

Chariman Lang, Vice Chair Plummer, Ranking Member Leland, and Members of the Criminal Justice Committee:

Thank you for inviting testimony on this bill today. My name is Katherine Memsic and I am a public defender here in Franklin County. I practice in our Common Pleas unit that specifically handles felony charges and I am strongly opposed to HB 381.

It has been 107 days since Ahmaud Arbery was murdered by white men who believed that they had the right to kill him because, in their minds, he was a threat. His skin color made these white men feel threatened. So they murdered him. And without video evidence, they would have told their story – their lie. They would have suggested that he was committing burglary and for that, he deserved to die. They would have argued to the end of their days that although they were wrong, they “reasonably believed” that he was a threat and that their use of force was justified.

Fortunately, video evidence exists to the contrary. But what if it didn't?

Because HB 381 explicitly allows someone to be wrong in their decision making: “A PERSON MAY BE WRONG IN THE ESTIMATION OF THE DANGER OR THE FORCE NECESSARY TO REPEL THE DANGER AS LONG AS THERE IS A REASONABLE BASIS FOR THE PERSON'S BELIEF AND THE PERSON ACTS REASONABLY IN RESPONSE TO THAT BELIEF.”

Have we forgotten Trayvon Martin? How do you not see that boy's face in your mind every time that you think about this bill?

This bill allows you to kill someone even when an alternative course of action is available. It is a license to kill and endangers the public. Where does this desire come from, the urge to want to kill so freely? Are we so desperate to shoot first and ask questions later that we want to codify that desperation into law?

If passed, this bill would allow members of the public to carry out a death sentence for someone they suspect is committing a forcible felony. Mere suspicion becomes reasonable belief. Ohio is moving away from the death penalty but this legislature is moving towards creating a new one in HB 381.

Nothing is more permanent than death. Ohio does not need a new death penalty. I urge you to consider this testimony, along with many others here today, and vote NO on this inherently dangerous bill. Thank you again for the opportunity to testify.

I will now take any questions.