

**Ohio Coalition Against Gun Violence
Testimony in Opposition to HB 228
Government Oversight and Reform Committee**

Chairman Coley and Committee Members,

The Ohio Coalition Against Gun Violence opposes a number of provisions in HB228 including reducing the penalty for some gun crimes to a minor misdemeanor, adding more restrictions to the preemption already imposed on cities, and changing the burden of proof from the accused to the prosecutor.

Even though the bill is being referred to as a Stand Your Ground law, the preemption of local laws is its most defining and damaging result. When firearms are the subject, any restrictions by cities are not allowed. Now in this bill if a city tried to act in the interest of their population they could be punished and fined. That is a great deterrent for most cities but an insult and maybe a crime to once again take the rights of citizens away to appease the gun lobby.

The 'stand your ground' addition to Ohio law will add to violence instead of reducing it. The bill purports to clarify the right to self-defense and defense of others. Persons would be presumed to have acted properly if they claim they were suffering or 'about to' suffer violence. The prosecutor instead of the defendant would now have the burden of proving that the accused did not act in self-defense.

Four incidents come to mind; the man that killed the neighbor boy when he walked across his lawn because of a history of feuding with the family, a young boy that was considered a threat for cutting through a backyard at night with friends, and a young man that was an exchange student on a scavenger hunt but because of his nationality was perceived as a threat when he knocked on someone's door. All were shot at by fearful homeowners, two died. A few years ago a 14 year-old was killed while stealing a car. The defendant was not charged because the boy was driving the car towards him and therefore the man was considered to have acted in self-defense.

There was an alternative. This man could have stayed in the house but chose not to. A duty to retreat if one can safely do so. He now lives with the fact that he killed a 14 year-old over a car. And of course none of us can forget the killing of Trayvon Martin by George Zimmerman who was frightened by someone not like himself walking through the neighborhood. The prosecutors needed to show Zimmerman was not acting in self-defense to find him guilty. They didn't and Mr. Zimmerman has continued to use poor judgement in the years that have followed resulting in more violence.

The bill presumes that someone acted properly if they were suffering or thought they might be about to suffer an offense of violence. Fear of harm or death is based on perception. It is human nature to protect ourselves and others from the threat of severe bodily harm or death when retreat to safety is not possible. We question how this bill might affect domestic violence situations, long standing feuds, neighborhood conflicts and workplace bullies. How will their fear influence the use deadly force?

We do not support the following in HB 228:

- A. That cities and their populations are denied the right to determine their safety.
- B. That lethal force should be the first line of defense.
- C. That fear and/or danger justifies suspension of rational thought.
- D. That any citizen may with impunity act on an ad hoc basis, as judge, jury, and executioner of his fellow citizens
- E. That some citizens are not entitled to the cherished right to a trial by a jury of his/her peers and, instead, legally may be judged unworthy of that right by one angry or fearful citizen that feels they may be in danger.
- F. That minimally trained or untrained, unsupervised civilians should have authority to use lethal force in ways that are currently prohibited to our highly trained police officers.
- G. That society is better served by street justice than by the rule of law.

These permissive bills make a number of serious mistakes. While a person should surely be allowed to protect himself, he/she should not be excused from assessing the degree and immediacy of danger before using deadly force against another.

We cannot conclude that this legislation is necessary for those who fear being wrongly imprisoned and/or impoverished by the costs associated with having to defend themselves in a court of law. The jails are not full of people that used deadly force in self-defense. The fear that it might happen is not enough to justify the bill.

First legislation was approved to allow carrying loaded hidden guns in public. People wanting to carry claimed fear of attack made it necessary. Now this bill wants to expand on that privilege by giving people excuses even if they make bad decisions. This bill is giving yet another privilege to people who carry firearms concealed but we question if it only applies to them or if legislators would approve of other means of lethal force. Would the use of knives, baseball bats, or even a car be excused as well?

HB228 will establish in law values that are contrary to the building of a safe and civil society. The bill will determine norms that will affect behavior. Law teaches. Seat belt and no smoking laws determined a norm for behavior and these bills will do the same. For more than 2000 years the Judeo/Christian tradition has been to treat life as sacred. This law would violate that spirit.

We believe these changes to Ohio law attempts to convince the public that it is a solution to a problem where one does not exist. It contributes to the circle of violence and we oppose this dangerous public policy.

Thank you for your time and consideration.

Toby Hoover
Founder and Survivor
Ohio Coalition Against Gun Violence