

Testimony of Robert A. Neinast—November 10, 2015

Thank you for this opportunity to testify regarding House Bill 283.

My name is Robert Neinast, and I am the Ohio Representative for the Naturist Action Committee. We are concerned about one particular aspect of this bill.

I have seen the previous testimony regarding the sorts of pretty awful people that this bill is aimed at. However, it paints with too broad a brush. For the state to take and store DNA samples is a drastic invasion of a person's privacy and needs to carefully target only those people actually involved in sex crimes.

Unfortunately, the crime of Public Indecency, ORC 2907.09, is included in this bill. While some parts of the public indecency statute do deal with sex crimes, the portion dealing with the exposure of private parts broadly sweeps up many people who are not awful at all and who had no sexual intent in the least, and thus ought not be subject to a privacy invasion at this level.

This committee has already questioned whether a college student who has had a bit too much to drink and is caught urinating against a wall ought to be subject to having DNA taken and stored. Is that college student really the sort of person this bill is targeting? Let me add a few more examples: the person on a hike and relieving himself who is surprised by a ranger; a high school kid who thinks it is funny to moon his friends through a bus window, but exposes his private parts in doing so; a naked boater out on a lake (and yes, that happens a lot) who is spotted and arrested; or even a person sunbathing naked in his back yard who thought he had sufficient screening until somebody walked by. None of these people are the sorts of people who are going to go on to possibly commit rapes.

I would suggest that the language of this bill needs to be amended to prevent the sort of injustice that would occur if these people were included in the list of those who should have their DNA taken. Here is a proposed improvement to the bill:

(5) A misdemeanor violation of section 2907.08, 2907.09, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code, provided that for a violation of 2907.09(A)(1), the finder of fact concludes that the violation was committed with the purpose of personal sexual arousal or gratification.

I think that such amended language does a good job of specifying that the intent of this bill is to go after true sex crimes, not violations that, through a quirk of history, are unrelated to any sort of sexual intent. This bill should not advance until the current flaw has been fixed.

Thank you for your time and attention.