

Resolution No. 22-2021

By Council Members J. Jones and Kelley

FOR ADOPTION
January 6, 2021

AN EMERGENCY RESOLUTION
Opposing Ohio Senate Bill 175, as signed by Governor DeWine, that includes a “stand your ground” provision that eliminates the duty to retreat before using force in self-defense.

WHEREAS, Ohio Senate Bill 175 that eliminates the duty to retreat before using force in self-defense, passed the Senate that concurred in House amendments on December 18, 2020, and was signed by Governor DeWine on January 4, 2021; and

WHEREAS, Senate Bill 175 began in the Senate as a bill to provide non-profit corporations immunity from injuries, deaths, or losses stemming from handgun usage on their premises; however, it was amended on the House floor to include House Bill 796, a bill that expands the locations at which a person has no duty to retreat before using force under both civil and criminal law, thereby eliminating the duty to retreat before using force in self-defense; and

WHEREAS, eliminating the duty to retreat during conflict sets up dangerous interactions, and these types of laws have proven to lead to an increase in deadly interactions; furthermore law enforcement agencies, including the Ohio Association of Chiefs of Police and the Ohio Prosecuting Attorneys Association, oppose this type of legislation; and

WHEREAS, this “stand your ground” law will increase the homicide rate disproportionately for Black people in Ohio, and will not give victims their day in court; and

WHEREAS, this legislation completely disregards racial biases, disproportionately puts the lives of Black and Brown Ohioans at risk, and continues the disparate impact these types of policies have had on communities of color across Ohio; and

WHEREAS, Ohioans instead want to address gun violence through gun safety legislation that will save lives, and are also calling for an increase in police accountability; and

WHEREAS, this Council opposes Senate Bill 175, as signed by Governor DeWine, that is dangerous for our community; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council opposes Ohio Senate Bill 175, as signed by Governor DeWine, that includes a “stand your ground” provision that eliminates the duty to retreat before using force in self-defense.

Section 2. That the Clerk of Council is directed to transmit a copy of this resolution to the Ohio General Assembly, Governor DeWine, State Representative Juanita Brent, 12th House District, and the Ohio Legislative Black Caucus.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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READ FIRST, SECOND AND THIRD TIME

and referred to

READ FIRST TIME

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on JANUARY 6, 2021

PRESIDENT

CITY CLERK

APPROVED

MAYOR