

Chair Coley, Vice-Chair Huffman, Ranking Member Craig, and members of the Government Oversight and Reform Committee, my name is Gerard Valentino.

Since the 1960's, the government's policy of disarming law-abiding citizens, and creating hurdles to the legal use of self-defense, has given criminals a distinct advantage over law-abiding citizens. It's not surprising, or shouldn't be, that from that beginning at that time America saw a sickening increase in violent crime. It wasn't until American people demanded the ability to be secure through the widespread passage of legal concealed carry laws in the 1990s that the crime rate began to ebb.

Once criminals had to deal with the potential of an armed victim, they lost the upper-hand and the scales of justice tipped back in favor of law-abiding citizens.

In Ohio, however, legal carry of firearms only tipped the scale slightly since law-abiding citizens are held hostage by the state's absurd affirmative defense self-defense standard. That standard has three requirements before deadly force can be justified in self-defense. First, the person using deadly force can't be the aggressor. Second, the victim has to be in fear of imminent serious bodily harm or death, and then finally, the victim has to show he or she did retreat, or couldn't retreat.

(As an aside, the "duty to retreat" was added to the law back when swords were the primary self-defense tool, and running actually proved to be safe option. In today's world where guns are commonplace during a deadly criminal attack, the thought of outrunning a bullet is absurd.)

By forcing a citizen to flee, or consider fleeing, during a split-second life and death encounter is adding an undue burden during an already horrifying situation. A burden that can cause a nanosecond of doubt that isn't usually available during a violent attack. Especially considering the first two standards have to be met before the "duty to retreat" can even be put into play.

That means a big part of a citizen's burden in proving the legal use of self-defense as part of an affirmative defense is the ridiculous "duty to retreat" provision.

Even if a law-abiding citizen survives a brutal criminal attack, in the aftermath different segments of the criminal justice system will sit in a comfy office and pick apart every action taken by the victim.

If, during the scrutiny, the criminal justice system decides a law-abiding citizen was legitimately in fear of serious bodily harm or death, and also wasn't the aggressor, the inquisition should end there. Why does it matter whether the citizen retreated, or didn't retreat from the encounter?

Does the fear of imminent death vanish is a puff of smoke because a citizen didn't look for an avenue of escape? Of course not.

And if the fear of imminent death isn't present, removing the "duty to retreat" provision can't create it out of thin air. Simply stated, if this bill becomes law and the "duty to retreat" provision is eliminated, there isn't any way that will turn an unlawful use of deadly force into a lawful use of deadly force.

In the simplest terms, the "duty to retreat" is an archaic, unnecessary and burdensome part of Ohio's self-defense laws. The provision can only be used against the law-abiding and for the protection of the criminal element.

Based on that, a failure to remove the provision by voting against his bill is morally abhorrent.