

- VEST FIRST RESPONDER -

HELP FOR HEROES

OHIO

Self-Defense Law Reference Guide

Stand Your Ground (SB 175, 2021) | Castle Doctrine (Dwelling & Vehicle) | Burden on Prosecution | First Responder Protections | Police Use of Force

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.

Ohio underwent a major self-defense law transformation between 2019 and 2021. Senate Bill 228 (2019) shifted the burden of proof at trial from the DEFENDANT to the PROSECUTION - requiring prosecutors to disprove self-defense beyond a reasonable doubt. Then Senate Bill 175 (signed January 4, 2021, effective April 6, 2021) added Stand Your Ground by eliminating the duty to retreat everywhere a person is lawfully present. Ohio now provides Stand Your Ground no-retreat protection at all lawful locations, a Castle Doctrine presumption for dwellings and occupied vehicles, prosecution must disprove self-defense, and first-responder assault protections that escalate from misdemeanor to felony based on victim status.

STATUTE	SUBJECT MATTER
ORC S. 2901.05	Self-Defense Justification; Prosecution Bears Burden to Disprove
ORC S. 2901.05(B)	Castle Doctrine - Dwelling and Occupied Vehicle Presumption
ORC S. 2901.09	No Duty to Retreat - Stand Your Ground (SB 175, 2021)
ORC S. 2307.601	Civil Immunity for Justified Force - Expanded by SB 175
ORC S. 2903.13	Simple Assault - Escalates to Felony When Victim Is EMS/Fire
ORC S. 2903.11	Felonious Assault - Upgraded to F1 With Mandatory Prison When Victim Is Officer
ORC S. 2903.01	Aggravated Murder Includes Targeted Murder of First Responder

PART I: THE OHIO SELF-DEFENSE FRAMEWORK

ORC S. 2901.05 - Self-Defense and the Prosecution Burden

Ohio's foundational self-defense statute is ORC S. 2901.05. Since SB 228 (2019), the prosecution bears the burden to disprove self-defense beyond a reasonable doubt. This is a major shift from the pre-2019 Ohio law, which required the defendant to prove self-defense by a preponderance of the evidence. A person may use force when they reasonably believe it is immediately necessary to protect themselves or another. Deadly force is justified when reasonably necessary to prevent death, serious physical harm, rape, or sexual battery.

"A person is allowed to act in self-defense, defense of another, or defense of the person's residence. If, at the trial of a person who is accused of an offense that involved the person's use of force against another, there is evidence presented that tends to support that the accused person used the force in self-defense, defense of another, or defense of the person's residence, the prosecution must prove beyond a reasonable doubt that the accused person did not use the force in self-defense, defense of another, or defense of that person's residence." - ORC S. 2901.05(B)(1)

PROSECUTION BEARS THE BURDEN - A CRITICAL OHIO PROTECTION:

Ohio's burden-shift (SB 228, 2019) is one of the most important self-defense law changes in Ohio history. Once self-defense evidence is presented, the prosecution must prove beyond a reasonable doubt that the defendant was NOT acting in self-defense. This makes successful prosecution of justified use of force significantly more difficult. Combined with the 2021 Stand Your Ground law, Ohio now provides both no-retreat protection and a favorable burden-of-proof framework for first responders who use justified force.

ORC S. 2901.05(B) - Castle Doctrine (Dwelling and Occupied Vehicle)

Ohio's Castle Doctrine creates a presumption of self-defense when force is used against an unlawful intruder in a dwelling or an occupied vehicle. The presumption arises when: the person using force was lawfully in the dwelling or vehicle; the person against whom force was used was unlawfully entering or had unlawfully entered; the person using force knew or had reason to know of the unlawful entry.

- Dwelling - home, apartment, condo, or any structure used as a permanent or temporary residence.
- Occupied Vehicle - any vehicle where the defender is present, including an ambulance or fire apparatus.
- The presumption is rebuttable - the prosecution may overcome it with evidence of an exception.
- Exceptions: the intruder was a lawful resident or owner; the defender was engaged in criminal activity; the intruder was a law enforcement officer performing official duties.

ORC S. 2901.09 - No Duty to Retreat (Stand Your Ground, SB 175, 2021)

"A person who is not at fault in creating the situation giving rise to the affray has no duty to retreat before using force in self-defense, defense of another, or defense of that person's residence if that person is in a place in which the person lawfully has a right to be." - ORC S. 2901.09(B)

Ohio's Stand Your Ground statute, enacted by SB 175 (signed January 4, 2021, effective April 6, 2021), removes the duty to retreat at any place where a person has a legal right to be. This applies at all EMS scenes, fire scenes, hospitals, stations, and public spaces. Additionally, a court or jury is expressly prohibited from considering whether the person knew of or failed to consider retreat as a means of avoiding conflict - reinforcing that failure to retreat cannot be used against the defender.

PART II: DUTY TO RETREAT - OHIO'S POSITION

Ohio has NO duty to retreat since SB 175 took effect on April 6, 2021. Before that date, Ohio imposed a duty to retreat in public - VEST trainers must understand this historical context.

