

TESTIMONY AGAINST HB 51
House Government Oversight Committee

Submitted By: Andrea R. Yagoda, Private Citizen

Chairman, Peterson, Vice Chair Thomas, Ranking Member Forhan and Members of the Committee: Thank you for allowing me to participate in this hearing today on HB 51. I am a private citizen and a resident of Ohio for the last 49 years, concerned about the safety of our community and how this bill affects the same. My name is Andrea Yagoda and I presently hold a concealed carry permit. I have had a permit since the early inception of the law providing for concealed carry permits. I am also a retired domestic law attorney who has obtained many Temporary Protective Orders for individuals harmed and/threatened with violence by their spouses, family members or other significant others.

I find it ironic that the Republicans in the Ohio Statehouse complain about what they call “sanctuary cities” which they deem to be places where law enforcement do not enforce the law when it comes to illegal immigrants who have not proven to be a danger to the community, yet HB 51 seeks to make all of a Ohio a system of sanctuary cities to protect those who under Federal Law are deemed prohibited from carrying a firearm and allow those convicted of misdemeanor domestic violence who have caused or may cause harm to carry a concealed firearm without a permit thereby increasing the harm or death of more Ohio women. The exception is if the Defendant has caused “serious physical harm” which is defined in ORC 2901.01 as follows:

5) "Serious physical harm to persons" means any of the following:

(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;

(b) Any physical harm that carries a substantial risk of death;

(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;

(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;

(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.

This is the standard this committee wants to utilize? Rather than avoid serious physical harm let's just take our chances and do nothing and wait until one is seriously harmed?

This is how you want to protect Ohioans in the name of the second Amendment? What about the freedom of women to not live in fear of an abusive domestic partner? Does that not account for anything?

18 USC 922 (g) provides, under federal law which persons are deemed exempted from owning, etc firearms and reads in pertinent part:

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the [United States](#), has renounced his citizenship;

(8) who is subject to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an [intimate partner](#) of such person or child of such [intimate partner](#) or person, or engaging in other conduct that would place an [intimate partner](#) in reasonable fear of bodily injury to the partner or child; and

(C) (i) includes a finding that such person represents a credible threat to the physical safety of such [intimate partner](#) or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such [intimate partner](#) or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a [misdemeanor crime of domestic violence](#), to ship or transport in [interstate or foreign commerce](#), or possess in or affecting commerce, any [firearm](#) or [ammunition](#); or to receive any [firearm](#) or [ammunition](#) which has been shipped or transported in [interstate or foreign commerce](#).

the term “[major component](#)” means, with respect to a [firearm](#), the barrel, the slide or cylinder, or the frame or receiver of the [firearm](#); and

ORC 2923.13 however, limits this prohibition to what I have highlighted in red above

and those who have been convicted of felonies of violence and drug related offenses

thereby providing for the possession of firearms by a much larger population than federal

law. How does this protect Ohioans?

This Bill provides :

“D) All federal acts, laws, executive orders, administrative orders, rules, and regulations, regardless of whether they were enacted before or after the enactment of this section, that **infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States..**” shall not be enforced.

Who decides whether a law, order, etc infringes upon the Second Amendment?

NO Constitutional right is absolute or is it the intent of this Bill to make this the one and

only right under the Constitution absolute? This bill forces the Judicial branch to be

complicit in violating the law and when the law is challenged who will bear the brunt of the expense? Once again, it will be the taxpayers of Ohio.

And this bill exempts from the definition of “law abiding citizen” those who are not here legally. How is a law enforcement officer to know when s/he stops an individual whether such person is here legally? And are those here illegally also permitted to carry a firearm or exempt from doing so under this bill? Must the officer first ascertain whether one is here legally before s/he can take action related to a firearm?

And the Republicans complain about “defunding the police”. Well this Bill does exactly that. By subjecting municipalities to fines of up to \$50,000 plus possibly attorney fees and costs for enforcing a Federal firearms law or more vaguely put in the bill “infringing on ones Second Amendment rights”, you will be defunding the police. Less funds results in cuts in spending which will most certainly include law enforcement.

And at a time when the Republicans in the Ohio legislature are seeking to lower of the age from 21 to 18 in attempt to secure new cadets this bill exempts from consideration a whole class of experienced law enforcement officers by exacting a stiff penalty if a department hires an individual who previously was a federal law enforcement officer. What could possibly be the rationale for this?

As a citizen, and voting constituent I ask this committee to vote no on this bill.

Thank you.

Andrea R. Yagoda

