



**State Representative
Sarah LaTourette**

**Substitute House Bill 228
Sponsor Testimony
Senate Government Oversight and Reform Committee
December 3, 2018**

Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni and distinguished members of the Senate Government Oversight and Reform Committee, thank you for the opportunity to offer sponsor testimony today. Substitute House Bill 228 is legislation that my joint sponsor and I have been working on for nearly 2 years now and this is a topic that my joint sponsor, Representative Johnson, has been working on far before I joined the legislature.

Sub. H.B. 228 is a self-defense bill. The bill focuses on self-defense in two ways: 1. In both civil and criminal cases, it expands the circumstances under which a person has no duty to retreat before using force in self-defense, defense of another, or defense of the person's residence. 2. The bill also shifts the burden of proof in self-defense cases from the accused to the prosecution. Currently, Ohio is the ONLY state where a person is considered "guilty until proven innocent" in cases of self-defense. I'll say that again – we are the only state in the nation that handles cases of self-defense this way. Substitute House Bill 228 addresses this glaring issue.

I understand that this bill is a sensitive topic for many, but I also believe that unfortunately, it has been drastically mischaracterized throughout the process. For starters, the words “stand your ground” do not appear anywhere in this legislation. As I’ve continued to remind opponents over the last many months, this bill deals with our duty to retreat when our lives are in imminent danger. The language in this bill simply expands the concept of the castle doctrine, where we have the right to defend ourselves in our home and vehicle, to any place a person is legally allowed to be. Current law still requires that the individual 1. is not the aggressor 2. that the individual must fear their life is in imminent danger and 3. that the only means of escape is the use of such force.

Opponents to this bill often refer to this bill as the “kill at will” bill. This is incorrect, to say the least. If someone kills a person and claims that it is self-defense, but the evidence does not corroborate that claim, the prosecution would charge them with murder or a similar offense. Again, this bill simply allows law-abiding citizens to defend themselves and their family members. Victims of crime should not be thrown in jail for defending themselves.

In addition to the above self-defense changes, the bill modifies the requirement for concealed handgun licensees to keep his or her hands in plain sight *if it is impractical* during law enforcement encounters. This is another aspect of the bill that has been severely mischaracterized. We are by no means trying to endanger our law enforcement during traffic stops. We are simply trying to update ORC to what is common practice in many areas of the state. For example, if I am restraining a dog from leaping out of the vehicle to greet the officer, my hands may temporarily not be in plain sight. I believe this is a common sense solution to this and similar situations that occur across the state.

Substitute House Bill 228 also eliminates the requirement that certain entities post a sign prohibiting conceal carry on their premises. Nothing in this legislation changes where a person is allowed to carry a concealed firearm. If you think back to last General Assembly, we passed SB199

(Sens. Uecker, Gardner), which did update the locations whose governing bodies could choose to allow conceal carry on the premises. However, we failed to update ORC to then allow those same entities to remove the signs indicating otherwise. We are fixing that conflict with this bill.

The bill does reduce certain concealed handgun offenses to minor misdemeanors in circumstances where the offender does not commit a separate offense while carrying the concealed handgun. This is done in an effort to ensure that we are not unnecessarily punishing otherwise law-abiding citizens for what is often an unfortunate oversight.

It's important to note this bill also does provide guardrails to ensure that criminals are not easily using the provisions that are meant to protect law-abiding citizens by incorporating situations where the affirmative defense of self-defense is not available.

And although there are several other common sense provisions included in this bill, the last one I'll mention is the language addressing straw purchases. House Bill 228 creates penalties for purchasing a firearm for someone who is restricted from having one. Under this bill, it will now be an F3 to perform a straw purchase which would be a 9-36 month prison sentence and up to a \$10,000 fine.

Chairman Coley and committee, thank you again for allowing me the opportunity to offer sponsor testimony on Substitute House Bill 228. I look forward to you hearing from several of our proponents next and I'm happy to answer any questions the committee might have at this time