

Ohio Senate Finance Committee SB357 Opponent Testimony

December 6th, 2022

Doug Deeken of Chippewa Township (Wayne County), Ohio

Chair Dolan, Vice-Chair Gavarone, Ranking Member Sykes, and members of the Ohio Senate Finance Committee:

Thank you for hearing my testimony regarding SB 357. I speak in opposition to the bill.

Senate Bill 357 is an affront to constitutionally enumerated rights. Ohio's Constitution, Article I Sections 2, 3, & 4, and the United States' Federal Constitution, Amendments 1, 2, and 14, are all violated by this bill. As every member of this committee, and the entire Ohio General Assembly, have taken oaths to uphold both constitutions, this bill should be rejected out of hand.

Sadly, we are now at a third committee hearing of this bill. That any citizen of this state should have to rise in opposition to this infringement is itself an indictment of our current discourse. I weep for the state of protection of our rights.

Nevertheless, I shall detail my opposition to this extreme bill:

Lines 1801 and on detail a "behavioral risk assessment" which is very vague and includes an option for being conducted "in a community setting". This is ripe for abuse, especially with line 1815 listing "grievance collecting" as a criteria. Last time I checked the First Amendment of the US Federal Constitution (and Ohio's Constitution Article I Section 3), petitioning the government for a redress of grievances is specifically protected. Does this bill prohibit Ohioans from "collecting" the very thing that they may need to present for redress? As if that isn't enough, line 1816 includes the grossly vague "personal catalyst event". I could drive a truck through something that vague. Giving birth could be a "personal catalyst event" – are we to then see this bill as saying that new mothers have fewer rights than the rest of us? What about losing a job, does that meet the "personal catalyst event" criteria? How about having a birthday? Is there literally anything that might NOT be able to be called a "personal catalyst event"? Line 1817 includes a "documented threat to self" but does not indicate what standard that "documentation" must meet or come from nor does it give an end to it. Is someone who was a troubled teenager with a non-serious suicide attempt forever more denied their rights under this bill? What if some third party "documents" self-harm as getting a tattoo? A body piercing? Again, this is vague and ready to be abused. It should be noted that the "Void for Vagueness" doctrine is well established in our legal system (though it should be noted, I am not a lawyer). Additionally, all proposed government policy must first be evaluated against the standard of "how can this be abused". With such a perspective, this bill is vague and wide open for future abuse.

Yet, as bad as the above “behavioral risk assessments” are this bill codifies something worse – a lack of timely conduct of this awful assessment. Lines 1851 and on essentially deny rights to anyone accused without any maximum timeframe specified. So, someone could be baselessly accused and an “assessment” scheduled for a year later – that person has lost their rights for a year without any ability to challenge. This is so extreme that it defies logic. That is the kind of Orwellian tool third world dictatorships would feel good about, not a state in the USA.

Lines 2144 and on treats all 18-20 year olds as second class citizens. Imagine a world where we prohibited 18-20 year olds from operating a printing press unless a 25+ year old signed off on it; and then held that 25+ year old liable if the government later didn’t like what the 18-20 year old printed. Treating 18-20 year olds as second class citizens is insulting and fails the basic equal protection under the law test. See the Ohio Constitution Article I Section 2 and the United States’ Federal Constitution Amendment 14 for equal protection clauses. This section effectively denies 18-20 year olds from being able to purchase firearms. King George III would be proud of such a law. I am befuddled at any American not gagging at the sight of it.

Lines 2254-2262 create a category of “restricted access firearms” that include anything but single shot or double barrel guns. I can only imagine that this section was created by someone who cheered while watching the Joe Biden interview from 2013 where he sang the praises of double barrel shotguns. Look, if anyone on this committee wants to be more closely politically aligned with Joe Biden that is your constitutionally protected first amendment right. Likewise, it is my constitutionally protected first amendment right to point and laugh at you for your stunning deafness to the Ohio electorate. This isn’t Delaware. Treating a double barrel shotgun as a favored category of firearm is absurd in the extreme. Yes, I own double barrel shotguns. I enjoy shooting them. But I have not taken Joe Biden’s advice in selecting one for my home defense. I have more modern and effective firearms in that role. Furthermore, I will not tolerate you forcing me, be it all at once or incrementally starting with this flawed bill, to limit myself to such a choice. If you are so enamored with this scheme I will be pleased to purchase you a one-way (train) ticket to Delaware. My credit card stands ready.

In summary, SB 357 is a glaring insult to Ohio, America, and liberty. It seems to me to have been written with influence from Orwell, King George III, tinpot dictators, and Joe Biden. None of those are the liberty loving Ohioans that I know and love. This bill should be tabled indefinitely and the pen that was used to write it should be incinerated (and the furnace used then given an exorcism, just to be safe).

I would like to thank Chair Dolan, Vice-Chair Gavarone, Ranking Member Sykes, and members of the Ohio Senate Finance Committee for their time. I am willing to take questions.