



June 9, 2020

Criminal Justice Committee
1 Capitol Square, Room 017
Columbus, OH 43215

Chairman Lang, Vice Chair Plummer, Ranking Member Leland and members of the committee:

My name is Chelsea Parsons, and I'm the Vice President for Gun Violence Prevention Policy at the Center for American Progress. I'm writing today in opposition of H.B. 381, a bill that would drastically expand the state law regarding self-defense in a manner that would put many Ohio communities at risk.

Ohio already has a robust self-defense law that allows individuals to use force to protect oneself, another person, or one's home including in some circumstances, by using "defensive force that is intended or likely to cause death or great bodily harm to another."¹ Current Ohio law also includes an expanded version of the Castle Doctrine and provides that individuals may use force in defense of their home or vehicle without any duty to first attempt to make a safe retreat.² The current state law therefore offers wide latitude for individuals to take defensive measures to protect themselves and their homes while drawing some appropriate lines around when such defensive measures, particularly those involving deadly force, may be taken only as a last resort.

H.B. 381 is an unnecessary and dangerous expansion of Ohio law. This bill would allow an individual to use deadly force in self-defense in almost any scenario where he or she "reasonably believes that such force is necessary to defend the person or another from any actual or imminent use of unlawful force." Under this legislation, deadly force may be used regardless of where an individual is present and whether they can safely retreat from the altercation instead of resorting to lethal force. Indeed, the bill does not even require that an individual be thoughtful or deliberate in making a decision to use deadly force in self-defense, providing that "A person may be wrong in the estimation of the danger or the force necessary to repel the danger as long as there is a reasonable basis for the person's belief and the person acts reasonably in response to that belief." This bill, if enacted, would incentivize the use of deadly force and increase risks of vigilantism and violence in the state, particularly against communities of color.

The risks posed by this type of expansive self-defense law – known as a "Stand Your Ground" law – is not hypothetical. Evidence links stand your ground laws with increased rates of homicides and hospitalizations. A 2017 study by researchers at American University found that that roughly 30 people are killed each month as a result of stand your ground laws.³ Florida, the first state to implement this law, serves as a cautionary tale for states considering this devastating policy. A team of researchers

¹ ORC Ann. 2901.05.

² ORC Ann. 2901.09.

³ Chandler McClellan and Erdal Tekin. "Stand Your Ground Laws, Homicides, and Injuries." *Journal of Human Resources*, Vol. 52 (3), PP 621-653. *Project MUSE*, available at muse.jhu.edu/article/665550.

examined the homicide rate in Florida before and after stand your ground was enacted and, in a study published in the *Journal of the American Medical Association*, found that the enactment of this law was associated with a dramatic increase in both overall homicides and gun-related homicides in the state. After controlling for other factors and comparing the homicide rates with trends in other states, the researchers determined that the monthly gun murder rate in the state increased 31% after the law was enacted, while the monthly overall murder rate increased 24%.⁴ This means that since 2006, approximately 4,200 people were murdered with a gun in Florida as a result of this deadly law.⁵

In addition, stand your ground laws have shown to be enforced and implemented with clear racial bias. Research examining the impact of stand your ground policies across states found that in states that have enacted these laws, 35.9% of shootings of Black victims by white perpetrators were deemed justified, while only 3.4% of cases with Black perpetrators and white victims had the same result.⁶ A study examining stand your ground cases in Florida from 2005 through 2013 found that the race of the victim was significant in a defense's success: the defense was more likely to succeed if the victim was not white.⁷

Broad self-defense laws like the one created by HB 381 are an unnecessary and dangerous expansion of the traditional legal doctrine of self-defense that incentivize the use of deadly force in situations where it is not necessary to protect against imminent serious harm. These laws have a distinct racial bias in their application and are used to justify a "shoot first" mentality that results in the deaths of people of color – particularly Black men – and then provide complete immunity to protect the perpetrators from being held accountable for these deaths. If enacted, HB 381 will make Ohio communities less safe and I urge you to vote against it.

Chelsea Parsons
Vice President, Gun Violence Prevention Policy
Center for American Progress
cparsons@americanprogress.org

⁴ David K. Humphreys, Antonio Gasparrini, and Douglas J. Wiebe "Evaluating the Impact of Florida's 'Stand Your Ground' Self-Defense Law on Homicides and Suicide by Firearm," *JAMA Internal Medicine*, available at <https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2382988>.

⁵ Chelsea Parsons and Eugenio Weigend, "The Devastating Impact of Stand Your Ground in Florida," Center for American Progress, available at <https://www.americanprogressaction.org/issues/guns-crime/news/2018/10/17/172031/devastating-impact-stand-ground-florida>.

⁶ Richard Florida, "It's Not Just Zimmerman: Race Matters a Lot in 'Stand Your Ground' Verdicts," CityLab, July 15, 2013, available at <https://www.citylab.com/equity/2013/07/its-not-just-zimmerman-race-matters-lot-stand-your-ground-verdicts/6195>.

⁷ Nicole Ackermann et al, "Race, law, and health: Examination of 'Stand Your Ground' and defendant convictions in Florida," *Social Science & Medicine*, Vol 142, PP 194-201.