OCG Bill Review — S.B. 202 (Chief Steven DiSario Act: Thin Blue Line Flag)

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Bill Review No. 008 · RL-2026-048 · 11/16/26 · Version 1.0

Bottom line: S.B. 202 would bar homeowners associations, condominium associations, landlords and manufactured home park operators from prohibiting the "thin blue line" flag, a black-and-white version of the U.S. flag with one blue stripe. It adds that flag to the short list Ohio law already protects from such rules: the U.S. flag, the Ohio flag, the POW/MIA flag and military service flags. Any lease term, deed restriction or association rule to the contrary would be unenforceable. The bill grew out of a homeowners association ordering Tom DiSario, father of Kirkersville Police Chief Steven DiSario, killed in the line of duty in 2017, to take down the flag he received at his son's funeral.

The Senate passed the bill 31–0 on May 13, 2026, the same day three opponents testified and the committee reported it 6–0. A House version, H.B. 75, has been in House Government Oversight since early 2025, and a 2023 version passed the House 65–28 before dying in the Senate. S.B. 202 has its first House hearing November 17, and the committee's agenda lists a possible vote at that hearing. The bill's title says it names the act for Chief DiSario, but the text contains no section that does so. Section 7 identifies five drafting issues.

Item	Detail
Bill	S.B. 202, 136th General Assembly — to prohibit restrictions on displaying the thin blue line flag "and to name this act the Chief Steven DiSario Act"
Sponsor	Sen. Tim Schaffer (R-20th District); 16 cosponsors, 15 Republicans and 1 Democrat
Senate action	Introduced May 14, 2025; Government Oversight and Reform hearings Feb 18, Mar 11 and May 13, 2026; reported 6–0 and passed 31–0 on May 13, 2026
House action	Introduced May 19, 2026; referred to Government Oversight May 20, 2026; 1st hearing Nov 17, 2026, with a possible vote
Companion	H.B. 75 (Reps. Kevin Miller, R, and Sean Brennan, D): three House Government Oversight hearings in 2025; no vote
Version reviewed	As Passed by the Senate (same text as reported, apart from cosponsors), with LSC's analysis and LBO's fiscal note for that version; As Introduced checked
Lame-duck flag	Yes. The bill needs House committee and floor passage, and Senate concurrence if amended, before the General Assembly ends.
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1. What the bill does, in plain language

S.B. 202 does three things.

1. **Protects the thin blue line flag from private bans.**[1]
   - **Associations.** A homeowners, neighborhood or civic association may not prohibit displaying the flag or an emblem on any property, on a flagpole, by bracket or in a window, if the display has the property owner's consent or follows state law, a local ordinance or a governor's proclamation. A flagpole for the flag must be "of an appropriate size."
   - **Condominiums.** A condominium association may not prohibit it on a flagpole, by bracket or in a window on the owner's limited common areas or the adjacent exterior of the building, if displayed according to state law, a local ordinance or a proclamation.
   - **Rentals and manufactured home parks.** A landlord or park operator may not restrict it in a lease or otherwise. A tenant who wants a flagpole or bracket must give reasonable notice to discuss zoning, cost, installation, lighting, size and placement. A landlord who is not notified is not liable for resulting damage, and the tenant must still return the property in its original condition.
2. **Voids contrary terms.** Any deed restriction, association rule or lease term that violates the bill is against public policy and unenforceable; in a rental agreement it is an unconscionable term.
3. **Defines the flag.** The protected design is a flag or emblem "similar to the flag of the United States": a black canton with 50 white stars, and 13 black and white stripes with the eighth stripe, just below the stars, blue.

The bill does not require anyone to fly the flag, and it does not change protections for the four flags already covered. LBO found "no direct fiscal effect" on the state or local governments.[2] The fiscal note does not estimate private costs, such as legal advice, covenant revisions or disputes between residents and associations.

2. Provision by provision

Statute	Who is covered	Current law	S.B. 202
4781.40(C)	Manufactured home park operators	May not ban the U.S., POW/MIA, Ohio or service flags	Adds the thin blue line flag or emblem (flagpole, bracket or window); notice and size rules; definition
5301.072	Homeowners, neighborhood and civic associations; deed restrictions	Same four flags; flagpoles of appropriate size	Adds the flag or emblem with owner consent or per law, ordinance or proclamation
5311.191	Condominium associations	Same four flags in limited common areas and adjacent exterior	Adds the flag or emblem per law, ordinance or proclamation; size rule
5321.131	Residential landlords	Same four flags; notice before flagpole or bracket	Adds the flag; contrary lease term unconscionable
Title	—	—	States the act is named the Chief Steven DiSario Act; no section of the text does so

[1] Ohio Legislative Service Commission, *Bill Analysis: S.B. 202, As Passed by the Senate*, 136th General Assembly, May 21, 2026, https://www.legislature.ohio.gov/download?key=28106.

