



Mr. Chairman, members of the House Judiciary Committee, I am Rob Sexton, Legislative Affairs Director for Buckeye Firearms Association. BFA is Ohio's premier defender of the Second Amendment, protecting the rights of more than 4 million gun owners statewide. I am here to testify in favor of House Bill 108.

Ohio has enacted strong, sensible laws that recognize our natural right of self-defense. This includes the right to carry a concealed firearm, castle doctrine, and the removal of the duty to retreat. And yet in too many cases, victims of crime who have defended themselves are victimized a second time when they are forced to defend their conduct in a criminal trial, fighting for their lives at their own financial expense or even financial ruin.

When it comes to establishing self-defense, current Ohio law is a catch-22. Defendants can assert their right of self-defense, but if not successful, they have essentially self-incriminated in front of a jury. House Bill 108 solves this problem by creating a pretrial option for defendants, enabling them to request a hearing in front of the judge where they can assert that they acted in self-defense. To prevail, the accused must demonstrate that a preponderance of evidence shows that they acted in self-defense. If successful, it would create a rebuttable presumption of self-defense in trial.

The prosecution must then prove beyond a reasonable doubt that the accused did not act in self-defense. If the accused does not request the pretrial hearing or is not successful at the pretrial hearing, there is no rebuttable presumption of self-defense. However, the prosecution

is not able to use the defendant's pretrial statement against them in full court, thereby eliminating the potential catch-22 I just described.

The practical reason for this legislation is that too often, cities by default will charge people involved in a shooting regardless of evidence of self-defense. The language in HB 108 allows defendants to potentially avoid a full trial if they can show a preponderance of evidence that they did act in self-defense. This is a practical solution that lowers the chance that the state would re-victimize a person who was forced to act in their own defense or the defense of others. It maintains accountability, while also preserving the right not to self-incriminate.

The elements in House Bill 108 are every bit as essential to our right of self-defense as are our rights to carry a firearm, our right to stand our ground, or our right to defend our castle. That is why BFA requests the House Judiciary Committee recommend House Bill 108 for consideration by the full House. We appreciate your time, and I am happy to answer any questions. Thank you.