



TO: Senate Judiciary Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: December 12, 2017
RE: Senate Bill 180

To Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, my name is Gary Daniels, chief lobbyist for the American Civil Liberties Union of Ohio ("ACLU of Ohio") and I appear to present opponent testimony on Senate Bill 180.

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The ACLU of Ohio opposes SB 180 because of the likely effect expanding Ohio's "Stand Your Ground" law, as found in this legislation, will have on people of color throughout the state.

Indeed, we already know, across the country, people of color are more likely to be stopped, searched, ticketed, arrested, convicted, imprisoned, imprisoned for longer sentences, sentenced to death, and actually executed than their white counterparts.

When looking at national crime data, we also know of the gigantic racial disparities when it comes to justifiable homicides. That is, when the shooter is white and the victim black, the chances that homicide will be found justified is significantly greater than when both the shooter & victim are white (and when the shooter is black & the victim white or black).

This applies in states that do not have your Stand Your Ground laws and those that do. In fact, this difference is further exacerbated in states *with* Stand Your Ground laws. To give you an idea of the magnitude, a 2013 study by the Urban Institute that examined FBI crime data concluded, in states with Stand Your Ground laws, a white shooter is 350% more likely to have their homicide ruled justified when the victim is black versus when the victim is white.

SB 180 further stacks the deck by requiring prosecutors to disprove the affirmative defense of self-defense. This ill-advised expansion to Ohio law should be rejected. Affirmative defenses are a mechanism whereby defendants can offer different facts than those alleged by prosecutors that may explain their otherwise unlawful conduct, such as shooting a person.

In other words, prosecutors must prove a defendant shot a person, not whether or not the shooter acted in self-defense. The burden is then on the accused to assert they were acting in self-defense and offer proof to bolster that claim. Under SB 180, all a defendant needs to do is assert the Stand Your Ground provision and prosecutors are then tasked with proving the shooter did *not* act in self-defense, even if the indisputable and unchallenged fact is the defendant shot & killed the victim.

If the Ohio legislature is intent upon expanding Ohio's law via SB 180, at the very least, this bill should be amended to include reporting and data collection requirements so your constituents can closely follow the effects of this expansion. Obviously, statistics on the races of the accused and the victims would be included, among other useful data. Only with reliable data can Ohio examine and determine any further needed fixes or changes should SB 180 become law.

Better yet, the ACLU of Ohio urges rejection of Senate Bill 180's Stand Your Ground expansion as unnecessary, unworkable, and further facilitation of race-based injustice and inequality.