



# Buckeye Firearms Association

## **Testimony Supporting SB 185**

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**Senate Veterans and Public Safety**

Thank you, Chairman Hoagland, and members of the Senate Veterans and Public Safety Committee for the opportunity to speak in favor of Senate Bill 185. I am Rob Sexton, Legislative Affairs Director of Buckeye Firearms Association. BFA protects the rights of Ohio's 4 million gun owners, and that is what brings me here today in support of this legislation.

We greatly appreciate Senator Schaffer's willingness to sponsor this bill, which is a top priority of our organization. He did a great job explaining what the bill does and the general justification behind it. To respect your time, I will not reiterate those points. Instead, I'd like to begin by addressing a question posed by an article in the Columbus Dispatch and Cincinnati Enquirer and perhaps carried by a few others. The question was in the headline of an article covering the press conference where Senator Schaffer and I appeared with our partners and colleagues announcing the introduction of Senate Bill 185. The question was simply, "Is it necessary?"

The article went on to point out some of the things we said in our press conference. That Ohio has a very pro-gun rights minded legislature and that Ohio Governor Mike DeWine did not infringe upon the rights of gun owners during his response to the COVID 19 crisis. So the article raised the fair question...is it necessary?

I'll begin by pointing out that over the last year and a half, businesses, access to recreational facilities, even extended family gatherings were all shut down under the declaration of an emergency. I am 54 years old. 2020 was the first time I missed a major holiday with my parents. I am blessed to still have them. We don't miss holidays together in my family. We've been equally blessed to all be within a couple of hours from each other. So in my 54 years, I'd never missed hosting my parents at Christmas time. And I'd never missed going home to Dayton where my folks have hosted us for both Easter Sunday and Thanksgiving every year that I have been alive.

It wasn't just holidays that were affected, though. Nearly all of us worked from home, schools closed, travel came to a screeching halt, and restaurants closed, some permanently. Even Walt Disney World shut down! That is when you know things are serious! Basically, the whole country shut down, most of it due to an emergency declaration, others on a more voluntary basis. At some point among all of the worry about my business and my family, it really hit me. Government has a tremendous amount of power. A tremendous amount. And in my 54 years, I've never seen it exercised in such a sweeping fashion.

But like the newspaper pointed out, it didn't affect gun owners or gun stores here in Ohio. For that matter, the orders didn't affect churches either. So what separates those items from the others? What makes them special? The First and Second Amendments to the United State Constitution, of course. And Article 1 Sections 4 and 7 of the Ohio Constitution, in an even stronger fashion. I am proud that Ohio's government did not follow some of the terrible examples of government overstep and outright abuse we saw in other states. Churches being fined in California and threatened in New York. And gun stores being shut down in 7 states, including one right on our northern border. I have to admit the churches shocked me more than Michigan. I never thought I'd see the day when governors were threatening churches. But I was very shocked to see Michigan, a state jam packed with nearly a million sportsmen having their access to purchase a firearm eliminated with the stroke of an executive pen.

During this time, BFA leadership discussed the history lesson of Hurricane Katrina, when New Orleans authorities confiscated firearms without cause, and how there and across the country, states enacted laws to define the limits of what government can do during an emergency. That effort has continued since 2005 after that terrible disaster, and it once again picked up steam during the COVID crisis. 24 states to date. It is BFA's intention to make Ohio the 25<sup>th</sup>.

With such strong constitutional protections both state and federal, why is this law necessary? It doesn't get more clear than "the right of the people to keep and bear arms, shall not be infringed." Or Ohio's version, which reads, "The people have the right to bear arms for their defense and security." Why do we need more than that? One reason is because courts have the right to rule over disputes about government overreach, and over this past year and a half we saw courts rule that churches must comply with government orders to close. So courts decided that during a time of a declared emergency, a governor had the right to override constitutionally protected rights of worship, and that government had a right to limit access to firearms during an emergency.

Now we didn't have those problems here, so the question is once again apparent. Why is this bill necessary? Well that is simple. It is necessary because things change. I never thought I'd see a day when rugged New Mexico was banning forms of hunting, but that has begun to happen. I've been shocked to watch Rocky Mountain Colorado enact gun restrictions in line with those in California and New York, but it has happened. Red states become blue. Blue states become red. Times change. And it would be foolish to wait to spell out in plain English that our rights to

own, possess, transport, train, carry, and purchase firearms for our safety, recreation and food are not subject to restriction during a time of emergency.

It is apparent from the judicial decisions I referenced that courts need clarification in the law. There can be, during time of extreme circumstances, times when courts weigh whether to allow restrictions on constitutionally guaranteed rights. Senate Bill 185 makes it clear. Our right to protect our families by purchasing and owning firearms will not be infringed. Waiting until Ohio's political behavior is less friendly toward gun owners simply means those protections will never be enacted. 24 states have made it crystal clear. Ohio should be next.