

Testimony of Jeffrey K. Smith on HB 585, May 24, 2018

As a civil rights activist, I'm here today to express my strong opposition to HB585. I'm also here to express my disgust not only of its contents but also of the legislators, especially Republicans, who are attempting to foist an unconstitutional and ineffective "gun control" bill on the citizenry of Ohio.

Make no mistake, when groups with an ongoing history of lying and deception (such as Moms Demand Action, and Everytown for Gun Safety) support a bill, be assured that there is little "common sense" involved and lots of demonizing guns and their owners.

And so it is with this bill, which purports to enhance public safety by duplicating Federal law, trampling on civil rights, adding accused people to the Federal prohibited gun purchasers database, and demonizing via prohibition legal gun components approved by the ATF which have been falsely claimed to "convert" a semi-automatic firearm to automatic fire.

Instead of responding to the recent tragedies in Florida and Texas by demanding and facilitating a reduction in the number of places where victims have been made disarmed and defenseless by law (like schools, churches, etc.), some in the legislature fearful of losing their job have bought into the scare tactics of our formerly illustrious governor and his current soulmates - the aforementioned and misnamed "common sense" anti-gun groups.

The more of the bill I read, the more my initial suspicion was confirmed: this bill isn't about the protection of society, it's a combination of a number of feel-good prohibitions coupled with fulfillment of some dreams of anti-gun groups - instead of further restricting the places that one can possess a firearm, it restricts who can possess them.

The bill allows some crimes currently on the books (assault, battery, cruelty to animals, use/display/brandishing of a firearm, pg 71) to be the basis for a vindictive person, anti-gun law enforcement official, or anti-gun judge to suspend or remove a Constitutional right. This is simply wrong and unacceptable.

In addition, Ohio already has on its books a law and a legal process for dealing with people considered to possess a risk to themselves or others: ORC 5122.01 and upward. The proposed law, although duplicative in many areas:

- Doesn't address the apparent mental illness component (pg 72: "(E) Any evidence presented in a petition for an extreme risk protection order under division (A)(1) of this section or in any hearing on such a petition that the respondent has been diagnosed with any mental illness or any other mental health condition is not sufficient by itself for the court to issue an extreme risk protection order...")
- Doesn't insist on Fourth Amendment protections (it allows an ex-parte hearing)

- Demands, in violation of the Fourteenth Amendment, that a person essentially prove themselves 'safe' to take possession again of their firearms, instead of putting the burden of proof on the petitioner and/or the State.

To the Republicans on this committee: instead of fulfilling the shortsighted demands of the Governor, your Speaker, and those who urgently and willingly demands that multiple Constitutional protections be cast aside in the alleged pursuit of "safety", I urge you to vote against this bill. Myself and many other gun owners are tired of your promises of steadfast adherence to the Constitution during election season, only to be disappointed afterward.

Personally, and I know I'm not the only one, in the general election our candidate for Governor will not be getting my or my family's vote, nor will any other so-called Republican who stabs gun owners in the back.

Thank you, and I'll take any questions you might have.