



**State Representatives**  
**Allison Russo & Bride Rose Sweeney**  
*The Ohio House of Representatives*

Chairman Lipps, Vice Chair Holmes, Ranking Member Boyd, and members of the Health Committee, thank you for the opportunity to provide sponsor testimony on House Bill 316. This legislation would protect Ohioans and support law enforcement. We should listen to Ohioans calling for an end to mass shootings and other preventable gun violence.

The first hearing of House Bill 316 comes more than 463 days after a gunman opened fire in Dayton's Oregon District, killing 9 people and wounding 27 others in 32 seconds. Numerous studies have shown that there are warning signs like hit lists or other serious threats of harm prior to mass shootings, and the tragedy in Dayton was no exception. House Bill 316 would respond to the countless Ohioans who have called on us to do something by allowing a judge to issue an Extreme Risk Protection Order (ERPO) if there is clear and credible evidence that someone poses a significant danger to themselves or others with a firearm.

Extreme Risk Protection Orders, or ERPOs, are similar to other protection orders that already exist in state law and respect due process. House Bill 316 would provide a mechanism for a law enforcement officer or household member to petition the court for an ERPO under oath with a clear and credible burden of proof. The petition must include, among other things, an affidavit made under oath stating specific statements, actions, or facts that give reasonable fear that the individual under consideration may commit future dangerous acts; an inventory of firearms and their locations; a list of any protection orders the individual under consideration is already subject to; a list of any pending legal actions between the petitioner and the individual under consideration; and a good faith effort to notify anyone at risk of violence that a petition for an ERPO has been made. Once the petition is filed, a hearing must be scheduled within 14 days of its filing. In the case of an *ex parte* ERPO, a hearing must be scheduled within 3 days. The courts have clear guidance for the consideration of evidence when determining whether to issue an ERPO, and individuals under consideration may file a request for an ERPO's termination. Judicial review is the cornerstone of due process, and this bill respects that system.

If issued, an ERPO gives law enforcement the legal authority to temporarily keep firearms out of the hands of unstable individuals who should not have access to them, particularly during a psychotic break or moment of extreme crisis. 17 other states, including

Florida and Indiana, have empowered law enforcement to request an ERPO. Current Ohio law already prohibits felons, fugitives, the mentally incompetent, and those dependent on drugs or alcohol from possessing or purchasing a firearm. Ohio law requires a police officer who is responding to the scene of an alleged incident of domestic violence or a violation of a protection order to seize any weapon used, brandished, or threatened to be used in the incident (<https://giffords.org/lawcenter/state-laws/domestic-violence-and-firearms-in-ohio/>).

However, there is a glaring loophole in state law that prevents law enforcement from acting even if they already know that someone intends to do significant harm to themselves or others. This bill seeks to ensure that family members and law enforcement can do something for a loved one at serious risk of harming themselves or others. Everywhere they've been implemented, ERPOs have prevented all kinds of deaths by firearm. For instance, suicides make up two-thirds of all firearm deaths in the United States, and 86% of firearm suicide victims are men. We can make a positive difference in the lives of Ohioans by providing the means necessary for loved ones to intervene before someone makes the decision to harm themselves or others.

Thank you for providing the opportunity to testify in support of House Bill 316. Now I'll turn it over to Representative Russo, my joint sponsor on this important piece of legislation.

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Thank you, Chairman Lipps, Vice Chair Holmes, and Ranking Member Boyd. House Bill 316, the Extreme Risk Protection Order Act is a critical piece of legislation that, if enacted, will save lives while respecting the rights of due process and the 2<sup>nd</sup> amendment. Specifically, I want to focus on where we know this bill will have significant impact on Ohioans' health: reducing suicide. Suicide is an increasing public health epidemic, both nationally as well as here in Ohio. In Ohio, five people die by suicide every day, and one youth dies by suicide every 33 hours.<sup>1</sup> In 2018, there were 1,836 suicides in Ohio, and increase of nearly 45% since 2007.<sup>1</sup> The highest suicide rate – the number of suicide deaths per 100,000 population – was among adults 45-64 years old.<sup>1</sup> Males are disproportionately burdened by suicide across the lifespan, and their suicide rate is nearly four times the rate among females.<sup>1</sup> In 2018, the most recent year of data available, suicide was the 12<sup>th</sup> leading cause of death for Ohioans and the 8<sup>th</sup> leading cause of

