

Dear Sen. Eklund, and all on the Senate Judiciary Committee,

I'm writing in opposition to SB 33.

I'm particularly concerned about these sections:

Sec. 2909.07. (A)(7) Without privilege to do so, knowingly destroy or **improperly tamper with** a critical infrastructure facility(4) Criminal mischief committed in violation of division (A)(7) of this section is a **felony of the third degree**Notwithstanding section 2929.31 of the Revised Code, any **organization** found guilty of complicity in a violation of that division under section 2923.03 of the Revised Code shall be punished with a fine that is **ten times the maximum fine** that can be imposed on an individual for a felony of the third degree .
“...Sec. 2911.211. (A)(1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him that person. A (2): No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility . (B) Whoever violates this section is guilty of aggravated trespass,. Aggravated trespass in violation of division (A)(1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of division (A)(2) of this section is a **felony of the third degree.**”

From the bill: “Sec. 2909.07. (A)(7) Without privilege to do so, knowingly destroy or **improperly tamper with** a critical infrastructure facility(4) Criminal mischief committed in violation of division (A)(7) of this section is a **felony of the third degree**Notwithstanding section 2929.31 of the Revised Code, any **organization** found guilty of complicity in a violation of that division under section 2923.03 of the Revised Code shall be punished with a fine that is **ten times the maximum fine** that can be imposed on an individual for a felony of the third degree .
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Pipelines and fracking infrastructure are included in the definition of "critical infrastructure." So unspecified "tampering" at a pipeline site is a felony, while activity that could cause physical harm to another person (A1 above) done in a site *not* specified under this law is only a misdemeanor!

Like similar bills around the country, *promoted by the rightwing American Legislative Council, of which Ohio Senator and bill sponsor Frank Hoagland is a member*, the bill is clearly intended to stifle legitimate protest by creating harsh penalties for minor and

vaguely defined infractions and by trying to scare off environmental advocacy groups (who clearly have no control over the activity of individuals).

The actions in question—trespassing, vandalism—are already covered by existing laws. It seems clear that the aim of the bills is to intimidate protesters who draw attention to their concerns through civil disobedience, including minor infractions like blocking the gates of construction sites. Advocates say these protests are part of a long tradition of American civil disobedience dating back to the Boston Tea Party. Even just introducing these bills have the potential to stifle free speech and curtail activism.

Please oppose this effort to stifle our democratic rights.

Sincerely, Peggy Gish
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