[2] Ohio Legislative Service Commission, Legislative Budget Office, *Fiscal Note & Local Impact Statement: S.B. 202, As Passed by the Senate*, May 14, 2026, https://www.legislature.ohio.gov/download?key=27900.

3. Context

Chief DiSario. Kirkersville Police Chief Steven Eric DiSario was killed on May 12, 2017, responding to a call at a village nursing home. His father, a disabled Gulf War veteran, told the committee he flew the thin blue line flag presented at the funeral for five years until his homeowners association called it "a political statement"; he took it down in October 2022.[3]

Earlier versions. The bill is the third attempt.

- **2022:** Reps. Kevin Miller and Tim Ginter introduced the first version in the 134th General Assembly.[4]
- **2023:** H.B. 100 passed the House 65–28 and was referred to a Senate committee, where it died.[5]
- **2024:** The House passed S.B. 210, a bill designating awareness days, with a portion named the Chief Steven DiSario Act, on December 11, 2024.[6] The flag protection did not become law.
- **2025:** H.B. 75, by Reps. Miller and Brennan, had three House Government Oversight hearings and no vote.[7] S.B. 202 is its Senate companion.[8]

Courts and private associations. The First Amendment limits government, not private associations. A Capital University law professor told a Columbus station that if an association's contract allows it, the association may ban flags "or even … pick and choose amongst flags," and that constitutional problems arise when the state takes control.[9] The same report said a New Albany condominium owner fined for flying a thin blue line flag in 2021 lost a federal suit against his association; OCG has not reviewed the court record.[10]

Other states. As reported in news coverage, Arizona in 2022 barred associations from banning flags honoring first responders, among others.[11] Colorado in 2021 took a broader approach, restricting association bans on many kinds of flags and signs, including both Black Lives Matter and thin blue line flags.[12] S.B. 202 follows Arizona's model of naming specific flags.

When	Event
May 14, 2025	Introduced

[3] Thomas DiSario, proponent testimony on S.B. 202, Senate Government Oversight and Reform Committee, March 11, 2026.

[4] "Bill would prohibit Ohio homeowners associations from banning 'thin blue line' flag," WOSU, August 24, 2022, https://www.wosu.org/politics-government/2022-08-24/bill-would-prohibit-ohio-homeowners-associations-from-banning-thin-blue-line-flag.

[5] H.B. 100, 135th General Assembly, status and votes, https://ohiohouse.gov/legislation/135/hb100; LegiScan, "OH HB100 | 2023-2024," accessed November 16, 2026, https://legiscan.com/OH/bill/HB100/2023.

[6] S.B. 210, 135th General Assembly, status, https://ohiohouse.gov/legislation/135/sb210/status.

[7] H.B. 75, 136th General Assembly, https://ohiohouse.gov/legislation/136/hb75.

[8] Sen. Tim Schaffer, sponsor testimony on S.B. 202, Senate Government Oversight and Reform Committee, February 18, 2026.

[9] "Ohio bill allowing 'unapproved' flags in HOA, condo communities called unconstitutional," WSYX ABC 6, accessed November 16, 2026, https://abc6onyourside.com/news/local/new-albany-ohio-homeowner-battles-hoa-over-israel-flag-display-homeowners-association-statehouse-legislation-first-amendment-rights.

[10] "Ohio bill allowing 'unapproved' flags in HOA, condo communities called unconstitutional," WSYX ABC 6, accessed November 16, 2026, https://abc6onyourside.com/news/local/new-albany-ohio-homeowner-battles-hoa-over-israel-flag-display-homeowners-association-statehouse-legislation-first-amendment-rights.

[11] Suzie Ziegler, "New Ariz. law prevents HOAs from banning thin blue line flags," Police1, https://police1.com/legal/articles/new-ariz-law-prevents-hoas-from-banning-thin-blue-line-flags-qSdYfac3gYIij6mo.

[12] "HOA Bans on BLM, Thin Blue Line Flags About to Be History," *Westword*, 2021, https://www.westword.com/news/colorado-black-lives-matter-thin-blue-line-flag-hoa-fight-update-11983942/.

