

Testimony on Sub. House Bill 51
House Government Oversight Committee

Submitted by:
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Chair Peterson, Vice Chair Thomas, Ranking Member Humphrey and members of the committee:

Thank you for allowing me to present this testimony in opposition to Sub. HB 51.

I am an Ohio resident and a regular voter. My son, a public school teacher, lives in Ohio with his wife and three children. I fear for their safety, especially since the legislature has seen fit to make guns more accessible as gun violence increases, pretending there is no connection. And now, the legislature is proposing a bill that would prohibit enforcement by state and local officials of federal firearm laws and regulations.

Most Ohioans favor some gun-related restrictions. See this 2023 Dispatch article, which shows that more than 90 percent of Ohioans want mandatory background checks for gun buyers, and 88 percent want mandatory training for concealed carry permits: <https://www.dispatch.com/story/news/state/2023/07/26/new-poll-finds-gap-between-ohioans-and-lawmakers-on-gun-issues/70409971007/>). I'm sure I'm not alone in my outrage that our state now has passed a permitless carry law over the protests of police chiefs from across the state. An October 2022 poll showed that 60 percent of Ohio registered voters OPPOSE the state's permitless concealed-carry law, while only 36 percent support it. Aside from the fact that looser gun laws in the state are NOT popular, there is a connection between permissive gun laws and the level of gun violence. See this analysis from Rand about the connection between gun-related policies and gun violence: <https://www.rand.org/research/gun-policy/key-findings/what-science-tells-us-about-the-effects-of-gun-policies.html>. Aside from pleasing the gun lobby and a paltry third of Ohio citizens, who benefits? How do we explain to our children that their state isn't terribly concerned about protecting their health and safety?

Sub. HB 51 would generally bar state or local cooperation with enforcement of federal laws; any such assistance provided to enforce federal law could expose the state or political subdivision to a lawsuit and damages.

Further, Sub. HB 51 no longer includes the phrase "any firearm with an overall length of at least 26 inches" in describing a "dangerous ordinance." Because of this deletion, Sub. HB 51 would mean that "the larger the gun (above 26 inches), the fewer the regulations that would apply."

Federal law and regulations having to do with rapid-fire enhancing pistol braces (as were used during the 2019 Dayton massacre) could not be enforced under Sub. HB 51. Such braces would not be barred; they would simply require registration.

Sub. HB 51 violates the Supremacy Clause. Simply put, Sub. HB 51 is unconstitutional, with or without the words "nullify" or "nullification." Do Ohio lawmakers believe the federal government is unlawfully trying to force Ohio to adopt a law or program? If so, then the state can sue the federal government about a specific federal action. But Sub. HB 51 challenges the U.S. Constitution's Supremacy Clause. Members of the House Government Oversight Committee should know that the federal court in Missouri held a similar Second Amendment Preservation Act to be unconstitutional under the Supremacy Clause. Does the Ohio legislature want even MORE negative national coverage?

As you certainly realize, anti-government sentiment has inspired at least some of the gun violence in our state. This bill adds fuel to an irrational fear that the “government is coming to take our guns.”

In short, it is a – perhaps THE - primary responsibility of our state government to act in the best interests of ALL Ohioans. When Second Amendment “rights” supersede the right of citizens to expect a reasonable degree of safety – life, liberty and the pursuit of happiness – then we have truly lost our way, and lawmakers have forgotten their duty to their fellow citizens.

We Ohioans – a majority of us! - have a right to expect our legislators to do what they can to curb gun violence and not to make laws that inspire more of it.