

Testimony on **-12 Sub HB51**
Government Oversight Committee
Date: November 14, 2023
Submitted by: Michelle Lee Heym

Chair Peterson, Vice Chair Thomas, Ranking Member Humphrey, and members of the committee, thank you for allowing me to present testimony in opposition to **-12 Sub HB51**, Enact 2nd Amendment Preservation Act. My name is Michelle Heym, I am concerned about this bill from a public safety standpoint. This bill is still against common sense gun safety policies and at it's core is anti-public safety, anti-law-enforcement, anti-victim, and unconstitutional.

I have lived in Powell, Ohio with my husband and three girls since August of 2015, after moving from West Simsbury, CT. We were traumatized when the girls were on lockdown during Sandy Hook and my life will never be the same. The Revisions made to **HB51** do not change my opinion one iota of this reckless bill that remains a dangerous precedent for all Ohio citizens.

Chair Peterson, I appreciated you speaking with me after a recent hearing. I understand that you thoughtfully supported a grant to increase security measures on a college campus in your district. I liked that. So you must know that 12th version to **HB51** does not increase public safety measures and my analysis will show that this version is worse than the original.

First, continuing to **Allow a safe haven in Ohio for domestic abusers to possess and open carry firearms, for illegal aliens to possess and open carry firearms, for dishonorably discharged military personnel to possess and open carry firearms, for US citizenship renouncers to possess and open carry firearms, who may not legally possess firearms under federal law, can now legally do this in Ohio.** So not only can these criminals thrive with Stand Your Ground, Permitless Carry, and Arming Teachers with minimal training, the deadly trifecta that was passed by this body last year, but criminals will be encouraged to come to Ohio. 2nd Amendment Sanctuary will not deter crime but encourage violence, and add potentially dangerous people to Ohio. This is madness. Nobody is going to want to live here. And you know how I know that? Because I volunteer my time knocking on doors, canvassing for gun sense candidates, who pledge to pass common sense gun policies. I go door to door in my community and talk to people and they don't want this. These voters know adding HB51 would be a mistake. These laws drive up homicides in states where they are enacted. As Gun laws in Ohio loosen, gun deaths increase, it's as simple as that, as stated by your own Ohio Capital Journal. We already have the right to bear arms in spades in Ohio. **HB51** does

not keep the collective of all Ohioans safe. This bill still allows people accused of a misdemeanor of domestic violence to own and keep a firearm. Violating a protective restraining order, is a first-degree misdemeanor, and can be punished by up to six months in jail, or a 1,000 fine. Yikes, why would you allow these people to be armed? They're dangerous and I wouldn't want them living next door. You just asked a colleague to step down because of domestic violence. Aren't you hypocrites if you vote for this bill, Members of the Government Oversight committee, oversight for who?

Were we duped into thinking you might protect victims of domestic violence? Every month, an average of 70 women in the US are shot and killed by intimate partners and nearly one million women alive today have been shot or shot at by an intimate partner. This comes from a report on gun violence against women, and pays specific attention to the disproportionate risks faced by American Indian/Alaska Native, Black, and Latina women as well as pregnant and post partum women. And 91% of all domestic violence fatalities in Ohio were done by a firearm. We must pass laws in Ohio that keep guns out of the hands of people who are a danger to themselves or others.

https://www.odvn.org/wp-content/uploads/2022/10/ODVN_FatalityReport_2021-2022.pdf

November 7 there were oral arguments for US vs Rahimi, a Supreme Court case on this very issue. Can we just wait until July, for the Supreme Court to decide if it's constitutional to arm abusers, or can you not wait 8 months? You know, people with dangerous, abusive and violent histories, should they be armed? Let's wait before we decide on **HB51**.

Second, Rejecting any state or local cooperation with federal counterparts or law enforcement is not practical. Under **HB51**, an Ohio resident illegally possessing a firearm in violation of federal law, 18 USC 922 (g)(1)-(9) is entitled to bring a lawsuit against any state or political subdivision that seeks to enforce the federal firearms restrictions. Local and state police can do nothing without violating **HB51's** ban on enforcement of federal law and exposing the state or political subdivision to lawsuits, \$50,000 fines, and an award of attorney fees/costs to be paid to the criminal who brings the lawsuit. Why would you do this? It is absurd. (Note that the 'safe harbor' provisions of **HB51's** proposed 2923.50(G)—meant to address joint federal/state task forces, etc.--do nothing to address such situations.) **HB51** will make Ohio a more dangerous state.

Third, It is not helping anybody to start passing bills that override the U.S. Constitution. We just saw in March, the day of the third hearing, a federal judge toss out the exact same law in Missouri ruling it "exposes citizens to greater harm." And on Friday, October 20, the Supreme Court declined to block a judge's ruling that this very same Missouri statute, that limits state and local cooperation with the federal government in enforcing gun laws is unconstitutional. This violation of the Supremacy Clause is unconstitutional. So you are supportive of Ohioans paying more money in their taxes, while certain

lawmakers defend this unconstitutional legislation while filling their coffers with money from the gun lobby. It's maddness and as an Ohio citizen, I'm calling you out, if you vote yes.

Fourth, ,I do not want to neglect to mention that Under **HB51**, federal law and regulations with regard to rapid-fire enhancing pistol braces (as used in the 2019 slaughter of Dayton residents) will be deemed unenforceable. Under ATF regulations, if a disabled individual who is a recreational firearm user needs such a brace for sport, they will have them available to purchase, under the law. They are not barred. One simply must register the device. This is a reasonable regulation of a dangerous device used in mass shootings.

HB51 will also fuel anti-government sentiment and encourage violence. if enacted, this bill would send a false message to criminals that federal gun laws will not be enforced in Ohio so, "Game On!" Law enforcement have expressed that this policy has made it more difficult to do their jobs

In closing, I thought it might be beneficial for all of us to look at Missouri Citizen Perceptions: Giving Second Amendment Preservation Legislation a Second Look <https://pubmed.ncbi.nlm.nih.gov/37226760/> as gun violence remains a public health issue that is the leading cause of death for children and adolescents. The survey, was developed by Johns Hopkins Center for Gun Violence Solutions and the University of Connecticut. In conducting interviews with a sample of Missouri gun owners, as well as a national survey of US Adults, including an oversample of Missouri residents, please review before we pass this reckless legislation that will endanger Ohioans.