When	Event
May 28, 2025	Referred to Senate Government Oversight and Reform
Feb 18, 2026	Sponsor testimony
Mar 11, 2026	2 proponents
May 13, 2026	Senate committee hears 3 opponents, reports 6–0; Senate passes 31–0
May 19–20, 2026	Introduced in House; referred to Government Oversight
Nov 17, 2026	House Government Oversight 1st hearing, possible vote (scheduled)

4. Who is for and against, and why

Three witnesses supported the bill and three opposed it.

Affected parties were not contacted for comment before this release. Positions reflect the public record as of November 16, 2026. Responses received later will be added in a revised version.

On the record

Witness	Hearing	Position	Stated reasons
Sen. Tim Schaffer (R)	Feb 18, 2026	Sponsor	Adds the flag to the protected list; "a grieving father that was just trying to honor and remember his son."[13]
Thomas DiSario	Mar 11, 2026	Proponent	"I display the Thin Blue Line flag for the sole purpose of remembrance to my son."[14]
Ohio Manufactured Homes Association (Tim Williams)	Mar 11, 2026	Proponent	The bill sets "the proper protocols" for display; size issues were resolved in past legislation; operators may require removal of a flagpole when a resident leaves.[15]
ACLU of Ohio (Gary Daniels)	May 13, 2026	Opponent	Supports protecting private expression but opposes protecting "only one type of expression, one message"; if the state protects pro-police speech, "it cannot refuse to provide the same for speech with an opposing message."[16]
Mary Alleger	May 13, 2026	Opponent	The state "cannot pick and choose which ideologies to protect"; the bill overrides private contracts and community autonomy, contrary to "limited government."[17]
Ohioans Against Extremism (Ainslee Johnson-Brown)	May 13, 2026	Opponent	The symbol "does not carry a universally shared civic meaning"; the bill does nothing for officer safety in small departments.[18]

[13] Sen. Tim Schaffer, sponsor testimony on S.B. 202, Senate Government Oversight and Reform Committee, February 18, 2026.

[14] Thomas DiSario, proponent testimony on S.B. 202, Senate Government Oversight and Reform Committee, March 11, 2026.

[15] Tim Williams, Ohio Manufactured Homes Association, proponent testimony on S.B. 202, Senate Government Oversight and Reform Committee, March 11, 2026.

[16] Gary Daniels, ACLU of Ohio, opponent testimony on S.B. 202, Senate Government Oversight and Reform Committee, May 13, 2026.

[17] Mary Alleger, opponent testimony on S.B. 202, Senate Government Oversight and Reform Committee, May 13, 2026.

[18] Ainslee Johnson-Brown, Ohioans Against Extremism, opponent testimony on S.B. 202, Senate Government Oversight and Reform Committee, May 13, 2026.

Affected interests with no public position found

Interest	Provision affecting them
Homeowners and condominium associations and their boards	Existing flag rules unenforceable as to this flag
Residential landlords and apartment owners	Lease restrictions void; tenant notice process for flagpoles and brackets
Law enforcement organizations	The bill concerns their symbol; no police organization testified
Residents who want to display other flags	Not covered; association rules on other flags still apply

5. Pros and cons by lens

These are the arguments each camp would likely make, not documented positions and not OCG positions.

	Conservative lens	Liberal lens
Pros	Honors officers killed in the line of duty and their families. Treats a memorial flag like the military service flags already protected. Responds to a documented Ohio case.	Protects a resident's ability to display a personal memorial at home. Eight Senate Democrats voted for it, and a Democrat co-sponsors the House version.
Cons	Overrides covenants homeowners agreed to and associations' property rights. Government picking which private messages win.	Singles out one message on a contested subject while leaving other flags unprotected. Invites a constitutional challenge, as the ACLU argues.
Likely split	Back-the-blue conservatives vs. property-rights and limited-government conservatives	Members who see a memorial vs. civil liberties and police-accountability advocates

Common ground in the record: every witness, including all three opponents, expressed respect for Chief DiSario's sacrifice, and the ACLU said it supports protecting private expression generally. **Points either lens could raise:** whether the state should protect one flag or adopt a broader, viewpoint-neutral rule.

