



FACT SHEET: Ohio Governor Mike DeWine’s Proposals to Address Gun Violence and Increase the Prevention, Identification, and Treatment of Mental Illness

Safety Protection Orders. People should be empowered to get help for family or loved ones who may be a danger to themselves or others, who have mental health challenges, alcohol or drug problems, have violent tendencies, and have access to firearms. Police and sheriff’s deputies also need to be able to activate the court system when they see someone who is a danger to themselves or others and has access to a gun.

Governor DeWine is asking the legislature to pass a law to allow courts to issue Safety Protection Orders. These orders would be granted upon clear and convincing evidence, would remove firearms from potentially dangerous individuals and get them the mental health treatment they need.

Individuals could be subject to a safety protection order if they present an imminent risk of injury to themselves such as suicide, or to another person because of mental health issues, drug dependency, chronic alcoholism, or other serious conditions. However, these concerns have to be balanced against an individual’s right to keep and bear arms and their due process rights.

A hearing would have to be held within 3 days of the filing. A temporary order could be granted if the state shows by probable cause that the person is a danger to themselves or to others and has access to firearms. If the temporary order is granted it would require the person to surrender all firearms to law enforcement.

If granted, a hearing would be held within 14 days to determine if an extended safety protection order should be granted. In this hearing, all the same, traditional due process rights would apply. If the court finds by clear and convincing evidence that the person is a danger to themselves or to others, the extended order could be issued.

Under an extended safety protection order:

- The court would order a mental health assessment.
- The individual would be required to undergo any recommended treatment.
- The individual would be prohibited from purchasing or possessing firearms.
- Any firearms from the temporary order would continue to be withheld from the individual.
- In lieu of law enforcement keeping the firearms, individuals could have them sold on their behalf to a federally licensed firearms dealer.

Extended orders would last for a period of six months and could be extended with another petition and hearing. An individual could apply to the court any time after three months for a return of his firearms, only if the person could prove by clear and convincing evidence that they were no longer a danger to themselves or others.

Increased Access to Inpatient Psychiatric Care. Over the past several years, Ohio's state psychiatric hospitals have become predominantly used by patients who are court-ordered there for restoration to competency to stand trial. This week 79% of the adults in our state psychiatric hospitals are under court order. The Ohio Department of Mental Health and Addiction Services (OhioMHAS) is working to create a process where courts and community-based providers can work together to restore competency for those to stand trial in an outpatient setting which will free more hospital beds and decrease wait time for admission. The Ohio General Assembly will need to pass legislation to create this community-based misdemeanor competency restoration process.

Early Intervention. As part of the 2019-2020 biennium operating budget the state is investing \$675 million in wrap-around services for schools to design individualized programs, working with local mental health providers or social service organizations, to address the social and emotional challenges our students face. From suicide prevention to effects of the substance use crisis – these services are meant to help address issues that impact teachers' ability to teach and students' ability to learn. The earlier we can intervene in kids' lives, and make a positive difference, the better.

Access to Behavioral Health Services. The Ohio Department of Medicaid is investing \$15 million in telehealth mental health services to students, so no matter where a child lives, they have access to high-quality mental health care.

Risk Factor and Resource Identification. OhioMHAS will be working with communities to increase knowledge of risk factors, help parents identify when their child is showing warning signs of a mental illness. The department will share screening tools with clinicians, help connect

community-based services to link parents, families, and school with proven supports and strategies to manage a child's wellness over the child's lifetime.

Background Checks. Governor DeWine is calling on the Ohio General Assembly to pass a law requiring background checks for all firearms sales in the state of Ohio with certain limited, reasonable exceptions, including gifts between family members.

Increased Penalties for Felons Who Illegally Possess Firearms. Gun violence occurs in neighborhoods and communities every day across Ohio and the nation. Law enforcement reports that the majority of this violence is perpetrated by a relatively small number of individuals who don't have the right to possess a gun. Governor DeWine is calling on the General Assembly to increase penalties on felons who illegally possess or use guns.

Increased Penalties for Violent Felons Who Illegally Possess Firearms. Governor DeWine is calling on the General Assembly to increase penalties on felons and violent felons and other people found with a gun they do not have the legal right to possess. The crime of having weapons while under a disability is currently a third-degree felony punishable a maximum of three years in prison. This is a crime that for a first offense should be a second-degree felony punishable by two- to eight-years in prison and for a subsequent offense, should be a first-degree felony punishable by three- to eleven-years in prison.

Increased Penalties for People Who Commit Felonies while in Possessing Firearms. This proposal would increase penalties for people who commit felonies with a firearm or who possess a firearm while committing a felony to a mandatory additional one- to three-year sentence. Currently, the law allowing for an additional one-year sentence.

Increased Penalties for Brandishing a Gun. The General Assembly should pass a law that increases the penalty for those who commit a felony while brandishing a firearm to a mandatory three- to five-year sentence. Current law allows for an additional penalty of three years in prison.

Increased Penalties for Straw Purchases. So-called "straw" purchases, the act of purchasing guns for or giving guns to another individual are currently illegal under Ohio and federal law. However, this practice is far too common, so Governor DeWine is calling on the General

Assembly to increase the penalty for a straw purchase to a second-degree felony punishable by two to eight years in prison. Today, the illegal purchase of a firearm through a “straw” purchase is a third-degree felony, punishable by up to three years in prison.

Increased Penalties for Illegally Obtained Guns. Governor DeWine is calling for an increase in the penalty for a person who possesses a firearm that they know was obtained through an illegal or fraudulent purchase in order to avoid a federal background check. A person who possesses the gun should be punished in the same manner as a person who bought the firearm, increasing the penalty to a second-degree felony punishable by two- to-eight years in prison.

Increased Penalties for Those Who Improperly Provide Firearms to Minors. Too many kids are carrying guns on the streets often with tragic consequences. Adults who furnish firearms to minors must be held accountable. Today, improperly furnishing a firearm to a minor is a fifth-degree felony punishable by up to 12-months incarceration. Governor DeWine proposes that the General Assembly increase the penalty for improperly providing a firearm to a minor to third-degree felony punishable by up to three years in prison.

School Tip Line. The DeWine administration is expanding the state’s school safety tip line, where kids and adults can call or text anonymously to 844-723-3764 with tips about potential school violence.

Social Media Monitoring. In the 24-7 world of social media, threats can arise at any time. The Hub at the Ohio Department of Public Safety is expanding their ability to monitor and track potential threats on social media and will share that information with local school and local law enforcement.

Community Safety. The operating budget provides nearly \$9 million to help harden soft targets like non-profits and religious organizations to make their facilities more secure.

School Safety and Intervention Programs. Working closely with Sandy Hook Promise, Ohio’s schools are implementing their “Know the Signs” safety program across the state. This program equips school staff with knowledge and skills to identify potential threats of violent action and take steps to intervene. There are 23 training dates already scheduled.