

# **CITY OF OBERLIN, OHIO**

## **RESOLUTION NO. R20- 14 CMS**

**A RESOLUTION URGING GOVERNOR MIKE DEWINE TO VETO AM. S.B. 175 WHICH EXPANDS THE LOCATIONS AT WHICH A PERSON MAY USE DEFENSIVE FORCE, INCLUDING DEADLY FORCE, AND PROHIBITING A JUDICIAL CONSIDERATION OF THE POSSIBILITY OF RETREAT IN A DETERMINATION OF WHETHER THE PERSON USING SUCH FORCE REASONABLY BELIEVED THAT IT WAS NECESSARY AS AN EMERGENCY MEASURE.**

**WHEREAS, within the United States needless injuries and deaths arising from the use of firearms or other instruments of deadly force are pervasive; and**

**WHEREAS, in recent years there has been an erosion of laws governing the possession of firearms and other delay weapons 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 themselves and others while located in their home or vehicle; and**

**WHEREAS, on December 17, 2020 the House passed Am. Senate Bill 174 (“S.B. 175”) which was concurred by the Senate on December 18. If signed into law, S.B. 175 would greatly expand the locations at which a person has no duty to retreat before using force, including deadly force, for self-defense, defense of another, or the defense of that person’s residence. S.B. 175 also extends immunity for civil liability for injury or death caused by the use of a handgun by a person who is licensed to carry a concealed weapon to not-for-profit corporations which are exempt from federal taxation.**

**WHEREAS, S.B. 175 authorizes the use of defensive force, including deadly force, at any place at which the person using such force is lawfully located; and**

**WHEREAS, S.B. 175 provides that a trier of fact shall not consider the possibility of retreat in a determination of whether the person using defensive force reasonably believed that the force was necessary to prevent injury, loss, or risk to life and safety; and**

**WHEREAS, the expansion of locations at which a person may employ the use of force, including deadly force, and the prohibition of judicial consideration of the possibility of retreat as a factor in a determination of whether a person’s use of such force was necessary to prevent injury, loss, or risk to life and safety in a criminal or civil case would embolden persons to use force and would further fuel the use of deadly force within the State of Ohio, including the City of Oberlin; and**

WHEREAS, the public safety and general health, safety and welfare of the citizens of the City of Oberlin is jeopardized when persons are authorized to use force, including deadly force at locations outside their residence or motor vehicle and without judicial consideration of the possibility of retreat as a component of an analysis of whether the person using such force reasonably believed that it was necessary; and

WHEREAS, Governor Mike DeWine has suggested that he may veto S.B. 175.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio,

SECTION 1. That the Oberlin City Council strongly opposes the expansion of the locations at which persons may employ the use of force, including deadly force without consideration of retreat as a factor in a determination of whether that person reasonably believed that the use of such force was necessary as is called for in S.B. 175 as well as any other legislation that further erodes common sense restrictions on the use of defensive force, including deadly force by civilians in the City of Oberlin and in the State of Ohio.

SECTION 2. That the Oberlin City Council does hereby call upon Governor Mike DeWine to stand his ground and veto Am. S.B. 175 as soon as it reaches his desk

SECTION 3. That the Clerk of Council is hereby authorized and directed to forward a certified copy of this resolution to Governor Mike DeWine of the State of Ohio.

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, Ohio or to provide for the usual daily operation of a municipal department, to wit: *“to authorize a resolution expressing Oberlin City Council’s opposition to S.B. 175 and urging Governor DeWine to veto that legislation in a timely manner”* and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect at the earliest date allowed by law.

PASSED: 1st Reading: December 21, 2020

2nd Reading: \_\_\_\_\_

3rd Reading: \_\_\_\_\_

ATTEST:

  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL


  
LINDA SLOCUM  
PRESIDENT OF COUNCIL

POSTED: 12/22/2020

EFFECTIVE DATE: 12/21/2020

I, Belinda B. Anderson, the duly appointed, qualified and acting Clerk, for said City of Oberlin of Lorain County, Ohio, do hereby certify that attached is a true and correct copy of Resolution No. R20-14 CMS, as adopted by Oberlin City Council on December 21, 2020.

*IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Oberlin this 22<sup>nd</sup> day of December, 2020.*

  
Belinda B. Anderson, Clerk of Council