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**General Government and Agency Review Committee  
Senate Bill 202 Sponsor Testimony  
Restore Local Government Authority on Gun Regulation Legislation  
October 23, 2019**

Chair Schuring, Vice Chair Rulli, Ranking Member O'Brien and members of the Senate General Government & Agency Review Committee, thank you for the opportunity to provide sponsor testimony today on Senate Bill 202. This legislation would restore local governments' authority to regulate the ownership, possession, manufacturing, taxation, purchase, sale, transfer, transportation, storage, and keeping of firearms.

In section 9.68 of the Ohio Revised Code, local governments are prohibited from enacting any firearms regulations that are more restrictive than those passed by the Ohio legislature. This preemption of local government control over firearms was established in 2006 when the legislature passed HB 347. This legislation was vetoed by then-Governor Bob Taft who stated that the bill "eroded home rule in municipalities across Ohio." However, the legislature ultimately overrode the veto and the law was enacted, nullifying more than 80 local firearm ordinances. This included Cleveland's assault rifle ban that was upheld by the Ohio Supreme Court in 1993. More recently, HB 228, which was enacted during the 132<sup>nd</sup> General Assembly, expanded section 9.68 to include the manufacturing, taxation, and the reporting of loss or theft of firearms

Each region in Ohio has dealt with different forms and threats of gun violence, and our state's one-size-fits-all approach ignores important local variations. At Governor DeWine's October 7<sup>th</sup> press conference, both Dayton and Youngstown's mayors expressed the unique problems they have encountered in their respective cities. Both cities have separate gun violence issues that they want to address on behalf of their residents. The state's prohibition on local control means local communities cannot protect their residents with local ordinances. For example, in May of this year, the KKK planned a rally in Dayton. If the state had not preempted public safety laws, Mayor Whaley could have banned firearms from the rally to ensure public safety and protect residents from an inherently charged situation. Also, in 2016, the Republican National Committee convention was held in Cleveland. Law enforcement and city officials wanted to temporarily suspend open carry during the convention on specific streets where supporters and protesters were within close proximity and law enforcement was in the middle of the chaos. Not only did the presence of guns heighten the volatility of the situation, it put law enforcement at great risk. However, the city officials were without the authority to act in the best interests of the residents and law enforcement.

This erosion of home rule is not just a large city problem. Many smaller governments have expressed the importance of maintaining home rule authority in order to enact ordinances that protect their citizens. During a Columbus Metropolitan Club meeting on September 11 – in the wake of the Dayton mass shooting —the mayors of Findlay, Lancaster and Bexley spoke on gun policy in Ohio. When asked about home rule, the Mayor of Lancaster, David Scheffler, said that Ohio cities should have the ability to make decisions about gun policy on the local level. And he gave the example of selling high-capacity magazines. Bexley Mayor Ben Kessler admitted that a uniform policy is preferable, but said that oftentimes when cities assertively exert their home rule rights, like in this situation; it means the state needs to “do something.” And we agree. In the General Assembly’s current debate to identify effective and impactful legislative remedy to this life-threatening crisis inaction is unacceptable. As we all believe, doing otherwise is unsatisfactory and saving the lives of our citizens must be our number one priority.

The Ohio legislature has continually passed laws to expand gun rights. Ohio’s largest cities, which have different challenges than Ohio’s smaller communities, have had no authority to take preventative measures to curb gun violence. The state’s prohibition has appreciably limited municipalities’ ability to effectively address this critical issue. Since the enactment of HB 347, firearm-related violence has steadily increased. According to the Ohio Department of Health, in 2007, 1,085 Ohioans were killed due to firearms. In 2017, 1,591 Ohioans were killed by guns – a 47% increase in 10 years. In Cleveland alone, 114 out of the 129 homicides in 2018 involved firearms.

This legislation is a result of many years of listening to Ohio’s elected officials and residents who feel their right to self-govern has been usurped by the Ohio General Assembly. The purpose of this legislation is to restore local control to Ohio’s communities with regards to gun laws and allow for common-sense ordinances to be put in place at the local level. To be clear, there is nothing mandatory in this legislation to compel a municipality to act beyond current state law.

It is important that the legislature needs to be respectful of Ohio communities’ home rule rights and obligations. What may be considered reasonable in Zanesville may not be acceptable in Akron; each local community is distinct and has its own strengths and challenges. Thank you Chairman Schuring and members of the General Government and Agency Review Committee for allowing us to testify on this critical bill. We will now take any questions the Committee or the Chair may have regarding this proposal.