

House Bill 51 Testimony from Sanford Lubin

House Bill 51 is yet another Ohio legislative effort that will continue to eliminate or weaken gun protection laws in our state that have raised the gun death rate much above many other states. And the elimination of gun protection laws has placed Ohio as the number two state in the country for importing guns used in crimes.

Instead of focusing on the harm that has resulted from Ohio's weakened gun protection laws, a different issue is addressed. This issue involves the opportunity to halt HB 51 in order to avoid a national embarrassment for Ohio and its Legislature.

As you know, there is a similar Bill that is also named Second Amendment Preservation Act that passed into law in Missouri in 2021. And you certainly know that there was litigation filed challenging the Missouri Bill's constitutionality after it was passed.

In March of this year, U.S. District Court Judge Brian Wimes from the Western District of Missouri, ruled that Missouri's Second Amendment Preservation Act law is unconstitutional, as it clearly violates the Supremacy Clause of the 10th Amendment of the U.S Constitution.

Missouri Attorney General Andrew Bailey appealed this ruling by the U.S. District Court, and on October 5, 2023 the 8th Circuit Court of Appeals upheld the District Court's ruling.

Attorney General Bailey immediately filed an appeal with the U.S. Supreme Court. As you know, the Court has refused to reinstate Missouri's law.

Halting HB51 will save needless wasted litigation dollars, and the embarrassment having it ruled unconstitutional.