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House Bill 335 Sponsor Testimony
Criminal Justice Committee
Tuesday, December 8, 2020

Chair Lang, Vice Chair Plummer, Ranking Leland, and members of the Ohio House Criminal Justice Committee, we are grateful for the opportunity to provide sponsor testimony for House Bill 335, legislation addressing the strong relationship between gun violence and domestic abuse.

HB 335 will require a person subject to a temporary protection order in a criminal action or an ex parte civil protection order to surrender their firearms, keeping safe our law enforcement and other responders who are called to duty when domestic violence escalates.

In the United States, a woman is fatally shot by her partner every 16 hours.¹ Intimate partners have threatened 4.5 million women in the U.S. with a gun, while 1 million women have been shot or shot at by their partner.² Femicide is the leading cause of death in the United States among young African American women aged 15 to 45 years and the seventh leading cause of premature death among women overall.³

Domestic violence is prevalent in Ohio. According to the Ohio Bureau of Criminal Identification and Investigation, there were 66,528 reported offenders in 2017.⁴ Of

¹ <https://www.thetrace.org/2016/02/women-domestic-violence-death-statistics/>

² Sorenson, Schut. *Nonfatal Gun use in Intimate Partner Violence: A Systematic Review of the Literature*. 2018

³ Greenfield LA, Rand MR, Craven D, et al. *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*. Washington, DC: US Dept of Justice; 1998.

⁴ <https://www.ohioattorneygeneral.gov/Files/Reports/Domestic-Violence-Reports/Domestic-Violence-Reports-2017/2017-Offenders-Total-Percentage>

the 76,416 calls related to domestic disputes, 37,725 resulted in charges.⁵ Of the 91 fatalities in 69 cases including victims and perpetrators (according to media reports compiled by the Ohio Domestic Violence Network), 100% of homicide/suicide cases involved a gun.⁶ These numbers are significant even though domestic violence is still heavily unreported.⁷

The majority (67%–80%) of intimate partner homicides involve physical abuse of the female by the male before the murder, no matter which partner is killed.⁸ The presence of a gun in a domestic violence dispute means the chances are five times greater that a woman will be fatally shot.⁹

Domestic violence is at its peak when the risk of staying or leaving is being weighed. In at least 46% of Ohio's fatality cases, the victim of intimate partner violence had ended the relationship or was in the process of ending the relationship.¹⁰

Through court intervention whether it follow a domestic violence arrest or a divorce proceeding, Ohio can decrease intimate partner homicide and assist victims when they are uniquely at risk by removing guns from their abusers.

When someone is arrested for a list of offenses, including violence or sexually oriented offenses, HB 335 will require this person to surrender their firearms as a pre-trial condition. As they await trial, a victim can request a temporary protection order (TPO) to remove the person. If granted, this person must also surrender their guns.

A motion requesting issuance of a TPO as a pretrial condition of release of an alleged offender can be filed by any of the following:

- Alleged victim of the offense (family or household member)
- Family or household member of alleged victim ex. Parent or adult
- Person who made an arrest (if an emergency and victim can't file)
- The court (as a pretrial condition on behalf of victim)

⁵ <https://www.ohioattorneygeneral.gov/Files/Reports/Domestic-Violence-Reports/Domestic-Violence-Reports-2017/2017-Domestic-Violence-Incidents-by-County-and-Age>

⁶ Ohio Domestic Violence Network. *Ohio DV Fatality Report (2017-2018)*.

⁷ Brian A. Reaves, Ph.D. *Police Response to Domestic Violence, 2006-2015*. Washington, DC: US Dept of Justice; 2017.

⁸ Mercy JA, Saltzman LE. *Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study*. *Am J Public Health*. 2003;93(7):1089-1097

⁹ Saltzman (2003).

¹⁰ Ohio Domestic Violence Network. *Ohio DV Fatality Report (2017-2018)*.

When doing so, the filer must provide info about the number, types, and locations of any firearms not later than 24 hours from the appearance in court the hearing on the offense.

Unless a continuance is granted, a full hearing on the TPO will be given within 10 court days. If ex parte, the hearing will be the same day the petition is filed with a full hearing scheduled within 7 court days. Written notice shall specify the date by which any firearms must be surrendered. The TPO is effective only until disposition of criminal proceeding, issuance of a civil protection order or approval of consent agreement. Once the TPO is issued it shall prohibit the defendant from owning, possessing, purchasing, or receiving a firearm or ammunition while that order is in effect.

HB 335 does not suggest that the granting of the order is a determination of guilt on the issue of violence/sexual offense. There are exceptions to whether the guns will be surrendered as part of the order:

- Necessary as a condition of continued employment, and current employer unable to reassign to another position
 - If granted, possession only during scheduled work and travel o employment
- Peace officer exception
 - Depends on personal safety
 - After psyche evaluation, it's determined they're "not a threat"
 - May have to enter counseling
- Defendant can't find/isn't in possession
 - Court must be satisfied defendant is unable to gain access
- Constitutional immunity
 - If relinquishment would constitute self-incrimination, court may* grant use immunity for the act of relinquishing the firearm

Upon the expiration of the TPO, the firearm will be returned within five days, unless another protection order is issued or an agency determines the firearm has been stolen or the defendant is prohibited from possessing firearms under state and federal law.

In what seems to be a never-ending or never-changing discussion on the intersection of guns in a civilized society, one thing seems to receive consistent agreement: keeping guns out of the hands of bad people is essential to preventing unnecessary gun-related deaths. HB 335 was created in that spirit. The data is

overwhelming and we know that the removal of guns in these volatile situations keeps victims, their families, law enforcement, and first responders safe.

Chair Lang, Vice Chair Plummer, Ranking Member Leland, and members of the Ohio House Criminal Justice Committee, we thank you again for this opportunity to testify on HB 335 and would be happy to answer any of your questions.