6. Process record

Metric	S.B. 202
Hearings	Senate Government Oversight and Reform: 3 (Feb 18, Mar 11, May 13, 2026). House Government Oversight: 1st set for Nov 17, 2026, noticed as "Poss. Vote" with sponsor, proponent, opponent and interested-party testimony[19]
Testimony	Sponsor plus 2 proponents (DiSario, Ohio Manufactured Homes Association); 3 opponents (ACLU of Ohio, Ohioans Against Extremism, Mary Alleger)
Committee to floor	Opponents heard, bill reported 6–0 with both parties voting yes, and passed 31–0, all on May 13, 2026. The record does not show whether members had the opponents' written testimony before that day.
Senate committee vote	6–0: Sens. Brenner, Landis, Manchester and O'Brien (R) and DeMora and Weinstein (D)[20]
Senate floor vote	31–0, including 8 Democrats[21]
Time in Senate committee	About 9 months from referral to first hearing; 12 months to passage
Prior House vote	H.B. 100 (2023): 65–28[22]

[19] Ohio House Government Oversight Committee, announcement of committee meeting (3rd revision), November 17, 2026.

[20] Ohio General Assembly, "Senate Bill 202: Votes," accessed November 16, 2026, https://www.legislature.ohio.gov/legislation/136/sb202/votes.

[21] Ohio General Assembly, "Senate Bill 202: Votes," accessed November 16, 2026, https://www.legislature.ohio.gov/legislation/136/sb202/votes.

Metric	S.B. 202
Cosponsors	16: 15 Republicans and Sen. Kent Smith (D)
Fiscal note	No direct fiscal effect[23]
Lame-duck or omnibus	Lame duck: yes. Omnibus: no
Comment requests	None sent before release (2026 lame-duck reviews; see section 4)

[22] H.B. 100, 135th General Assembly, status and votes, https://ohiohouse.gov/legislation/135/hb100; LegiScan, "OH HB100 | 2023-2024," accessed November 16, 2026, https://legiscan.com/OH/bill/HB100/2023.

[23] Ohio Legislative Service Commission, Legislative Budget Office, *Fiscal Note & Local Impact Statement: S.B. 202, As Passed by the Senate*, May 14, 2026, https://www.legislature.ohio.gov/download?key=27900.

7. Drafting issues and implementation risks

Sections 3 and 7 reflect OCG's reading of the bill text and current law. They have not been reviewed by an attorney and are not legal advice.

The text raises five drafting questions. None is rated High. An issue describes what the text does or leaves open, not anyone's intent.

#	Issue (R.C.)	Type	What the text does	Interests affected	Severity
1	**One message protected.** 4781.40(C)(2)(d), 5301.072(A)(5), 5311.191(A)(4), 5321.131(A)(4)	Legal question	The bill voids private rules against one flag associated with one view of policing while leaving rules against other flags in force. That raises a potential viewpoint-discrimination challenge to state regulation of private property arrangements, as the ACLU argues. Who could bring such a challenge, which doctrine applies and what level of scrutiny a court would use are unresolved. The state could point to its existing list of protected flags and to the memorial purpose the sponsors describe. OCG found no Ohio court ruling on the existing protected-flag laws either way.	Associations; landlords; residents; the state in any litigation	Medium
2	**Existing covenants and leases.** Same sections	Legal question	The bill makes contrary terms in existing deeds, association rules and leases unenforceable, not only future ones. It imposes no liability for past enforcement. Article II, Section 28 of the Ohio Constitution bars retroactive laws and laws impairing contracts, and Article I, Section 10 of the U.S. Constitution bars impairing contracts. Whether declaring an existing covenant unenforceable going forward falls within those limits depends on how a court characterizes the change; the existing protected-flag laws work the same way.	Associations; landlords; owners who bought under existing covenants	Low–Medium
3	**No naming section.** Title; Section 2	Textual	The title says the bill names the act the Chief Steven DiSario Act, but the text has only two sections and neither names it. The House version, H.B. 75, includes "Section 3. This act shall be known as the Chief Steven DiSario Act."[24] LSC's analysis cites "Section 3 of the bill" for the name; OCG checked the introduced, reported and passed texts, and none has such a section.[25]	Legislators; the DiSario family	Low

[24] H.B. 75, As Introduced, 136th General Assembly, Section 3, https://search-prod.lis.state.oh.us/api/v2/general_assembly_136/legislation/hb75/00_IN/html/.

[25] Ohio Legislative Service Commission, *Bill Analysis: S.B. 202, As Passed by the Senate*, 136th General Assembly, May 21, 2026, https://www.legislature.ohio.gov/download?key=28106.

