

Proponent Testimony: SB 175
Howie Beigelman | Ohio Jewish Communities
Committee on Civil Justice | Ohio House of Representatives
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Chairman Hambley, Vice Chair Patton, and Ranking Member Brown:

As the statewide government advocacy, public affairs, and community relations voice of Ohio's eight Jewish federations, Ohio Jewish Communities submits this testimony today in support of SB 175, to "Grant civil immunity-injury, death, loss from carrying handguns."

We are grateful to Senator Schaffer and Senator Eklund for sponsoring.

Background and Statement of Interest

Hate-filled, violent attacks on houses of worship and on schools have surged in the last few years. In just the last year alone, deadly attacks struck synagogues in Pittsburgh, PA¹ and Poway, CA², mosques in Christchurch, New Zealand³, and Christians at Easter services in Sri Lanka⁴, while stoking fear at African American churches in Louisiana⁵. As well, there have been two arrests in Ohio alone of homegrown violent extremists who were plotting attacks on Jewish communities in Toledo⁶ and Youngstown,⁷ and two recent convictions in anti-Semitic hate crimes in Cincinnati⁸ and Cleveland⁹. November began with the arrest by the FBI of a Holocaust-approving white supremacist plotting to bomb Colorado's second oldest synagogue¹⁰ and with a guilty plea by two Iranian spies¹¹ who admitted to plotting against Israeli and Jewish targets here in the Midwest¹².

Nonprofits, perhaps especially so those in the faith-based community, are quintessential "soft targets." Recently, in Columbus, Senator Rob Portman and the Department of Homeland Security along with Governor Mike DeWine and Ohio Public Safety hosted an interfaith summit for leaders of those groups specifically¹³.

Our Communal Interest

Since the Pittsburgh terror attack, the ADL counts at least 15 attempted radical attacks against the Jewish community that were foiled by law enforcement¹⁴, with at least two of those attempts – far higher than the law of averages would dictate - right here in Ohio¹⁵. These are the plots that have been made public by law enforcement; counterterrorism officials indicate there are other active and/or secretly closed investigations not in the public domain.

¹ <https://www.cnn.com/2018/10/27/us/pittsburgh-synagogue-active-shooter/index.html>

² <https://www.npr.org/2019/04/30/718563232/part-of-the-history-of-evil-parents-say-of-alleged-california-synagogue-shooter>

³ <https://www.npr.org/2019/04/30/718563232/part-of-the-history-of-evil-parents-say-of-alleged-california-synagogue-shooter>

⁴ https://beta.washingtonpost.com/world/coordinated-explosions-rock-three-churches-and-two-hotels-in-sri-lanka-on-easter-sunday/2019/04/21/a09002a0-63f6-11e9-9ff2-abc984dc9eec_story.html

⁵ <https://www.nbcnews.com/news/us-news/man-accused-setting-fire-3-black-churches-louisiana-charged-hate-n995286>

⁶ <https://www.13abc.com/content/news/BREAKING-Holland-man-arrested-after-planning-attack-on-syna-502360131.html>

⁷ <https://time.com/5654959/white-supremacist-ohio-arrested-jewish-community-center/>

⁸ <https://www.wcpo.com/news/crime/fbi-searching-for-huber-heights-man-convicted-of-anti-semitic-hate-crime>

⁹ https://www.clevelandjewishnews.com/news/local_news/cleveland-man-sentenced-for-harassing-communication-to-synagogues/article_d1eadcfe-a63b-11e8-9101-af49810c5b5c.html

¹⁰ <https://www.reuters.com/article/us-colorado-crime/colorado-white-supremacist-charged-with-plotting-to-detonate-explosives-at-synagogue-idUSKBN1XE2CZ>

¹¹ <https://www.timesofisrael.com/2-iranians-accused-of-spying-on-jewish-israeli-targets-in-us-plead-guilty/>

¹² <https://www.justice.gov/opa/press-release/file/1088521/download>

¹³ <https://www.dispatch.com/news/20190905/with-bigotry-and-hatefar-too-common-faith-leaders-look-for-protection-for-flock>

¹⁴ <https://www.adl.org/news/press-releases/latest-adl-data-at-least-12-white-supremacists-arrested-for-plots-attacks>

¹⁵ <https://www.nbc4i.com/news/state-news/report-2-ohio-men-arrested-for-alleged-anti-semitic-terrorism-plots-in-past-year/>

