



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 320
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Weinstein and West

Aida S. Montano, Research Analyst

SUMMARY

- Authorizes a person who is the subject of a nonexistent emergency and suffers injury or loss to person or property to bring a civil action for damages against either of the following:
 - A person who knowingly uses 9-1-1 to report an emergency, knowing that no emergency exists and the reason for the use of that number is based on the race, color, religion, or national origin of the person who is the subject of the nonexistent emergency;
 - A person who knowingly uses any other telephone number to call for a police dispatch to respond to an emergency knowing that no emergency exists and that the reason for the call is based on the race, color, religion, or national origin of the person who is the subject of the nonexistent emergency.
- Provides that the person who files the above civil action may recover full compensatory damages, punitive or exemplary damages, court costs, and reasonable attorneys' fees and other expenses.
- If the court finds in favor of the person who brought the civil action, requires the court to order the person against whom the action was brought to receive implicit bias training offered by the Kirwan Institute for the Study of Race and Ethnicity at the Ohio State University or by any local implicit bias training program.
- Names the bill, if enacted, Darren's Law.

DETAILED ANALYSIS

Using 9-1-1 to report emergency if no emergency exists

Current law, unchanged by the bill, prohibits any person from knowingly using the telephone number of a 9-1-1 system established under the Emergency Telephone Number

System Law to report an emergency if the person knows that no emergency exists.¹ A violation of this prohibition is a fourth degree misdemeanor.²

Reason for call based on race, color, religion, or national origin

The bill provides that if a person violates the above prohibition and the reason for the use of the telephone number 9-1-1 is based on the race, color, religion, or national origin of another person who is the subject of the nonexistent emergency, the person who is the subject of the nonexistent emergency may bring a civil action for damages against the person who used such telephone number. This provision applies to the use of the telephone number 9-1-1 either by dialing that number or by texting that number.³

Using another telephone number for a police dispatch

Under the bill, If a person knowingly uses a telephone number, other than a telephone number of a 9-1-1 system, to call for a police dispatch to respond to an emergency, the person knows that no emergency exists, and the reason for the call is based on the race, color, religion, or national origin of another person who is the subject of the nonexistent emergency, the person who is the subject of the nonexistent emergency may bring a civil action for damages against the person who used the telephone number for such a call.⁴

Civil action for damages

The bill permits any person who suffers injury or loss to person or property as a result of an act described in either of the two preceding paragraphs to bring a civil action against the person who engaged in that act. In such an action, the person may recover all of the following:⁵

- Full compensatory damages, including damages for emotional distress;
- Punitive or exemplary damages;
- Court costs, reasonable attorneys' fees, and other reasonable expenses incurred in maintaining that action.

If the court finds in favor of the person who brought the civil action, the court must order the person against whom the action was brought to receive implicit bias training offered by the Kirwan Institute for the Study of Race and Ethnicity at the Ohio State University or by any local implicit bias training program as determined by the court. The person must receive the

¹ R.C. 128.32(E)(1).

² R.C. 128.99(A).

³ R.C. 128.32(E)(2).

⁴ R.C. 128.32(E)(3).

⁵ R.C. 2307.68(A).

implicit bias training at the earliest time that the training is offered, and must provide to the court written proof that the training was completed.⁶

Name of act

The bill provides that the name of the act is Darren's Law.⁷

HISTORY

Action	Date
Introduced	05-19-21

ANHB0320IN-134/tl

⁶ R.C. 2307.68(B).

⁷ Section 3.