

Testimony on House Bill 796

December 7, 2020

House Civil Justice Committee:

Chair Hambley, Vice Chair Patton, Ranking Member Brown, and members of the committee.

Thank you for your time, questions and research on this bill. My name is Toby Hoover and I represent the Ohio Coalition Against Gun Violence in our opposition to HB796.

To refer to this bill as the Duty to Retreat Act misleads the public when it is eliminating any duty to retreat. Whether it is called Stand Your Ground, shoot first, or Duty to Retreat the result is the same. A person with a lethal weapon is allowed to be judge, jury and executioner with no obligation to consider a safe retreat. Current law and previous testimony call for anyone to avoid lethal force if possible. It seems the supporters of this bill would like to frighten everyone into believing that while they are being attacked they are supposed to stop and think and run away. Not true.

Ohio already has self-defense laws and calls for a safe retreat if one can do so. This would not include the scary stories that people tell that say they would have to run and get shot in the back. That kind of rhetoric is not what the law or anyone is telling them to do. The duty and requirement (the moral obligation if you will) to retreat demands it to be done safely.

If we are to preserve our values, we must insist that avoiding confrontation should be the choice. Deescalating and leaving the situation should always be considered. That consideration should be a well thought out decision before someone leaves their home or car with a deadly weapon. This would determine how an armed person reacts if they see or experience an act of violence and result in them knowing that they have a duty to retreat, an obligation to make that the first choice when possible. To respect life if at all possible. None of that suggests that someone cannot defend themselves.

The law and those of us that oppose this bill repeatedly state that everyone has the duty to retreat if they can safely do so. Safely. This means all people no matter where they are or who they are. We are all aware that violence has been ugly in 2020. There were numerous times that someone used violence when there was an alternative. We want them to take the alternative if they can safely do so.

The country is calling for increased training for law enforcement. The unnecessary violence that we have all watched on TV is a nightmare. If law enforcement is

required to improve their reactions so they refrain from using deadly force should we be giving untrained civilians permission to make those decisions. Would SB383 let civilians be our law enforcement?

Is HB796 for Ohioans (and reciprocity state visitors) with a license to carry a hidden loaded weapon? What if they are open carrying? Would some of us feel we are in danger if people are carrying firearms hidden or openly? What if protestors are openly carrying? Are they a threat? Might some feel like their lives are in danger from a peaceful protest? What about the concealed knives passed in SB140? It seems to us that too often people are put into a category of 'good guys or bad guys'. It's not that simple. We are all born 'good guys'. Fear, anger, racism, and an agenda to bully all change the 'good guys'. Keeping a duty to retreat could save lives. Safely.

A few years ago a young man lost his life in Cincinnati. He was doing something wrong, he was stealing a car. He was not putting anyone in danger until the owner of the car decided to stand in the middle of the street with his firearm –that he had gone back into his home to get. The owner did not stay in the house and call law enforcement, he returned to the yard and street and he shot at the young man and killed him. The young man was a 14-year-old homeless kid doing something stupid. He didn't deserve to lose his life over a car. We cannot decide that possessions are more important than a life. Did the owner of the car feel like he was in danger because the car was coming toward him? Sure. Could he have avoided it? Yes, he was inside his house and went out to confront him. He could have called the police. He could have safely retreated when he saw what was unfolding. It was a car. The young man is dead. The gun owner was not charged claiming self-defense.

Will gun owners get the education they need to know when not to shoot?

Many Ohioans oppose HB796 and we hope you will conclude that we have not needed Stand Your Ground / No Duty to Retreat in the past and there is no need for it now. Self-defense is allowed and a safe retreat if possible should be the choice. Please choose safety for all of us by voting against HB796.

Thank you for your consideration.



Toby Hoover

Survivor

Founder

Ohio Coalition Against Gun Violence

Resources FYI

Is American Criminal Justice color-blind

<https://www.urban.org/urban-wire/american-criminal-justice-color-blind-statistics-say-no>

Stand Your Ground Makes No Sense

<https://www.nytimes.com/2015/05/04/opinion/stand-your-ground-makes-no-sense.html>

American Bar Association Task Force on Stand Your Ground

<https://www.americanbar.org/content/dam/aba/administrative/corej/StandYourGroundReport.pdf>

JAMA Journal American Medical Association

<https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2582988>

Amnesty Guidance on Stand Your Ground laws

<https://www.amnestyusa.org/wp-content/uploads/2020/05/AIUSA-Guidance-on-Stand-Your-Ground-Laws.pdf>

Center for American Progress

<https://www.americanprogressaction.org/issues/guns-crime/news/2018/10/17/172031/devastating-impact-stand-ground-florida/>