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<sup>1</sup> <https://odh.ohio.gov/wps/portal/gov/odh/know-our-programs/violence-injury-prevention-program/media/suicide-demographics-trends-ohio-2018>

Years of Life Lost.<sup>2</sup> From 2007 to 2018 the number of suicide deaths increased nearly 45% in Ohio. Nearly half of Ohio's 88 counties, surpass the national rate of suicide, and many of Ohio's counties with the highest rates of suicide are rural areas with limited access to behavior and mental health care services.

We cannot, however, ignore the intrinsic link between suicide and firearms. Suicides make up two-thirds of all firearm deaths in the United States. In Ohio, firearms are the leading mechanism of death for suicidal deaths in Ohio, accounting for 52% of all cases between 2008 and 2018.<sup>3</sup> Suicide by firearm disproportionately impacts men, older Ohioans, and Ohioans living in many of our rural and economically depressed counties (see attachments).

In many cases, suicide is preventable. It is an impulsive act, often driven by transient life crises. Fortunately, many individuals who attempt suicide and survive do not later die from a future suicide attempt, which indicates that *intervention* can play a critical role in an individual's survival. However, whether or not the individual survives the initial suicide attempt depends upon the lethality of method chosen.<sup>4</sup> Those who choose firearms as the mechanism of suicide end up choosing the most lethal mechanism: 85% of suicide attempts via firearms result in death.<sup>5</sup> (In comparison, drug overdoses—the method of suicide for less than 9% of Ohioans<sup>2</sup>—are fatal in less than 3% of all attempted cases.)<sup>5</sup>

These numbers clearly demonstrate that there is a need for intervention if we are to reduce the number of suicide deaths here in Ohio. In order to successfully address this challenge, Ohio must be willing to impede easy access to the most lethal method of suicide – firearms - if it is to provide Ohioans with a second opportunity to live life. HB 316 accomplishes this by allowing family members, household members, or law enforcement to petition the court for an extreme risk protection order that would, if issued, temporarily prevent imminently dangerous or imminently distressed individuals from possessing or obtaining firearms. These extreme risk protection orders save lives by giving families, communities, and law enforcement time to quickly intervene before warning signs escalate into tragedies, while also respecting the 2<sup>nd</sup> amendment and rights of due process.

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<sup>2</sup> <https://mhaadvocacy.org/wp-content/uploads/2020/05/Installment-1-Suicide-in-Ohio-Facts-Figures-and-the-Future.pdf>

<sup>3</sup> <https://www.cdc.gov/injury/wisqars/fatal.html>

<sup>4</sup> <https://www.nejm.org/doi/full/10.1056/NEJMsa1916744>

<sup>5</sup> [https://www.hsph.harvard.edu/magazine/magazine\\_article/guns-suicide/](https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/)

As mentioned before, 17 states across the country have ERPO laws. Studies analyzing the effect of these measures in both Connecticut and Indiana found a significant decrease in gun suicide deaths by 13.7% and 7.5%, respectively, post-implementation,<sup>6,7</sup> proving the efficacy and sensibility of such measures when utilized by lawful parties. In Ohio, a 10% reduction would translate to approximately 100 fewer individuals dying by suicide each year. While HB 316 is not the full answer to preventing gun violence and reducing our growing suicide rates, it is an important piece of effective policy that should be thoughtfully considered by this committee as we work to improve the health and safety of Ohioans.

Chairman Lipps, Vice Chair Holmes, Ranking Member Boyd, and members of the House Health Committee, thank you for your time and the opportunity to testify today in support of HB 316. Representative Sweeney and I are happy to answer any questions you may have.

