



Sponsor Testimony for HB 38 “Stand Your Ground” Repeal Before Ohio House State and Local Government Committee (As Prepared)
November 16, 2022
Reps. West and A. Miller

Thank you Chair Wiggam, Vice Chair John, and Ranking Member Kelly for allowing us to testify on this important legislation.

HB 38 would simply return Ohio law to where it was in 2020.

There is no injustice with duty to retreat. It worked. It saved lives.

Citizens had a duty to de-escalate dangerous situations.

SB 175 was signed into law in April of last year. No longer, in Ohio, would a shooter be required to retreat before they can justifiably hurt or kill someone with a gun – or any weapon - in self-defense.

The law now provides that deadly force or great bodily harm does not have to be threatened to use deadly force in response — any perceived threat is sufficient. Any perceived threat.

Now, every fender bender, every parking lot controversy, every mad rush for this year’s holiday gift will be ripe for legalized murder.

Our laws should work to de-escalate these situations.

We know in study after study, in state after state, where this dangerous law is in place more people die. Plain and simple.

We heard over and over when we debated SB 175 that if your life is threatened you should have a right to defend yourself. But SB 175, Ohio’s Stand Your Ground Law doesn’t say life it says any perceived threat. Any perceived threat.

And, a defendant does not have “to be able to articulate why” he or she shot or killed someone. Just that they were threatened.

What’s more, the fact-finder, often the jury evaluate a case self-defense.

But now the jury shall not consider the possibility of retreat as a factor in determining whether or not a person who used force in self-defense reasonably believed that force was necessary to prevent injury.

The Shooter is now judge and jury.

Further, the American Bar Association's Task Force on Stand Your Ground Laws recognized how polarizing laws like SB 175 are in concluding that "The application of Stand Your Ground laws ... results in racial disparities."

Lets' be very clear. This bill will mean more deaths for minorities.

And, minorities who use this law for self-defense when they are the shooter/killer will face skeptical juries as to whether they had a reasonable belief that they were threatened.

Standard Your Ground is neither a shield nor a sword when you are a person of color.

This isn't a theory, we know this is so from other states that have passed these laws.

In February, Columbus declared gun violence a public health crisis in light of rising gun related homicides.

Columbus Mayor Ginther stated: "Laws passed in the state house have severely limited our ability to move the needle on gun violence. And just as destructive as these laws can be, inaction is equally infuriating".

This law lowers the standard it takes in court to justify killing someone.

Let's repeal SB 175 and work with members like the joint sponsors on real laws that protect everyone.

Thank you.