

Emma Marks
Testimony Opposed to HB 228
Ohio Senate Government Oversight and Reform Committee

Hello, I am speaking today first as a constituent of this legislative body. I am student at Wilmington College and a community member in Wilmington, OH. I am also a member of the Ohio Coalition Against Gun Violence, an organization representing over 10,000 Ohioans fighting to keep their communities safe from gun violence. The coalition works with diverse organizations like the YWCA, the Ohio Council of Churches, the Catholic Conference, The University of Toledo College of Law and College of Public Health among many others to advocate for an end to gun violence.

I grew up around guns. I know how to handle them safely, how to shoot them, and how to care for them. Hunting is a tradition in my family. It was passed from my great uncle, to my grandfather, to my generation. Until college got in the way, you would find my cousins and I in the woods each November, seeking to kill a deer.

Still, I am so concerned by the expansive, multifaceted dangers proposed by HB 228, that I feel compelled to testify against the bill today.

Quite simply, HB 228 would make my community less safe. I recently hosted a community discussion on gun violence in Wilmington, and I heard from community members and students who had been directly impacted by shootings. One professor shared a childhood memory of her neighbor shooting and killing his wife. Unfortunately, her death is one of many gun deaths in Wilmington, in Ohio, and in the US. In 2016, 38,658 Americans died from gun violence. That's 106 lives lost per day. Of these deaths, 22,938 were suicides and 14,415 were homicides. A further 116,000 Americans were injured by firearms in 2016.

In the face of these deaths, I am appalled by the purported solutions offered by HB 228. The community discussion I hosted showed me that local people understand the threats they are facing and have ideas on how to address those threats. Yet, HB 228 would prevent local government from addressing the local causes of gun violence because of the punitive preemption provision. Not only would this legislation prevent local municipalities from taking steps to protect their own citizens, it would also open these municipalities to legal action from out-of-state interest groups. Small towns like Wilmington simply cannot afford for their taxpayers to foot the bill for these expensive lawsuits.

But HB 228 doesn't just bar city councils from protecting their citizens and open them up to lawsuits. It also includes a collection of increasingly ridiculous changes to current laws that already function to keep us safe. For instance, HB 228 removes the requirement that people who carry handguns keep their hands in plain sight during traffic stops. For law enforcement, that change is an absolute no-go. Both the Fraternal Order of Police and the Ohio Chiefs of Police have come out in strong opposition to HB 228. They understand that passing HB 228 would put law enforcement's lives at risk.

While HB 228 is much more than a stand your ground law, the Stand Your Ground provisions in HB 228 are exceptionally concerning. In a recent meeting with an aide from a member of this committee, I was asked which Stand Your Ground provision I was most concerned about and would most like to see struck from the bill. The more I have thought about

this question, the more uncomfortable I have become because Stand Your Ground laws in any form and inherently dangerous and entirely unacceptable.

Every single stand your ground provision in HB 228 would put my friends and neighbors lives at risk. Stand your ground laws embolden shooters to act with impunity, shooting first, and thinking later. The duty to retreat is a longstanding facet of self-defense law, and to remove it is to embolden Ohioans to turn to deadly force when deescalation would not only work, it would save lives.

In stand your ground states, justified homicides have increased by 75% and unjustified homicides, or what reasonable people call murders, have increased 21.7%. Simply removing a provision or two in this bill in an attempt to make it more palatable is not enough. In any form, a vote in favor of HB 228 is a vote for more gun violence and more gun deaths in Ohio.

Stand Your Ground Provisions are also inherently discriminatory. The American Bar Association has found that the application of stand your ground provisions is “unpredictable, uneven, and results in racial disparities.” This is because white shooters are more likely to have their homicides ruled justified than black defendants whose victims are white. It is unconscionable for Ohio to pass legislation that has been proven to be racially discriminatory. There is no way to amend this bill into equal justice under the law. Any stand your ground law will ensure that we punish our black neighbors more harshly while other shooters face few consequences for taking lives.

The bottom line is that HB 228 would needlessly put lives at risk, threaten the safety of law enforcement, and tie the hands of local officials trying to solve public safety problems at the local level. No level of amendment will ever make HB 228 anything other than a completely unnecessary and wildly dangerous law. As a young person, a gun owner, and a community member, I implore the Senators on this committee to honor the legitimate concerns of Ohioans like me and vote for a safer Ohio by rejecting HB 228.