

Submitter: Mirinda Hart
On Behalf Of:
Committee: Joint Committee On Ways and Means
Measure: SB5506

Co-chairs Steiner and Sanchez, members of the Committee, for the record My name is Mirinda Hart and I live in Douglas County. I am making comments in regard to HB 2772 which is now before the Ways and Means Committee.

I understand this Bill isn't intended for protestors. It covers some pretty scary stuff that I can't imagine would ever be used in protest. However, I am concerned that some of the language isn't clearly defined and could be left open for abuse, specifically "Intentional attempt to destroy or substantially damage.." and the term "substantially damage."

To me, I would think "substantially damages" to mean the infrastructure is not completely destroyed but damaged to the point where it can longer serve its purpose and I can't imagine any protest tactic that would or could fall into that.

But then I think about a high school classmate of mine who grew up to become an employee with the city. He was known from his high school days to today as a compassionate person with a big heart. During lockdown he painted some streets in town to cheer up the community, replacing the yellow lines with red, white, & blue ones. The damage to the road wasn't "substantial" in my opinion, but it cost him his job because road lines have a meaning, and painting over them changes that meaning. His intent wasn't to disrupt service, but to bring joy. But what if it was an act of protest and his intent could be construed as an attempt to "disrupt the service of the road," would that paint on the road constitute "substantial damage?" Enough to warrant domestic terrorism? Paint may hinder the functionality of a road temporarily, but it is an easy fix and is vandalism at best. But without definition, "Substantially damages," is open for misuse and abuse.

The creation of a felony for "Intentionally attempting," is also concerning. Especially, when "substantially damages," is not defined. While I know the Bill is intended to cover things not used in protests (destructive devices and toxic substances) without definition I have concerns that a rock could be interpreted as evidence of "attempting to intentionally cause substantial damage to disrupt service." Or a paintbrush, or seed packets.

This all might sound outlandish and you may want to say "That would never happen," our "Terrorism Bill" isn't like the "Terrorism Bills" in those 19 other states where they've been misused to increase charges against protestors. But, the Bills in those other states are misused because they are vague and broad. If we are to create a

whole new crime of Domestic Terrorism, isn't it better to be crystal clear and defined than let a "grey area," create a loophole that gets a 19-year-old kid who kicked a can of paint over a domestic terrorism charge?

I ask that you do not pass HB 2772 as written. I encourage clearer definitions and a public hearing. When it comes to defining domestic terrorism, it's important to hear from the community, especially communities who often experience repercussions when power is abused, laws are vague, and legal loopholes are used to increase charges.

Thank you for your time.