#	Issue (R.C.)	Type	What the text does	Interests affected	Severity
4	**"In accordance with" condition unclear.** 5311.191(A)(4); 4781.40(C)(2)(d); 5321.131(A)(4)	Legal question	For condominiums and rentals, the flag is protected only if displayed "in accordance with any state law, local ordinance or resolution, or a proclamation by the governor." Unlike the U.S. flag, no law governs how this flag is displayed. A court could read the condition as always met, as never met, or, most plausibly, as requiring compliance with otherwise applicable laws such as zoning, safety and installation rules. Each reading changes what a resident must show to claim the protection. For homeowners associations, the alternative "consent of the property's owner" prong protects owners, and occupants with the owner's consent, without that condition.	Condominium owners; tenants; associations; landlords	Low–Medium
5	**Exact design only.** 4781.40(C)(10)	Textual	The definition fixes the colors and stripe pattern. Common variants, such as versions with added stripes, text or agency logos, may fall outside the protection. "Emblem depicting a flag" is not defined further and could be read more broadly than the flag itself. Other flags supporting law enforcement are not covered.	Residents; associations	Low

Type: *Textual* = confirmed in the bill's text or official documents. *Implementation* = depends on rules or practice not yet written. *Legal question* = depends on how a court would apply other law. **Severity:** *High* = a demonstrated conflict affecting public property, statutory rights or public money at scale. *Medium* = fraud, accountability, liability or coordination exposure the text leaves open. *Low* = administrative.

LSC's analysis also cites "R.C. … 5311.131(A)(4)" for the display condition; the section in the bill is 5321.131(A)(4).[26]

8. Open questions

1. **Will the House committee add the missing naming section,** or move H.B. 75, which has one?
2. **Why did the Senate committee report the bill at the same hearing where opponents testified?**
3. **Would a court read the "in accordance with" condition as met** for a flag no law regulates?
4. **Will associations or landlords testify in the House?** None has testified in either chamber.
5. **What criteria decide which flags Ohio protects from private rules,** and will the House consider a broader, message-neutral approach, as the ACLU proposed?
6. **Will the House committee vote at its first hearing, as its agenda allows,** before any House witness has testified on the bill?

About this review

What this is. OCG Bill Reviews are Research Center publications. They describe what a bill does, who has taken a position on it, and how it has moved through the General Assembly. Ohio Common Ground does not endorse or oppose legislation, candidates or parties. Nothing in this review is a recommendation to vote for or against this bill.

[26] Ohio Legislative Service Commission, *Bill Analysis: S.B. 202, As Passed by the Senate*, 136th General Assembly, May 21, 2026, https://www.legislature.ohio.gov/download?key=28106.

Version and date. This review covers S.B. 202 As Passed by the Senate, as of November 16, 2026. Bills change through substitutes and amendments, so a later version may differ. Updates are posted at ohiocommonground.com.

Sources. Figures and statements of law come from primary government sources: bill text, analyses from LSC's Office of Research and Drafting, Legislative Budget Office fiscal notes, committee records, minutes and votes, and court decisions. Statements in testimony are reported as the witness's statement. A figure that cannot be traced to a primary source is left out.

Method. Each review follows the OCG Legislative Review Standard:

1. Plain-language summary and provision-by-provision comparison against current law.
2. Context: earlier versions, related bills, recent law and litigation.
3. Positions on the record, from committee testimony and public statements. Interests affected by a provision are listed separately; being affected is not treated as support or opposition.
4. Lens analysis: the arguments conservative and liberal observers would likely make. These are hypothetical, attributed arguments, not documented positions and not OCG positions.
5. Process record: measurable facts about hearings, testimony, timing and sponsorship.
6. Drafting issues: places where the text is ambiguous, incomplete or leaves discretion unchecked, each tied to a section of the Revised Code and labeled by type. An issue describes what the text does or leaves open, not anyone's intent.
7. Open questions the public record does not yet answer.

Not legal advice. This review is not legal advice. Anyone with a legal question should contact the responsible court or an attorney.

Corrections. Report errors through ohiocommonground.com. Corrections made before release are logged in the working draft. Substantive changes after release are issued as a new version.

Sources

Primary

- S.B. 202, As Passed by the Senate; As Reported; As Introduced
- LSC Bill Analysis, As Passed by the Senate; LBO Fiscal Note, As Passed by the Senate
- House Government Oversight meeting notice, Nov 17, 2026 (3rd revision)
- S.B. 202 committee activity, status and votes
- Written testimony: Sen. Schaffer; Thomas DiSario; Ohio Manufactured Homes Association; ACLU of Ohio; Mary Alleger; Ohioans Against Extremism
- H.B. 75, As Introduced (136th G.A.); H.B. 100 (135th G.A.); S.B. 210 (135th G.A.)

Secondary

- WOSU, Aug 24, 2022; WSYX ABC 6; LegiScan, H.B. 100
- Police1, Arizona law; Westword, Colorado law

Revision history

Version	Date	Change
1.0	11/16/26	Initial release.