



## Ohio Gun Owners

Ohio's Grassroots Gun Rights Organization  
3195 Dayton-Xenia Road, #900-306  
Beavercreek, OH 45434

### MEMORANDUM

---

**DATE:** May 23, 2023

**TO:** Members of the Ohio House Government Oversight Committee

**FROM:** Jered Taylor, Ohio Gun Owners (OGO)

**RE:** Proponent Testimony on Sub. House Bill 51

---

Chairman Peterson, Vice Chair Thomas, Ranking Member Forhan and members of the House Government Oversight Committee, my name is Jered Taylor and my testimony is on behalf of the members and supporters of Ohio Gun Owners. Thank you for the opportunity to speak to you again on H.B. 51, the Second Amendment Preservation Act, sponsored by Representative Loychik. As you all may remember, I am a former Missouri State Representative who passed SAPA in Missouri in 2021.

The version of House Bill 51 you have in front of you is very similar to Missouri, with a few modifications. If you recall on the morning I testified on HB 51 a few weeks ago, we were notified by the Western District of Missouri Federal Court that Judge Wimes had released his decision on the Missouri SAPA law that was challenged by the Department of Justice. We were not surprised by the decision, in fact we expected to lose in district court and knew that whatever the decision would be, it would be appealed to the 8<sup>th</sup> Circuit. When we spoke last, I hadn't even had a chance

to read the decision. Now that we have had a little time to review the decision, we still aren't surprised.

Judge Wimes completely failed to recognize the main constitutional principle that SAPA is founded on, the Anti-Commandeering doctrine, which is based in the 10<sup>th</sup> Amendment. Judge Wimes ignored the severability clause found in the law and attacks SAPA on policy rather than constitutionality. Judge Wimes clearly biased opinion lacks substance and replaces it with partisan political talking points. After speaking with the Missouri Attorney General's office and other constitutional scholars, we believe SAPA will prevail.

Judge Wimes put a stay on his own decision and SAPA in Missouri is still operational and still in effect. The Missouri Attorney General's office has appealed the decision to the 8<sup>th</sup> Circuit Court of Appeals. In the version before this committee, there have been several changes made, some changes are based on feedback from Representatives, stakeholders, and changes made because of the Wimes decision. We want to make sure we put forth the best legislation, legislation that will protect the Second Amendment rights for Ohio citizens and give law enforcement the tools necessary to put the bad guys away.

The version before you trims down the previous version and eliminates a few sections that weren't necessary for the enforcement of this legislation. The Ohio General Assembly does not have to give reason as to why we are not enforcing federal law, it simply must assert its authority under the 10<sup>th</sup> amendment. You will find that we removed a section that listed the specific rules, laws, taxes, etc. that the general assembly deemed unconstitutional, as this section wasn't necessary and caused a potential sticking point under legal challenge.

The introduced version of the bill included a section that called federal laws and acts unconstitutional which was removed, for the same reason as stated before. We removed a section dealing with the courts' duty to protect the rights of law-abiding citizens, which is accurate but not necessary in the implementation.

Mr. Chairman, in short, this accomplishes the goal of SAPA without risking the constitutionality of the legislation. As we move through the legal challenge in Missouri and we work in various states to pass SAPA, we learn and we make legislation better. Ohio has the unique opportunity to learn from Missouri and make SAPA better to protect Ohio Citizens from an overreaching federal government that is bent on gun control.

---

---