**TESTIMONY AGAINST HOUSE BILL 228** **AND HOUSE BILL 142**

I am a CCW permit holder since approximately 2009 and opposed to HB 228/142 for many reasons and will try to delineate some herein.

**Stand Your Ground:** Richard “Gary” Black, Colorado, age 73 killed in his home; Jemel Roberson, Chicago, age 26 killed while doing his job as a security guard; Emantic Bradford, Jr., Alabama, age 21 killed while holding a weapon in a mall. What do they have in common? They were all killed by good guys with a gun who did not realize they were not the bad guys. Black killed in his own home after he killed the home invader who laid on the floor when the police arrived and police observed Black with a gun. Roberson, was subduing the attacker while brandishing a firearm when the police arrived. Bradford was observed with a gun after a shooting in a mall when the police arrived but was not the attacker. These are only three (3) recent examples.

Under the present statute ORC 2901.05 an individual has no duty to retreat from his home or vehicle. And is presumed to have acted in self defense. Outside the home or vehicle self defense is an affirmative defense as it involves an excuse or justification peculiarly within the knowledge of the accused, on which the accused can fairly be required to adduce supporting evidence. The accused then has the duty to come forward with evidence to establish that defense by a preponderance of the evidence or greater weight of the evidence.

This proposed law will require that the accused come forward with evidence that when viewed in a light most favorable to the accused could rationally find self defense. What does that mean, how much evidence is required to “rationally find” (although this better than “tends to support” as originally written)? Under this standard of proof does it simply require that a person believes or imagines that he or she is danger. All too often, perceived dangers are arbitrary and rely on an individual's subjective reasoning. By allowing such a rationale for the use of deadly force, "stand your ground" laws are inherently flawed and have the unfortunate potential to increase violence and wrongful deaths based on misunderstandings, miscommunication, misconceptions, and racial and ethnic prejudices.

In the 21 states that passed Stand Your Ground laws between 2000 and 2010, there was no evidence that crime was deterred, and homicides increased by 8% ([http://www.nber.org/papers/w18134.pdf](http://www.nber.org/papers/w18134.pdf?fbclid=IwAR1y-JWBxt6CO_O9ffP7sGJQWLtfUQUcoB7jTWQ4oSeEPBmFmcWgZd3G4j0)).

Another study found “Stand Your Ground” laws are tied to a significant increase in the number of homicides among whites, especially white males,” as well as a “significant increase in emergency room visits and hospital discharges related to firearm inflicted injuries” ([http://www.nber.org/papers/w18187](http://www.nber.org/papers/w18187?fbclid=IwAR3FsqUPg9SgA19epoXjTmo9Iyw8OSxwLrS7TqjRl8J0AjIMg-Wqd336-64)).

A study of Florida homicides following the passage of Stand Your Ground in 2005 found an “abrupt and sustained increase in the monthly homicide rate of 24.4% and in the rate of homicide by firearm of 31.6%” ([https://crimeresearch.org/.../uploads/2016/11/ioi160090.pdf](https://crimeresearch.org/wp-content/uploads/2016/11/ioi160090.pdf?fbclid=IwAR2OXK5VjBWprmliLS6CR93AlG4IVgRxI5XPle-rTUR9ZkAspB1b61u6Cr8)).

But HB 228 goes even further than some of the other States as in this Bill. The State must disprove the defense beyond a reasonable doubt, the highest standard of all. In Florida, the accused must establish a prim facie case (introduce evidence of all the elements) of self defense before the burden of proof shifts to the State and then the burden is clear and convincing **not** beyond a reasonable doubt.

Does human life mean so little these days? Do we want shoot outs on High Street, the OK corral in the middle of downtown? Do we want our law enforcement officers to be placed in situations where they have only moments to ascertain whether the guy with the gun is good or bad? Do we want to subject our law enforcement with having to live with the fact they s/he shot an innocent person with a gun. Do we want our citizens who carry guns to have to make those same decisions?

At one of the hearings on HB 228, the Ohio Association of Chiefs of Police testified that “There are strong public policies for preserving the sanctity of life on one hand, and on the other hand, for allowing one to protect himself from harm. Allowing citizens to ‘stand-your-ground’ upsets this balance. It allows the killing of an individual in certain situations where the death could have been avoided […]. Remove the duty to retreat, and you remove a legal constraint that will allow pride, passion, and ego to prevail over common sense.”"

The duty to retreat is to mitigate. My understanding is that if one can reasonably and safely retreat, s/he should do so to save the life or lives of all involved. As a permit holder, I shoot at the range and although I may be a good shot there, I have no concept of how I would shoot when my adrenalin is flowing and placed in the situation of actual shooting someone. None of us are. Will we shoot innocent civilians by the failure to retreat? Is this Bill really necessary?

**Modification of requirement that permit holder when approached by law enforcement officer show his/her hands**. As a permit holder I cannot think of any circumstance where it would be ”impractical” to show my hands. The requirement that one show his/her hands protects not only the driver/permit holder but the officer as well. We can all recall the Philando Castile case in Minn. wherein the CCW permit holder who divulged he had a gun in his car, was shot to death when he moved his hands. Why would this legislative body want to endanger both citizens and officers with this legislation? And how will the court will define “impractical” usually is statutes have no definition, the court will look to its common usage and a review of the dictionary shown no definition that would be applicable here.

**Abolition of Home Rule**- Each community should have a right to dictate its safety concerns and should not be hampered by this body from doing so.

**Reclassification of Carry Concealed Weapon** as a minor misdemeanor actually encourages people to break the law and carry weapons. With the permit there are educational requirements which teach permit holders, among other things safety in the handling of a firearm. When CCW becomes a minor misdemeanor as serious as running a red light this body is encouraging those who have no experience with firearms to carry them. What could possibly be the rationale for this? And why is leaving the house without my CCW permit less dangerous that leaving home without my drivers license?

I ask the Committee to reject these Bills.

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