Testimony on

House Bill 228

The Senate Committee on Government Oversight and Reform

December 4, 2018

Jesse Craig

I wish to voice my opposition HB 228. My name is Jesse Craig. I am having my testimony read by another concerned citizen as I am a home health aid and cannot come to Columbus. Thank you for your willingness to hear my testimony.

Stand-your-ground legislation is a natural consequence of Ohio’s continually liberalized concealed carry legislation, and most shamefully - the preemption of local gun ordinances which was passed in 2006. This shamelessly pro-gun legislature has positioned itself again, as in 2006 to pass legislation, even unpopular with the governor of their own party.

In 2006 this legislature pre-empted municipalities’ use of local police powers originally granted in the Ohio constitution. The rational was that gun owning citizens of Ohio needed uniform state gun laws. In doing so, the LEGISLATURE pre-empted many useful ordinances that Ohio cities used to control gun crime. As these police powers were pre-empted, no other state laws were passed giving municipalities the tools that they needed to keep their citizens safe from gun violence. HB 228 goes even further to intimidate cities where the political sub-division would have to pick-up the costs should they loose in a tort battle, as city’s pre-empted rights would be expanded to the manufacture, taxation, keeping, and reporting of loss or theft of firearms. This would be a continued and disturbing threat to the proper role of our courts, particularly as a federal law passed in 2005 already gives gun manufactures and trades people protections from civil liability law suits that are not offered to any other industry.

HB 228 would make it legal for tenants in subsidized housing to have guns. I am a landlord with 4 rental units. In the past I have felt the need to ask for a police escort while doing a legal rental inspection at a unit with a hostile tenant. The next time I confront a hostile tenant, shall I bring along a gun if I have safety concerns? This bill along with the rest of the CCW mythology would have me believe that I would be adequately safe from a hostile tenant because I can always use my concealed weapon if threatened, and then get off the hook more easily if I shoot the tenant who threatens me. The reality of such a scenario is that we could both end up dead along with a few innocent bystanders. And for what? A busted pipe or a complaint of loud noise?

HB 228 states that “A tenant shall exercise reasonable care in the storage

of a firearm, a firearm component, or ammunition.” Yet my experience as a land lord is that tenants often balk at a landlord’s legal rights to inspect an apartment even with appropriate notice. This part of HB 228 will create hostility and danger for a landlord who wants to enforce it.

There are a number or reasons that I do not take section 8 housing. This bill will only make me more convinced not to take section 8 housing.

The Ohio Association of Chiefs of Police as well as the Fraternal Order of Police oppose this bill. The Ohio Association of Chiefs of Police has testified that claims about the need for this bill give the wrong connotation of what is currently required by Ohio law. The current law is more than adequate to support reasonable behavior under situations of real threat or duress.

Law enforcement officers know that use of deadly force is a complex skill set. It requires hours of intensive training and well-honed skills. We are talking about skills which go well beyond shooting at a well behaved paper target.

Rather than resort to deadly force, current law requires someone to retreat from danger if able. HB 228, Stand-your-ground legislation would shift the burden of proof in a court of law, making it easier for someone who goes looking for trouble to get off the hook if someone is killed or injured. Worse is the shift in mindset among gun carriers who feel emboldened to use deadly force when other options are available. Who in their right mind wouldn’t retreat from danger if given the chance.

Guns are being promoted by proponents as a means of “protecting oneself from harm.” Proponents talk about carrying a gun as if it were a safety device like a seat belt, or a bicycle helmet? A bicycle helmet or seat belt will do no harm, can be operated by a child, and save lives in the case of danger. Not so with a gun. I spoke with a gun store owner who had felt good about selling a gun to a very nice elderly gentleman. She and the staff helped him to carefully picked out just the right gun for him to have for protection. Later that week, the man killed himself. She described at length how she and her staff were beyond devastation that such a likable man had killed himself with a gun that they had sold to him.

Guns for self defense are often left around for children to access. Most school shooters get their guns from home or a relative. Yet we are now considering extremely expensive means of hardening our schools, which probably won’t work. It would be far better to dispense with the current mythology that guns make us safer. Instead of passing Stand-your-ground in Ohio, we should be raising money for sending gun locks home with school children. Our schools could then work to educate parents about the need to lock their guns. The Massillon police chief after the school suicide shooting last spring begged parents to lock their guns. Why don’t we have a public service education program for encouraging parents to lock their guns? Instead these legislative efforts promote more gun ownership through fear with no attention to the public’s education of the risks of gun ownership.

The Ohio General Assembly should dispense with the gun lobby’s agenda. Please vote No on Stand your ground. Then work to pass common sense gun legislation such as universal backgrounds checks on gun purchases, child access prevention laws, and a ban on assault weapons and on high capacity magazines. Such laws are consistent with the constitutionality as set forth in the 2008 Supreme Court “Heller” decision. These common sense gun laws in other states have been shown to reduce gun violence and save lives.

On the other hand, research has shown that states with Stand your ground laws have seen an increase in gun homicide even while other crime rates have gone down. Who are the people who will benefit from HB 228? People who want more guns more places. People who want fewer consequences if they use a gun unlawfully or inappropriately. People who are prone to racially reactive or agitated behavior. These are the people who will benefit from this bill while others Ohioans will be less safe.

Sub HB 228 declares that it is proper for law-abiding citizens to protect themselves, but seems to do so by omitting the fact that governing bodies and the courts at federal, state and local levels ALSO have a right and a duty to protect to protect citizens from needless gun injury and death.

Thank you for hearing my testimony.