

Opposition Testimony to HB51-House Government Oversight Committee
Submitted by Stephen P. Calardo
March 14, 2023

I am an attorney and former assistant prosecuting attorney in Hamilton County. I am a gun owner who possesses a hunting license. More importantly, I am a father, husband, and grandfather concerned about gun violence and the need to keep guns out of the hands of those who should not have them. I oppose HB51 and urge you not to pass this reckless, vaguely worded, and likely unconstitutional legislation because:

1. HB51 Would Allow Domestic Violence Abusers Permitless Carry of Concealed Weapons

Do you realize that HB51 will allow a domestic **abuser convicted of domestic violence or under a domestic violence restraining order** to be deemed a “**qualifying adult**” [ORC 2923.111(A)(2)(B)] **who could carry a concealed firearm without a permit?** Such domestic abusers are currently prohibited from permitless carry in Ohio by virtue of current law [ORC 2923.111(A)(2)(B)] which adopts the federal firearms disability list. 18 USC 922(g)

So, if an abuser in Ohio punches, kicks, bloodies, or knocks down a spouse or intimate partner and is convicted of domestic violence serving up to six months in prison (a misdemeanor under Ohio law)—that person will be a “qualifying adult” entitled to permitless carry if HB51 passes. If a domestic abuse victim obtains a restraining order against an abuser, the abuser still would be a “qualifying adult” entitled to permitless concealed carry if HB51 passes. If HB51 is adopted, **only if** “serious physical harm” results from a beating [ORC 2901.01(A)(5)-like incapacity, disfigurement or injury causing prolonged intractable pain] **and** if the abuser is actually convicted of a felony would the abuser be deemed ineligible for Ohio permitless carry.

Access to a gun makes it 5X more likely that a woman will die at the hands of a domestic abuser. Campbell, J. C., et al. (2003). “Risk factors for femicide in abusive relationships: results from a multisite case control study” American Journal of Public Health. In the US, women are 28x more likely to be killed by guns than women in other high-income countries. American Medical Assoc. (2022).

HB51 increases the risk to women of gun violence resulting in fatality.

- 2. HB51 would expose Ohio political subdivisions employing law enforcement officers to civil suit and fines of \$50,000 per incident simply for enforcing federal gun regulations in state.**
- 3. HB51 would bar the state from hiring qualified, former federal law enforcement officers who in the past had enforced federal gun regulations.**
- 4. HB51 would recklessly eliminate from state law federal prohibitions of firearm possession by those dishonorably discharged from the military, those who have renounced their citizenship, and illegal aliens. 18 USC 922(g) Ohio’s weapons disability statute, ORC 2923.13, is less comprehensive than the federal weapons disability list. HB51 makes Ohio citizens less safe.**
- 5. HB51 reads like an anti-government proclamation that will fuel anti-government sentiment and lead to increased gun violence in Ohio.**
- 6. HB51 would be a nullification statute likely unconstitutional (as was Missouri’s substantially similar nullification law) under the US Constitution Supremacy clause, leading to unnecessary costly litigation.**