



## **Representative Bernie Willis**

74<sup>th</sup> House District

House Bill 5

### **Sponsor Testimony for the Repeat Offender Act**

Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for the opportunity to provide sponsor testimony on House Bill 5, the *Repeat Offender Act*.

This legislation, which passed the House with strong bipartisan support, aims to address one of the most pressing public safety issues in our state: violent repeat offenders who continue to illegally possess firearms. On the House floor, H.B. 5 was approved with broad support passing by a vote of 85-8 following productive discussions and the adoption of key amendments that strengthened the bill's intent and clarified its scope.

#### **Quick Overview**

H.B. 5 creates a repeat offender classification, adds offense specifications, increases penalties for certain offenses involving firearms, and expands relief opportunities from firearms disability for eligible individuals. This bill strikes a careful balance defending the Second Amendment rights of law-abiding citizens while ensuring that those who repeatedly commit violent offenses with firearms face appropriate and consistent consequences.

As Governor DeWine and the Ohio Mayors Alliance have emphasized, a small group of repeat offenders are responsible for a large share of gun crimes across Ohio. H.B. 5 directly targets that problem by enhancing penalties and imposing mandatory prison sentences for repeat violent felons who continue to possess weapons while under disability.

#### **Key Provisions**

Under current Ohio law, a "weapons under disability" offense is classified as a third-degree felony (F3). H.B. 5 elevates repeated offenses by violent felons to a second-degree felony (F2). In addition, those previously convicted of a "weapon under disability" violation will face a new five-year repeat offender specification, which may be imposed alongside a potential twelve-year sentence for the underlying F2 offense.

This approach is supported by research from the U.S. Sentencing Commission, which found that sentences of 60 months or longer reduce recidivism by 17%, and by a University of Pennsylvania

study showing that firearm specifications have a measurable deterrent effect. Several important amendments were added before passage in the House to improve the bill's clarity, fairness, and alignment with existing Ohio law:

1. **Sealing and Expungement Clarifications:** When a prosecutor or victim objects to the sealing of a record, and the offender fails to appear at the hearing, the court may deny the request.
2. **Reapplication Pathway:** A denial of sealing does not prevent an offender from reapplying under the standard statute, provided 180 days have passed.
3. **Expanded Eligibility:** The bill now includes additional misdemeanors not otherwise excluded from sealing, further promoting second chances for reformed offenders.
4. **Technical Corrections:** Amendments were also adopted to ensure consistency with firearm disability relief procedures under existing Ohio code.

This legislation has evolved through multiple General Assemblies. The concept began in the 134th General Assembly with former Representative and now Senator Kyle Koehler's House Bill 383, which laid the foundation for this effort. In the 135th General Assembly, Representative Williams and I reintroduced and strengthened the proposal through H.B. 522, working collaboratively with stakeholders, including Second Amendment advocacy groups, prosecutors, and law enforcement, to build consensus and refine the language.

Now, in its third iteration, H.B. 5 represents a balanced, data-driven, and community-supported approach to addressing violent repeat offenders while preserving the rights of lawful gun owners.

I want to sincerely thank my joint sponsor, Representative Josh Williams, for his legal expertise and tireless work in uniting diverse groups around this legislation. Together, we believe H.B. 5 provides the necessary tools to enhance public safety, reduce repeat offenses, and bring meaningful reform to Ohio's criminal justice system.

Thank you, Mr. Chairman and members of the committee, for your time and thoughtful consideration. I am happy to answer any questions you may have.