so if the related offense is riot, ethnic intimidation is a fifth degree felony. If the related offense is aggravated riot, ethnic intimidation is a fourth, third, or second degree felony depending on the circumstances of the offense.<sup>2</sup>

The offense of riot occurs under either of the following circumstances:<sup>3</sup>

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<sup>1</sup> R.C. 2917.12(A).

<sup>2</sup> R.C. 2927.12(B).

<sup>3</sup> R.C. 2917.03, not in the bill.

1. When five or more people participate in a course of disorderly conduct with one of the following prohibited purposes:
  - a. With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;
  - b. With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede, or obstruct a function of government;
  - c. With purpose to hinder, impede, or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at such institution.
2. When five or more people participate with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.

Aggravated riot occurs when five or more people participate in a course of disorderly conduct with purpose to commit or facilitate the commission of a felony or any offense of violence, or when the offender or any participant to the knowledge of the offender has, uses, or intends to use a deadly weapon or dangerous ordnance.<sup>4</sup>

## **Definition of antisemitism in certain investigations and proceedings**

Under the bill, when a state agency reviews, investigates, or decides whether there has been a violation of any relevant policy, law, or regulation prohibiting discriminatory acts, the agency must consider the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, to determine whether an alleged act was motivated by discriminatory anti-Semitic intent.<sup>5</sup> Currently, pursuant to an executive order, all state agencies, departments, boards, and commissions (including all public colleges and universities) must use this definition, or an “appropriate alternative” definition, when taking these actions.<sup>6</sup>

Under the bill, “state agency” means any organized entity established by state law for the exercise of any governmental or quasigovernmental function, including all the following:

- A state institution of higher education;
- JobsOhio and any subsidiary;
- Any state retirement system or retirement program.<sup>7</sup>

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<sup>4</sup> R.C. 2917.02(A).

<sup>5</sup> R.C. 4112.01(A)(26) and 4112.20(B).

<sup>6</sup> [Executive Order 2022-06D](#), which may be accessed by conducting a keyword “Executive Order 2022-06D” search on the Governor’s executive order’s website: [governor.ohio.gov/media/executive-orders](https://governor.ohio.gov/media/executive-orders).

<sup>7</sup> R.C. 4112.20(A), by reference to R.C. 187.01 and 3345.011, not in the bill.

## IHRA definition of antisemitism

On May 26, 2016, the IHRA adopted the following working definition of antisemitism, which the bill adopts:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.<sup>8</sup>

Under the bill, the IHRA definition of antisemitism may not be construed to diminish or infringe on any right protected by the first amendment to the U.S. or Ohio Constitution. It also cannot be construed to conflict with any federal, state, or local antidiscrimination law.<sup>9</sup>

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## HISTORY

Action	Date
Introduced	02-10-25

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<sup>8</sup> R.C. 4112.01(A)(26) and [IHRA Working Definition of Antisemitism](#), which may be accessed by conducting a keyword “antisemitism definition” search on the IHRA website: [holocaustremembrance.com](http://holocaustremembrance.com).

<sup>9</sup> R.C. 4112.01(C).