

**CITY OF OBERLIN, OHIO**  
**RESOLUTION No. R13-11 CMS**

A RESOLUTION EXPRESSING CITY COUNCIL'S OPPOSITION TO HOUSE BILL 203, AS INTRODUCED ON JUNE 11, 2013, WHICH RELAXES SEVERAL HANDGUN RESTRICTIONS IN THE STATE OF OHIO, INCLUDING CHANGING PERSONAL PROTECTION LAWS KNOWN AS "STAND YOUR GROUND," AND MAKING IT EASIER FOR INDIVIDUALS, WHO ARE THE SUBJECT OF RESTRAINING ORDERS, TO CARRY A CONCEALED WEAPON AND DECLARING AN EMERGENCY.

WHEREAS, the tragic killing of Trayvon Martin has focused attention on Stand Your Ground and similar laws across the country; and

WHEREAS, the Ohio House of Representatives is considering House Bill 203 which would create similar laws in Ohio; and

WHEREAS, the Ohio Revised Code has long since codified the "Castle Doctrine," which is the principle that a person has no duty to retreat and a right to defend himself and others while located in his home or vehicle; and

WHEREAS, until 2005, the majority of states recognized that when an individual may safely retreat from a threatening situation, the individual has a duty to retreat; and

WHEREAS, expanding the Castle Doctrine beyond the home and vehicle, as considered by House Bill 203, creates a law that presumes the use of deadly force is reasonable, prevents prosecutors from conducting an investigation, eliminates the duty to retreat even if retreat can be accomplished safely and immunizes the shooter from criminal prosecution and civil liability; and

WHEREAS, law enforcement officers and groups of prosecutors have vigorously opposed these laws; and

WHEREAS, a 2007 report by the National District Attorneys Association warned that these laws "could have significant implications for public safety and the justice system's ability to

hold people accountable for violent acts”; and

WHEREAS, John Timoney, a former police chief in Miami, police commissioner in Philadelphia and deputy police commissioner in New York, noted “even a police officer is held to account for every single bullet he or she discharges, so why should a private citizen be given more rights when it comes to using deadly physical force?”; and

WHEREAS, in 2012 the National Conference of U.S. Mayors offered a resolution opposing “Stand Your Ground” legislation, and the American Bar Association’s Taskforce on Stand Your Ground Laws found these laws have had an adverse, rather than positive, effect on deterring crime; and

WHEREAS, research from the FBI’s Crime Division (2010) found that states with expanded Castle Doctrine laws, including Stand Your Ground, had an additional 600 homicides and that the notion of lethal force used in self-defense outside the home did not deter property crimes or other crime categories; and

WHEREAS, in addition to creating “Stand Your Ground” laws, House Bill 203 also makes it easier for the subjects of restraining orders to obtain a concealed carry license by limiting the types of protection orders and relationships that disqualify applicants; and

WHEREAS, the Oberlin City Council opposes change to reciprocity agreements relating to Concealed Carry Permits that is called for in HB203, including the elimination of the requirement that the Attorney General determine that another state’s eligibility requirements for a concealed handgun license are substantially comparable to Ohio’s requirements as a condition to entering into a reciprocity agreement; and

WHEREAS, the Oberlin City Council affirms it's support for the continuation of prescribed firearm safety training and legal instruction, in addition to a background check, as a requirement for obtaining a concealed-carry license from the State of Ohio; and

WHEREAS, the Oberlin City Council opposes House Bill 203 and any legislation that expands Castle Doctrine laws to include “Stand Your Ground” and that makes it easier for the subjects of restraining orders to obtain a concealed carry license within the City of Oberlin and throughout the State of Ohio; now, therefore,

BE IT RESOLVED by the Council of the City of Oberlin, State of Ohio:

SECTION 1. That the Council of the City of Oberlin hereby expresses its opposition to House Bill 203, as introduced on June 11, 2013, which relaxes several handgun restrictions, including changing personal protection laws known as “Stand Your Ground” and making it easier for the subjects of restraining orders to legally obtain and carry a concealed weapon.

SECTION 2. That the Oberlin City Council call upon the Ohio State Legislature to adopt common sense handgun regulations such as required background checks on all firearm purchases, expanded gun-free zones, limits on the sale of high-capacity magazines, required firearm safety training and legal instruction prior to issuance or renewal of a CCW license for all persons, required finger printing of all CCW license applicants, and reciprocal acceptance of an out-of-state CCW license conditional upon that state's licensing process being substantially comparable.

SECTION 3. That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to Governor John R. Kasich of the State of Ohio, to the clerk of the Ohio House of Representatives and request that he forward a copy to each of the duly elected State Representatives and also forward a certified copy of this Resolution to the clerk of the Ohio Senate and request that he forward a copy to each of the duly elected State Senators.

SECTION 4. It is found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal

requirements, including Section 121.22 of the Ohio Revised Code.

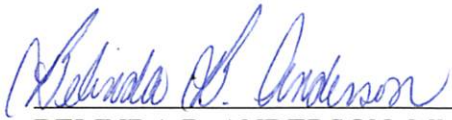
SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, to wit: to authorize a resolution indicating the opinion of Oberlin City Council on a matter of great importance to the citizens of the municipality in a timely manner, and during the pendency of hearings on proposed HB 203 and shall take place immediately upon passage.

PASSED: 1<sup>st</sup> Reading: October 22, 2013 (A)

2<sup>nd</sup> Reading: November 4, 2013

3<sup>rd</sup> Reading: November 18, 2013 (A)(E)

ATTEST:

  
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BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
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RONNIE J. RIMBERT  
PRESIDENT OF COUNCIL

POSTED: 11/19/2013

EFFECTIVE DATE: 11/18/2013