Ohio remains a dangerous place in this regard. We know at least one of Ohio's Joint Terrorism Task Forces is among the busiest – per agent – in the nation. An Indiana branch of the Ku Klux Klan held a rally in Dayton last May¹⁶ and the murderer who mowed down Heather Heyer in Charlottesville at the Unite the Right rally was from Maumee, Ohio¹⁷. Both the Southern Poverty Law Center¹⁸ and the ADL¹⁹ have reported a rise in white supremacist activity in Ohio, including at universities, while left wing extremists continue anti-Israel activity on college campuses as well²⁰. Recent white nationalist activity on campuses in Ohio include both the private (Ohio Wesleyan²¹ and University of Dayton)²² and the public (The Ohio State University and Miami University)²³. White supremacist propaganda also showed up in heavily Jewish Bexley, a Columbus suburb²⁴. And, the Maltz Museum of Jewish Heritage in Cleveland was tagged with a Holocaust denial poster²⁵ not even three years after a swastika was spray painted at Hebrew Union College in Cincinnati²⁶, North America's largest Jewish studies seminary.

And, we have seen a worrying number of potential surveillance and attempted entries into synagogues and Jewish agencies here in Ohio. Police indicate the accused Toledo plotter, a homegrown violent extremist who affiliated with ISIS²⁷ and radical Islam, had even done pre-operational surveillance at the Jewish community campus.

As well, Ohio has been the site of several other recent ISIS linked arrests and convictions in Akron²⁸, Columbus²⁹, Dayton³⁰, and Southwest Ohio.

Prior Efforts by the State

None of this is news either to this committee or the full House and General Assembly. You are aware of the dangers facing nonprofit institutions such as schools, community centers, senior living facilities, and houses of worship in our community and in other faith-based or cause-focused communities like ours.

That is why the General Assembly in partnership with both the current³¹ and prior³² administration has taken steps to combat threats and to help secure our physical campuses and protect those who study, work, and worship in them.

A Gap in the Protection

The legislation before you is a needed and necessary next step in this three way partnership between you as state policymakers, our communities, and local law enforcement. It is a modest change to state law that does one thing: it amends nonprofit organizations seeking insurance coverage into the same category as local governments, colleges and

¹⁶ <https://radio.wosu.org/post/dayton-closing-downtown-streets-ahead-kkk-rally#stream/0>

¹⁷ <https://www.usatoday.com/story/news/2019/06/28/james-fields-ir-charlottesville-sentencing-heather-heyer-unite-the-right/1587233001/>

¹⁸ <https://www.cincinnati.com/story/news/2019/02/20/hate-groups-ohio-kentucky-up-49-report-shows-southern-poverty-law-center/2927414002/>

¹⁹ https://www.clevelandjewishnews.com/news/local_news/new-adl-report-anti-semitism-increased-in-ohio/article_4ef2d3e0-6b72-11e9-b481-e717ec0982d.html

²⁰ <https://www.jns.org/report-shows-uptick-in-anti-israel-activity-on-american-college-campuses/>

²¹ <https://www.dispatch.com/news/20191105/white-supremacist-materials-posted-at-ohio-state-ohio-wesleyan-campuses>

²² <https://www.whio.com/news/local/investigating-reports-posters-campus-from-white-nationalist-group/vxeJvrfzldzvVnevc3NLIL/>

²³ <https://forward.com/fast-forward/422483/white-nationalist-miami-university/>

²⁴ https://www.columbusjewishnews.com/news/local_news/white-supremacist-group-stickers-posted-in-downtown-bexley/article_77af8cd8-b2df-11e9-9fb0-a7132c3b8eb6.html

²⁵ https://www.clevelandjewishnews.com/news/local_news/anti-semitic-poster-found-at-maltz-museum/article_e132b7e4-ae38-11e9-9417-3b07758e1726.html

²⁶ <https://www.cincinnati.com/story/news/crime/2017/01/03/hebrew-union-college-sign-painted-swastika/96116230/>

²⁷ <https://www.newsweek.com/toledo-fbi-holland-ohio-isis-martyrdom-jewish-synagogue-undercover-rifles-1252461>

²⁸ <https://www.newsweek.com/man-who-wanted-create-isis-sleeper-cell-us-carry-out-potential-attacks-1318889>

²⁹ <https://www.10tv.com/article/man-arrested-columbus-airport-charged-traveling-train-terrorists>

³⁰ <https://www.cincinnati.com/story/news/crime/crime-and-courts/2019/03/11/man-convicted-supporting-terrorism-says-he-believed-isis-wasnt-evil/3130524002/>

³¹ https://www.columbusjewishnews.com/news/local_news/new-ohio-budget-lauded-for-supporting-religious-institutions-at-ojc/article_6fbfa472-acb8-11e9-b11e-abc5b7f2e153.html

³² https://www.clevelandjewishnews.com/news/local_news/state-makes-million-available-in-nonprofit-security-grants/article_a76d887a-c21f-11e6-b625-cb484d030b40.html

universities, and even private sector businesses. Nonprofits, seemingly, are the only type of organization treated differently in the law.

