



Legislation Details (With Text)

File #: R-499-18 **Version:** 1 **Name:**
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File created: 11/26/2018 **In control:** City Council
On agenda: 12/4/2018 **Final action:** 12/4/2018

Title: Encouraging the Ohio General Assembly to drop their consideration of changes to personal protection laws known as “Stand Your Ground,” as introduced in House Bill 228; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Audio: O-499-18 Agenda Review 11/27/18

Date	Ver.	Action By	Action	Result
12/4/2018	1	City Council	Dispense with the rules of Council requiring...	Pass
12/4/2018	1	City Council	declare emergency	Pass
12/4/2018	1	City Council	adopted	Pass

Council Members Komives and Harper

Encouraging the Ohio General Assembly to drop their consideration of changes to personal protection laws known as “Stand Your Ground,” as introduced in House Bill 228; and declaring an emergency.

WHEREAS, the tragic killing of Trayvon Martin by George Zimmerman has focused attention on “Stand Your Ground” law and similar laws across the country. Ohio’s House of Representatives is considering House Bill 228 which would create similar “Stand Your Ground” laws in Ohio. In response, compassionate groups have opposed any efforts to create similar laws in Ohio; and

WHEREAS, our legal system has long recognized that a person has the right to defend himself and his home from invasion and attack. This is often called the Castle Doctrine; and

WHEREAS, expanding Castle Doctrine laws to increase to the extreme of Stand Your Ground Laws, creates a situation where the law presumes that 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, research has shown that Stand Your Ground laws have a disproportionate impact on people of color. Researchers from the Institute for Public Health found that “there indeed is a quantifiable racial component in the impact of the Stand Your Ground law in Florida; namely, a suspect is twice as likely to be convicted of a crime if the victim is White, compared to when that victim is not White.” Essentially, this finding invokes a similar finding from the era prior to the Civil Rights Era where it was determined that there was stricter enforcement for crimes when the victim was white and less rigorous enforcement when the victim was

non-white; and

WHEREAS, it has been shown that there is not a decrease in crime in states that have enacted stand your ground laws, rather a significant increase in murders and more significantly, justifiable homicides. According to a 2013 study from the National Urban League, in the decade after Florida enacted the law, murders increased [22%](https://www.reuters.com/article/us-health-homicides-standyourground/murders-surge-in-florida-in-decade-after-stand-your-ground-law-idUSKCN1AU1QL), with a [75%](https://www.reuters.com/article/us-health-homicides-standyourground/murders-surge-in-florida-in-decade-after-stand-your-ground-law-idUSKCN1AU1QL) hike in justifiable homicides. Nationwide, states with stand your ground witnessed a [53%](https://everytownresearch.org/documents/2015/04/shoot-first.pdf) average increase in the justifiable homicide rate after passage of the law. Meanwhile, states that did not enact the law experienced an average decline of 5% in justifiable homicides during the same period. NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. That Toledo City Council believes police officers are trained to use deadly force as a last resort. Citizens are not. And while we support the traditional principle of self-defense in homes, its extension outside of the home completely undermines the professionals who are entrusted to protect our public safety.

SECTION 2. That Toledo City Council urges members of the Ohio General Assembly to refrain from supporting "Stand Your Ground" legislation or legislation that changes our present Castle Doctrine laws to apply to outside of the home or to shift the burden of proof in self-defense cases from the [defense](http://i.viglink.com/?key=4441c15ddd8182cdc8c6b56fde3f085b&insertId=d0c9494be3fb45ef&type=CD&exp=60%3AC11C55A%3A19&libId=jorkk20101015ahb000DAjgxwzxd&loc=https%3A%2F%2Fwww.thetruthaboutguns.com%2F2018%2F06%2Fdaniel-zimmerman%2Fohio-stand-your-ground-bill-moves-toward-a-kasich-veto%2F&v=1&iid=d0c9494be3fb45ef&out=https%3A%2F%2Fwww.brownells.com%2Fsearch%2Findex.htm%3Fk%3Ddefense&ref=https%3A%2F%2Fwww.bing.com%2Fsearch%3Fq%3Dohio%2Bstand%2Byour%2Bground2018%26form%3DEDGTCT%26qs%3Dpf%26cvid%3D3f960bc3f0cf403cabf455ed2643c416%26ref%3D25b2585f4b2348b5a6ff9f361dbd55ab%26cc%3DUS%26setlang%3Den-US&title=Ohio%20Stand%20Your%20Ground%20Bill%20Moves%20Toward%20a%20Kasich%20Veto%20-%20The%20Truth%20About%20Guns&txt=%3Cspan%3Edefense%3C%2Fspan%3E) to the prosecution.

SECTION 3. That the Clerk of Council is directed to transmit copies of this Resolution to all members of the Ohio General Assembly that represent Toledo and its surrounding areas, as well as the Speaker of the Ohio House and the President of the Ohio Senate.

SECTION 4. That this Resolution is hereby declared to be an emergency measure since it constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety and shall take effect given this matter is currently before the Ohio Senate and be in force from and after the earliest period allowed by law.

Vote on emergency clause: yeas _____, nays _____.

Adopted: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____

Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council

_____.

Attest: _____

Clerk of Council