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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.¹

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.²

The offense of riot occurs under either of the following circumstances:³

¹ R.C. 2917.12.

² R.C. 2927.12.

³ 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.⁴

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.⁵ 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.⁶

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

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

⁴ R.C. 2917.02(A).

⁵ R.C. 4112.01(A)(26) and 4112.20(B).

⁶ [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.

⁷ 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:

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.

The bill adopts the IHRA definition and the following contemporary examples identified by the IHRA:

- “Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g., gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.”⁸

⁸ 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.

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.⁹

HISTORY

Action	Date
Introduced	06-24-24

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⁹ R.C. 4112.01(C).