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H.B. 341
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. A. Miller and Weinstein

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SUMMARY

- Creates the Bureau of Hate Crimes in the Office of the Attorney General.
- Authorizes the Attorney General to prosecute a hate crime.

DETAILED ANALYSIS

Bureau of Hate Crimes

The bill creates the Bureau of Hate Crimes within the Office of the Attorney General and authorizes the Attorney General to prosecute hate crimes. For purposes of the bill, a “hate crime” is:

a crime motivated by, or that manifests evidence of, prejudice based on actual or perceived race, color, gender and gender identity, religion, national origin, ethnicity, disability, or sexual orientation.

Under the bill, the Attorney General must appoint a Director of the Bureau. The Director may appoint, with the Attorney General’s approval, assistants as are necessary to carry out the Bureau’s functions and duties. Furthermore, the bill authorizes the Bureau to: create a staff of investigators skilled in the solution and control of hate crimes and related criminal activity, investigate such crimes, keep statistics and other necessary data, assist in preventing hate crime, and engage in other activities to aid law enforcement officers in solving hate crimes and controlling related criminal activity.¹

¹ R.C. 109.50(A), (B), and (C).

The bill authorizes the Bureau, when necessary, to request from the U.S. Attorney General technical, forensic, prosecutorial, or other assistance in the criminal investigation of a hate crime that is available to the state or a local government of the state, under federal law.²

The bill also requires that the Attorney General include, on the Attorney General's website, a page dedicated to the Bureau of Hate Crimes, which provides a telephone number to be used for reporting suspected occurrences of hate crime.³

Prosecution authority

The bill authorizes the Attorney General to prosecute any crime that the Attorney General has cause to believe is a hate crime. Under the bill, the Attorney General may initiate a criminal proceeding for any crime that the Attorney General has reasonable cause to believe is a hate crime by presenting evidence of a criminal violation in question to the prosecuting attorney of any county in which the violation may be prosecuted. If the prosecuting attorney does not prosecute the violation within a reasonable time or requests the Attorney General to do so, the Attorney General may proceed with the prosecution of the violation with all of the rights, privileges, and powers conferred by law on a prosecuting attorney, including the power to appear before a grand jury and to interrogate witnesses before a grand jury.⁴

HISTORY

Action	Date
Introduced	06-07-21

H0341-I-134/ks

² R.C. 109.50(D). Due to a drafting error, the bill incorrectly cites federal statute 34 United States Code (U.S.C.) 30303 and should cite 34 U.S.C. 30503, under which the U.S. Attorney General may provide technical, forensic, prosecutorial, or other assistance in the criminal investigation or prosecution of any crime that is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the state, local, or tribal hate crime laws.

³ R.C. 109.50(F).

⁴ R.C. 109.50(E) and 109.96.