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City of Columbus Sues Ohio to Stop Controversial New Gun Rules from Going into Effect

Lawsuit calls legislation “unconstitutional,” a “usurpation of power” intended to limit city’s ability to enact local ordinances and defend itself against litigation

COLUMBUS—Today, Columbus City Attorney Zach Klein was joined by Mayor Andrew J. Ginther in announcing the city’s lawsuit against the state, seeking to halt legislation enacted late last year that would make Ohio’s currently broad gun laws even more expansive and favorable to the gun lobby. In a request for injunctive relief, the city says that the lame duck General Assembly violated the Ohio Constitution’s Home Rule Amendment and Separation of Powers doctrine when they overrode Governor John Kasich’s veto of Am. Sub. House Bill 228.

Columbus is suing specifically over changes the bill makes to Ohio Revised Code [Section 9.68](#), the state’s so-called “Right to bear arms – challenge to law” provision. The new language—if it is allowed to go into effect—would place even greater restrictions on a municipality’s ability to pass local gun ordinances than what already currently exists under state law. Am. Sub. H.B. 228 also expands the remedies available to anybody who challenges local gun regulations in court. In making it much easier for more potential plaintiffs to prevail in court, the new changes would force cities to pay significantly more in damages even if they simply repeal an existing gun ordinance. Columbus is currently awaiting a 10th District Court of Appeals decision after being sued by gun lobby groups over its new weapons under disability ordinance and other regulations.

“In this era of heightened gun violence and mass shootings, we cannot allow the state to strip cities of our authority to pass laws that best serve the needs of our residents,” said Columbus City Attorney Zach Klein. **“What works best for folks living in Columbus might not be the same as what is best for those living in Belpre, or Toledo—which is why it’s critical for cities to protect our ability to address our unique communities.”**

Governor Kasich vetoed the bill last year, in part, due to his expressed concern that the changes violate the Ohio Constitution’s Home Rule provision that allows local governments to pass ordinances specific to their residents’ needs, without the threat of intrusion from the state. The bill also was opposed by the Ohio Fraternal Order of Police and the Ohio Prosecuting Attorney’s Association.

“We recognize that gun violence is a public health crisis and are committed to implementing all-encompassing strategies that have a positive impact on our residents,” said Mayor Andrew J. Ginther. “The battle must be legislative, as well. Our efforts to enact common-sense ordinances to reduce gun violence were met with House Bill 228 from the state legislature. It flies in the face of the Ohio Constitution’s Home Rule provision that allows local governments to pass ordinances specific to their residents’ needs, without the threat of intrusion from the state. I stand with City Attorney Zach Klein in suing the State of Ohio to overturn this bill that threatens the safety of our families.”

The city’s lawsuit states in part:

By passing Am. Sub. H.B. 228 and R.C. 9.68, the General Assembly has taken it upon itself to tell the City of Columbus how to best manage the affairs of its citizens. The General Assembly has also unconstitutionally limited the legislative power of municipalities. But it has not stopped there. It has also usurped the role of the judicial branch of government by declaring actions of the City null and void. Finally, it passed a law that contains no standards for enforcement and subjects local governments to ruinous expenses if they attempt to exercise their constitutionally protected rights.

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By declaring any action of a legislative branch of government null and void, the General Assembly has exercised a judicial power not conferred by the Ohio Constitution.

The complaint also highlights the near absurdity of how far the new law would go in extending protections and favorable preference to the gun lobby, noting that cities could not even prevent a gun manufacturer from building an industrial plant in the middle of a residential neighborhood, in what would normally be a clear violation of all applicable zoning codes.

Last month, Columbus prevailed in a similar lawsuit against the Ohio General Assembly’s unconstitutional overreach, successfully arguing that the state violated Home Rule in [*City of Columbus, Ohio, et al. v. State of Ohio*](#). In that case, the judge ordered a stay on the law going into effect pending the court’s decision on the merits. Columbus is requesting a similar injunction to prevent the sweeping changes contained in Am. Sub. H.B. 228 from becoming law prior to a trial court considering the merits of the city’s lawsuit.

The city’s [complaint](#) and [motion](#) are available online.

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