

Mr. Chairman and Committee Members,

My name is Jeffry Smith, from Cincinnati. I'm here today to testify in favor of HB 381, Stand-Your-Ground, as endorsed by Ohio Gun Owners and Ohioans for Concealed Carry. Some background information on me:

- NRA Life Member, NRA Basic Pistol Instructor since 2004, who has taught hundreds of students
- Gun safety instructor and monitor for multiple "Shooting Sports" weekends for local Boy Scouts
- Participant in the "Defense Walks" of 2003, in support of concealed carry legislation in Ohio
- Participant in numerous efforts to improve Ohio's gun laws, both personally & organized by Ohio's gun groups
- Active participant in multiple gun rights forums
- Since 2014, organizer of more than 20 open carry events, under my name, in Ohio, Missouri and Kentucky – each aimed at increasing awareness and understanding of the Right to Keep and Bear Arms, improving gun laws, or insisting on government compliance with gun (and other) laws
- In summary - instructor, civil rights activist, and an individual in touch with gun matters/gun law in and out of Ohio

For nearly 20 years I've been involved in matters related to gun rights, gun ownership, and self-defense - as a participant, leader, firearms instructor, or as a person who regularly reads about and interacts with people across the country regarding the aforementioned subjects. During those same years I've either participated in or closely observed gun bill testimony – in person or remotely, when permission is given, **as it should be**, for real-time broadcast.

It's been said by at least one opponent of this bill that "Removing to duty to retreat from our current self defense laws would create a wild west, I've even been told that by some people. Everyone's just going to strap on, that's the way it's gonna go down. It's gonna be all out war." (Shela Blanchard of Moms Demand Action, Ohio - ABC6, January 21, 2020)
See <https://tinyurl.com/yx6mon2x>

I and others instead based our approach on experience, credibility, and reality; not distortions and fear-mongering.

Upon request, a few years ago I wrote the initial version of this bill for Ohio Gun Owners, modeled on states with existing SYG laws. As with the older version, I support the current version because 1) it's wrong to force someone placed into a life-threatening situation to take action(s) which may further jeopardize them, and 2) in no state have the experiences and reality of such a law's passage mirrored the distortions and overheated rhetoric of opponents. In addition, since the inception of licensed concealed carry in Ohio, Ohio's gun groups have repeatedly demonstrated credibility in asking for law revisions, while opponents (of all stripes, including law enforcement) simply have not.

Let's talk about the law as it is. Although some would have you believe otherwise, in addition to civil protection, I'm asking you to change only one part of Ohio's self-defense law – eliminating the dangerous "duty to retreat".

Referencing the Ohio Attorney General's Concealed Carry handbook's interpretation of current law (see <https://tinyurl.com/yxxwcrjj>, pps 17-19):

The Ohio Supreme Court has explained that a defendant generally must prove three conditions to establish that he acted in defense of himself or another:

- 1) One must have a reasonable and honest belief of immediate seriously bodily injury or death;
- 2) One must not have been the first aggressor or initiator, and
- 3) One must show that one did not have a duty to retreat or avoid the danger. A person must retreat or avoid danger by leaving or voicing his intention to leave and ending his participation in the confrontation.

Rather than the outright distortions and the dire predictions of opponents, e.g. an insistence that blood will run in the streets, that verbal insults will justify the use of deadly force, or that the 'Wild West' will be reincarnated - you should recognize that I and others are *simply asking you to remove one's duty to retreat from a reasonable and honestly believed threat of seriously bodily injury or death*. **Nowhere in the bill as authored or in the two conditions which would remain unchanged will you find protection for the unjustified or indiscriminate use of deadly force.**

In conclusion, a few points:

- 1) The claim in the linked article (and found elsewhere on the web) that this bill and others like it "...would allow a person to shoot to kill in public, even when there's a clear and safe alternate" is RIDICULOUS on its face.

If an individual *reasonably and honestly believes* that he or she is immediately at risk of serious bodily injury or death, just how is it that such an individual could **clearly and safely** remove themselves from the situation??

- 2) It seems to me that if a person(s) has made a decision to unlawfully threaten another with immediate seriously bodily injury or death, we should be more concerned about the life and bodily integrity of the threatened individual than that of the assailant/rapist/robber/murderer.
- 3) **27 states** have legislatively adopted stand-your-ground laws: Alabama, Alaska, Arizona, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia and Wyoming.

An additional 7 states have adopted stand-your-ground in practice, either through case law/precedent, jury instructions or by other means: California, Colorado, Illinois, New Mexico, Oregon, Virginia, and Washington.

- 4) A question I've been asked about this and other gun rights bills is "Can I guarantee x, y or z?" NO, I can't, and neither can anyone else who is of this Earth.

I can guarantee, however, that just as citizens are aware that various governmental entities misuse their authority and power in lesser matters, citizens are concerned that an anti-gun prosecutor, or a prosecutor who wants "street cred" with potential voters will make biased prosecutorial decisions which needlessly deprive individuals of freedom, time and treasure.

Thank you for your attention, and if you have any questions for me I'd be glad to answer them.

Sincerely,

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Ohio Citizens Defense League, Campus Carry Coalition

1:00PM, Statehouse room 121, 2/26/2020, Criminal Justice Committee