

Testimony on House Bill 62  
House State and Local Government Committee  
June 9, 2021

Submitted by  
Michelle Lee Heym

Chair Wiggam, Vice Chair John, Ranking member Kelly, and members of the committee, thank you for allowing me to present this testimony in opposition to House Bill 62.

Ohio HB 62 would undermine the rule of law in Ohio and jeopardize public safety by encouraging extremists to defy common sense gun laws. The bill adopts a long discredited legal theory and provisions in the bill are likely unconstitutional. At the same time, this bill has provisions that could be enforced. Those provisions threaten local law enforcement and officials with lawsuits fines, and the loss of employment simply for doing their job. OH HB 62 presents a real public safety risk and will foster distrust in the rule of law.

State nullification laws adopt a theory of state's rights that has been squarely rejected by the Supreme Court , most recently during the Civil Rights Era. Under the US Constitution Supremacy Clause, federal laws are the "supreme law of the land" and any state that conflicts with federal law is null and void. From the earliest days of the republic, the U.S. Supreme Court has uniformly rejected state laws that conflict with federal law. Nullification laws were passed by southern states resisting efforts to end segregation and dismantle Jim Crow laws. The US Supreme court unanimously and unambiguously reaffirmed the principle that states cannot nullify federal laws when ruling in 1958 that the state of Arkansas was bound by the Brown vs Board of Education decision and could not maintain segregated schools.

Modern nullification proposals have been declared unconstitutional as well. In 2013, the Ninth Circuit Court of Appeals ruled that a Montana nullification law purporting to exempt firearms made in Montana from federal gun laws was preempted and void.

Thank you for rejecting House Bill 62 and protecting Ohioans from this unconstitutional and unlawful premis.

Sincerely,

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See Constitution, Article VI, clause 2