



**Ohio Association of Chiefs of Police
House Bill 5 – Opponent Testimony
House Judiciary Committee**

Chair Thomas, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the House Judiciary Committee, thank you for allowing me to provide opponent testimony today on HB 5.

My name is Heinz von Eckartsberg. I am the retired Chief of Police in Dublin, Ohio, and most recently served as the Assistant Superintendent of the Ohio Bureau of Criminal Investigation. Today, I am representing the Ohio Association of Chiefs of Police (OACP) as the Chair of its Legislative Committee.

I would like to point out that the OACP is pleased to see that the sponsors of this bill have crafted legislation that both increases the penalties, in some cases, for persistent violators of Ohio's weapons under disability laws, while also clarifying the pathway for citizens who have turned their lives around to have their second amendment rights restored. This thoughtful approach is a positive step toward ensuring that Ohio's laws are both fair and effective in addressing these important issues.

However, we do find some of the wording in the bill troubling. Specifically, we would request the following changes be made to HB 5 to ensure public safety remains paramount:

1. Remove the proposal in the bill to eliminate the requirement for Ohio BCI to maintain records of expunged convictions only for the purpose of allowing law enforcement access for employment background checks. This change would severely hinder our ability to ensure only individuals of the highest integrity are entrusted with the responsibilities and authority inherent with a position as a law enforcement officer. Law enforcement agencies must and should have access to a police candidate's complete criminal history, including expunged records, to make fully informed hiring decisions.
2. Removal of the wording changes in the bill that reduce the degree of offense for violations of 2923.13 sections A1, A3, A4, and A5 from a third-degree felony to a fourth-degree felony.
3. Restoration of the firearms specification wording under ORC 2929.14 that requires merely simple possession ("on or about the offender's person") of an automatic firearm, or a firearm fitted with a muffler or suppressor during the commission of a felony.

To clarify, we do not object at all to increasing the penalties for convicted felons who display, brandish, or indicate that they possess an automatic weapon. However, we believe that even the mere possession of such a weapon during the commission of a felony presents an increased risk to public safety and law enforcement. As such, it should be recognized and penalized accordingly.

Additionally, we feel that reducing the degree of felony for four out of the five qualifying markers for a violation of Ohio's Weapons Under Disability law is counterproductive and sends the wrong message. We believe maintaining their current classification is critical to public safety.

As stated before, we also do not oppose efforts to provide a pathway for individuals who have truly turned their lives around. However, the safety of our communities and the integrity of our profession depend on our ability to conduct comprehensive background investigations. Anything less is unacceptable.

For these reasons, the Ohio Association of Chiefs of Police stands opposed to HB 5 in its current form. We urge the committee and the bill's sponsors to work collaboratively with law enforcement leaders to address these concerns. Together, we believe we can craft legislation that balances second chances with the public's right to safety and confidence in their police officers.

Thank you for your time and consideration today. I appreciate the opportunity to share this testimony and welcome any questions from the committee.