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Testimony of Kelsey Rogers, Senior Manager, State Policy, Brady  
Opposition to Sub. H.B. 248  
Before the Ohio House of Representatives Federalism Committee  
December 2nd, 2020

Chairman Becker and Members of the Ohio House of Representatives Federalism Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence.

There are evidence-based policy solutions that we know will address the gun violence epidemic in the state of Ohio. In the past five years alone, 8,565 Ohioans have been killed by gun violence<sup>1</sup>, and that number will continue to climb. The answer to the violent epidemic of gun violence is not the enactment of another law that would endanger public safety. **We strongly urge the committee to oppose Sub. H.B. 248 because it is an irresponsible and dangerous law that threatens the lives of all Ohioans by dramatically weakening current gun regulations.** This bill contains a multitude of problematic roll-backs in necessary concealed carry policies and regulations in the state of Ohio that help to keep the public safe.

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<sup>1</sup> For the past 5 years which data is available (2013-2018), according to CDC's WISQARS (Web-based Injury Statistics Query and Reporting System), <https://www.cdc.gov/injury/wisqars/fatal.html>.

## Lowering the Age of Handgun Purchases & Concealed Carry Permit Requirements

Current Ohio law makes it illegal for an individual to sell or provide a handgun to another person under the age of 21, with reasonable exceptions for hunting, sporting, or gun safety courses if under the supervision or control of an adult. However, this bill would eliminate that prohibition when the gun is being sold to an individual who is between 18 and 21 years of age, so long as they have a valid concealed carry permit. This bill would also permit 18- to 21-year-olds to apply for, and receive, these concealed carry permits.

These two policies, taken together, will have a dramatic and dangerous impact and will likely result in increased rates of both firearm homicide and suicide.

In Ohio, law enforcement “shall” issue a license to carry a concealed handgun if the applicant meets the relevant qualifications (one of which is age), a permissive standard. Studies show that firearm homicide rates are higher in these states with more permissive concealed carry laws. Specifically, controlling for various predictors of homicide rates including unemployment rate and violent crime rates, the firearms homicide rate is almost 11 percent higher in states like Ohio with shall-issue carry states in comparison to their counterparts with more stringent regulations.<sup>2</sup> The existing law is already needlessly dangerous. Lowering the minimum age to acquire a concealed weapons license and thus allowing thousands more Ohioans to obtain these licenses, will likely only serve to further increase firearm homicide rates in Ohio.

Age restrictions with regards to firearms exist for a reason. Research evaluating the association between minimum purchase age for the sale of handguns and adolescent suicide rates shows that lowering the age minimum for purchasing a handgun from 21 years of age to 18 years of age is associated with a dramatic increase in the suicide rate among 18- to 20-year-olds, while state policies that limit the sale of handguns to individuals 21 and older are associated with 1.91 fewer suicides per 100,000 18 to 20-year-olds.<sup>3</sup> Importantly, researchers have shown that numerous brain functions, including impulse control, which has ramifications for the safe handling and use of firearms, continue to develop until the age of 26.<sup>4</sup> Researchers focusing on adolescent psychological and brain development show that while decision making abilities are developed by age 16, “self-regulation”—or the ability for an individual to control their behavior while in a heightened emotional state—does not mature until age 22.<sup>5</sup> A strong aptitude in self-control and impulse regulation while dealing with strong emotions is absolutely necessary when considering who should legally be able to purchase and carry handguns in public. Therefore, a policy

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<sup>2</sup> Emma E. Fridel, “Comparing the Impact of Household Gun Ownership and Concealed Carry Legislation on the Frequency of Mass Shootings and Firearms Homicide,” *Justice Quarterly*, 2020.

<sup>3</sup> Raifman, Julia, Elysia Larson, Colleen L Barry, Michael Siegel, Michael Ulrich, Anita Knopov, and Sandro Galea. “State Handgun Purchase Age Minimums in the US and Adolescent Suicide Rates: Regression Discontinuity and Difference-in-Differences Analyses.” *Bmj*, 2020. <https://doi.org/10.1136/bmj.m2436>.

<sup>4</sup> Cassandra Crifasi, “More States Should Raise the Age to Buy Firearms,” *The Trace*, February 1, 2019, <https://www.thetrace.org/2019/02/rifle-purchase-age-gun-policy/>.

<sup>5</sup> Laurence Steinberg, “When Can You Buy a Gun, Vote or Be Sentenced to Death? Science Suggests US Should Revise Legal Age Limits,” *The Conversation*, June 11, 2020, <https://theconversation.com/when-can-you-buy-a-gun-vote-or-be-sentenced-to-death-science-suggests-us-should-revise-legal-age-limits-92328>.

contemplating allowing adolescents without fully developed brain capacity to apply for and obtain concealed carry permits would put numerous Ohioan lives at risk.

