



**Representative Monique Smith**  
16<sup>th</sup> House District

**Representative Monique Smith- Sponsor Testimony for HB 257**

Thank you Chair Wilkin, Vice Chair Swearingen, Ranking Member Brown, and members of the Government Oversight Committee for allowing us to testify on behalf of House Bill 257, which would establish an Extreme Risk Protection Order, or ERPO, process in Ohio.

Why implement a red flag law or an Extreme Risk Protection order process, and can it actually reduce gun violence in Ohio? We know it can, because other states have already done it. Nineteen states and Washington D.C. have implemented the use of Extreme Risk Protection Orders or red flag laws. In those states, there has been a documented decrease in the number of suicides, domestic fatalities, mass shootings, and other forms of gun violence.

Similar to what our colleagues learned about the escalation of domestic violence in their research for Aisha's Law, research around mass shootings and other gun violence has shown that there are identifiable pre-attack behaviors that can predict an escalation from threats to fatalities. In fact, an FBI study revealed that violent shooters often clearly exhibit between up to four or five high red flag behaviors including public threats of violence toward others or clear threats to themselves.

We also know that the presence of a gun in a home with domestic violence exponentially increases the odds that violence becomes a fatality. Given that we live in a society with insufficient mental health care supports, which could become another way to address the risks of violence in our communities and homes, why wouldn't we want to put a legal process in place that can prevent volatile, violent or contentious situations from becoming fatalities?

ERPOs would enable immediate family members and law enforcement to temporarily remove a firearm in cases where signs of threatening or self-harming behavior are clear. Today, they cannot act, even on clear or specific



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threats. Sadly, they can only wait for the next escalation of domestic violence or a mass shooting to occur. An Extreme Risk Protection Order can initiate due process in a court of law to reduce the chance of violence and of threats escalating to gun violence.

Opponents may claim this is a violation of gun ownership rights. In fact, ERPOs do not violate due process or the Second Amendment because they require judicial review. In the review process, a judge would require clear and credible evidence that someone poses a significant threat to himself or herself or others before a temporarily removing a firearm. ERPOs seek to take guns out of the wrong hands, not the hands of law-abiding citizens.

Establishing ERPOs is more important than ever, after this General Assembly increased the presence of unlicensed concealed firearms in our communities. Allowing law enforcement to intervene at often the most critical time when a person demonstrates red flag risks will prevent suicides, school and workplace shootings, domestic violence shootings and other acts of gun violence in Ohio.

Thank you again for the opportunity to testify, and I urge you all to consider this bill.