As Introduced

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H. B. No. 569

Representative Antonio

Cosponsors: Representatives Sheehy, Boggs, Brown, Clyde, Lepore-Hagan, Boyd, Boccieri, Reece, Fedor, Leland, Bishoff, Ramos, Driehaus

A BILL

To amend section 2927.12 of the Revised Code to rename the offense of ethnic intimidation to bias-motivated crime; to expand the scope of the offense to include specified crimes committed based on a person's actual or perceived ethnicity, gender, sexual orientation, gender identity, or disability; to require peace officer training on bias-motivated crime, and to require law enforcement agencies to submit data on bias-motivated crime to the Ohio Department of Public Safety and the Federal Bureau of Investigation and provide for the annual public release of the data.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2927.12 of the Revised Code be amended to read as follows:

Sec. 2927.12. (A) As used in this section:

(1) "Disability" has the same meaning as in section

4112.01 of the Revised Code.

(2) "Gender identity" means the gender-related identity, appearance, or mannerisms of an individual, or other gender-related characteristics of an individual, with or without regard to the individual's designated gender at birth.

(3) "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

(4) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code.

(5) "Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.

(B) No person shall violate section 2903.12, 2903.13, 2903.21, 2903.22, 2905.01, 2905.02, 2905.03, 2909.02, 2909.03, 2909.05, 2909.06, or 2909.07, or division (A) of section 2903.11 or division (A)(3), (4), or (5) of section 2917.21 of the Revised Code ~~by reason~~, and intentionally select the person against whom the offender commits the violation or the property that is damaged or otherwise affected by the violation, in whole or in part because of the actual or perceived race, color, religion, ~~or~~ ethnicity, national origin, gender, sexual orientation, gender identity, or disability of ~~another~~ the other person or group of persons, whether or not the offender's belief or perception was correct.

~~(B)~~ (C) Whoever violates this section is guilty of ~~ethnic intimidation~~ bias-motivated crime. ~~Ethnic intimidation~~ Bias-motivated crime is an offense of the next higher degree than the offense the commission of which is a necessary element of ~~ethnic intimidation~~ bias-motivated crime.

(D)(1) The attorney general shall provide training for all

peace officers in identifying, responding to, and reporting bias-motivated crime.

(2) The attorney general shall adopt, in accordance with Chapter 119. or pursuant to section 109.74 of the Revised Code, rules governing the training of peace officers in identifying, responding to, and reporting bias-motivated crime, which training is to be included in the curricula of basic training programs at approved peace officer training schools, other than the Ohio peace officer training academy. The Ohio peace officer training commission shall include training in identifying, responding to, and reporting bias-motivated crime in the training program conducted at the Ohio peace officer training academy.

(E) Each state and local law enforcement agency shall submit data regarding the commission of bias-motivated crimes to the Ohio department of public safety and the federal bureau of investigation in accordance with guidelines established under the federal Hate Crime Statistics Act, 28 U.S.C. 534. The department shall make this data available to the public through annual reports prepared and released by the division of criminal justice services.

Section 2. That existing section 2927.12 of the Revised Code is hereby repealed.