

RE: Support H.B. 796

Good afternoon Chairman Hambley, Vice Chair Patton, Ranking member Brown, and members of the House Civil Justice Committee. I testify personally in support of H.B. 796.

This bill does NOTHING to change what is and what is not proper use of deadly force.

The Ohio Supreme Court has explained that before one can use deadly force, they must not be at fault in creating the situation. Further they must be in reasonable and honest belief of death or great bodily harm. Those conditions must exist at the time deadly force is used.

This bill does not seek to change any of that.

Unfortunately, the Ohio Supreme Court also ruled that crime victims while under an immediate threat of death have a "duty" they must comply with before exercising their right to defend their life. The court was wrong. The state has duties. Police have a duty to find and apprehend criminals. Prosecutors have a duty to prosecute criminals. Victims have rights.

When Ohio eliminated the duty to retreat from one's house and vehicle, opponents claimed that it would cause people to shoot others just because they could, and that prosecutors would not be able to prosecute any home shootings. A decade of experience has shown that the law has worked exactly as intended. Victims have used appropriate force in defending their lives. Prosecutors have been able to overcome the presumption of innocence to get convictions where lethal force was unjustifiably used.

The law should favor the crime victim, no matter where they are attacked. Ohio has different standards for self-defense in one's home and car than on the driveway in-between the two. H.B. 796 corrects this defect. The law on deadly force should revolve around the facts of the case. Self-defense should be legal or illegal based on the actions of the people involved, not dependent on the location a victim was attacked.

I urge a yes vote on this legislation.

Jim Irvine

Jim Irvine is an advocate for liberty, people's right to bear arms and self-defense. He serves on the Board of Directors of Buckeye Firearms Foundation and Second Amendment Foundation.

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