

## **Opposition Testimony on House Bill 796 House Civil Justice Committee**

**Submitted by: Laura Robertson Boyd**

Chair Hambley, Ranking Member Brown, and members of the committee, thank you for allowing me to submit this testimony in opposition to House Bill 796. My name is Laura Robertson-Boyd. I live in Bexley, Ohio, and I am a volunteer with the Ohio Chapter of Moms Demand Action for Gun Sense in America. We are a grassroots movement of American mothers and others fighting for public safety measures that respect the Second Amendment while protecting us from gun violence. Moms Demand Action is part of Everytown for Gun Safety, the largest gun violence prevention organization in the country with more than 6 million supporters.

I want to start by acknowledging the stressful times we are living in due to the COVID-19 pandemic crisis. Ohioans are hurting – we are losing our jobs and our loved ones due to the pandemic. Also deeply troubling during these difficult times: Ohio is seeing a surge in gun violence since the start of the pandemic – reaching record levels of gun homicide and suicide in 2020 (1).

In the midst of these ongoing crises, I want to say that it is completely tone deaf for this committee to take up this dangerous piece of legislation that will only make our communities less safe by increasing the potential for gun violence. Our communities need healing right now. There are several pieces of legislation sitting in committees that this Legislature COULD choose to hear – including HB 317, requiring background checks on all gun sales, and HB 316, a “red flag” law – which could keep our communities SAFER. But instead, this Legislature is prioritizing the loosening of gun restrictions in Ohio, putting our communities at greater risk because you would prefer to follow the dictates of radical gun groups and people who have chosen to threaten even you if you do not do what they want. As an Ohio citizen, I am highly disappointed in the priorities of this governing body to advance dangerous gun legislation during such a difficult and fragile time for Ohio and for the entire country.

With that, I will now address this bill. HB 796 would put children, families, and communities at risk by making Ohio a “Stand Your Ground” state. Stand Your Ground laws upend traditional self-defense laws, encouraging armed vigilantism, as in the brutal murder of Ahmaud Arbery in Georgia earlier this year, and giving civilians in public places more leeway to shoot than the U.S. military gives soldiers in war zones (2).

Recently I was shopping for groceries for my family at my neighborhood Kroger. It was 2:00 pm on a Tuesday afternoon when I was in the checkout line. An argument broke out between a man and a woman in the self-checkout line. Screaming and shouting ensued. As the argument got more heated, I could hear the man and woman threatening to get their guns to settle the dispute. I could hear a call for security over the loudspeaker, but the security guard never came. No other Kroger employees intervened. The man eventually started walking away toward the exit of the store saying, "I don't want to hurt you." The woman chased after him, shouting that he

was "lucky" her gun was in her car, but she intended to get it. I do not know what happened when they reached the parking lot. I had no intention of leaving the store with my groceries until the area had been secured as safe. All I can remember thinking is: I'm really grateful that after years of allowing the open carry of guns in Kroger stores, the Kroger Corporation finally reversed course after the tragic mass shooting in Dayton on August 4 last year and finally began asking customers to leave their guns at home (3). If either of those two individuals had been carrying a loaded gun in the store that day, the argument might have had a very different and deadly outcome.

If HB 796 were enacted into law and the duty to retreat in public places – including businesses - no longer existed, even when there is a safe alternative to resolve disputes, what looked like a heated argument in the self-checkout line at Kroger could have turned deadly in an instant. The shooter could get away with murder by claiming self-defense, and innocent grocery shoppers could be killed or injured in the process - just because we need to go to public places like grocery stores to feed our families. Indeed, research on the impact of Florida's Stand Your Ground law shows that in 79 percent of the cases where Stand Your Ground was invoked, the shooter could have retreated to avoid the confrontation (4)—just as happened, thankfully, in the grocery store incident I witnessed.

The bottom line is: HB 796 would put all Ohioans at risk. And we know that Black Ohioans will suffer those risks to a much greater degree, due to both individual and institutionalized racism. We know that white shooters of Black victims are 11 times more likely to have their homicides ruled justifiable than Black shooters of white victims. We saw that racial disparity play out earlier this year in the murder of Ahmaud Arbery, whose killers would have escaped justice if the video had not surfaced (5). Lawmakers should put the safety of their constituents first and reject HB 796.

Sincerely,

Laura Robertson-Boyd

1. Smith, N. (2020, October 23). Ohio sees record increase in gun violence, murder by firearms up 27%. Dayton247now.com. Retrieved from <https://tinyurl.com/yyelocks>
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3. Coolidge, A. (2019, September 3). Kroger changes gun policy, asks shoppers not to openly carry firearms. The Cincinnati Enquirer. Retrieved from <https://tinyurl.com/y53v9psx>
4. Spitzer, R. (2015, May 4). Stand Your Ground Makes No Sense. The New York Times. Retrieved from <https://tinyurl.com/s66zzx2>
5. Roman, J. (2013). Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report Data. Urban Institute. Retrieved from <http://urban.is/2qGvGvM>