



WRITTEN TESTIMONY TO THE SENATE GOVERNMENT OVERSIGHT AND REFORM COMMITTEE

Sub. HB 228

December 5, 2018

Chair Coley, Vice Chair Uecker, Ranking Member Schiavoni, and members of the Senate Government Oversight and Reform Committee, thank you for the opportunity to testify on Sub HB 228.

Substitute HB 228, which began as “stand-your-ground” legislation, now contains a series of local preemptions due to the recent adoption of a substitute bill. In direct violation of municipal Home Rule authority, the bill prohibits a city or village from passing a local ordinance dealing with firearm regulations – regardless of what local leaders deem is best and most safe for their local community.

Additionally, the substitute bill allows an individual who feels as though their right to bear arms have been violated, to sue the municipality and be awarded actual damages and relief. These “rights” are expanded to include the right to “acquire, carry, sell, and manufacture” firearms. This legislation now effectively prohibits municipalities from enforcing restrictions that make sense within their jurisdictions.

In current Ohio law, a municipality may not pass a local ordinance that conflicts with the general law as outlined in ORC Annotated Sec. 9.68. However, municipalities are allowed to pass firearm restrictions so long as those restrictions do not contradict general law or are simply not addressed by general law. This allows municipalities to, in a limited scope, enact certain firearm restrictions as that jurisdiction deems best.

Cities and villages should have the right to pass local ordinances restricting firearms within the confines of current law in order to ensure their local laws reflect the desires and beliefs of their constituents. Each municipality serves a unique constituency with beliefs and needs that differ distinctly from other jurisdictions. What may make sense in an urban city may not apply well in a rural village. The Ohio Constitution grants Home Rule authority to municipalities in recognition that a government closest to the people governs best, and each city and village should be equipped to serve and protect their unique communities. We respectfully ask for the removal of this local preemption from substitute HB 228.

Thank you for your consideration.

Sincerely,

Kent Scarrett
Executive Director
Ohio Municipal League