



Representative Michael E. Henne
Ohio House District 40

Sponsor Testimony – HB 585

Chairwoman Anielski, Vice Chair Hambley, Ranking Member Holmes, and members of the State and Local Government Committee, thank you for allowing me to speak today on HB 585.

Before I get into the specifics of the bill, I would like to make clear the intent of this legislation. I have always been and will continue to be an adamant defender of second amendment rights. Look at my voting record. However, after 17 teenagers were murdered at school on February 14 of this year, I told myself – as someone in a position to do so – I needed to act. I did not want this shooting to play out as the others have. We get mad. We point fingers. We go to our corners. But nothing changes. I decided I needed to act.

We do know the fault for these tragedies lies only in the mind of those sick individuals pulling the triggers. That is why I am proposing steps to make it more difficult for these perpetrators to perform these acts of pure evil, while still protecting the rights of the responsible gun owners. That is exactly what HB 585 does.

After the Parkland School shooting, I was moved. I asked everyone I knew their thoughts. I spoke to coworkers, business acquaintances, veterans, law enforcement, friends, and family members. I spoke to my school superintendents. I spoke to liberals and conservatives. I spoke to gun advocates and I spoke to gun haters. I even spoke to my liberal sister who I am prohibited to talk politics with at family events. Of course there was not one solution and there were many ideas, but no one said to do nothing.

I soon began investigating ideas that could have a chance of making a difference, not just make people feel good that they passed something. I began drafting some language. Then, I heard the ideas that came out of the Governor's working group and felt those ideas had that potential, to make a difference. To stop the Parkland shooters of the world. The working group was comprised of diverse individuals on all sides of the gun debate. Some of the people I have previously sought out for clarity on how best to protect the second amendment. Yet most importantly, every member, both gun opponents and advocates alike, agreed upon the concepts that emerged from the working group.

HB 585 contains sensible changes that can make people safer, from themselves and others. **It is not the gun. It is the person.** HB 585 will help make it harder for people who should not possess a gun to get a gun. **IT DOES NOT TAKE AWAY THE GUNS OF THE RESPONSIBLE GUN OWNERS.**

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Here is what HB 585 specifically does:

Extreme Risk Protection Order:

Allows a family member, an individual that cohabits with the person, or a law enforcement officer (upon the completion of an independent investigation) to file a petition in the court of common pleas for a protection order that temporarily restricts a high-risk person from possessing a deadly weapon or firearm. Subject to a hearing, the petitioner must prove by clear and convincing evidence that the respondent is a danger to themselves or others.

This provision:

- Strictly limits who can request an order
- Petition must include:
 - o Facts showing significant risk of suicide or serious threat to others
 - o The number, types and locations of deadly weapons
 - o Respondent's address and whereabouts
 - o Identify if there is a current protective order
- Petitioner has the burden of proof
- Sets the bar high with "clear and convincing evidence"
- Defines exactly what evidence is permitted
 - o Recent threats or acts of violence towards petitioner
 - o Recent threats or acts of violence towards others
 - o Recent act of cruelty to animals
 - o Reckless use, display, or brandishing of weapons
 - o History of suicide threats or attempts
 - o History of the use, attempted use or threatened use of physical force or violence against another person
 - o Illegal use of controlled substances or abuse of alcohol
 - o Prior court ordered involuntary confinement for mental health and a substantial risk.
 - o Other relevant factors
- Person must be served notice of the hearing or hearing is continued
- Gives due process, allowing rebuttal
- Any order must include notice that order can be appealed
- In cases where the threat is Significant and Imminent
 - o Petitioner can file an Ex Parte order
 - o Law enforcement will remove their firearms

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- Order is for 72 hours
- Person knowingly filing a false petition is subject to criminal prosecution and civil action

We need to do everything we can to make sure those individuals who pose a threat to themselves and others do not have a gun while still protecting the right of the responsible gun owners.

Weapons Disability:

Prohibits a person from having a firearm or a dangerous ordinance if:

- Under federal indictment for or been convicted of a felony offense
- Been convicted of domestic violence or violating a protective order
- Subject to a qualified protection order
- Been dishonorably discharged from the military
- Alien or renounced U.S. citizenship

This section is mirroring federal law so law enforcement officers who live in the community and know their neighbors can enforce it.

Armor Piercing Ammunition:

Adds armor piercing ammunition, as defined by federal code, to the list of dangerous ordinances. I believe this section is self-explanatory and once again, this mirrors federal law.

Strawman Purchases:

Prohibits the purchasing of a firearm on behalf of a third party unless it is a gift. Violation of this provision is a second-degree felony. This is just a way around the background check laws. My father took me for my 15th birthday to buy a shotgun as a gift. That would still be permissible. This section also mirrors federal law.

NICS Changes:

Specifies that any court-ordered protection orders against a person be entered into LEADS in a format compatible with NICS so that the system can identify a person when they attempt to purchase a firearm. This is a data in/data out issue. If the courts are not entering the information into the system then we cannot use the information to find out if an individual should be allowed to purchase a firearm.

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Automatic Firearm Definition:

Adds to the ORC the definition of “automatic firearm” and the federal definition of “machine gun”. This will allow Ohio to comply with federal law when the definitions change.

Gun ownership is a right guaranteed by the Constitution and I have protected that right on every occasion. However, with every right comes an equal responsibility. First amendment right guarantees the right of free speech but that speech cannot be used to cause panic in a crowded theatre. The second amendment is just as powerful a right but it comes with its own limitations. Just as you cannot own a handgun if you are under 21, a felon, or multiple other reasons, people who are a threat to themselves and others should not have access to guns. HB 585 is about limiting their access to guns.

Here are a few concerns that have been raised to me throughout this process:

“There are already many laws on the books.” HB 585 is about giving law enforcement the tools to actually enforce those laws.

“It’s not the gun, it’s the individual.” HB 585 is about keeping guns away from those individuals who are a threat to themselves and others.

“The only way to stop a bad guy with a gun is a good guy with a gun” HB 585 makes it harder for the bad person to get a gun so the good person does not have to stop him.

While some may disagree that this approach is the best way to address gun violence in our state, NO ONE can say the status quo is all we can do. We can and must do better, not only for those who are a threat to themselves, but who are a threat to others.

At this time, I will be happy to answer any questions the committee may have.

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