



Sub. H.B. 521

123rd General Assembly
(As Reported by H. Criminal Justice)

Reps. Jones, Metelsky, Redfern, Sullivan, Wilson, Pringle, Logan, Patton, Trakas, Calvert, D. Miller, O'Brien, Gerberry, Goodman, Corbin, Van Vyven, R. Miller, Hartnett, Taylor, Jolivette, Austria, Clancy, Ogg, Womer Benjamin, Krupinski, Sykes, Roberts, Ford, Smith, Barrett, Britton, Barnes, Allen, Perry, Ferderber, Robinson

BILL SUMMARY

- Prohibits a person from wearing a mask, hood, or other device that hides or covers a substantial portion of the wearer's face so as to conceal the identity of the wearer when the person is on the private property of another without written permission or is in any public place.

CONTENT AND OPERATION

Existing law

Existing law prohibits a person from uniting with two or more others to commit a misdemeanor while wearing white caps, masks, or other disguise. A person who violates this prohibition is guilty of a felony of the fourth degree. (R.C. 3761.12 and 3761.99.)

Operation of the bill

The bill prohibits a person from doing both of the following (R.C. 2917.51(A)):

(1) Wearing a mask, hood, or other device that hides or covers a substantial portion of the wearer's face so as to conceal the identity of the wearer;

(2) Being on the private property of another while wearing the mask, hood, or device without first having obtained the written consent to do so from the owner, occupier, or tenant of that property or be in any public place while wearing the mask, hood, or device.

A person who violates this prohibition is guilty of a misdemeanor of the fourth degree (R.C. 2917.51(C)).

The prohibition does not apply to any of the following persons (R.C. 2917.51(B)):

(1) A person wearing a mask, hood, or other device in a traditional holiday celebration, whether religious or secular, when the mask, hood, or other device is appropriate for that celebration;

(2) A person lawfully engaged in employment, in a trade, or in a sporting activity who wears the mask, hood, or other device for the purpose of ensuring the physical safety of the wearer, or because of the nature of the employment, trade, or sporting activity;

(3) A person wearing a mask, hood, or other device in a bona fide theatrical production or for bona fide entertainment purposes;

(4) A person wearing a mask, hood, or other device for bona fide medical reasons upon the advice of a physician licensed to practice medicine or surgery or osteopathic medicine and surgery in Ohio or another state;

(5) A person wearing a mask, hood, or other device for protection against the elements;

(6) A person wearing a mask, hood, or other device as an expression of grief;

(7) A person wearing a mask, hood, or other device as a religious practice;

(8) A person wearing a gas mask prescribed in emergency management drills and exercises or emergencies.

COMMENT

The bill raises constitutional questions regarding freedom of expression through symbolic speech and, as part of that question, raises questions of overbreadth.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-14-99	p. 1464
Reported, H. Criminal Justice	04-18-00	pp. 1833-1834

H0521-RH.123/jc

