

**Ohio House Committee on Government Oversight**  
**Representative Michele Grim**  
**H.B. 170 Sponsor Testimony**  
**June 6, 2023**

Chair Peterson, Vice-Chair Thomas, Ranking Member Forhan, and members of the House Government Oversight Committee: thank you for the opportunity to offer sponsor testimony on House Bill 170, which establishes a legal process for temporarily removing firearms from the possession of people who are displaying signs of being a danger to themselves or others, known commonly as Extreme Risk Protection Orders or “red flag” laws. Thank you also to my joint sponsor, Representative Thomas, for working with me on this critical piece of legislation that, if enacted, will save lives – particularly those of individuals who are imminently distressed and suicidal – while respecting the rights of due process and the 2<sup>nd</sup> amendment.

House Bill 170 authorizes a family or household member, a law enforcement officer, or a law enforcement agency to petition a common pleas court for issuance of an Extreme Risk Protection Order based on allegations that the subject of the petition poses a significant danger of causing personal injury to self or others with a firearm. Should the court find by a preponderance of evidence that the respondent poses a significant danger, the court must issue an ERPO for a period of 180 days. House Bill 170 outlines the entirety of the ERPO legal process, but I wanted to highlight just a few aspects contained in the bill.

In determining whether grounds for an ERPO exist, the court may examine under oath either party or witness called to the stand, conduct reasonable searches, and consider relevant evidence. Relevant evidence, as described in the bill, may include: a recent act or threat of violence, mental health issues, violations of a protection order, unlawful or reckless abuse of a firearm, and prior arrests for violent crimes.

If an ERPO is issued, the respondent may submit one written request for a hearing to terminate an ERPO every 180-day period that the order is in effect, stating from the date of the order and continuing through any renewals. On the other hand, a family or household member or a law enforcement officer or agency may request a renewal of an ERPO. In both cases, a court hearing must be set and the termination or renewal would be decided by a preponderance of the evidence, the same standard applied to issuing an ERPO.

Upon issuance of any ERPO, the court must order the respondent to surrender all firearms in the respondent’s custody, control, or possession and any license to carry a concealed handgun issued under Ohio law. The law enforcement officer serving an ERPO must take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. Alternatively, under certain circumstances, the respondent must surrender the firearms in a safe manner to the local law enforcement agency within 48 hours of being served.

House Bill 170 expands “having weapons while under disability” to include those who currently have an ERPO issued against them. A person found guilty of having a firearm while under ERPO disability is a third degree misdemeanor for the first or second offense. At the third and subsequent offense, the charge becomes a fifth degree felony. In addition, if a person is found

guilty of having a firearm while under ERPO disability, they are then prohibited from knowingly acquiring, having, carrying, or using a firearm for a period of five years after the date of the ERPO expires. Furthermore, this bill outlines penalties for a person filing petitions for an ERPO knowing the allegation is false. These penalties ensure that guns are kept out of the hands of those the court determines to be a danger to themselves or others, while also protecting the legal process from abuse.

Opponents of this bill may view this measure as violation of second amendment rights. However, the legal process I have outlined shows that House Bill 170 protects due process through judicial review. ERPOs seek to take guns out of the wrong hands, not the hands of law-abiding citizens.

Research around mass shootings and gun violence have shown that there are identifiable pre-attack behaviors that can predict an escalation from threats to fatalities. Up to 80% of people considering suicide give some sign of their intentions, and an FBI study revealed that violent shooters often clearly exhibit between up to four or five red flag behaviors prior to committing violent acts.<sup>1</sup> Yet, law enforcement is often unable to intervene until an act of violence occurs. House Bill 170 allows us the opportunity to stop gun violence before it occurs.

As of today, 21 states and the District of Columbia have enacted Extreme Risk Protection Orders, including Florida, Indiana, Michigan, and New York. Studies analyzing these measures have found a significant decrease in gun suicide deaths, ranging between 7 and 13.7 percent post-implementation, proving the efficacy and sensibility of such measures.<sup>23</sup>

Chair Peterson, Vice-Chair Thomas, Ranking Member Forhan, and Members of the House Government Oversight Committee: thank you for the opportunity to address you today. I would like to turn it over to my joint sponsor, Representative Thomas, and then we would be happy to answer any questions you may have.

---

<sup>1</sup> <https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/extreme-risk-protection-orders/>

<sup>2</sup> <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4830&context=lcp>

<sup>3</sup> <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.201700250>