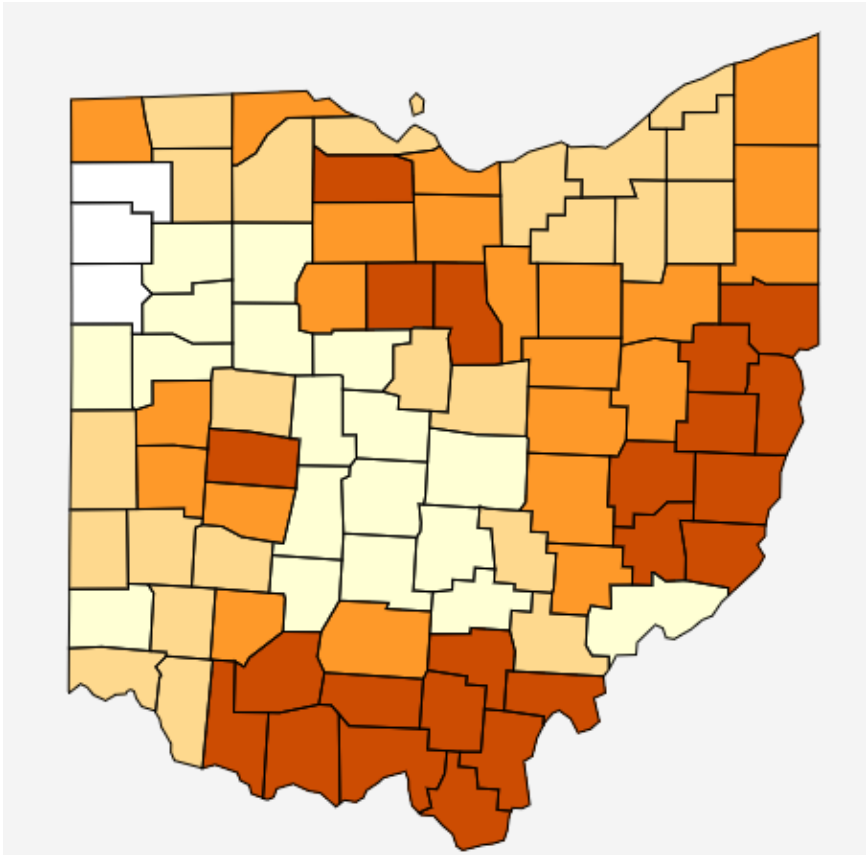
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<sup>6</sup> <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4830&context=lcp>

