



Representative Phil Plummer
40th House District

Representative D.J. Swearingen
89th House District

Sponsor Testimony House Bill 354

Chairman Oelslager, Vice Chair Scherer, and Ranking Member Cera thank you for the opportunity to testify today on HB 354. This bill would improve our current firearms background check process, enforce current firearm laws, extend the juvenile expungement age, and strengthen Ohio's focus on providing mental health to those in desperate need of treatment.

Ohio falls woefully short in providing a streamlined and simple process for background checks to properly work in the state. Gaps, inconsistencies, redundant reporting, and delays in data being entered into the current system occurs because of bureaucratic confusion. To address this issue, Rep. Swearingen and I have established a new centralized portal for all pertinent information to be quickly and easily entered. This portal is not a repository of information. Rather, the portal is a conduit for information to enter the NICS system.

In addition to the current failures in the system, inconsistencies with federal and state prohibitions make it extremely difficult for local and state law enforcement and prosecutors to enforce the law. For example, an individual that has been convicted of a domestic violence misdemeanor or is under a domestic violence protection order are prohibited from possessing a

firearm under federal law, but not state law. House Bill 354 does not create any new weapons under disability provisions. This bill mirrors federal prohibitions in state law to catch those individuals who slip through the cracks in the current system by taking current weapon disabilities and including these in state law, supporting law enforcement so violations of current law may be prosecuted.

Our state's juvenile expungement statute is also failing to meet its intent. We all can agree that individuals that commit a crime in their youth deserve a second chance. Crimes such as rape, murder, and aggravated murder are not sealed and cannot be expunged. However, heinous violent crimes that do not fall within these four definitions can be sealed and expunged when the juvenile turns 23. This timeframe is too short and deprives law enforcement from vital information needed when confronting someone with a violent past. To address this gap in the system, HB 354 will extend the age of expungement from age 23 to 28. The records could continue to be sealed, while still available to both the courts and law enforcement, as is the case under current law. This will prohibit people who as juveniles committed violent or sexually oriented crimes from possessing firearms, until their records is expunged. Increasing the age of expungement from 23 to 28 strikes a balance between providing individuals the right to possess firearms once they turn 28, and the fact that if the crime were committed by an adult, they would be permanently prohibited from owning a firearm.

In recent years, the General Assembly has taken steps to promote mental health and to provide treatment to those suffering from substance use disorder. However, a vital tool is missing from Ohio's ability to assist Ohioans receive the treatment they need to overcome their addictions. To be proactive in providing the mental health evaluation and treatment needed to prevent potential tragic loss of life, HB 354 will include substance use disorder as a mental illness so individuals

may be involuntarily admitted into a hospital for mental health evaluation. The bill defines substance use disorder as, “a moderate or severe substance use disorder as determined according to the symptoms specified in the fifth edition of the diagnostic and statistical manual of mental disorders published by the American Psychiatric Association.” This specifically tailored definition will assist law enforcement and health care professionals serve Ohio communities and individuals who are in desperate need of help.

To assist in compliance with the law, HB 354 appropriates a one time appropriation of \$10 million to Innovate Ohio to create the Weapons Disability Data Portal. \$2.4 million is appropriated in FY 20 and FY 21 to the Department of Public Safety to provide Regional Information Officers to monitor submissions to the portal and assist law enforcement, courts, and other entities enter required data into the portal.

In addition to the assistance provided to locals by HB 354, these entities are also held accountable for fulfilling their duties of entering the required data. Each order, warrant, indictment, and conviction must be entered into the portal within one business day of the notice or decision being made. Similarly, these entities are responsible for removing this information within one business day if a warrant is served or an indictment or conviction is overturned. To ensure compliance, the Auditor of State will quarterly audit those responsible for entering the data. The entity that is not in compliance will be fined \$500 per incident of data not being entered or removed within the timeframe. If the Auditor finds that over 10% of entries or removals do not meet the deadline, every late entry after this discovery will be fined \$1,000 until the entity brings itself into compliance with the law. Our system is failing in reporting this information and it is vital that those with the responsibility of entering this important information do so in an expedient manner.

Ohio can and must do better with enforcing current laws on the books. The current reporting system is flawed, our weapons disability statute is out of sync with the law of the land, and law enforcement and health care professionals are hamstrunged from helping those suffering from substance use disorder. HB 354 takes a proactive approach where we have taken a comprehensive look at our laws and found solutions to protect our constitutional rights and to enforce current law.