

Proponent Testimony for H.B. 51

Thank you, Chair Peterson, Vice Chair Thomas, Ranking Member Forhan, and House Government Oversight Committee Members for the opportunity to provide testimony today in support of H.B. 51 to Enact the Second Amendment Preservation Act.

My name is Judi Phelps and I reside in Vinton County in southeast Ohio. I am a firearms and unarmed self-defense instructor, and owner of On Guard Defense Training Center and Shooting Range. I am also a staunch advocate and defender of our right to keep and bear arms, as prescribed by the Second Amendment of the U.S. Constitution, and Article 1, Section 4 of the Ohio Constitution.

Ohio Revised Code Section 9.68 holds that the individual right to keep and bear arms, is a fundamental individual right, that predates the United States Constitution and Ohio Constitution. The general assembly declared in this statute that *“it is proper for law-abiding people to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves or others.”*

I am law-abiding. I am armed. I am trained. I am confident that I can protect myself and my family from being attacked by “bad guy/bad gal”. But what if the “bad guy” turns out to be the Federal government that decides that the property I legally purchased and own is now in violation of some unconstitutional executive order or ruling by non-elected anti-Americans employed by alphabet soup agencies? Am I going to have the Feds show up on my doorstep with a “no-knock” warrant for my arrest?

These are just some of the questions that have been swirling in the minds of Ohioans and American gun owners across this great nation. It is also the reason that 60% of all U.S. counties across 17 states have already adopted some form of Second Amendment sanctuary status. Of Ohio’s 88 counties, thirty-three of them are Second Amendment sanctuary counties, including my own, whose commissioners adopted our Resolution on January 28, 2020.

Why the exigent need for this bill? Because the clock is ticking fast for those impacted by the latest ruling by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). On January 13, 2023, the U.S. Attorney General signed ATF final rule 2021R-08F, *“Factoring Criteria for Firearms with Attached Stabilizing Braces,”* which makes pistol braces illegal to purchase, transfer, or possess, with a penalty of a felony charge which carries massive fines and up to ten years in prison[ATF, 2023]. Mind you, this ruling is in absolute contradiction to the ATF’s prior rulings in 2012, and that which was reaffirmed in 2014, that these braces are legal, and are not to be classified as short-barreled rifles (“SBR”). According to the

Congressional Research Service, this ruling could impact up to 40 million American gun owners [Krouse, 2021].

Why did the ATF change its mind with this ruling? Why was no “grandfather clause” incorporated into the ruling to protect those that purchased stabilizing braces when the ATF deemed them legal? Why is this agency usurping our constitutional rights? I wish I knew those answers, but the reality is that it just doesn’t matter. What does matter is that every member of Ohio’s general assembly upholds the oaths they took to protect the rights of Ohioans by voting in support of H.B. 51, and to Enact the Second Amendment Preservation Act, posthaste.

Thank you for your time. I’ll be glad to answer any questions you have for me.

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References:

“Second Amendment Sanctuary Reviewed: Every U.S. State and County: Tactical Experts.” *TacticalGear.com*, TacticalGear.com, <https://tacticalgear.com/experts/second-amendment-sanctuary-reviewed-every-u-s-state-and-county>.

“Bureau of Alcohol, Tobacco, Firearms and Explosives.” *Factoring Criteria for Firearms with Attached “Stabilizing Braces” | Bureau of Alcohol, Tobacco, Firearms and Explosives*, 3 Mar. 2023, <https://www.atf.gov/rules-and-regulations/factoring-criteria-firearms-attached-stabilizing-braces>.

Krouse, William J. “Handguns, Stabilizing Braces, and Related Components - Congress.” *Congress.gov*, Congressional Research Service, 19 Apr. 2021, <https://crsreports.congress.gov/product/pdf/if/if11763>.