



HOUSE BILL 228:
HELPING OHIOANS BETTER DEFEND THEMSELVES & THEIR FAMILIES
(REPS. JOHNSON, LATOURETTE)

Talking Points

House Bill 228 makes it easier for law-abiding Ohioans to defend and protect themselves and their families from harm

- House Republicans believe in safe and responsible gun ownership, as well as the right for individuals to defend themselves if attacked
- This legislation implements common-sense proposals that will help protect Ohio families, modernize some of our state's outdated gun laws and penalize individuals who wish to engage in unlawful activity

Duty to Retreat

- HB 228 has been continually referred to as "stand your ground," however that is a mischaracterization. This bill removes an individual's duty to retreat
- Expands the situations in which a person has no duty to retreat to any place that an individual is lawfully permitted to be
- Current law, commonly understood as the "Castle Doctrine," limits these protections only to a person's house and vehicle
- Expanding this provision would bring Ohio in accordance with 38 other states with similar laws

Burden of Proof

- HB 228 shifts the burden of proof for claiming self-defense from the defendant to the prosecution
- Ohio is the only state that requires the defendant to prove he or she was acting in self-defense
 - This can both be difficult to prove and immediately places a presumption of guilt on the accused, which is contrary to the defining principle of the American legal system of "innocent until proven guilty"





Ohio House Republican Caucus

Communications Department

- Ohioans who do not act in self-defense, but rather act recklessly and without regard to the safety of others, will still be held accountable for their actions in a court of law
 - However, as with most criminal proceedings, it should be up to the prosecution to prove that someone was not acting in self-defense

Punishing Lawbreakers

- While this legislation seeks to uphold Ohioans' safety and preserve their Second Amendment rights, it also enhances punishments for individuals who engage in unlawful activity
 - Example: An individual who is caught purchasing a firearm for someone who is restricted from having one (often known as "straw purchases") will be subject to a third-degree felony and can face up to 36 months in prison and up to a \$10,000 fine
 - Similarly, a person is also subject to a third-degree felony for:
 - knowingly soliciting, persuading, encouraging or enticing a federally licensed firearms dealer or private seller from transferring a firearm or ammunition in a manner prohibited by state or federal law
 - knowingly providing false materials or information to a private seller or licensed firearm dealer

Reducing Penalties for Isolated, Non-Violent Offenses

- HB 228 reduces certain handgun offenses to minor misdemeanors in instances where the offender does not commit a separate offense while carrying the concealed handgun
 - Example: A person who knowingly transports or has an accessible, loaded firearm in a motor vehicle without criminal intent
 - Current law: Fourth-degree felony
 - Under HB 228: Minor misdemeanor
 - If person commits another offense: Subject to fourth-degree felony

