



State Representative

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Sponsor Testimony for House Bill 257

Government Oversight Committee

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Chairman Wilkin, Vice Chair Swearingen, Ranking Member Brown, and members of the Government Oversight Committee thank you for the opportunity to provide sponsor testimony for House Bill 257, The Extreme Risk Protection Order Act. Legislation that would protect Ohioans and support law enforcement, while still respecting the rights of due process and the 2nd amendment.

I stand here today as a voice for Ohioans calling for an end to mass shootings and other preventable gun violence. Their calls have been loud and clear for many years now, but with every passing day bringing news of yet another preventable tragedy, we can no longer sit idly by and continue to ignore them. House Bill 257 is a reasonable and commonsense solution that would prevent violence 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 257 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. Current Ohio law already prohibits felons, fugitives, the mentally incompetent, and those dependent on drugs or alcohol

from possessing or purchasing a firearm, however, prevents law enforcement from acting even if they know that someone intends to do significant harm to themselves or others. This bill seeks to close that loophole and ensure that family members and law enforcement can do something for a loved one at serious risk of harming themselves or others. Already, 19 other states, including Florida and Indiana, have empowered law enforcement to request an ERPO to protect these individuals in crisis and everywhere they have been implemented, ERPOs have been proven to be effective at preventing death by firearm. That is why recent federal legislation, the bipartisan “Safer Communities Act,” provided for an additional \$750 million in grant funds made available to states that implement ERPO systems. By refusing to take action on this, Ohio is leaving money on the table that could be used by local communities to better fund and train law enforcement and help courts address backlogs.

Most people think of mass shootings and violence against others when they think about harm reduction, but here in Ohio there is another growing crisis we have the power to prevent with this legislation. Suicide accounts for nearly two-thirds of all firearm deaths in the United States and in Ohio, firearms are the leading mechanism of death for suicidal deaths in Ohio. In 2021, suicide involving a firearm accounted for more deaths than all other methods combined, a rate that has increased by more than 50% from 2007 to 2021.¹ Suicide is an increasing public health epidemic. In Ohio, five people die by suicide every day, and one youth dies by suicide every 33 hours.² 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.³

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. 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. (In comparison, drug overdoses—the method of suicide for less than 9% of Ohioans—are fatal in less than 3% of all attempted cases.)⁴

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 257 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

¹ <https://www.healthpolicyohio.org/hpio-data-visualizations/>

² <https://wonder.cdc.gov/controller/datarequest/D76;jsessionid=11D4137EBA4741717F41C3E7C650>

³ <https://mhaadvocacy.org/wp-content/uploads/2020/05/Installment-1-Suicide-in-Ohio-Facts-Figures-and-the-Future.pdf>

⁴ https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/

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. Studies analyzing the effect of ERPOs in other states found a significant decrease in gun suicide deaths from 7% to 13.7%, proving the efficacy and sensibility of such measures.^{5,6} While HB 257 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 Wilkin, Vice Chair Swearingen, Ranking Member Brown, and members of the Government Oversight Committee, thank you for the opportunity to testify today in support of HB 257. I am happy to answer any questions you may have.

⁵ <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4830&context=lcp>

⁶ <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.201700250>