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FOR IMMEDIATE RELEASE
Monday, July 2, 2018

Columbus City Attorney Zach Klein Files Legal Brief in Response to Gun Lawsuit

Columbus asserts its rights under current state and federal law to fill void left by state legislature in banning bump stocks and prohibiting violent criminals from possessing guns

COLUMBUS, OH—Columbus City Attorney Zach Klein today released a copy of the legal brief he filed in the Franklin County Court of Common Pleas in response to the lawsuit seeking to overturn the newly enacted City of Columbus gun ordinances, which include banning bump stocks and prohibiting violent criminals and domestic abusers from illegally possessing firearms.

The filing begins by citing the stark, exigent reasons why the City of Columbus felt compelled to pass what city officials assert is carefully crafted, common sense gun legislation:

One hundred forty-three people were murdered in the City of Columbus in 2017. Eighty-three percent of them were shot to death. One hundred eleven of the murder victims were African-American. Three officers from neighboring jurisdiction: shot and killed by domestic violence abusers who were prohibited from having guns under federal law. Innumerable domestic violence victims: shot by their abusers. Fifty-eight people killed and four hundred eight-nine wounded by a gunman using a bump stock in Las Vegas.

City Attorney Klein argues that, for several reasons, the plaintiffs do not have standing to sue nor do they have a substantial likelihood to succeed on the merits of their claims. The brief provides detailed legal analyses of why the City of Columbus has the authority to enact the gun proposals it did, including the argument that bump stocks are gun accessories, not gun components, by citing a bump stock manufacturer's own patent applications that describe bump stocks as accessories.

Below are some key excerpts from the brief:

“By enacting the City’s weapons under disability ordinance, Columbus City Code 2323.13, Columbus...closed the gap between federal law and the unduly lax state law. Thus, Columbus has provided local criminal penalties for those who choose to possess a firearm in the City of Columbus despite having been federally disqualified from doing so.”

“Ideally, Ohio would mirror federal law and make possession of a firearm by an individual who has a misdemeanor domestic violence conviction or is the subject of a protection order a felony, but the State has made the policy choice to not criminalize this behavior. We would hope that the State joins in the City’s

common sense approach to firearms and to the protection of Ohio’s families and police forces.”

“Bump stocks are an accessory, not a ‘part of a firearm’ or a ‘component’ of one. As Plaintiffs’ [own] expert Rick Vasquez put it in an interview, ‘It’s a goofy little doodad . . . It’s for those guys who want to look like super ninja when they’re out on the range.’”

The City Attorney’s filing also raises the apparent contradiction with the recent *amicus curiae* brief filed by Ohio Attorney General Mike DeWine, citing that “DeWine’s silence on the City’s misdemeanor weapons under disability ordinance, while choosing to weigh in on the bump stock ban, is a legal curiosity.”

A full copy of the City’s [legal brief](#) is available online.

The City also has requested an evidentiary hearing before the court at 9:00 a.m. on Monday, July 9, 2018.

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