### Changes to Concealed Carry Regulations

This bill includes a plethora of changes to current regulations surrounding concealed carry laws in Ohio that would put the Ohio public at more risk. Among them are: allowing individuals to carry firearms while consuming beer or liquor in certain premises; expanding who can carry concealed firearms in a school safety zone; providing civil immunity for schools and people authorized to carry in a school from injury, death, or loss caused by a firearm in a school safety zone; imposing liability on a property owner who posts a sign prohibiting the carrying of firearms where injury or death was allegedly caused by the prohibition of firearms; and prohibiting public employers, boards of education, and state universities from taking disciplinary action or discriminating against employees, contractors, or students for carrying a concealed firearm.

These roll-backs of current regulation rely on the theory that where there are more guns, there will be more security, but time and time again, the evidence has proven that the use of firearms in self-defense against criminal victimization is very rare. An analysis of 14,000 instances of crime in the presence of a victim from the 2007-2011 National Crime Victimization Survey showed that self-defensive gun use only occurred in less than 1% of cases.<sup>6</sup> The analysis also showed no significant benefit of using a gun in self-defense to prevent injury during crime victimization.<sup>7</sup> In fact, the shall-issue permitting laws that exist currently in Ohio have actually shown to be significantly associated with 8.6 percent higher firearm homicide rates and 6.5 percent higher total homicide rates.<sup>8</sup> The association of shall-issue permitting laws with higher homicide rates holds for both black and white populations in America.<sup>9</sup> Given these trends, expanding who can carry concealed firearms and where they can carry them will not protect Ohioans. Instead, these changes will create greater risk for Ohioans who are going to class, eating at a restaurant, frequenting a business, or just carrying on daily activities.

### Expansion of Stand Your Ground to Business Locations

Sub. H.B. 248 dangerously expands those who have no duty to retreat before using self-defense to business owners, family members of the business owner, employees of the business, or any person who is on the premises to provide services to the business. Current Ohio law requires an individual to attempt to retreat to safety if they are in a public location - something that all reasonable people recognize as prudent

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<sup>6</sup> Hemenway, David, and Sara J. Solnick. "The Epidemiology of Self-Defense Gun Use: Evidence from the National Crime Victimization Surveys 2007-2011." *Preventive Medicine* 79 (2015): 22-27.  
<https://doi.org/10.1016/j.ypmed.2015.03.029>.

<sup>7</sup> Id.

<sup>8</sup> Siegel, Michael, Ziming Xuan, Craig S Ross, Sandro Galea, Bindu Kalesan, Eric Flegler, and Kristin A Goss. "Easiness of Legal Access to Concealed Firearm Permits and Homicide Rates in the United States." *American journal of public health*. American Public Health Association, December 2017.  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5678379/>.

<sup>9</sup> Anita Knopov, Michael Siegel, Ziming Xuan, Emily F Rothman, Shea W Cronin, David Hemenway, The Impact of State Firearm Laws on Homicide Rates among Black and White Populations in the United States, 1991-2016, *Health & Social Work*, Volume 44, Issue 4, November 2019, Pages 232-240, <https://doi.org/10.1093/hsw/hlz024>

to prevent lethal force or violence in public spaces. If passed, Sub. H.B. 248 would no longer require individuals to attempt to peacefully retreat from a dangerous situation in a place of employment or an owned business, rather than automatically resorting to violence.

Furthermore, in a country that strives to protect each person equally under the law, Stand Your Ground statutes exempt assailants who claim self-defense from the same judicial procedure that would apply to anyone else for taking another human life in different circumstances. The dangers of unequal and misapplication are rife.

There is a substantial body of evidence showing that stand-your-ground laws increase firearm homicide rates as well as total homicide rates.<sup>10</sup> Two nation-wide studies demonstrated that not only did Stand Your Ground laws not make Americans safer, it did the exact opposite: it raised rates of violence across the country. A Wall Street Journal study analyzing data in the first decade of the millennium found that “justifiable homicides” increased a whopping 85 percent in that ten year period, despite all other homicides actually declining.<sup>11</sup> A Texas A&M study analyzing the same timeframe showed that SYG laws weren’t associated with lower rates of violent crime but *were* linked to an 8 percent increase in homicide rates in states that had newly adopted SYG statutes.