This makes it harder for nonprofit organizations, already the target of deadly plots, to take their own measures to protect themselves. If a special-duty officer or armed security guard makes insurance unaffordable, the choice is an untenable one.

By way of example, in at least one of our communities, as they sought to deploy trained and licensed guards to deter and defend against attack, their insurance premium rose while their coverage decreased.

In our conversations with similar communities nationally, we have learned this is not a universal problem. State action can help here, as it has elsewhere.

Favorable Action Requested - With Proposed Amended Language

Making this small change in the law will allow communities at real and immediate risk of terror attack to do everything they need to protect themselves. That saves lives.

It will also help local police and emergency responders, already stretched thin at times.

We do believe the legislation would be strengthened by a further specific detail of certain classes of employees, officers, licensees, volunteers, or entities who would be included in this civil immunity. We also recommend a best practices certification. Our proposed language is attached here.

It would do several critical things.

First, it expands the immunity so that it includes contracted security guards, or police officers on special duty, as well as to the “managing” members of the entity. This is especially important for small nonprofits so that we avoid lawsuits aimed at board members who may have more wealth than the organization itself.

It also crafts a best practices and training or certification requirement, under which police officers on special duty or off duty, but covered in their official capacities, would already be in compliance. This is important both because it allows insurers to feel confident that the individuals exempted are trained to a specific level and are truly a loss mitigator. It also encourages organizations to hire such certified professionals, making the house of worship or other nonprofit a safer place.

We welcome any questions as well as the opportunity to work with you to enact this critical missing piece to community safety.

Thank you.

Howie Beigelman, Executive Director

Appendix: Civil immunity Amendment Language

The officers, directors, managers, and the voluntary and professional leadership of a private employer, political subdivision, institution of higher education, or nonprofit corporation under sections 2(a), 2(b), 2(c), and/or 2(d) above with licensees carrying handguns on their premises shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises owned or leased or otherwise “under the control” of/by the private employer, political subdivision, institution of higher education, or nonprofit corporation, including any motor vehicle owned, leased, or rented by the private employer, political subdivision, institution of higher education, or nonprofit corporation, or to any event organized by the private employer, political subdivision, institution of higher education, or nonprofit corporation, unless the private employer, political subdivision, institution of higher education, or nonprofit corporation acted with malicious purpose, so long as such licensees meet and/or exceed the requirements set forth by one or more of any of the industry best practices listed below:

1. the Best Practices for Armed Security Officers in Federal Facilities (April 2013/2nd Edition)
2. the Level 1 voluntary accreditation program of the Ohio Department of Public Safety/Ohio Private Investigation & Security Services Commission and Private Investigator Security Guard Services
3. State or local police or peace officers, federal or military law enforcement, and others regarded as law enforcement whether on special duty or off duty, who are covered in their official capacities, are deemed to be in compliance with industry best practices

A private employer, political subdivision, institution of higher education, or nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer, political subdivision, institution of higher education, or nonprofit corporation’s decision to permit a licensee to bring a handgun onto the premises of the private employer, political subdivision, institution of higher education, or nonprofit corporation, including any motor vehicle owned, leased, or rented by the private employer, political subdivision, institution of higher education, or nonprofit corporation or to any event organized by private employer, political subdivision, institution of higher education, or nonprofit corporation, so long as such licensees meet and/or exceed the requirements set forth by one or more of any of the industry best practices listed below:

1. the Best Practices for Armed Security Officers in Federal Facilities (April 2013/2nd Edition)
2. the Level 1 voluntary accreditation program of the Ohio Department of Public Safety/Ohio Private Investigation & Security Services Commission and Private Investigator Security Guard Services
3. State or local police or peace officers, federal or military law enforcement, and others regarded as law enforcement whether on special duty or off duty, who are covered in their official capacities, are deemed to be in compliance with industry best practices

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