

Testimony Opposing House Bill 62
House State and Local Government Committee
Submitted by:
Andrea R. Yagoda

Chair Wiggam, Vice Chair, John, Ranking Member Kelly, and members of the House State and Local Government Committee, thank you for affording me the opportunity to testify in opposition House Bill 62 I am a private citizen and a resident of Ohio for the last 46 years, retired attorney who practiced in this state for 37 years and a concealed carry permit holder since the law went into effect.

I apologize that this testimony is not more substantive but this hearing was not on the Legislative calendar as of this morning, June 8, 2021. I left a message and sent an email to ascertain whether there was such a hearing but received no response. In fact as of 10:37 AM June 8, this hearing is still not on the Legislative Calendar. How are we, as constituents to offer testimony when the Committee fails to give public notice?

This is a dangerous bill marking Ohio as a gun sanctuary state. For starters, it is probably unconstitutional and as such we are wasting taxpayer's monies to defend the same. Of concern is the slippery slope we are heading down. I, for one, do not want the majority in the state legislature elected via gerrymandering and who do not always represent the attitudes of the majority of Ohioans, determining which federal laws Ohio will be subject to. We start with guns and then where do we go? Will the state legislature next decide that Ohio does not want to follow the Voting Rights Act, laws that protect against discrimination, environmental protections, safety standards? Who decides where the line will be drawn?

This Bill states that there will no taxes on firearms. Does that include sales tax?

This Bill forbids “confiscation” of a firearm. Does that include a temporary taking? So if a policeman confronts an individual who appears to him to be under the influence, or mentally impaired such that he believes that person may be dangerous to others and that person has a firearm, the officer cannot take that firearm away in that moment? Should an officer have to think about it for fear of losing his job if he does remove the firearm from that person’s possession? This Bill endangers law enforcement personnel not only physically but their employment. If they make a judgment call to protect the public they could be endangering their current job and their future employment as well.

This Bill also modifies the long standing legal tenet that one must have “standing” to file a lawsuit. This Bill obliterates that principle. Usually one has “standing” when the defendant’s actions will cause the plaintiff concrete harm. This Bill gives anyone who resides or conducts business in a jurisdiction to file a lawsuit for Declaratory Judgment to determine whether an officer who serves in that jurisdiction is ineligible under this Bill thereby opening the door wide open for lawsuits. And who defends these lawsuits? Police departments or individual officers? This Bill will chill every officer’s ability to do their job and protect the public for fear of being sued or fired.

Why do we want to tie the hands of law enforcement and prosecutors?

This Bill also defines law enforcement as an “Ohio organized militia”. What does that mean? A group of gun carrying buddies?

Does the public in general know which laws are federal and which are state? Does the state still have the right to confiscate a firearm when used in the commission of a crime? Does one still have the right to a firearm if convicted of a felony or domestic

violence? Will the general public know the answers to these questions? Will the police and prosecutors have think about it before they act differentiating between the two sets of laws?

Do we really need this Bill? Or is this just another solution looking for a problem to satisfy the base at the expense of all Ohioans? As it stands right now what differentiates Ohio laws from federal relating to guns? How will this Bill make Ohioans safer?

Sadly, much of the proponent testimony is based upon a false fear. A fear that the federal government intends to take their guns, all guns. No one has proposed such action and such action would hardly pass Constitutional muster let alone the conservative Supreme Court. This legislative body should act rationally and feed this fear which has no basis in fact. As a concealed carry permit holder I strongly oppose this Bill as I fear this will make us less safe here in Ohio.

I urge members of this committee to say no to this bill.

Thank you.

Andrea R. Yagoda