<sup>7</sup> <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.201700250>

# Ohio - Suicides by Firearms, 2018<sup>3</sup>

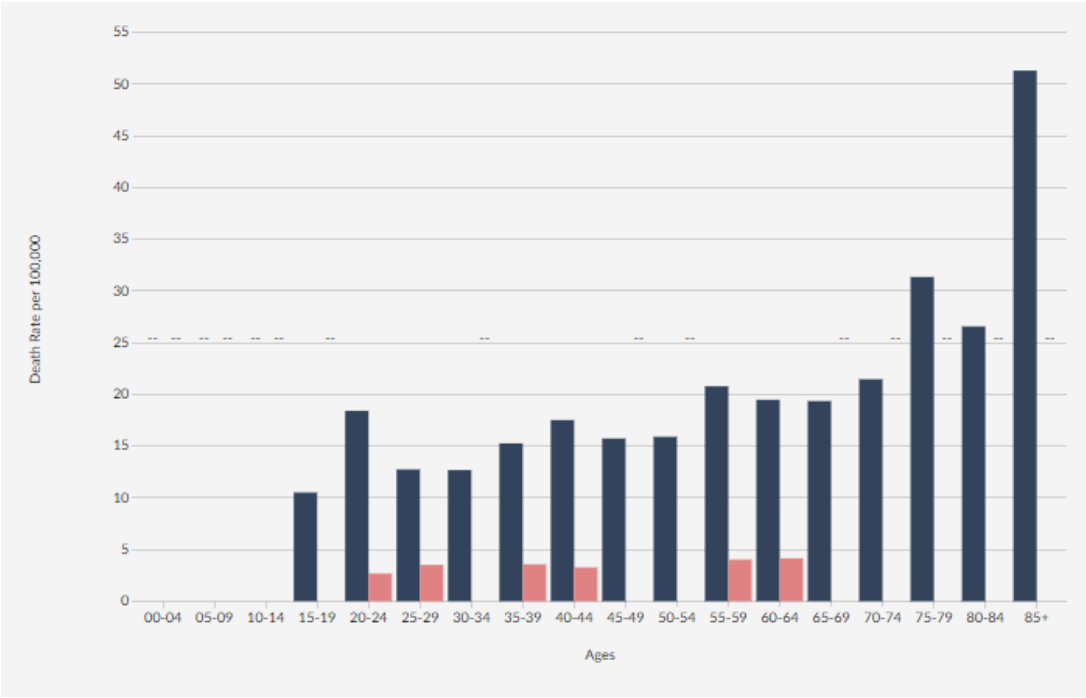
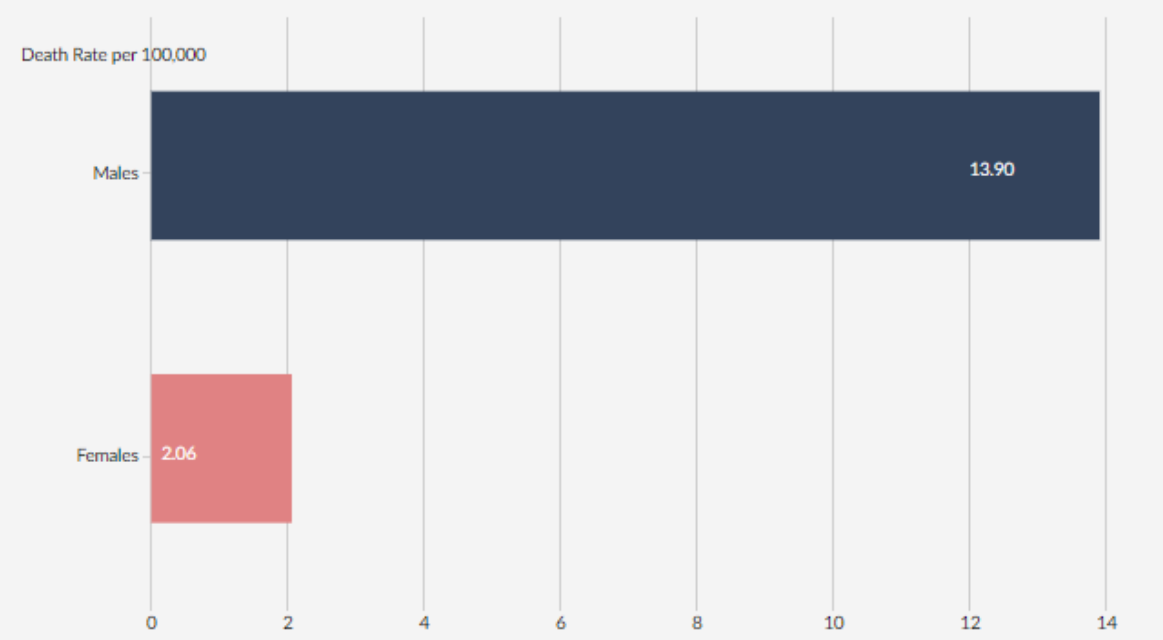
<b>962</b>	<b>11,689,442</b>	<b>8.23</b>	<b>7.71</b>	<b>17,119</b>
Number of Deaths	Population	Crude Rate	Age-Adjusted Rate	Years of Potential Life Lost



Age Adjusted Rate

- 4.4 to 7.0
- 7.0 to 8.0
- 8.0 to 9.6
- 9.6 to 16.7
- Suppressed Value

# Ohio - Suicides by Firearms, 2018<sup>3</sup>



■ Females  
■ Males