



MATT DOLAN
STATE SENATOR, 24TH DISTRICT
Senate Building
Rm. 127
Columbus, Ohio 43215
Phone: 614.466.8056
dolan@ohiosenate.gov

SB 357 Sponsor Testimony
Senate Finance Committee
November 15, 2022

Chair Gavarone, Ranking Member Sykes and members of the Senate Finance Committee, thank you for allowing me to give testimony on Senate Bill 357 (SB 357).

I believe this legislation will enhance public safety and reduce the threat of gun violence in Ohio. SB 357 creates a new disability for determined threats of violence, establishes greater penalties for straw purchase offenses, creates a protection from civil immunity for private gun sales, implements a co-signer requirement for 18 up to 21-year-olds to purchase firearms, and repurposes existing funding resources to bolster our behavioral health workforce and crisis centers throughout Ohio.

Background on Senate Bill 357

Creation of behavioral risk assessment

Ohio law already recognizes there are certain conditions or disabilities that impede a person's ability to be a responsible gun owner, and thus by law they cannot own or use a firearm. These disabilities include being a felon, being drug dependent, a chronic alcoholic, or are mentally ill subject to court order, etc... (ORC 2923.13). SB 357 creates a new disability for those who after undergoing a behavioral risk assessment, have been determined to be a risk of danger to themselves or others. A behavioral risk assessment may be requested by a school, institution of higher education, place of employment or in a community setting. The behavioral risk assessment evaluates the individual for factors including suicidality, threat making, grievance/injustice collecting, and a major personal catalyst event.

By creating this new disability, we are encouraging the public to think about risk factors related to potential violence with the goal of helping those impacted before violence ever occurs.

Co-signer requirement for 18 up to 21-year-olds to purchase firearm

SB 357 does not ban any purchase of firearms for those 18 up to 21 years of age. However, other than the purchase of a rifle or shotgun that holds only a single round of ammunition, a co-signer 25 years of age or older must accompany the 18-21-year-old buyer of a restricted-access firearm and

sign an affidavit of limited responsibility with the purchase. Both the co-signer and purchaser must attest that the purchaser does not exhibit any of the outlined risk factors or behaviors under the behavioral risk assessment. The co-signer can be held civilly liable if that purchased firearm is used or brandished during the commission of a felony offense while the buyer is under the age of 21. There are a few exceptions to this co-signer requirement; such as if the 18 up to 21-year-old buyer is an active member of the military or law enforcement.

Seller's Protection Certificate

SB 357 creates a voluntary seller's protection certificate for private gun sales. Sales do not include the transfer of the firearm to a family member. This permits a seller to require the purchaser to receive written clearance from a county sheriff confirming no legal disability is present.

Timely Data Entries

SB 357 will improve state and federal databases by requiring that critical information such as arrest warrants and protection orders, be added into state and federal law enforcement databases by the close of the next business day, to better ensure the accuracy, timeliness, and effectiveness of background check results.

Ohio's current statutes do not require the thorough entry of information on all individuals who are under a weapons disability. This leaves the state and federal background databases without vital information on dangerous offenders, needlessly putting the lives of law enforcement and citizens at risk. It also increases the potential for unintentional gun sales to those who are prohibited from purchasing or possessing them.

Increased Penalties for Straw Purchase Offenses

Straw purchasing occurs when an individual who is legally able to purchase a firearm does so with the intention of providing that firearm to another person who is not able to legally purchase or use a firearm. Current Ohio law holds that a straw purchase offense is a felony of the fourth degree. SB 357 increases the penalty for straw purchase offenses to a second-degree felony, carrying a mandatory minimum of at least two years in prison. By increasing maximum punishments for violators, SB 357 will help to deter criminals from illegally obtaining firearms, while bringing justice and increased security to our impacted communities.

Mental Health Appropriation

SB 357 contains American Rescue Plan Act (ARPA) appropriations from the Home and Community-Based Services (HCBS) Workforce Development Strategic Fund and the State Fiscal Relief Fund (5cV3) to increase the number of mental health workers and accelerate the expansion of regional mental health crisis centers.

The \$85M from the HCBS fund will be used by the Department of Mental Health and Addiction Services in coordination with the Department of Higher Education to recruit, train, and retain our Behavioral health workforce.

The \$90M in ARPA funding from the State Fiscal Relief Fund will be used to bolster the expansion

of crisis infrastructure and create regional mental health rehabilitation centers. In addition to these facilities reducing the strain on jails and hospitals, it is my hope that each facility also houses a regional crisis team to assist schools, employers, and the community as a whole with evaluating students and connecting them with needed mental health resources in timely and efficient manner.

Senate Bill 357 protects the Second Amendment rights of law-abiding citizens.

Thank you for allowing me to provide sponsor testimony today on SB 357. I welcome any questions from the committee.