

Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the Ohio House Criminal Justice Committee,

Thank you for allowing me to testify today. My name is Joshua Moody. I am a resident of Dayton, Ohio, where I live with my wife and my 10-month old son. I am a lifelong resident of the Dayton area, where I was born to an Air Force captain / Baptist minister (father) and healthcare professional (mother), both of whom are also residents of the Dayton area. I hold a Master's degree in English literature and currently work for a federal defense contractor. I am an active and independent voter who leans conservative. I am especially concerned with the growing violence seen across nearly every community in our country over the last decade, all the more so since I recently became a father.

I am strongly opposed to House Bill 381.

As a country and as a state, we already have sufficient self-defense laws on the books. If my or my family's safety is threatened in our home, it would be incredibly difficult to convict me for using force, even deadly force, on the threatening party. That is as it should be. Towards upholding this protection under the law, HB 381 is redundant and unnecessary.

Moreover, if the safety of my family or a fellow citizen is under threat outside my home, the law also currently affords me the right to use force to protect them as needed – with “as needed” being the key phrase. If a retreat from danger is available under such circumstances, it should be taken. Only a madman or an aggressor would reject the opportunity to retreat when doing so would protect their lives and others. I believe that there not a person in this room today who would, if given the choice, choose to escalate a situation with their loved ones' lives on the line, if indeed retreat were an available option. Again, federal and state law already provides for self-defense in these situations when retreat is not available.

HB 381 seeks to expand the law to provide legal safety for those who reject an available retreat and who choose to needlessly meet aggression, even perceived aggression, with a use of force that may even outscale the danger. HB 381 seeks to expand the law to allow non-deadly aggression – even unarmed aggression – to be met with deadly force. Under this law, for example, I could legally execute a person who came towards my family car in a Wal-Mart parking lot, waving their arms and yelling at me for taking their parking space – as long as I claimed that I perceived them as a danger, I could legally shoot that unarmed person in the face. Lest anyone in the room perceive this scenario as far-fetched, I would remind them that it has actually happened. In July 2018 in the state of Florida, Markeis McGlockton, an unarmed man, was shot to death in an altercation over a handicapped parking space after being confronted and threatened by his shooter.

HB 381 does not create a safer community. It creates a system of ludicrous and loose interpretation of threat and danger that ignores the already realistic laws regarding true self-defense that exist. It opens the door for tragic deaths like Trayvon Martin or Markeis McGlockton and many others at the hands of those who would twist its intent to cloak their uncontrolled rage in a false hedge of self-defense. We do not need this law and it will not make our state better or safer. In fact, it would cause me to fear for my family's safety even more.

My wife is of the Arabic ethnicity and she has a natural, outspoken passionate temper. She is a tiny woman, afraid of violence, and would never physically hurt anyone -- nor has she ever -- but she is prone to speaking her mind when angered. If HB 381 were passed, I would worry that someone with a prejudice towards her ethnicity would use the law to physically harm her or worse during a verbal altercation.

America is already in the throes of extreme racial tensions. It does not require a vivid imagination to foresee how this bill will inevitably be used down the road if it passes. I implore this committee to think of the real safety of real people out there rather than their own voting base. Gov. Mike DeWine is sitting at a 82% approval rating right now because he sidestepped the politicizing of COVID-19 and put Ohioans above his own ambitions, unlike other governors on both sides have done. Every committee member here has the same opportunity before them on this matter. Today, you can say no to escalating our nation's tensions and demonstrate true leadership towards de-escalation and unity.

I ask you to consider my testimony and vote NO on this bill.

Thank you again for the opportunity to testify.

I will now take any questions you may have.

Joshua Moody