



**Representative Jessica E. Miranda**

Ohio's 28<sup>th</sup> House District

**Representative Brigid Kelly**

Ohio's 31<sup>st</sup> House District

May 11, 2021

*Rep. Miranda begins:*

Chairman Merrin, Vice Chairman Riedel, Ranking Member Sobecki, and members of the House Ways and Means Committee, thank you for the opportunity to provide testimony today on House Bill 262, the Child Access Prevention Tax Credit Act. This bill is designed to incentivize the safe storage of a firearm in the household.

Last year, over 40,000 Americans lost their lives to at the hands of guns, in what was the deadliest gun violence year in decades amid a global pandemic.<sup>1</sup>

As a mother of three young girls; as a former school board president who constantly kept the district's students at the forefront of my thoughts; and as a member of the Ohio House of Representatives with a constituent whose niece was murdered in Parkland, Florida - I believe strongly that we must take reasonable steps to build safer communities for all of us. The constituent I am referring to is named Abbie Youkilis and her niece was Jamie Guttenberg, who was killed in the Parkland school shooting.

It is too late for Jamie and the 44,000 Americans who have lost their lives to gun violence just last year, but it is not too late to try and prevent future tragedies. This is the time to act.

This bill, HB 262, incentivizes safe gun storage in a household with minors present and is similar to HB 240 of the 133<sup>rd</sup> General Assembly, however with an important update to include a tax credit for the purchase of a safe storage unit, making the bill pro-business, similar to bipartisan federal legislation, and in line with the National Rifle Association's own recommendations to "store guns so they are not accessible to unauthorized persons, especially children."<sup>2</sup>

Specifically, the bill would do the following:

- Prohibit negligent storage of a firearm and provide criminal penalties if a minor gains access to an improperly stored firearm (fourth degree felony to the parent or guardian if the firearm causes serious physical harm, third degree felony if the firearm causes death);
- Authorize an income tax credit for the purchase of firearms safety storage units which are defined to include a safe, case, lock box, or other device that is designed to store firearms securely;
- The tax credit is 20 percent of the purchase price of any firearms safety storage unit during a given taxable year.

As a concealed carry permit holder myself, I understand the 2nd Amendment and I want to be clear: under HB 262, we are not taking away anyone's guns. What we are doing is asking to take appropriate

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<sup>1</sup> <https://www.washingtonpost.com/nation/2021/03/23/2020-shootings/>

<sup>2</sup> <https://www.nrafamily.org/articles/2020/8/10/5-tips-to-safely-store-your-guns>



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action to help prevent more tragedies like what has already happened in places like Parkland, Florida, Aurora, Colorado, Sandy Hook, our own Dayton, Ohio, and so many more.

We also want to prevent tragic and all too frequent situations like the four-year old who was shot and killed by his five-year old sibling in Texas in 2019<sup>3</sup>, like the 2 year-old from South Carolina in June who shot himself in the head with a gun from his grandmother's purse<sup>4</sup> or like the Californian child in January who shot his mother with a shotgun he found in the back of the car.<sup>5</sup> This happened just steps away from a preschool. And honestly, we could spend the rest of the day telling the stories of lives lost and forever altered from a child accidentally shooting either themselves or another person with an unlocked, loaded firearm.

Not only would this commonsense gun safety legislation ensure firearms are stored safely and securely out of reach of minors, it would also protect victims of domestic violence, a problem we all know has been on the rise during the COVID-19 pandemic and furthering the need for this legislation. I will now turn it over to my joint-sponsor, Rep. Kelly.

*Rep. Kelly begins:*

An estimated 7% of US children -- or 4.6 million -- live in homes with at least one loaded, unlocked firearm, according to a study published in the Journal of Urban Health in 2018. This estimate, from 2015, "is more than twice as high as estimates reported in 2002, [which was] the last time a nationally representative survey assessed this."<sup>6</sup>

HB 262 simply says that a firearm owner should store it safely, ensuring that such a weapon is inoperable by any person other than the owner or another lawfully authorized user. We are not just seeking to increase penalties for failing to safely store firearms, we are also being proactive in preventing this negligence by creating a tax credit for safe storage purchases to encourage responsible gun owners to do the right thing. Our hope is that these measures will ensure that every gun owner practices the best and safest storage policy possible for any and all household guns.

According to Giffords Law Center:

"Household guns, often the most easily accessible firearms for youth, are a major source of weapons used in school shootings, youth suicides, and unintentional shooting deaths among children.

- Studies show that between 70 and 90% of guns used in youth suicides, unintentional shootings among children, and school shooting perpetrated by shooters under the age of 18 are acquired from the home or the homes of relatives or friends.

<sup>3</sup> <https://abcnews.go.com/US/year-boy-shot-dead-allegedly-year-sibling-mom/story?id=65638384>

<sup>4</sup> <https://abcnews.go.com/US/year-boy-accidentally-shoots-kills-gun-grandmas-purse/story?id=63859180>

<sup>5</sup> <https://abcnews.go.com/US/child-accidentally-shoots-mother-shotgun-backseat-car/story?id=60588706>

<sup>6</sup> <https://www.cnn.com/2018/11/05/us/guns-child-access-prevention-laws/index.html>



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- Several studies have shown that the risk of suicide and unintentional shootings among youth increases in homes where guns are kept loaded and/or unlocked.

Safe firearm storage helps prevent gun deaths and injuries in children, and research suggests that CAP laws increase safe storage behavior. This makes CAP laws incredibly effective at preventing gun deaths and injuries among children and teens.

- Estimates suggest that modest increases in the number of American homes safely storing firearms could prevent almost a third of youth gun deaths due to suicide and unintentional firearm injury.
- Numerous studies over the past 20 years have found that child access prevention laws can reduce suicide and unintentional gun deaths and injuries among children and teens by up to 54%, with the greatest reductions occurring in states which require safe storage of firearms.”<sup>7</sup>

Currently 29 states and the District of Columbia have Child Access Prevention laws on the books, including conservative states such as Kentucky, Texas, Utah, Mississippi, Oklahoma and others. Enacting The Child Access Prevention Tax Credit Act would bring Ohio on par with a broadly popular and commonsense safety measure that fully respects our 2<sup>nd</sup> Amendment rights. States with this law in place have 40% fewer suicides per capita and 68% fewer firearm suicides per capita than states without these laws.<sup>8</sup> This is a very commonsense way that we build safer communities together.

Thank you again for the opportunity to testify today on the importance of HB 262 and we will be happy to answer any questions at this time.

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<sup>7</sup> <https://lawcenter.giffords.org/gun-laws/policy-areas/child-consumer-safety/child-access-prevention/>

<sup>8</sup> <https://lawcenter.giffords.org/gun-laws/policy-areas/child-consumer-safety/child-access-prevention/>