



Joe Uecker
14th District

Ohio Senate
Senate Building
Room 226, Second Floor
Columbus, Ohio 43215
(614) 466-8082
Uecker@ohiosenate.gov

Ohio Senate
Senate Building
Room 036, Ground Floor
Columbus, Ohio 43215
(614) 466-5838
Hottinger@ohiosenate.gov



Jay Hottinger
31st District

Sponsor Testimony
State Senator Joseph Uecker
State Senator Jay Hottinger
Senate Bill 180
Senate Judiciary Committee
September 19, 2017

Thank you Chairman Bacon, Vice Chairman Dolan, Ranking Member Thomas, and the members of the Senate Judiciary Committee for the opportunity to speak on behalf of Senate Bill 180.

Senate Bill 180 mirrors House Bill 228 which is currently pending before the House Interstate Relations Committee. This legislation seeks to modernize Ohio's self-defense laws.

- 1. Modification of Affirmative Defense-** Under current law when a person acts in self-defense that person is guilty until their innocence is proven. Our legislation changes the legal burden of proof by placing it on the prosecution and requiring the presentation of evidence contrary to the defendant's self-defense claim.
- 2. Self-defense modification** – More than 30 states in the country recognize the right to self-defense in their criminal statutes. Ohio's common law, a three-point test, was established in *State v. Melchior* in 1978:
 - (1) The slayer was not at fault in creating the situation giving rise to the affray.
 - (2) The slayer has a bona fide belief that he was in imminent danger of death or great bodily harm and that his only means of escape from such danger was in the use of such force.

(3) The slayer must not have violated any duty to retreat or avoid the danger.

Portions of this test, specifically the duty to retreat, are in Ohio code. Our bill eliminates the third point of the test, the duty to retreat. The other points remain unchanged.

3. **Modification of “Hands in plain sight”** – Ohio’s CHL law requires license holders to keep their hands in plain sight. However, case law says that there is no such thing as “in plain sight” in a vehicle and statute prohibits a licensee from exiting the vehicle. This bill adds language that requires a licensee to keep their hands “in plain sight” “unless impractical” or “directed otherwise by a law enforcement officer.”
4. **Elimination of Required Signage-** Last session, the legislature revised the locations where a CHL holder can carry their firearm, but we neglected to allow those locations to remove the required signs. This bill corrects this oversight by eliminating their requirement to post the no weapon sign. It does not require that they be removed if they are already in place and those responsible choose to continue to restrict firearms on their premises.

Senate Bill 180 will protect 2nd amendment rights while also addressing concerns raised by many of our constituents. Thank you for your consideration. We are happy to answer any questions.