

I write in opposition to S. B. 33, because criminal trespass is already illegal (R. C. 2911.21), but S. B. 33 is part of a nationwide effort for oil and gas industries to attack the free speech rights of nonviolent protesters, by dramatically raising penalties and threatening supporters. This bill also intends to intimidate organizations, by assessing them a fine ten times the fine for the level of crime of an individual. According to R. C. 2901.23, an organization is not just a corporation or other legal entity, but also an “unincorporated nonprofit association.”

S. B. 33 undermines free speech rights by threatening supporters. Section 2307.67 would be amended to include Section C: “(C) A person or organization that compensates a person for causing damage to a critical infrastructure facility or pays the person's fines or damages in a civil action may be held vicariously liable for any judgment the plaintiff obtains against the person who damaged the critical infrastructure facility.” Does this mean that if a person is sued and does a crowdfunding campaign for help with legal fees, that any donor can become liable for the judgment? Not only would this be outrageous, but it would also seem to me to violate our rights to freedom of association, for instance, as well as a person’s right to defend oneself in a suit. As the subsequent section, D, makes clear, one does not have to be convicted of a criminal offense to be sued civilly; therefore, this section is to intimidate anyone who would help someone who has not been convicted of a crime.

Another prong of the intimidation and intended chilling effect is that there are significant penalties for criminal trespass, entering or remaining on a critical infrastructure facility, without any intent to vandalize or tamper or damage or destroy property, and any organization that is found to be complicit will be assessed ten times the fine for individuals. The terms are broad enough that they are meant to target nonviolent protests, which are essential Constitutional rights. It also threatens any organization found complicit, which could include training and planning. However, according to R. C. 2923.03, it does not seem that complicity applies to this level of offense.

The state already has laws against trespass, vandalism, etc. However, please look at the intent of the bill’s creators. Similar bills from the American Legislative Exchange Council have been pushed across the country for the agenda of the oil and gas industry, as well as other large corporations under pressure, to chill public opposition. Furthermore, this bill’s chief sponsor has a security business, which seems like a conflict of interest. Please stand up for the constitutional rights of ordinary citizens, and oppose S. B. 33.