Stand Your Ground laws today exist within the broader context of deeply rooted racism and racist systems in the United States that have, and continue to, result in the death, injury, and dehumanization of Black people. The systemic and institutional racism that results in disproportionate rates of shootings and homicides in communities of color<sup>12</sup> are dramatically worsened by Stand Your Ground laws, which are applied “unpredictabl[y] and uneven[ly] and result[] in racial disparities.”<sup>12</sup> One study shows that when a Black victim is murdered by a white shooter, that shooting is far more likely to be deemed justified under a SYG law.<sup>13</sup> In this study, the authors found that the odds of a homicide where a white perpetrator killed a Black victim being deemed justified under a SYG statute is 281 percent greater than the odds of a white perpetrator killing a white victim being deemed justified.<sup>14</sup> As a direct contrast, a shooting involving a Black perpetrator that injured or killed a white individual has barely half the odds of being ruled justifiable, relative to situations involving both a white perpetrator and victim.<sup>15</sup> A similarly disturbing study broke down the racial bias inherent in SYG laws into a simpler form: they found that, no matter the race of the perpetrator, they were two times more likely to be convicted in a case involving white victims when comparing to those with a non-white victim.<sup>16</sup>

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<sup>10</sup> Morral, Andrew R. “Effects of Stand-Your-Ground Laws on Violent Crime,” April 22, 2020, <https://www.rand.org/research/gun-policy/analysis/stand-your-ground/violent-crime.html>.

<sup>11</sup> Joe Palazzolo and Rob Barry, “More Killings Called Self-Defense,” The Wall Street Journal, Apr. 2, 2012, <https://www.wsj.com/articles/SB10001424052702303404704577311873214574462>.

<sup>12</sup> American Bar Association: National Task Force on Stand Your Ground Laws, Report and Recommendations, Sept. 2015, <https://www.issuelab.org/resources/22713/22713.pdf>.

<sup>13</sup> John K. Roman, “Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report Data,” The Urban Institute, July 2013, <https://www.urban.org/sites/default/files/publication/23856/412873-Race-Justifiable-Homicide-and-Stand-Your-Ground-Laws.PDF>.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Nicole Ackermann, Melody S. Goodman, Keon Gilbert, Cassandra Arroyo-Johnson, Marcello Pagano, “Race, Law, and Health: Examination of ‘Stand Your Ground’ and Defendant Convictions in Florida,” Social Science &

Enacting a law that is already more likely to be used to “justify” the murder of a Black individual by white individuals will have detrimental effects for Black Ohioans.<sup>17</sup> The gun homicide rate for Black Ohioans is currently 30% higher than the national average for Black Americans.<sup>18</sup> Black Ohioans compose 14% of the state’s population, but account for 68% of the victims of gun homicide in Ohio.<sup>19</sup>

## Conclusion

The people of Ohio desperately need concrete action on gun violence, driven by evidence-based policies that will work to reduce gun homicide and suicide levels across the state. Just this past weekend, four children were shot and injured in Cincinnati during a mass shooting - one of just three mass shootings in the city so far this year.<sup>20</sup> Gun violence in all forms has spiked dramatically in 2020 across the state; the 8 largest cities in Ohio have seen gun violence crimes increase by 17% compared to last year, and firearms homicide specifically is up 27%.<sup>21</sup>

Governor DeWine has taken to using his weekly COVID-19 briefings to give important updates on the other public health pandemic happening in the state, saying “We should all be sick and tired of picking up the newspaper and seeing the things that we see literally every single day -- our fellow Ohioans injured or killed through senseless violence.”<sup>22</sup> To save lives across the state, we must turn to policies that are supported by a majority of Americans across the political spectrum - policies like expanded background checks and extreme risk or “red flag” laws. Unfortunately, the changes outlined in this bill will not only *not* prevent more instances of gun violence, they will surely do the exact opposite.

**For the reasons listed above, Brady strongly urges this committee to oppose Sub. H.B. 248.**

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Medicine Vol. 142, p. 194-201, October 2015,

<https://www.sciencedirect.com/science/article/abs/pii/S0277953615300642>.

<sup>17</sup> Roman, John. “Race, Justifiable Homicide, and Stand Your Ground Laws,” July 26, 2013.

<https://www.urban.org/research/publication/race-justifiable-homicide-and-stand-your-ground-laws>.

<sup>18</sup> 2018 data according to CDC’s WISQARS (Web-based Injury Statistics Query and Reporting System),

<https://www.cdc.gov/injury/wisqars/fatal.html>.

<sup>19</sup> Id.

<sup>20</sup> Quinlan Bentley, “Police Searching for Suspects in Mass Shooting That Left 4 Children Injured,” Cincinnati Enquirer, November 15, 2020, <https://www.cincinnati.com/story/news/2020/11/15/police-searching-suspects-winton-hills-mass-shooting/6306276002/>.

<sup>21</sup> Nevin Smith, “Ohio Sees Record Increase in Gun Violence, Murder by Firearms up by 27%,” WRGT, October 24, 2020, <https://dayton247now.com/news/local/ohio-sees-record-increase-in-gun-violence-murder-by-firearms-up-by-27>.

<sup>22</sup> Andrew Welsh-Huggins, “Ohio Governor Has Been Pleading for Action on Gun Violence,” ABC News, October 27, 2020), <https://abcnews.go.com/US/wireStory/ohio-governor-pleads-legislative-action-gun-violence-73852686>.