

**Proponent Testimony: SB 266: Regards civil immunity and nonprofit corporations
Ohio Senate | Judiciary Committee
May 17, 2022 | Columbus, OH**

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and Members of the Committee:

Introduction

Ohio Jewish Communities is the statewide government advocacy, public affairs, and community outreach voice of Ohio's eight Jewish federations and their some 150 member agencies providing cradle-to-grave social services and meeting vital human needs of Ohioans of all faiths – and of none – each day, all across Ohio. We submit this testimony on their behalf.

Background and Statement of Interest

We are grateful to Senator Schaffer for leading on this issue and championing this legislation. As you are aware, this is a slight expansion of, or clarification to, SB 175 which Senator Schaffer championed in the last General Assembly. SB 175 was reported out of committee here in the Senate 8-1, passing the Senate 31-0, and then reported from the House committee 14-1, showcasing the depth of the bipartisan support the underlying issue maintains in both chambers.

SB 175 simply added nonprofit organizations to the list of entities that had civil immunity in the case of a handgun being used in defense of others on the property. Governments, private sector companies, and institutions of higher education already had this immunity.

You can imagine what that difference meant to nonprofit agencies, nonpublic schools, and houses of worship in our community and elsewhere who were facing a different liability structure than essentially any other corporate entity in the state. Insurance premiums were rising almost as sharply as the threat matrix of domestic and foreign terrorist threats were. SB 175 helped with that.

SB 266 Extends Protections of SB 175

SB 266 would add a for-profit landlord or lessor to this, ensuring that someone who provides their property or premises to a nonprofit that has armed security on site is not civilly liable should an incident occur. It also adds a personal immunity to the individual using the handgun to defend themselves or another.

However, neither SB 175 nor SB 266 provide these immunities in the case of "malicious purpose." They also do not preempt criminal prosecution if warranted.

Threat Environment

The latest FBI statistics and ADL reporting confirm what this committee and the General Assembly already know. Hate-fueled violence is on the rise. The Jewish community is the focus of far too much of that, accounting for 54.9% of all religious bias crimes last year, despite being approximately two percent of the US population¹.

That is true throughout the community, and especially so on college campuses. ADL reports have antisemitism on campuses tripling between 2012 and 2019 while federal data has religious-based hate crimes on college campuses almost doubling between 2009 and 2017; that data also shows the majority of those reported crimes on campus targeted Jews².

Here in Ohio, we had anti-Jewish incidents throughout the state, most recently, with a security guard arrested for turning on the school he was charged to protect. We have confirmed antisemitic reports on college campuses. And we have individuals serving out prison sentences, or recently released, for plots and threats against Jewish communities here in Ohio. One need not look to the Jewish community though. This past weekend saw African-Americans targeted by a white nationalist in Buffalo, NY, and Taiwanese-Americans facing a gunman in church in California. The threat facing our nonprofit agencies, our houses of worship, and our most highly at-risk communities, is ever present.

Next Steps

Protecting those at risk is a priority for government at every level. That's not only a funding question for appropriations. It's also making certain the right policies are in place.

Armed guards, or special duty police when available, shouldn't be at the mercy of an insurance decision. We urge you to favorably report this bill and for swift floor action by the full Senate.

Thank you. I'm available for any questions.

Howie Beigelman
Executive Director

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¹ <https://www.ajc.org/news/ajc-deeply-troubled-by-fbi-hate-crimes-data-showing-overall-increase-jews-most-targeted>

² Ibid.