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## **Testimony of Micaela Deming, Policy Director and Staff Attorney of the Ohio Domestic Violence Network (ODVN), in opposition to HB 227 to the House Government Oversight Committee**

October 11, 2021

Chairman Wilkin, Vice Chair White, Ranking Member Sweeney, and members of the House Government Oversight Committee, my name is Micaela Deming and I am the Policy Director and Staff Attorney of the Ohio Domestic Violence Network. I am here today representing 75 local domestic violence organizations across the state. In 2020, ODVN programs sheltered more than 7,190 DV survivors and their children and provided 111,487 survivors and children with services. Those victims needed help obtaining a protective order or support while they prosecuted their abusers. Many of them were looking for housing and other assistance as they rebuild their lives after experiencing abuse.

We appreciate the opportunity to speak in opposition to HB 227 today.

The Ohio Domestic Violence Network has been gathering data and reporting on domestic violence related fatalities in Ohio for the past 6 years. In the most recent reporting period, at least 86% of the domestic violence fatalities in Ohio were perpetrated with a gun.<sup>1</sup> A total of 121 people in those fatal incidents were killed or injured with a firearm.<sup>2</sup> Even the courts have recognized the heightened danger that domestic violence offenders pose to their victims when they have access to firearms. In discussing the domestic violence recidivism rate, estimated to be between 40-80%, the Federal Sixth Circuit Court stated: “No matter how you slice these numbers, people convicted of domestic violence remain dangerous to their spouses and partners.’[...] Essential here is that the victim is more likely to be killed when a gun is present.”<sup>3</sup>

Since ODVN began reporting, 10 law enforcement officers were killed with firearms at the scene of domestic violence fatalities.<sup>4</sup> The Federal Sixth Circuit Court acknowledged that “responding to family violence calls is among a police officer’s most risky duties.”<sup>5</sup> The FBI reported that, in 2016, “approximately 10% of non-accidental law enforcement officer fatalities in the line of duty that year occurred while officers were responding to domestic disturbance calls.”<sup>6</sup>

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<sup>1</sup> Ohio Domestic Violence Network, *Ohio Domestic Violence Fatalities July 1, 2020 – June 30, 2021*. [https://www.odvn.org/wp-content/uploads/2021/10/ODVN\\_FatalityReport\\_2020-2021.pdf](https://www.odvn.org/wp-content/uploads/2021/10/ODVN_FatalityReport_2020-2021.pdf) (accessed Oct. 11, 2021).

<sup>2</sup> *Id.*

<sup>3</sup> *Stimmel v. Sessions*, 879 F.3d 198, 202 (6th Cir.2018), *Id.* at 209, quoting *United States v. Skoien*, 614 F.3d 638, 644 (7th Cir.2010).

<sup>4</sup> See *Ohio Domestic Violence Fatalities Reports*. <https://www.odvn.org/media/>

<sup>5</sup> *Id.* at 210, citing Nick Breul & Mike Keith, *Deadly Calls and Fatal Encounters: Analysis of U.S. Law Enforcement Line of Duty Deaths When Officers Responded to Dispatched Calls for Service and Conducted Enforcement, 2010-2014*, 15 (2016).

<sup>6</sup> *Id.*

In the most recent reporting year, 15 children were killed in fatal domestic violence incidents in Ohio.<sup>7</sup> That is the highest rate of child fatalities since reporting began. Most of those children were killed with firearms. Children were also present at the scene of a fatal incident about 20-25% of the time.<sup>8</sup>

Domestic violence misdemeanor convictions and domestic violence protection order-related firearms disqualification combined are the second highest reason for a federal firearms background check denial.<sup>9</sup> In Ohio, domestic violence misdemeanants and domestic violence protection order respondents can be misled by their court paperwork about the legality of owning or possessing firearms. There is no such ambiguity under federal law – possession of a firearm with a domestic violence misdemeanor conviction or a qualifying protection order is unlawful. Removing a permitting or other background check process also removes an important safeguard for these gun owners to avoid federal or state prosecution for unlawful firearms possession.

HB 227 would remove the requirement to apply for a concealed carry permit in order to do so legally in the state of Ohio. Due to the complicated nature of the interaction between federal and state firearm prohibitions in Ohio and the lack of firearm surrender protocols related to domestic violence offenders specifically, many domestic violence offenders maintain possession of their firearms. This reality, combined with the removal of a permitting process, would result in decreased safety for domestic violence survivors and increased confusion for firearms owners.

Just this past fatality reporting period, at least 13 cases involved a perpetrator with a likely firearm disability who used a firearm in the commission of the fatality. At least a half a dozen cases involved a perpetrator who had been charged with a domestic violence related offense and was awaiting trial on those charges. Those cases and the lives lost are a very recent, Ohio specific reminder of just how dangerous it can be for offenders with firearms prohibitions to maintain possession of those firearms. HB 227 would make it even less likely that there would be any background check or surrender of firearms used to take the lives of domestic violence victims in Ohio every year.

On behalf of the Ohio Domestic Violence Network and its 75 member programs, I would like to thank the Committee for the opportunity to speak about the deadly intersection between domestic violence and firearms. HB 227 is dangerous for Ohioans, specifically the most vulnerable adult and child victims of domestic violence, and we speak in opposition to its passage.

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<sup>7</sup> Ohio Domestic Violence Network, *Ohio Domestic Violence Fatalities July 1, 2020 – June 30, 2021*. [https://www.odvn.org/wp-content/uploads/2021/10/ODVN\\_FatalityReport\\_2020-2021.pdf](https://www.odvn.org/wp-content/uploads/2021/10/ODVN_FatalityReport_2020-2021.pdf) (accessed Oct. 11, 2021).

<sup>8</sup> See *Ohio Domestic Violence Fatalities Reports*. <https://www.odvn.org/media/>

<sup>9</sup> [https://www.everycrsreport.com/reports/R45970.html#\\_Toc22299235](https://www.everycrsreport.com/reports/R45970.html#_Toc22299235) . See: Table A-2. FBI NICS Section Denials by Prohibited Category, 2018 and 1998-2018.