



# Buckeye Firearms Association

November 12, 2017

Good morning Chairman Bacon, Vice Chairman Dolan, Ranking member Thomas, and members of the Senate Judiciary Committee. I speak today in support of S.B. 180.

One of the basic tenets of our judicial system is that we are innocent until proven guilty. All United State citizens have the presumption of innocence until the state proves beyond a reasonable doubt that we have committed a crime. We have constitutional rights to protect us, including our Fifth Amendment right to remain silent and not testify.

Except in Ohio. Except if you are a crime victim who justifiably used deadly force. Ohio puts the burden on the victim to prove they are innocent. To do this they must waive their Fifth Amendment rights. Their attorney forfeits the ability to make certain motions at trial because the prosecution is not required to prove anything. This wrong is corrected in S.B. 180.

Justified use of deadly force requires three conditions:

- Ability
- Proximity
- Intent

All three elements must exist at the moment deadly force is used. That standard is common in the United States; it is the law in Ohio and would not change if S.B. 180 were enacted.

The question before this committee is what additional legal burdens should the state place on victims under threat of death, before they are permitted to exercise the right of self-defense. Our view is none.

Current Ohio law imposes a "duty to retreat" on victims. This duty is not required in one's home or car, but it is on transitioning between the two. It's not required if it's not possible, or if it would place the victim in additional danger. While the victim must make their choice in an instant, and while under threat of death or great bodily harm, others not under any threat will debate the appropriateness of the victims decisions for months or even years.

The use of deadly force should be justified based on the actions of the attacker, not the location of the attack, or the theoretical ability of the victim to otherwise escape. S.B. 180 seeks to amend Ohio law to remedy this problem.

S.B. 180 properly and appropriately addresses real problems within Ohio law.

Respectfully submitted,

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