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Testimony on

House Bill 228

Rosie Craig, League of Women Voters of Ohio Gun Control Specialist

The Senate Committee on Government Oversight and Reform

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Chair Coley, Vice Chair Ueckor, Ranking Member Schiavoni, thank you for the opportunity to present testimony on House Bill 228. My name is Rosie Craig and I am the Gun Control Specialist for the League of Women Voters of Ohio. I am here today to speak in opposition to HB 228. The League of Women Voters of Ohio has concerns about the effect of this bill on public health and safety, particularly within the existing environment of gun regulations in Ohio.

Our chief concern with HB 228 is its provisions related to self-defense, commonly known as “stand-your-ground.” HB 228 would lift the duty for a gun carrier to retreat from threatening situations, and allow someone who uses lethal force to “get off the hook” more easily when it comes to facing a judge. The duty to retreat would be removed anywhere one has a right to be, which expands the “castle doctrine” provision passed in 2008 to virtually *everywhere.*

HB 228 would reduce penalties for concealed carry (CCW) violations, would reduce the penalties for improperly handling firearms in a motor vehicle. There is no evidential research that supports a need for these changes so the law should remain as-is.

HB 228 would add changes to CCW signage requirements, which adds confusion to an ever changing set of CCW regulations for those people and institutions want to say “NO” to CCW on their premises.

In 2006 this legislature pre-empted Ohio city’s rights to local police powers originally granted in the Ohio constitution, under the “so-called” need for uniform state gun laws. In doing so, they 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 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 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.

States that have enacted “stand-your-ground” laws have seen increases in gun homicide even as overall violent crime rates in their states have gone down. Essentially, these laws lower the cost of using lethal force, and studies show that there is more of it. (1)(2)

People may forget that the national movement, #BlackLivesMatter, started after the *not guilty* verdict of George Zimmerman, acquitted of the 2012 shooting death of an unarmed black teenager, Trayvon Martin. The Travon Martin case raises concerns that racially motivated violence might increase with these laws.

This proposed law, in combination with ever expanding *concealed* and *open* carry in Ohio and nationwide, is potential fodder for the instigation of racially motivated disturbances, such as we saw at the white supremacist rally in Charlottesville, Virginia on August 12, 2017 where inflammatory protestors brought their pistols and assault weapons. The lines become blurred when people exercising their first amendment rights are threatened or intimidated by emboldened gun carriers whose perception of their 2nd amendment rights prompts them to express contemptuous views with a gun in hand.

The League of Women Voters of Ohio sees HB 228 as part of a disturbing trend trend for this legislature to enact ever lax gun and CCW laws. We see that a blow is made to democracy when public policy is supported only by anecdotal suppositions instead of methodical research under the scrutiny of peer review. Ohio law does not allow public scrutiny of the CCW licensing system. Since 2014, nearly 9,000 CCW licenses have been suspended or revoked. (3) What are the trends for alcohol abuse, domestic violence, suicide, intentional and/or unintentional deaths on the part of CCW licensees? Is it greater than in the general population? Are Ohioans safer because of CCW or does the widening presence of guns create an itch for someone to use one. Because research is blocked, no one can reliability answer these questions.

We are left to wonder why Ohioans are denied a right to verify whether those prohibited from carrying a concealed weapon errantly have a license. Without the ability to audit CCW data for suspensions and revocation, we undoubtedly have people in Ohio carrying concealed weapons who should not. We saw how errors in data reporting contributed to the 26 deaths and the injury of 20 others in a church shooting in Sutherland Springs, Texas because the shooter’s domestic violence convictions were not reported to the NICS (National Instant Criminal Background Check System) data base.

I have attended CCW hearings since 2003. When the need for transparency has been debated, I have heard from witnesses and legislators alike that guns in the hands of indiscriminate individual gun owners are a patriotic necessity; a means to correct the overreaching arm of a tyrannical government. If this is the case, then why does the Ohio General Assembly pay the Ohio Highway Patrol to protect our legislators and their staff? After all, with this logic, why put a barrier between yourselves and those with a *legitimate grudge* against the government? If concealed weapons are so effective at self-defense, why don’t legislators send the Ohio Highway Patrol elsewhere to protect more vulnerable citizens since you could all carry your concealed guns and be safe here?

We can only surmise that this legislative body fails in its duty to protect its citizens by refusing to enact legislative measures to rein in perpetrators of gun violence *before they start shooting*. Such legislation has been introduced this session. Such bills have languished this session. Instead of and in response to this past February’s Stoneman Douglas High School shooting which claimed the lives of 17 students and adults; instead of and in response to the nearly doubling of recent homicide rates in major Ohio cities such as Cleveland, this body should be passing legislation for background checks on gun purchases, reducing clip size and prohibiting military style features on a semi-automatic weapon, outlawing “bump stocks” an accessory which facilitates shooting up 10 rounds per second (4), safe storage legislation requiring adults to keep guns away from minors who should not have them, AND having for themselves legal liability consequences if they don’t. This session of the General Assembly should have been substantially supportive of Governor Kasich’s attempts to move the gun violence prevention debate in a better direction, including efforts to fix the reporting of data in the National Instant Criminal Background Check (NICS) for gun purchases and the enactment of so called “*Red Flag*” laws which would allow the temporary removal of guns from the possession of demonstrably dangerous people.

With these trends issues in consideration, I urge members of the committee to vote against this bill. Thank you for hearing my testimony. I will be happy to take any questions.

1. <https://www.npr.org/2013/01/02/167984117/-stand-your-ground-linked-to-increase-in-homicide>
2. <http://www.politifact.com/florida/statements/2017/mar/16/dennis-baxley/did-floridas-stand-your-ground-law-reduce-violent-/>
3. <http://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Law-Enforcement/Concealed-Carry-Publications/Concealed-Carry-Statistics>
4. <http://www.slate.com/articles/news_and_politics/politics/2017/11/everything_we_know_about_the_sutherland_springs_shooter_an_ar_556.html>