

Ohio House passes bill criminalizing disobeying cops

Isaac Finn
28 June 2021

On June 25, the Ohio House passed a bill that designates the “failure to follow a lawful order from a law enforcement officer” as an obstruction of justice that would result in jail time and a fine. The bill has already come under criticism from civil rights advocates and legislators for its vague language, which could further empower police to suppress protests.

House Bill 22 (HB22) was passed by the state House of Representatives on the same day that Derek Chauvin, the former Minneapolis, Minnesota cop who killed George Floyd, was sentenced to 22-and-a-half years in prison for murder and manslaughter. While the Republican-backed bill passed 61-32 on largely partisan lines, both Democrats and Republicans on the federal and local level have responded to the protests over Floyd’s murder by further empowering the police with increased funding.

HB22 will still need to pass the Ohio Senate and be signed by Republican Governor Mike DeWine before coming into effect.

In its current form HB22 is an egregious attack on democratic rights, which would in effect criminalize intervening against police brutality or being near an officer or suspect during an arrest. Besides making it illegal to disregard a “lawful order,” the bill would designate throwing objects and substances to distract a cop and coming close enough to touch a cop without their consent as obstruction of justice. Some aspects of the bill, such as throwing objects at police or stopping an officer from arresting a suspect, are already illegal under Ohio laws.

HB22 includes a minor addendum from previous versions of the bill, which stipulates that it is okay to make videos or audio recordings of police. Sections from a previous version of the bill that would have overtly made it illegal to verbally taunt police were also

removed.

If passed the bill would make the listed actions a second-degree misdemeanor, which could result in a sentence of 90 days in jail and a fine of \$750. If it is determined that a violator’s actions risked physical injury to anyone, the charge would be bumped up to a fifth-degree felony and could carry up to a year in jail time and a fine of \$2,500.

Gary Daniels, the chief lobbyist for the American Civil Liberties Union (ACLU) Ohio, submitted testimony in March to the House Criminal Justice Committee calling for HB22 to be rejected. The ACLU’s criticisms include that there is no clear explanation of what a “lawful order” from an officer is, that the bill designates actions that would not help a suspect as “obstructing justice” and that the bill opens the possibility for the mass arrest of protesters.

Daniels provided a completely plausible scenario of a large protest that police order to disperse because a small minority is breaking the law. He elaborated that even if the majority of protesters did not hear the order, “Under HB 22, hundreds or thousands of people are now subject to arrest, detention, and imprisonment because they failed to follow a lawful order.”

David Leland, the Democratic state representative for the 22nd District which covers portions of northern Columbus, has stated that if the bill had been in effect in Minnesota last year bystanders that yelled at Chauvin as he choked George Floyd would have been breaking the law. Leland, however, has couched his criticism with the claim that it would further discredit the police, stating that the bill “will only deepen division and mistrust” between police and the broader population.

Shane Wilkin, the Republican state representative co-sponsor of HB22, has responded to criticism of the bill

in a completely dishonest manner, claiming that provisions like the mandatory distance between an officer making an arrest and a civilian “is for the protection of both parties.”

The debate between Democrats and Republicans over HB22 is an expression of the differences between the two parties over how best to handle growing mass anger within the population. While the Republicans clearly favor a codification of naked police repression, Democrats like Leland have expressed concern that too rapid an escalation of police state powers could further act to discredit the police and by extension the capitalist system they defend.

In a similar manner, the Democratic Party has attempted to divert anger from the police and instead blame police brutality on the racism of “white workers.”

However, many of the policy distinctions between the two parties fall to the wayside when it came to calling on militarized police and National Guard troops to suppress the protests sparked by Floyd’s death last summer.

Clearly still concerned that another wave of multiracial demonstrations could emerge, which could rapidly get out of their control, both Democrats and Republicans have responded by continuing to heavily arm and fund the police.

In the most recent example on a national level, President Joe Biden last week declared that it was “not a time to turn our backs on law enforcement” and announced that states and localities could allocate a portion of the \$350 billion in federal pandemic relief funds to their police departments.

In other cases, Democratic city council members voiced support for defunding the police during the George Floyd protests, only to later reverse their position. The Columbus City Council in Ohio, which is largely dominated by the Democratic Party, announced in March that the 2021 budget would include \$2.5 million for police recruitment. Council members opted to vote on the budget with the police funding as part of an “emergency” legislative process.

In an even more duplicitous example, numerous Minneapolis city council members pledged last year to “disband” the police in response to the protests and demands to defund the police. The city council then voted to provide \$500,000 to add staff to the city’s

police department.

The Republican-supported HB22, despite its lack of support from Democratic legislators, is an expression of bipartisan concern that the police need to be further emboldened to suppress growing opposition among workers to inequality, poverty and police killings.



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