



Senator Terry Johnson
14th Senate District

Chairman Coley, Vice Chair Huffman, Ranking Member Craig and members of the Government Oversight and Reform Committee. Thank you for taking the time to listen to Senate Bill 237, a bill designed to modernize Ohio's self-defense laws and conform them to those of the majority of the States. This legislation would establish that a person is not required to retreat before using deadly force if that person is not the original aggressor. Also they must have a right to be at the location where force is used, and is not engaged in an unlawful activity. Instead, the individual would have the right to respond with deadly force if the person reasonably believes it is necessary to do so to prevent death or great bodily harm to themselves or another. It may also prevent the commission of a forcible felony.

This is a principle that already exists as a combination of both case law and the ORC. The 1978 case *State v. Melchior* is where we find Ohio's most current judicial precedent regarding self-defense. The case states that: "To establish self-defense, the following elements must be shown: (1) the slayer was not at fault in creating the situation giving rise to the affray [...] (2) the slayer has a bona fide belief that he was in imminent danger of death or great bodily harm and that his only means of escape from such danger was in the use of such force [...] and (3) the slayer must not have violated any duty to retreat or avoid the danger."

Make no mistake, the first two parts of *Melchior* and the duty to avoid danger still exists. A person who initiates or escalates the conflict to the point of deadly force is not acting in self-defense. They are a criminal, and the justice system exists to ensure they are dealt with appropriately. Additionally, this bill does not eliminate the duty to retreat for everyone in each circumstance. In the event that someone is trespassing or they have been asked to leave a business, for example, they no longer have a lawful right to be there. The individual has a duty to retreat before acting in self-defense. If a person were to retreat in to their house to get a knife or bat and then reengage the situation, they would no longer be acting in self-defense. They would be the aggressor and have violated the duty to avoid danger. This is not a bill that will allow the unrestricted use of weapons and allow people to claim self-defense when the first two portions of the *Melchior* test are not met. In fact, this will not be the most far reaching law in the country, if passed. A majority of States have adopted similar legislation, including all of Ohio's neighboring states. Additionally, at least another half-dozen states permit the use of deadly force in public with no duty to retreat, through a combination of statutes, case law, and jury instructions.

I believe that people should be able to use necessary force in order to defend themselves, where they reasonably conclude that deadly force is being used against them. We in Ohio, have a duty to defend the United States Constitution, and the people who are using their 2nd Amendment rights.

Please join me in protecting our Constitutional Rights and the values on which this country was founded.



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Thank you for your consideration. I am happy to answer any questions.