



**OPPONENT TESTIMONY ON HOUSE BILL 51  
HOUSE GOVERNMENT OVERSIGHT COMMITTEE | MARCH 14, 2023**

On behalf of the Ohio Mayors Alliance, a bipartisan coalition of mayors in Ohio’s largest cities, we submit this written opposition testimony to H.B. 51. Among the Ohio Mayors Alliance’s core principles is to preserve and advance local self-governance and support innovative local solutions. **H.B. 51 will harm law enforcement agencies in our cities, is an unconstitutional preemption of cities’ home rule authority under the Ohio Constitution, and appears to violate the U.S. Constitution as well.**

**H.B. 51 makes the work of local law enforcement more difficult, expensive, and dangerous**

H.B. 51 places vague and overbroad liabilities on local law enforcement agencies and law enforcement officers who might “deprive an Ohio citizen of the rights or privileges ensured by the Second Amendment to the U.S. Constitution.” The imposition of a significant \$50,000 “penalty per occurrence” on law enforcement agencies who are successfully sued for violating this vague provision will necessarily prevent police officers and other first responders from acting in their best judgment to keep Ohioans safe. Local officers cannot know, by sight, whether someone is a “law-abiding citizen” or a potential criminal. Thus, H.B. 51 will hamstring officers and law enforcement agencies with the threat of civil liability and keep them from doing their jobs to protect the public. The chilling effect of the possibility of being sued and fined \$50,000 “per occurrence” could result in officers failing to act to prevent crime when necessary and make their jobs more difficult and dangerous.

Moreover, exposing local governments and law enforcement agencies to enhanced liability for “knowingly” employing otherwise qualified or experienced law enforcement officials who are or have been employees of the federal government will exacerbate our cities’ already significant challenges in recruiting and retaining law enforcement officers. The last thing our police departments need are more limitations on who they can and cannot hire to protect their communities.

We are also concerned that creating new and vague civil liabilities for law enforcement officers, agencies, and cities will raise law enforcement liability insurance costs. The Ohio Department of Public Safety and its Office of Criminal Justice Services are attempting to create, through the currently pending state budget, more opportunities for law enforcement agencies across Ohio to become accredited through the Ohio Collaborative Community-Police Advisory Board—a program whose primary benefit to police departments is to reduce liability insurance premiums through the adoption of standards of excellence. This bill would undo that important work, which is broadly supported by our Mayors and Police Chiefs Committee.

### **H.B. 51 violates the U.S. Constitution**

The model for this bill, Missouri's Second Amendment Preservation Act, was [ruled unconstitutional](#) in a federal court on March 8, 2023. The court ruled, among other things, that the provisions of the bill purporting to ignore or overrule federal firearms laws violates the U.S. Constitution's Supremacy Clause. If passed, H.B. 51 will almost definitely draw court challenges that drain taxpayer resources unnecessarily. We urge you to consider dedicating additional taxpayer resources to supporting our local law enforcement agencies rather than subjecting our state to future fruitless litigation that will foment confusion and increase dangers to our police officers and communities.

### **H.B. 51 violates home rule and the Ohio Constitution**

America's federalist system of government has long emphasized the value and authority of the form of government that is closest to the people. The drafters of H.B. 51, in fact, go to great pains to argue that the federal government should not infringe on the state's ability to legislate the sale, distribution, and use of firearms. H.B. 51, however, takes this power for the state and refuses to pass along any of that power to local governments. This is despite the fact that the people of Ohio, through Section 3, Article XVIII of the Ohio Constitution, have explicitly granted Ohio municipalities the right to home rule—particularly with regard to police powers.

Local officials elected by their neighbors are in the best position to determine what is best for their communities. H.B. 51 purports to impose the state legislature's view of what is best on every community in Ohio, regardless of how residents of different municipalities might feel about it. Not every community in Ohio is the same, and local leaders must have the flexibility to establish innovative policy solutions to the unique challenges of their communities. This concept is the modern expression of our federalist form of government. We believe, therefore, that H.B. 51 violates both the letter and spirit of the Ohio Constitution's preservation of home rule for municipal governments.

### **Conclusion**

In summary, H.B. 51 advances harmful policies that will put law enforcement officers and Ohio communities in danger. Ohioans retain their Second Amendment rights, and it is our job as elected leaders to work together to impose—or not impose—reasonable limitations on the use of dangerous weapons to protect our neighbors. It seems obvious that people in one community might have different thoughts about how that should work than those in another community. We urge you to consider the importance of local control and respect for the Ohio and U.S. Constitutions and decline to advance H.B. 51. Thank you very much for your consideration of this issue that is central to our ongoing work to make Ohio one of the best—and safest—places to live and work in the nation.