

House Republicans pitch criminal penalties for ‘harassing’ police officers

By **Jake Zuckerman**
Cleveland.com

COLUMBUS, Ohio – Two Ohio House Republicans proposed a bill Tuesday that would allow sentences of up to 6 months for those who “harass” police officers – legislation its sponsor said could clash with citizens’ basic First Amendment rights.

House Bill 20 establishes a new offense for those who “harass” – defined as conduct causing “substantial emotional distress” to an emergency responder in a manner that hinders their ability to perform their legitimate official duties.

However, the harassment must occur within 14 feet of the officer and after he or she has issued a warning. Violators would be subject to a first degree misdemeanor carrying penalties of up to 180 days in jail and a fine of up to \$1,000.

One of two lead sponsors, Dayton area Republican state Rep. Phil Plummer, worked as a sheriff and deputy for 30 years. In an interview, he called the idea a “halo bill” aimed to give officers space to operate as a buffer between the protesters, “YouTube video people,” people spitting at officers, and others.

Both the state and federal constitutions guarantee citizens’ rights to the freedom of speech. Plummer acknowledged that the bill could allow for people to be arrested for things like yelling expletives at police or calling them names, so long as those citizens were warned to stop.

He said he and his co-sponsor, state Rep. Thomas Hall, a central Ohio Republican, aren’t out to make criminals out of protesters. They just want a 14-foot buffer for officers with difficult and critical jobs.

“The intent isn’t to corral protesters because you’re never going to do that. They outnumber the cops anyway,” he said. “The intent is just when you have that emergency, just give them space. That’s the intent. So do we need to work on it? Potentially. But I like the concept. The concept’s good. Now we got to make it work.”

Other laws already on the books -- including obstructing official business and disorderly conduct -- prohibit some of the behavior sponsors described, according to ACLU lobbyist Gary Daniels. The bill could prevent citizens from monitoring or recording arrests. For instance, a 14-foot buffer could block a phone from recording an illegal chokehold.

And the nature of what counts as harassment is in the eye of the beholder -- police. Daniels said the bill gives officers a new tool to charge people who might just be uttering unkind words, as opposed to physically preventing an officer from executing an arrest or another legitimate function.

"What first responder ability is being hindered at that point?" he said.

Lou Tobin, executive director of the Ohio Prosecuting Attorneys Association, said while he agrees with the bill's general goal, some of what it targets is already illegal.

"Rather than reinventing the wheel and creating new challenges with prosecuting a new offense it might be better to strengthen obstructing official business to provide some additional protection for emergency responders," he said.

Mike Weinman, a lobbyist for the Fraternal Order of Police, said his organization supports the bill.

Several Democrats on the committee aired skepticism of the idea. State Rep. Latyna Humphrey, a Columbus Democrat, questioned the need for the law given obstruction is already illegal. She said prosecutors might "stack" the two similar offenses on top of each other, giving them more leverage in plea negotiations.

State Rep. Darnell Brewer, a Cleveland Democrat, said the people who will be most affected by the bill are people who, like him, are Black. He probed sponsors on their willingness to ease the penalties involved and said they should consider that offenders could be a family member reacting to a loved one slain by police, or efforts to stop a person from dying.

"As people come forward, and they're trying to stop a person from killing another person, this will catch them up," he said.

Conversely, GOP Rep. Rodney Creech said he had considered introducing a similar bill aimed specifically at protesters and asked Plummer to confirm his legislation would apply in such demonstrations.

“Absolutely,” Plummer said. “If you have a violent protester in the cop’s face, pointing at him, spitting at him, throwing things at him ... they’ll get arrested for this.”

In May 2020, a Minneapolis police officer killed George Floyd, an unarmed Black man, while kneeling into his neck during an arrest on suspicion of passing off a fake \$20 bill. The murder, and inaction by three fellow officers, was caught on tape by citizens – tape that revealed the police department misrepresented the nature of Floyd’s death, [describing it as a “medical incident.”](#) The video sparked worldwide protests, some of which in the early days after his death turned destructive and chaotic.

Since then, state lawmakers in Ohio have proposed different mechanisms to expand police powers to arrest citizens at protests. Some would have kicked in when protests devolved into “riots,” while others targeted those who provide “material support” to protest groups. The latter sparked intense pushback from civil libertarians, who noted the phrase ‘material support’ only appears in Ohio law in the [context of terroristic offenses](#).

Gov. Mike DeWine signed a comparatively milder version of one such proposal into law in 2023. That [legislation](#) created a criminal offense of “unlawfully impeding public passage of an emergency service officer.” It also prohibited cities and governments, when engaged in suppressing an existing or possible “riot or mob,” from banning the sale or transportation of firearms and ammunition.

Lawmakers didn’t vote Tuesday on the most recent legislation. It would still need to pass committee, the full House and the Senate before the governor could sign it into law.