

Chairwoman Anielski, Vice Chair Hambley, Ranking Member Holmes, and members of the House State and Local Government Committee, my name is Gary Witt, a legislative coordinator with Ohioans For Concealed Carry. Thank you for giving us the opportunity to testify in opposition of House Bill 585 today.

Let OFCC make it clear to the committee that we do not oppose the concept of keeping guns from people the Court determines should not have them. We don't want people who should not have firearms, in the eyes of the Court, to have those firearms any more than any of the people in this audience wearing red shirts do. We do, however, object to the methods put forth in this bill in accomplishing that.

Due process is afforded the respondent when a petitioner requests an extreme risk protection order (EPRO). In this situation, a hearing is set within three days, the respondent is notified and can appear to contest the action. When an ex parte hearing is held the respondent is not present. The problem that OFCC sees here is that a constitutionally guaranteed right, the right to keep and bear arms, can be taken away without a full evidentiary hearing. A warrant filed by the court for seizure of the respondent's weapons immediately after the issue of the ex parte EPRO is in conflict with the U.S. Supreme Court decision of 1970 - *Goldberg v. Kelly*. In that case, the Supreme Court ruled that benefits, in that case it was welfare benefits, could not be withheld without a full evidentiary hearing. We understand that we are not talking welfare benefits here, we are talking firearms. With that in mind, if the Supreme Court, in *Goldberg v. Kelly*, ruled that non-constitutional benefits could not be withheld without a full evidentiary hearing, is it reasonable to believe that the Court would allow the removal of the Constitutional right to keep and bear arms without a full evidentiary hearing? OFCC requests that reasonable attempts be made to reach the respondent with notification of the hearing and give him or her (or the person's chosen representative) the opportunity to be present and contest the petition prior to a court order to remove an individual's constitutionally guaranteed right to keep and bear arms.

This bill proposes the elimination of restoration of rights. ORC 2923.13 currently says "Unless relieved from disability under operation of law or legal process....." It is clear that the intent of the legislature was to give those who have paid their debt to society the ability to petition the court to restore their rights. To now remove the restoration of rights of people who have atoned for their mistakes, people who have lived with no transgressions since their mistakes, people who have HOPE for their ability to exercise their freedom and constitutional rights may not be illegal, but it is immoral and beneath the dignity of Ohio legislators. What, in the interest of public safety, is the justification in continuing to punish an individual? This can be viewed as nothing less than retribution from the legislature. We believe that restoration of rights is an issue for the courts to decide. We strongly object to the removal of a person's ability to obtain,

through the Court, relief from disability and we respectfully request that the language “Unless relieved from disability under operation of law or legal process” and that ORC 2923.14, Relief from weapons disability not be stricken.

We believe that retribution is also behind the change in ORC 2923.13 with regards to persons convicted of a felony. The current wording of this section keeps firearms out of the hands of anyone who has been convicted of a felony offense of violence. To eliminate “of violence” and extend the firearm prohibition to anyone who has been convicted of a felony is again, retribution. Should an individual who embezzled several thousand dollars 15 years ago and lead a clean life since then continue to pay for his mistake. Again, this is a matter for the Court to decide through the restoration of rights process. We request the language of ORC 2923.13 (A)(2) remain as is.

Under the current law if an Ohio citizen purchases a gun for another individual and the other individual plans to pay the purchaser back, so long as the other individual is not a prohibited person it can be done. This is not a straw purchase. HB 585, as written, would prohibit this activity between two law abiding citizens. We ask this committee, why are attempts being made to penalize law abiding citizens for performing lawful activities? We respectfully ask that ORC 2923.20 be left as is.

The sponsors of the bill are to be commended for their attention to having firearms promptly returned to an individual if, after a full hearing, an ex parte extreme risk protection order is not issued. As we have seen with concealed carry notification though, the word “promptly”, as used in numerous places in this bill is an arbitrary term and we request this be changed from promptly to within a specified timeframe such as 24 hours. We respectfully request that the word “promptly” as used with regards to returning firearms be changed to a specified timeframe for accomplishing the return. OFCC respectfully requests this timeframe be within 24hours of receiving a court order for return.

We believe there was an oversight in drafting this bill. While firearms are to be returned, there is NO provision in this bill for notification to law enforcement agencies of the court’s determination that an EPO is not warranted or early termination. Law enforcement needs to be notified of these events and directed to remove the order from any computer-based system, including the National Instant Criminal Background Check System (NICS) for which it was entered within a specified timeframe. We respectfully request that the specified timeframe is 24 hours after law enforcement receives the order for name removal.

We believe that making false statements to obtain a protection order should be a more serious offense than HB 585 currently shows. Accordingly, we request ORC 3113.30 as presented in this bill be revised to reflect the severity of any false statement.

HB 585 as it currently stands, is wholly unacceptable to OFCC. We encourage the author to sit down with OCC for further discussions about the serious and extensive changes that are needed to respect the rights of Ohioans.

Thank you for your time and attention. I will attempt to answer any questions that you may have.