

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 157

Representatives Weinstein, Somani

Cosponsors: Representatives Brennan, Brent, Brewer, Brown, Forhan, Grim,
Liston, McNally, Miller, A., Miranda, Mohamed, Thomas, C., Upchurch

A BILL

To enact sections 109.50 and 109.96 of the Revised 1
Code to create the Bureau of Hate Crimes in the 2
Office of the Attorney General and to authorize 3
the Attorney General to prosecute hate crimes. 4

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

Section 1. That sections 109.50 and 109.96 of the Revised 5
Code be enacted to read as follows: 6

Sec. 109.50. (A) As used in this section, "hate crime" 7
means a crime motivated by, or that manifests evidence of, 8
prejudice based on actual or perceived race, color, gender and 9
gender identity, religion, national origin, ethnicity, 10
disability, or sexual orientation. 11

(B) The bureau of hate crimes is created in the office of 12
the attorney general. The attorney general shall appoint a 13
director of the bureau. The director may appoint, with the 14
approval of the attorney general, such assistants as are 15
necessary to carry out the functions and duties of the bureau 16
under this section. 17

(C) The bureau of hate crimes may create a staff of 18
investigators skilled in the solution and control of hate crimes 19
and related criminal activity, investigate such crimes, keep 20
statistics and other necessary data, assist in the prevention of 21
hate crime, and engage in such other activities as will aid law 22
enforcement officers in solving hate crimes and controlling 23
related criminal activity. 24

(D) The bureau of hate crimes, when necessary, may 25
request, from the United States Attorney General, such 26
technical, forensic, prosecutorial, or any other form of 27
assistance in the criminal investigation of a hate crime that is 28
available to the state or a local government of the state, under 29
34 U.S.C. 30303. 30

(E) The attorney general may prosecute any crime that the 31
attorney general has cause to believe is a hate crime in 32
accordance with section 109.96 of the Revised Code. 33

(F) The attorney general shall include on the web site of 34
the attorney general a page dedicated to the bureau of hate 35
crimes, on which is made known a telephone number, and an email 36
address, electronic form, or other electronic means of 37
communication, to be used for reporting suspected occurrences of 38
hate crime. 39

Sec. 109.96. (A) As used in this section, "hate crime" has 40
the meaning defined in section 109.50 of the Revised Code. 41

(B) Notwithstanding any provision of the Revised Code to 42
the contrary pertaining to prosecutorial authority, the attorney 43
general may initiate a criminal proceeding for any crime that 44
the attorney general has reasonable cause to believe is a hate 45
crime by presenting evidence of a criminal violation in question 46

<u>to the prosecuting attorney of any county in which the violation</u>	47
<u>may be prosecuted. If the prosecuting attorney does not</u>	48
<u>prosecute the violation within a reasonable time or requests the</u>	49
<u>attorney general to do so, the attorney general may proceed with</u>	50
<u>the prosecution of the violation with all of the rights,</u>	51
<u>privileges, and powers conferred by law on a prosecuting</u>	52
<u>attorney, including the power to appear before a grand jury and</u>	53
<u>to interrogate witnesses before a grand jury.</u>	54