



Ohio Judicial Conference

The Voice of Ohio Judges

Ohio House Public Safety Committee
HB 68 – Opponent testimony

Chair Abrams, Vice Chair Miller, Ranking Member Thomas, and members of the committee:

My name is Tyrone K. Yates, and I have served as a Judge of the Hamilton County Municipal Court since 2010. I currently serve as a board member of the Association of Municipal and County Judges of Ohio. Prior to my time on the bench, I served as a member of this body from 2003-2010. I am here today to provide opponent testimony on House Bill 68 on behalf of the Ohio Judicial Conference.

As an initial matter, the Judicial Conference opposes any efforts to expand the accessibility of deadly weapons in or near court facilities. As we all know, courts are places where disputes are settled, where justice is administered, and where emotions can run high. Every day, court facilities are the sites of volatile, highly emotional proceedings: divorces, child-custody determinations, criminal sentencing in murder and gang-related crimes, competency determinations, employment disputes, and will disbursements, to name just a few examples. And as happened in Jefferson County in 2017, judges can be targets: a common pleas judge there was shot in a targeted, ambush-style attack as he made his way into the county courthouse. While the attack happened outside the courthouse, and thankfully the judge survived and eventually fully recovered, imagine what could have happened had the gunman been permitted to carry a weapon inside the building. The Rules of Superintendence of the Courts of Ohio require a prohibition on weapons for these very reasons. For these reasons alone, the Judicial Conference cannot support the allowance of weapons in any facility where a courtroom is located.

Speaking specifically to H.B. 68, we have additional concerns. First, the bill specifies that the exception to the prohibition against carrying firearms into a building that contains a courtroom does not apply if the building is a “courthouse.” However, the bill does not define “courthouse.” Is it a building that houses only courtrooms? The seats of most county governments are housed in buildings called often called county “courthouses,” which contain not only court facilities, but also offices for other county agencies, such as the commissioners, auditor, treasurer, and recorder. The bill’s undefined reference to a courthouse would seemingly include these structures.

Second, the bill also provides that the exception to the handgun prohibition only applies when the court and office of the clerk are not in operation. First, the bill does not define what it means to be “in operation.” Clerks and courts that accept documents for filing by electronic means are perhaps always “in operation.” Employees of the court or clerk may work late or come in on weekends. Does that constitute the court or clerk office being “in operation”? Additionally, we question the practicality and logistics of how this would work. How is a person attempting to enter a building to know if the offices are or are not “in operation”? The individual’s culpability should not depend

upon factors that are outside of both their control and knowledge. Because of the ambiguity of the “in operation” requirement and the difficulty and impracticality of enforcement, it is much clearer to simply maintain the prohibition.

Finally, permitting someone to carry a handgun into a building only after-hours or when the court is not “in operation” does not ensure that weapon will not be used later. A person could easily hide, somewhere in the building, the handgun that they were legally permitted to bring in with them, to be retrieved and used at a time when the handgun would otherwise not be permitted in the building. H.B. 68 creates a process that is complicated and could thus jeopardize the safety of those utilizing our court facilities on a daily basis.

I point out the above flaws to note that the bill as written has many unintended consequences and questionable outcomes. I would note though that even if these particular concerns are addressed, judges cannot support efforts to expand access to weapons in court facilities.

I appreciate the opportunity to provide this testimony on behalf of the Judicial Conference, and I am happy to answer any questions you might have.