



ENACTMENT NEWS

House Bill 228

Gun rights – Burden of proof for self defense

House Bill 228 (Reps. Johnson and Latourette) makes several changes to gun laws in Ohio. The bill was passed by the House of Representatives by a vote of 65-32 on November 14, 2018, and by the Senate on a vote of 19-10 on December 6, 2018. Governor Kasich vetoed the bill on December 19, 2018, but the legislature voted on December 27, 2018 to override the governor's veto.

The changes enacted by H.B. 228 relate in large part to concealed-carry procedures and possessing of firearms by law-enforcement officers.

Provisions in the bill pertinent to courts:

Burden of proof – Self-defense

Prior to H.B. 228, a person claiming self-defense carried the burden of proving that he or she did in fact act in self-defense. The bill shifts the burden of proof to the prosecution to prove, beyond a reasonable doubt, that a defendant accused of using force against another *did not* use that force in defense of himself or herself, in defense of another, or in defense of his or her residence. The defendant is thus required to present evidence that tends to support that he or she did act in self-defense, defense of another, or defense of his or her residence.

Unlawful transaction in weapons

The bill expands the offense of “unlawful transactions in weapons” (R.C. 2923.20) to also include knowingly doing any of the following:

- Solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law;
- Provide, with an intent to deceive, materially false information to a federally licensed firearms dealer or private seller;
- Procure, solicit, persuade, encourage, or entice a person to act in violation of the two preceding points.