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**Sponsor Testimony-SB 223**  
**Senate Government Oversight and Reform Committee**  
**November 5, 2019**

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Good afternoon, Chairman Coley, Vice Chairman Huffman, Ranking Member Craig, and members of the Senate Government Oversight and Reform Committee. Thank you for allowing us the opportunity to offer sponsor testimony on Senate Bill 223. This bill will ban bump stocks and limit the magazine capacity of firearms.

On August 4, 2019, a gunman in the Oregon District of Dayton fired a .223 caliber high-capacity rifle with two 100-round drum magazines.

- In 32 seconds, he fired at least 41 shots.
- In 32 seconds, he injured 27 people.
- In 32 seconds, he killed 9 people.

If police had not engaged the gunman within 20 seconds of the initial shots, hundreds could have been killed that night. The gunman carried a pistol modeled after the AR-15 that fired rifle rounds and could have been carrying up to 250 bullets.

Again, this legislation is not about restricting anyone's gun rights. This legislation is about protecting the safety of the public.

Limit Large Capacity Magazines

Under Senate Bill 223, a large capacity magazine is defined as any magazine, belt, drum, feed strip, or similar device that has the capacity of more than fifteen rounds of ammunition for a handgun, or more than twenty rounds of ammunition for any other firearm.

High-capacity devices have been used in more than half of all mass shootings in recent years, including Las Vegas, Sutherland Springs, TX and Parkland, Fl. Those three attacks alone, from October 2017 to February 2018, claimed 101 lives and injured 459 people.<sup>1</sup>

According to research by George Mason University, guns crimes involving high-capacity magazines have increased markedly since 2004, when a federal law lapsed that prohibited magazines with a capacity of more than 10 bullets.

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<sup>1</sup> [https://www.washingtonpost.com/national/as-mass-shootings-rise-experts-say-high-capacity-magazines-should-be-the-focus/2019/08/18/d016fa66-bfa3-11e9-a5c6-1e74f7ec4a93\\_story.html](https://www.washingtonpost.com/national/as-mass-shootings-rise-experts-say-high-capacity-magazines-should-be-the-focus/2019/08/18/d016fa66-bfa3-11e9-a5c6-1e74f7ec4a93_story.html)

A 100-round drum is too heavy for law enforcement, self-defense, and hunting. But high-capacity magazines do make it a lot easier for those who have violent intentions. In the 2011 shooting of Rep. Gabby Giffords, the attack was interrupted when the shooter stopped to reload. This gave bystanders a chance to engage the shooter who was tackled to the ground. Limiting these dangerous weapons is not taking away law-abiding citizens' right to bear arms, but rather making it harder for criminals to commit heinous crimes.

### Ban Bump Stocks

SB 223 will also ban bump stocks. A bump stock is a device that is attached to a semiautomatic rifle that enables the rifle to rapidly fire again and again. A bump stock is a relatively cheap accessory, costing around \$50 at the cheaper end of the range. The shooter in the Las Vegas massacre in 2017 used a bump stock which allowed him to kill many people in a very short period of time. It is estimated that the shooter was able to shoot 90 gunshots in 10 seconds, and that in general, the range is 500-900 shots per minute.

The bump stock is now banned under federal law and Ohio should do the same. There is no conceivable reason why an individual needs to use a bump stock. It is not necessary for the defense of one's home or for the purpose of hunting animals. It is an extremely lethal device and serves no valuable purpose.

### Second Amendment Concerns

A prominent issue that arises whenever gun safety laws are discussed is whether the law or regulation encroaches upon a person's Second Amendment rights. Two cases are cited by those fervently supporting the Second Amendment as a complete shield from any type of gun safety measures proposed by a government. Those two cases, *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *McDonald v. City of Chicago*, 561 U.S. 742 (2010) affirm an individual's right to own guns under the Second Amendment.

However, the *Heller* and *McDonald* decisions were not a complete restriction on a government's right to pass laws on gun safety. In both decisions the Supreme Court was careful to stress the limited nature of the rulings.

Writing for the majority in *Heller*, Justice Scalia noted:

**“Like most rights, the right secured by the Second Amendment is not unlimited. [It is] not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”**

Likewise, the Court reiterated in *McDonald* that a wide variety of state and local gun safety laws are constitutionally permissible. The *McDonald* court stated that:

**“It is important to keep in mind that *Heller*, while striking down a law that prohibited the possession of handguns in the home, recognized that the right to keep and bear arms is not ‘a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.’”**

According to extensive research conducted by the Giffords Law Center<sup>2</sup>, since *Heller and McDonald*, **lower courts have upheld a wide range of gun safety laws as constitutional, including:**

- Laws restricting the [concealed](#) and [open carry](#) of loaded guns in public
- Bans on [assault weapons](#), [large capacity magazines](#), and [silencers](#)
- [Prohibitions on criminals and the mentally ill possessing guns](#)
- [Firearm design safety standards](#)
- [Safe storage requirements](#)
- [Waiting period laws](#)
- [Private-sale background checks](#) and [licensing laws](#)

As legislators, we have a duty to keep our communities safe while protecting ALL constitutional rights, like the freedom to safely assemble in public without fear of gun violence. Please join us and 90% of Ohioans who support common sense gun safety laws. Thank you and we are happy to take questions.

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<sup>2</sup> <https://lawcenter.giffords.org/wp-content/uploads/2019/07/PHLS-June-2019-Update.pdf>