

WITNESS INFORMATION FORM

Please complete the Witness Information Form before testifying:

Date: May 15, 2018

Name: TOM NIEHAUS

Are you representing: Yourself Organization

Organization (If Applicable): GUN VIOLENCE TASK FORCE

Position/Title: FORMER SENATE PRESIDENT

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Do you wish to be added to the committee notice email distribution list? Yes No

Business before the committee

Legislation (Bill/Resolution Number): HB 585

Specific Issue: _____

Are you testifying as a: Proponent Opponent Interested Party

Will you have a written statement, visual aids, or other material to distribute? Yes No

(If yes, please send an electronic version of the documents, if possible, to the Chair's office prior to committee. You may also submit hard copies to the Chair's staff prior to committee.)

How much time will your testimony require? 5 MINUTES

Please provide a brief statement on your position:

Proponent TESTIMONY ON VIOLENCE REDUCTION PROPOSALS
DEVELOPED AND PROPOSED THIS WINTER.

Please be advised that this form and any materials (written or otherwise) submitted or presented to this committee are records that may be requested by the public and may be published online.

Ohio House State & Local Government Committee
Tom Niehaus, Gun Violence Task Force member
May 16, 2018

Chairwoman Anielski, Vice Chairman Hambley, Ranking member Holmes and members of the House State and Local Government Committee. Thank you for the opportunity to appear before you this morning. And thank you Representative Henne for taking the lead and introducing this important piece of legislation.

To be honest, I thought the days when I would be testifying before legislative committees were behind me. But I am happy to be here today to add my support to Representative Henne's HB 585, a bill that, in my opinion, provides common sense ideas to help reduce gun violence.

I am here today as a member of Governor Kasich's Gun Violence Task Force. To give you some perspective, I was first contacted by the governor's office in December 2017 to ask if I would serve on the task force. Before agreeing I wanted to know more about the scope and intent of this effort.

I signed on once I was confident the only agenda was to convene a diverse group of Ohio residents to have a candid discussion about gun violence. The goal was to see what could be done to protect Ohio citizens without infringing on their Second Amendment rights.

Protection of the Second Amendment is important to me because my wife and I are gun owners. We successfully completed our conceal carry classes. Though neither one of us grew up with guns, we both feel safer owning them and having the proper training.

It is important to note the timing of this initiative predated the tragic shooting in Parkland, Florida. We all know the story, and we all heard the all too familiar demands for immediate action, this time fueled by the youthful energy of the survivors.

With all due respect to the survivors, in my opinion the worst time to legislate is in the immediate aftermath of a tragedy. I found myself dealing with the aftermath of several tragic situations during my legislative career where there were voices filled with raw emotion demanding immediate action. But I resisted the temptation of a fleeting victory for a more reasoned approach. Too much emotion and political exploitation surround tragic events. It is best to let some time pass to reflect on what and how the tragedy happened. Addressing gun violence requires a thoughtful approach for a better, more effective outcome.

Sure, you could have moved to ban AR 15 assault rifles, and that would have provided some immediate and partial gratification for some. But it would not have solved the problem we face in Ohio every day.

I don't have more recent figures, but in 2014 there were approximately 1,200 gun deaths in Ohio. One-third of those were homicides. And the overwhelming majority of those gun homicides were not committed with assault rifles.

The provisions in the first area do all of the following:

- Brings the penalty in Ohio for illegally purchasing a firearm for someone else closer to the Federal penalty.
- Mirrors federal law regarding individuals who are currently barred from purchasing a firearm.
- Mirrors federal law on armor-piercing ammunition.
- Mirrors federal law on potential action taken to regulate bump stocks.
- Strengthens Ohio law to specifically require more records be loaded into NICS. This information is used to determine if an individual is legally allowed to purchase a firearm under federal or state law.

Each one of the above proposed provisions either mirrors current federal law or bring Ohio penalties closer to the current federal penalty. Additionally, these provisions provide more tools for Ohio law enforcement and prosecutors to hold individuals accountable if they are violating the law. Task force members agreed that this is something we should be doing right now.

Provisions in the second area of focus create an “Extreme Risk Protection Order” (ERPO) in Ohio law. ERPO provisions in the bill do all of the following:

- Allows for a family member or law enforcement officer to petition the court to temporarily remove someone’s firearms/weapons or to bar them from being able to purchase a firearm.
- Ensures that no one can be forced to surrender or have their firearms/weapons seized until a court issues an order that is based on a finding that clear and convincing evidence exists that the person poses a threat to themselves or others.
- After an ERPO is issued, allows the person subject to the order to petition to have it lifted, and therefore have their firearms/weapons returned if it is shown that the risk or threat no longer exists.
- In cases where the potential threat is imminent, allows a party to seek an ex parte order. In this circumstance, the judge must still find that clear and convincing evidence exists and a full hearing must be held within 72 hours to extend the order.

Some critics say the proposed legislation does not go far enough. Others cry “gun control.” But you have read the bill so you know that is not the intent. To the extent the language does not mirror the intent, change it. That is the legislative process.

But I encourage you to engage in meaningful discussion on the issue of gun violence. There are likely at least 30 people every month counting on you to save their lives.

Thank you for your time. As I close, you should know the task force has agreed to keep meeting. We are serious about addressing the epidemic of gun violence without eroding the Second Amendment.

I am happy to try and answer your questions.