



SPONSOR TESTIMONY – HOUSE BILL 38

Chairman Manning, Vice Chair Rezabek, Ranking Member Johnson and members of the committee

I stand before you today as the sponsor of a very important piece of legislation – House Bill 38, with the working title – The Public Safety and Military Protection Act.

This bill seeks to address the growing and very prevalent challenges facing our public safety forces and military members –challenges they should not have to address but they do – purposeful, intentional and pre-meditated attacks of violence against those who protect and serve our communities, our state and our nation.

So Where Did This Concept Come From For This Bill?

A few years ago I was attending a conference in Washington, D.C. It was during a very tumultuous time in our nation when attacks against public safety forces and members of our military were on the rise. A comment was made about enacting measures to provide stricter penalties for those who purposely seek to harm our brave men and women in uniform, all types of uniforms.

We have seen horrific attacks across our nation and even here in Ohio.

The Atlantic reported on December 30, 2016:

“Deadly shootings and ambush attacks contributed to a five-year high in law-enforcement fatalities in the United States in 2016...” they went on to say that...

“Ambush attacks on officers took place in 21 of the total 64 shooting fatalities ... the highest total in more than two decades.”

Unfortunately, Ohio was not excluded from this statistic. Thomas W. Cottrell, Jr., of the Danville Police Department was ambushed behind a municipal building after responding to a call. - End of Watch: Sunday, January 17, 2016

Statistics for other first responders, firefighters, EMT's and others, as well as, members of the military are not as readily available.

However, it was reported in December that an attack was committed in Youngstown, as three firefighters were returning from a fire and their fire engine was purposefully targeted. The fire engine was hit twice, injuring one firefighter and narrowly missing the other two.

And we have all seen media attacks against members of the military in Ft. Hood, Texas and Chattanooga, Tennessee just to name a few.

So what does this bill do?

House Bill 38 expands those covered by current state law for the intentional and pre-meditated charge of murder – aggravated murder. Currently, the law only includes state Law Enforcement Officers. This bill includes other public safety forces such as firefighters, EMTs and members of the military. Additionally, this bill provides strong deterrents to individuals who seek to harm those who see us at our worst, at our greatest times of need and toward those who protect our liberties and freedoms.

More specifically, this bill:

1. Creates definitions for “First Responders” and “Military Member” to the Ohio Revised Code
2. Provides that the current ORC definition of Federal Law Enforcement Officer shall have equal protection as the ORC definition of a Law Enforcement Officer as it relates to Aggravated Murder and Felonious Assault
3. Includes language for “First Responders”, Law Enforcement Officer, Federal Law Enforcement Officer and “Military Member” beyond active duty to “anyone who has previously served”

Additionally:

1. House Bill 38 intends to strengthen the imposed prison term protocol for offenders who plead guilty to or are found guilty of committing felonious assault against those defined by this bill when the offender “knew or had reasonable cause to know the victims profession,” i.e., a premediated attack. The proposed language says “any prison term imposed for an offense under this division shall be served consecutively to any prison term imposed for one or more offenses committed at the same time, as part of a common scheme or plan, or as part of a course of criminal conduct connected to the felonious assault.”

Where do we stand nationally?:

Currently, Louisiana has passed a law that provides similar but fewer protections in that they only cover state first responders. New York, Missouri and Kentucky currently have similar pending legislation as Louisiana. Our Bill, Ohio House Bill 38, is the most comprehensive bill of its kind in the nation – because it not only covers law enforcement officers both state and federal, firefighters, and emts and but it also covers members of the military and provides further protects all groups beyond active duty and provides additional prison term protocols for certain offenses.

With the passage of House Bill 38, we will set the benchmark for other states to follow, and we will demonstrate that our State stands with and by those men and women who protect and serve our communities, our State and our nation.

Thank you your consideration of the bill and I am available for your questions.