



Representative Bernie Willis

74th House District

House Bill 5

Sponsor Testimony for the Repeat Offender Act

Chairman Thomas, Vice Chair Matthews, & Ranking Member Isaacsohn and other members of the Criminal Justice committee, I would like to thank you for allowing Representative Williams and I to speak on House Bill 5, the Repeat Offender Act. H.B.5 was designed to create a repeat offender classification, to create certain offense specifications, to increase the penalties for certain offenses with firearms and specifications, and to broaden the scope of relief from firearms disability.

As highlighted by Governor DeWine for several years and echoing the request of our Ohio Mayors Coalition, most gun crimes are perpetrated by a small group of repeat offenders continually possessing firearms illegally. This legislation aims to address the critical issue by ensuring that while we defend the Second Amendment rights of our citizens to keep and bear arms, we also take decisive action to prevent and deter violent felons from repeat offenses while under a disability to possess firearms.

This bill is designed to enhance public safety by removing repeat offenders from our streets. It does so by increasing penalties and instituting mandatory prison sentences for these offenders. Importantly, this legislation does not alter any existing gun laws that affect law-abiding gun owners. Instead, it specifically targets those who unlawfully possess firearms while "under disability" due to previous violent felonies.

Under current Ohio law, a "weapon under disability" violation is classified as a third-degree felony (F3). Our bill proposes to elevate repeated offenses by violent felons to a second-degree felony (F2). Furthermore, violent felons who have previously been convicted of a "weapon under disability" violation will face a new five-year repeat offender specification in addition to a potential twelve-year sentence for the underlying F2 felony.

Research by the United States Sentencing Commission supports the efficacy of this approach. Their findings indicate that sentences of 60 months or longer significantly reduce recidivism by

17% compared to shorter sentences. A comprehensive study by the University of Pennsylvania further confirms that gun specifications have a similar deterrent effect on gun crimes.

This legislation equips Ohio with essential tools to enhance community safety and address the epidemic of violent crime in our state. The bill includes several additional provisions:

1. When a prosecutor or victim objects to the sealing of records, and the offender fails to appear at the hearing, the court may deny the sealing of the record.
2. A denial of a sealing under this section does not prevent the offender from submitting an application to have their record sealed under the normal sealing statute.
3. In addition to the F4 and F5 offenses eligible for sealing under this bill, we propose adding all misdemeanors not currently excluded from sealing.
4. Under the normal sealing statute, we seek to clarify that if a court denies a motion to seal or expunge an offender's record, the offender may reapply after 180 days have passed since the previous denial.

H.B. 5 has been an incredible undertaking and has seen several interactions throughout its tenure. Beginning in the 134th General Assembly, my Predecessor former Representative (now Senator) Kyle Koehler, introduced H.B. 383 in an honest attempt to help clean up our streets from illegal firearms. As many of you were aware, this was met with push back from the Second Amendment protection groups around the state. When aiming to reintroduce this legislation, Rep. Williams and I jointly sponsored H.B. 522, make this legislation stronger and more acceptable to our 2A organizations before introduction. Now in it's third General Assembly and a priority piece of legislation, we feel it is now the time to get this imperative piece of legislation across the finish line.

I want to thank Representative Williams for his joint sponsorship, for his incredible legal acumen and the amazing work he has done to bring groups to the table on this legislation. I thank you for your consideration of House Bill 5 and I am happy to attempt to answer any questions you may have.

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