



HOUSE CRIMINAL JUSTICE COMMITTEE – Opponent Testimony, HB 22, March  
17<sup>th</sup>, 2021

Chairman LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the committee, thank you for holding this hearing and for the opportunity to provide testimony.

My name is Micah Derry, and I am the State Director for Americans for Prosperity – Ohio (AFP). As one of the largest grassroots organizations in the country, AFP is driving long-term solutions to some of the country's biggest problems. Our organization, and its thousands of activists across Ohio, are dedicated to breaking barriers that stand in the way of people realizing their full potential. Removing or reducing these barriers, in whatever forms they take, helps move our society toward one of mutual benefit, where people succeed by helping others improve their lives and by transforming their communities. Accordingly, I am here to express opposition to House Bill 22.

Though the amendment added to HB 22 during this committee's meeting on March 4<sup>th</sup> improved the bill considerably and removed a great deal of vagueness from its original iteration, AFP still opposes the provision which enhances criminal penalties to a fifth-degree felony for creating a risk of harm to any person. "Risk of harm to any person," is a highly subjective phrase. More generally, HB 22 exemplifies a continuing problematic trend of overcriminalization by the legislature over the course of the last several decades. This bill is not necessary. Current law already has us covered.

During sponsor testimony, Chairman, you and Representative Wilkin alluded to the fact that HB 22 exists primarily because of the tumultuous events of the late spring and summer of 2020, especially the protests and riots that erupted in the wake of the tragic death of George Floyd in Minneapolis, protests and riots which spread to state capitals and communities around the entire country, including right here around the Statehouse in downtown Columbus. I took part in those protests. I believe that reasonable people would agree with this statement: both legal,

peaceful protests *and* criminal acts occurred at that time, criminal acts ranging from vandalism to assault to arson, and beyond. It is already against the law to throw a brick through a Statehouse window; an officer *should* arrest a perpetrator of such an act. It is already against the law for members of the public to block the flow of or completely stop traffic on public streets; officers *should* arrest people who do that. And it is already against the law for people to stop officers from attempting to arrest a perpetrator of a crime, and officers are already empowered to use appropriate force to stop those who are attempting to stop or obstruct them from performing their duties.

I'm sure I will not be the first to state that the fact that last summer's lawful, peaceful protests and the inexcusable, illegal riots became intermingled in reality and in the public consciousness is highly unfortunate. It is a constitutionally protected right for people to peaceably assemble and express their views, or demonstrate a showing of solidarity supporting or opposing particular incidents, campaigns, or points of view. It is also currently illegal to cause public mayhem, destroy or damage property, and to actively hinder law enforcement; law enforcement can and should apprehend people who are caught breaking the law during large public gatherings, and those people deserve to be prosecuted if in fact their actions cross the line into illegality.

Again, AFP appreciates that relatively soon after its introduction, the committee took expedient action to amend this legislation, particularly the provision of HB 22 that related to taunting of an officer. However, overall, this legislation still appears to have the intent of interfering with the constitutional exercise of the rights of free assembly and speech, as well as people's right to video record officer interactions. Statute already covers the illegal acts that occurred during last summer's events, and the fact that many criminals were not apprehended and prosecuted for their deeds does not seem to justify the creation of new penalties and the enhancement of existing ones. Assessing a situation wherein a great many illegal acts occurred and reaching the conclusion that we simply need more criminal penalties seems to miss the point. AFP hopes that at some point during this General Assembly that legislators and stakeholders can engage in serious discussion on the topic of police reforms, including issues that became much more front-of-mind after last summer's events. Creating more crimes for law enforcement to police hardly seems to be the answer.

Thank you again, Mr. Chairman, for the opportunity to offer testimony today. AFP – Ohio opposes HB 22, and on behalf of my organization and our affiliated activists, I'm happy to do my best to answer any questions the committee might have.

*Americans for Prosperity (AFP) exists to recruit, educate, and mobilize citizens in support of the policies and goals of a free society at the local, state, and federal level, helping every American live their dream – especially the least fortunate. AFP has more than 3.2 million activists across the nation, a local infrastructure that includes 36 state chapters, and has received financial support from more than 100,000 Americans in all 50 states. For more information, visit [www.AmericansForProsperity.org](http://www.AmericansForProsperity.org).*

