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Senator Johnson

Cosponsors: Senators Cirino, Lang, Schaffer, Manning, Gavarone, Huffman, O'Brien, Reineke, Reynolds, Roegner, Romanchuk, Weinstein, Wilkin, Wilson

To amend sections 2927.12 and 4112.01 and to enact sections 124.92 and 4112.20 of the Revised Code to define antisemitism for specific purposes and to expand the offense of ethnic intimidation to include the offenses of riot and aggravated riot committed by reason of the race, color, religion, or national origin of another person or group of persons.

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

Section 1. That sections 2927.12 and 4112.01 be amended and sections 124.92 and 4112.20 of the Revised Code be enacted to read as follows:

Sec. 124.92. For the purposes of anti-discrimination and anti-bias training for state agency employees, the definition of antisemitism in section 4112.01 of the Revised Code shall be used as an educational tool to familiarize staff and officials with antisemitism.

Sec. 2927.12. (A) No person shall violate section 2903.21, 2903.22, 2909.06, ~~or~~ 2909.07, 2917.02, or 2917.03, or division (A)(3), (4), or (5) of section 2917.21 of the Revised Code by

reason of the race, color, religion, or national origin of another person or group of persons.

(B) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.

Sec. 4112.01. (A) As used in this chapter:

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. "Person" also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesperson, appraiser, agent, employee, lending institution, and the state and all political subdivisions, authorities, agencies, boards, and commissions of the state.

(2) "Employer" means the state, any political subdivision of the state, or a person employing four or more persons within the state, and any agent of the state, political subdivision, or person.

(3) "Employee" means an individual employed by any employer but does not include any individual employed in the domestic service of any person.

(4) "Labor organization" includes any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment.

(5) "Employment agency" includes any person regularly

undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place employees.

(6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code.

(7) "Discriminate" includes segregate or separate.

(8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code.

(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.

(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or occupied or is intended, arranged, or designed to be used or occupied as the home residence, dwelling, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other; and any vacant land offered for sale or lease. "Housing accommodations" also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesperson, or agent, by any other person pursuant to authorization of the owner, by the owner, or by the owner's legal representative.

(11) "Restrictive covenant" means any specification limiting the transfer, rental, lease, or other use of any housing accommodations because of race, color, religion, sex,

military status, familial status, national origin, disability, or ancestry, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, sex, military status, familial status, national origin, disability, or ancestry as a condition of affiliation or approval.

(12) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including, but not limited to, cemeteries owned and operated by municipal corporations, townships, or companies or associations incorporated for cemetery purposes.

(13) "Disability" means a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.

(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means an individual aged forty years or older.

(15) "Familial status" means either of the following:

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;

(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen

years of age.

(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;

(ii) Any mental or psychological disorder, including, but not limited to, intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, intellectual disability, emotional illness, drug addiction, and alcoholism.

(b) "Physical or mental impairment" does not include any of the following:

(i) Homosexuality and bisexuality;

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(iii) Compulsive gambling, kleptomania, or pyromania;

(iv) Psychoactive substance use disorders resulting from

the current illegal use of a controlled substance or the current use of alcoholic beverages.

(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.

(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.

(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.

(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.

(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.

(23) "Aggrieved person" includes both of the following:

(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code;

(b) Any person who believes that the person will be injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur.

(24) "Unlawful discriminatory practice relating to employment" means both of the following:

(a) An unlawful discriminatory practice that is prohibited by division (A), (B), (C), (D), (E), or (F) of section 4112.02 of the Revised Code;

(b) An unlawful discriminatory practice that is prohibited by division (I) or (J) of section 4112.02 of the Revised Code that is related to employment.

(25) "Notice of right to sue" means a notice sent by the commission to a person who files a charge under section 4112.051 of the Revised Code that states that the person who filed the charge may bring a civil action related to the charge pursuant to section 4112.052 or 4112.14 of the Revised Code, in accordance with section 4112.052 of the Revised Code.

(26)(a) "Antisemitism" means a perception of Jewish people, which may be expressed as hatred toward Jewish people, directed toward Jewish individuals and non-Jewish individuals or their property or toward Jewish community institutions and religious facilities in either rhetorical or physical form.

(b) Contemporary examples of antisemitism include all the following:

(i) Calling for, aiding, or justifying the killing or harming of Jewish people in the name of a radical ideology or an extremist view of religion;

(ii) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jewish people as such or the power of Jewish people as a collective, including the myth about a world Jewish conspiracy or of Jewish people controlling the media, economy, government, or other societal institutions;

(iii) Accusing Jewish people of being responsible for real or imagined wrongdoing committed by a single Jewish individual or group, or for acts committed by non-Jewish people;

(iv) Denying the fact, scope, mechanisms, or intentionality of the genocide of the Jewish people at the hands of national socialist Germany and its supporters and accomplices during World War II;

(v) Accusing Jewish people, or the state of Israel, of inventing or exaggerating the genocide that occurred in Europe during World War II;

(vi) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jewish people worldwide, than to the interests of their own nations;

(vii) Denying the Jewish people their right to self-determination, including claims that the existence of a state of Israel is a racist endeavor;

(viii) Applying double standards by requiring of Israel a behavior not expected or demanded of any other democratic nation;

(ix) Using the symbols and images associated with classic antisemitism, including claims of Jewish people killing Jesus of Nazareth or blood libel, to characterize Israel or Israelis;

(x) Drawing comparisons of contemporary Israeli policy to that of the Nazi regime;

(xi) Holding Jewish people collectively responsible for actions of the state of Israel.

(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on

the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in division (B) of section 4111.17 of the Revised Code shall be interpreted to permit otherwise. This division shall not be construed to require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term or except where medical complications have arisen from the abortion, provided that nothing in this division precludes an employer from providing abortion benefits or otherwise affects bargaining agreements in regard to abortion.

(C) The definition of "antisemitism" in this section does not include criticism of the state of Israel similar to criticism leveled against any other country. The definition of "antisemitism" in this section shall not be construed to diminish or infringe on any right protected by the first amendment to the United States Constitution or the Ohio Constitution. This division shall not be construed to conflict with this chapter or any other federal, state, or local antidiscrimination law.

Sec. 4112.20. (A) As used in this section, "state agency" means every organized body, office, board, authority, commission, or agency established by the constitution or laws of the state for the exercise of any governmental or quasi-governmental function, regardless of the funding source for that

entity. "State agency" includes all of the following:

(1) A state institution of higher education as defined in section 3345.011 of the Revised Code;

(2) The nonprofit corporation formed under section 187.01 of the Revised Code and any subsidiary of that corporation;

(3) Any state retirement system or retirement program established by the Revised Code.

(B) In reviewing, investigating, or deciding whether there has been a civil or administrative violation of any relevant policy, law, or regulation prohibiting discriminatory acts, a state agency shall take into consideration the definition of antisemitism for purposes of determining whether an alleged act was motivated by antisemitism.

Section 2. That existing sections 2927.12 and 4112.01 of the Revised Code are hereby repealed.