

CATHOLIC CONFERENCE OF OHIO

December 9, 2020

Testimony in Opposition to SB 383 Lessening the “Duty to Retreat” In Self-Defense Situations

The Catholic Conference of Ohio opposes SB 383 which will lessen the “duty to retreat” in self-defense situations. SB 383 would expand the locations at which a person has no duty to retreat before using force in self-defense and allows a person in these locations to use reasonable force, including deadly force, even if an alternative course of action is available. (2901.09(B) (2) (4))

Current law reflects that only a person who is lawfully in his/her place of residence or is an occupant of a vehicle owned by an immediate family member has no duty to retreat before using force in self-defense or defense of another. In all other situations a person has a “duty to retreat” and avoid the use of force unless it is absolutely necessary.

SB 383 not only expands the locations at which a person has no duty to retreat, but in most cases eliminates, as a specific component of self-defense, the need to determine whether an alternative course of action was available. Many argue that these changes will implicitly result in the unnecessary use of force anywhere one has a lawful right to be. It may also exacerbate racial tensions. Our Church’s recent [pastoral statement](#) against racism encourages a greater sensitivity to this issue.

In opposing this legislation, we are not contesting the right to responsible gun ownership, or the right to act in self-defense. We believe that the vast majority of advocates on each side of the gun issue have a sincere desire to reduce societal violence.

However, we believe that the duty to avoid violence (retreat), when possible, is an essential component of self-defense and respect for life. Defending one’s life can, at times, justly require the use of lethal force, but use of lethal force should be a last resort and of absolute necessity. Other criteria for deciding between retreat and force include the imminent threat to life and the need for a proportional response. Our Church’s teaching cautions a person in self-defense situations not to use more violence than necessary [Catechism of the Catholic Church, [2264](#)].

We question the enforceability of the proposed change to existing law. When two or more persons claim the legal right to be present at the same location, and neither needs to retreat, confrontations can become overly provocative, and culpabilities difficult to ascertain.

We encourage you to oppose SB 383. We believe that society is enriched -- and more lives are protected -- when our laws fairly balance one’s right to self protection with one’s equally strong obligation to avoid, whenever possible, lethal actions. We believe that Ohio’s current law strikes a fair balance in regard to self-defense and should not be changed.