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Steve Buehrer-Testimony in Support of House Bill 281

Chairman Hillyar, Vice- Chairman Mathews, Ranking Member Galonski and Members of the House Civil Justice Committee:

My name is Steve Buehrer. I currently serve as the Partner for public policy at the law firm of Carpenter Lipps located in Columbus. At the onset, I want to clarify that my testimony today is not a representation of any views of my firm or any of its clients. This testimony is provided strictly on a personal basis.

Today, I appear before you as a member of the Ohio General Assembly from 1999 until early in 2011. While a member of the Ohio Senate in 2007, I sponsored SB 184 which was the first enactment of "Castle Doctrine" legislation in the State of Ohio. This legislation as introduced provided the simple right of Ohioans to protect their homes and vehicles from persons seeking to enter the property to do harm to the owner/occupant. As the bill moved through the legislative process, it picked up amendments (as many bills do), however, these amendments were largely clarifying amendments to the then recently passed conceal carry statutes in the State. After bi-partisan votes in both the House and Senate, the bill was signed by then Governor Ted Strickland on June 10, 2008.

In recalling this legislation and its path through the General Assembly, I seek to provide necessary clarity to the sections of Ohio Revised Code (2307.60) that are under consideration in HB 281 sponsored by Representatives Seitz and Young. Although my research in preparation for today indicates that section 2307.60 pre-dates my SB 184 legislation from 2008, I can affirmatively state that SB 184 in no way was meant to enlarge the rights to civil action available under Ohio. Quite to the contrary, the amendments that were made to the civil law statutes of Ohio were an attempt to protect law abiding citizens who were forced to take action to protect their homes and families from those individuals unlawfully entering their home or vehicle. More specifically, SB 184 not only provided criminal protections, but it also created civil protections to those defending their homes and vehicles. Tort actions were specifically prohibited under the statute by those individuals who were committing acts of violence or attempting to commit acts of violence whether or not they were charged with a crime for those actions.

In conclusion, I would once again affirmatively state that SB 184 passed in 2008 was in no way an effort to expand the types of actions that could be brought as potential tort claims. To the extent that judges and other legal professionals have sought to expand the rights to bring these actions under ORC section 2307.60, I firmly support Representative Seitz and Young's efforts to close this unintentional loophole in Ohio's civil statutes.

I appreciate the committee's attention to this testimony and urge your support for HB 281.

Steve Buehrer

Partner