- BEFORE APRIL 6, 2021: Ohio required retreat in public when safe to do so.
- SINCE APRIL 6, 2021: No duty to retreat at any lawful location.
- A court or trier of fact may NOT consider failure to retreat as evidence against the defender.
- Castle Doctrine presumption for dwelling and occupied vehicle.
- Prosecution must disprove self-defense beyond a reasonable doubt (since 2019).
- Exception: Must be lawfully present and not at fault in creating the situation.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

ORC S. 2903.13 - Simple Assault Escalates to Felony When Victim Is EMS/Fire

Ohio's simple assault statute (ORC S. 2903.13) is typically a first-degree misdemeanor (up to 180 days, \$1,000 fine). It automatically escalates to a FELONY when the victim is a peace officer, firefighter, or emergency medical worker while performing official duties. The specific felony degree depends on the circumstances, but the baseline conversion - from misdemeanor to felony - occurs whenever the victim is an on-duty first responder.

- Basic assault on civilian: 1st degree misdemeanor.
- Same assault on on-duty firefighter or EMS: automatically elevated to felony.
- 'Knows or has reason to know' element: satisfied by uniform, marked vehicle, or visible identification.

ORC S. 2903.11 - Felonious Assault Elevated to F1 With Mandatory Prison for Officers

Felonious assault is normally a 2nd degree felony (2-8 years). When the victim is a peace officer and suffers serious physical harm, ORC S. 2903.11 elevates felonious assault to a 1st degree felony (3-11 years) with mandatory prison time under 'Judy's Law' (enacted 2019, ORC S. 2929.14(B)(9)). Judy's Law specifically mandates prison for felonious assault on peace officers - no community control, no probation.

ORC S. 2903.01 - Aggravated Murder Includes Targeted Murder of First Responders (HB 38, 2019)

Ohio House Bill 38 (2019) expanded aggravated murder to include purposely causing the death of a first responder (defined as an emergency medical service provider, firefighter, or other emergency response personnel) when the offender had the specific intent to target the person because of their status as a first responder. This targeted-murder provision is the most serious criminal consequence available under Ohio law for attacks on first responders.

OHIO'S MULTI-TIER ESCALATION FRAMEWORK:

Ohio's first-responder protection framework creates escalating consequences at every tier: simple assault converts to felony; felonious assault against an officer with serious injury converts to a 1st degree felony with mandatory prison (Judy's Law); and targeted murder of a first responder qualifies as aggravated murder. Combined, this framework creates one of the most comprehensive escalation structures in this state series.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Ohio does not have a statewide statutory chokehold ban. Police neck restraint policy is governed by the Ohio Peace Officer Training Commission (OPOTC) and individual agency use-of-force policies.

- NO statewide statutory chokehold ban as of 2024-2025.
- OPOTC training standards address high-risk force techniques.
- Individual agencies may adopt more restrictive policies; some Ohio departments have administratively prohibited chokeholds.
- Ohio HB 20 (2025), advancing through the House as of this document's preparation, sought to increase penalties for hindering first responders but did not include a chokehold provision.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Ohio's law enforcement use-of-force standards do not apply to civilian first responders in personal self-defense. EMS and fire personnel are evaluated under ORC S. 2901.05 and 2901.09. There is no statutory restriction on civilian Ohio first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER OHIO LAW

1. Two Major Reforms in Two Years - Know the Timeline

Ohio underwent two major self-defense law changes in rapid succession: SB 228 (2019) shifted the prosecution burden; SB 175 (2021) added Stand Your Ground. VEST trainers delivering Ohio curriculum must be clear about these changes - many Ohio providers were trained before one or both of these reforms. The current framework is significantly more protective than Ohio law from even five years ago.

2. Prosecution Bears the Burden - Raise Self-Defense Clearly

Once self-defense evidence is presented, the prosecution must disprove it beyond a reasonable doubt. This burden-shift is among the strongest in the series. Documentation - PCR narratives, incident reports, partner statements - creates the evidentiary record that makes this burden difficult to meet. VEST trainers should reinforce: document immediately, document specifically, document the threat.

3. Failure to Retreat Cannot Be Used Against You

ORC S. 2901.09 not only removes the duty to retreat but prohibits courts and juries from considering failure to retreat as evidence against the defender. This jury-instruction protection - also present in Mississippi - is among the strongest no-retreat provisions in the country.

4. Targeted Murder of First Responder Is Aggravated Murder

HB 38 (2019)'s expansion of aggravated murder to include targeted killing of a first responder is the most serious criminal consequence available under Ohio law. VEST trainers should communicate this legal reality to participants.

5. Partner Defense Is Covered - Same Burden Shift Applies

ORC S. 2901.05's prosecution burden and ORC S. 2901.09's no-retreat rule both apply explicitly to 'defense of another.' VEST Level III partner defense training is directly backed by these statutes. Once partner-defense evidence is presented, the prosecution must disprove it beyond a reasonable doubt.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Ohio Revised Code Title 29; SB 228 (2019); SB 175 (2021); HB 38 (2019) are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.

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