

Testimony:

Chairwoman Anielski, Vice-Chair Hambley, Ranking Member Holmes and members of the House State and Local Government Committee,

Thank you for the opportunity to testify in opposition to House Bill 585, the gun-control bill by Representative Mike Henne and Governor Kasich. I will base my vote on the outcome of this bill.

I love the fact that I am a citizen of the United States and of Ohio. I love this because #1 I am free, #2 this is the greatest country in the world, and #3 Ohio is truly the heart of it all.

However, I am incredibly concerned that my rights are threatened by House Bill 585 for the following reasons: House Bill 585 violates my rights under the 1st, 2nd, 4th, 5th & 14th Constitutional Amendments.

Under the 1st Amendment, I have a right "to petition the Government for a redress of grievances." The summary statement of House Bill 585 states one purpose of the bill is "to eliminate the process by which an individual may apply for relief from a weapons disability." That process is actually a right, one which this body has no authority to remove from me.

We are all well aware that the 2nd Amendment states in part "...the right of the people to keep and bear Arms *shall not be infringed*." Anytime any governing body proposes legislation that will "generally prohibit a person from buying, purchasing, obtaining, or furnishing a firearm..." that governing body is directly attacking and attempting to infringe upon my 2nd Amendment right.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..." is extended to me under the 4th Amendment.

House Bill 585 flies in the face of that by creating circumstances for unreasonable search and seizure. Specifically, Sec. 3113.27, actually seeks to criminalize a person who is mentally ill. All of the resources taken up by the process through which an extreme risk protection order is enacted could better be utilized in assisting the proposed respondent with obtaining appropriate treatment. You're proposing to spend all this time and money to search for and seize a person's firearms. What time and money are you going to spend helping that person get treatment for his/her medical condition? I understand that a diagnosis of mental illness alone will not lead to a person losing his/her ability to own or purchase a firearm; however, why has this person's illness been allowed to progress to a point of suicidal or homicidal ideations, self-injurious behaviors and/or threats, etc.? The illness has progressed, so let's make the person a criminal now. That's like telling a cancer patient that because their cancer has metastasized, they can no longer own firearms. Yes, it is exactly like that.

To search and/or seize any of my property based upon hearsay is absolutely unreasonable. I say that it is hearsay, because the judgment of a qualified medical professional is not taken into consideration, since the "petitioner" is defined as "a family or household member, a person living as a spouse, or a law enforcement officer." None of those people considered petitioners are qualified medical professionals at all, much less are they qualified in the highly specialized field of psychiatry.

The pertinent part of the 5th Amendment of the United States Constitution reads: "No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law..."

House Bill 585 spits at the 5th amendment right by forcing a respondent to testify on his/her own behalf to prove innocence of accusations permitted under this bill. Case in point, Sec. 3113.29(B)(3) states that "the respondent has the burden of proving by a preponderance of the evidence that the respondent no longer presents a significant risk..." Furthermore, at this hearing in which the 5th Amendment means absolutely nothing, the unqualified petitioner may rebut the respondent's evidence or assertion that the respondent presently does not (or likely never did) pose such a risk.

If that isn't enough, the State of Ohio is being directly called out by the 14th Amendment to the United States Constitution, which states in pertinent part, "No person shall be ... compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law..."

House Bill 585 is an Unconstitutional "solution" in search of a problem.

However, perhaps the most egregious part of House Bill 585 is the destruction of due process via "ex parte" hearings of evidence offered by unqualified, often jaded or offended individuals who just want to hit a person where he or she hurts. As a survivor of domestic violence, I am disgusted by people like that, and it disgusts me that this bill would assist them in their plight for emotional knife twisting. America was founded on the fundamental jurisprudence doctrines of "innocent until proven guilty" and due process. House Bill 585 infringes upon those doctrines when it infringes on my 1st, 2nd, 4th, 5th, and 14th Amendment rights.

This legislation will not increase public safety. Rather, it has already wasted enough of your time and mine. Please publicly oppose it, block it in committee and vote NO at every opportunity.

Thank you,
Shelli Sharp
Ray, Ohio