

2923.126(A) Duties of licensed individual.

If a licensee is the driver or an occupant of a motor vehicle that is stopped as the result of a traffic stop or a stop for another law enforcement purpose and **if the licensee is transporting or has a loaded handgun in the motor vehicle at that time, the licensee shall *promptly* inform any law enforcement officer who approaches** the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun;

The issue becomes the meaning and interpretation of the word *promptly*. The problem, the vagueness', the broadness of the interpretation lies in the definition of the word promptly itself.

Blacks Law Dictionary, the bible of legal meaning defines promptly as: Promptly. Adverbial form of the word "prompt,"

Which means ready and quick to act as occasion demands. The meaning of the word depends largely of the facts in each case, for what is "prompt" in one situation may not be considered such under other circumstances or conditions. To do something "promptly" is to do it without delay and with reasonable speed. Application of Beattie, 4 Storey 506, 180 A.2d 741, 744.

The definition itself lends itself to interpretation, such interpretation does not often fairly occur at 12:30 am, during the nervousness and pressure of a traffic stop that the Concealed

Carry Driver, is not accustomed too; which means ready and quick to act as occasion demands.

Officer immediately upon walking up to car: where were you going in such a hurry?; do you know how fast you were going?; You better slowdown.; Why are you out so late?; Can I see your license, proof of insurance and registration please mam?

Citizen immediately upon response to the officer: Yes officer here's my license, insurance card; registration card and my Concealed Handgun License, I am a concealed handgun license holder, and I have it with me. Citizen promptly informs officer.

Officer: Thank you for letting me know you have a gun.

OR

Officer: You were supposed to promptly inform me of the fact that you were a concealed handgun license holder, and that you were armed. Why did you wait until now to tell me I am issuing you a citation for violating 2923.126(A) you failed to promptly inform me you had your firearm?

Remember by definition promptly **Which means ready and quick to act as occasion demands. The meaning of the word depends largely of the facts in each case.** We can all agree that under these facts the citizen, immediately after she fully cooperated with the Officer, by answering his questions, immediately complied and promptly informed the Police Officer that she was a CHL holder and had her firearm with her.

The common sense approach; but at 12:30am based subjectively on the Police Officers understanding of promptly, you may be arrested for failing to promptly inform, or maybe you won't depends. Depends on what? The Officers definition and understanding of the word promptly at that moment, because it could be different tomorrow, or even 30 min from now, based upon facts of the situation. Remember by definition "[t]he meaning of the word depends largely of the facts in each case." Not the officers fault, not the citizens fault, but common sense dictates that the legislature craft a law that is capable of being uniformly enforced.

Promptly during the heat of the moment becomes whatever the person at the side of the road interprets it to be. Maybe 10 min earlier the Officer had to wrestle a person with a felony warrant, stopped in a similar traffic stopped to the ground. Think maybe his mood and interpretation of promptly may be a little narrower?

It all comes down to the reality that by definition the law is placing both the Officer and the Citizen at odds.

"As soon as the officer approaches even though my mother and the Sisters of Mercy taught me never to interrupt, with my hands in plain view on the steering wheel; my window rolled down; my dome lights on; I interrupt and announce Officer I am a concealed carry license holder and I have it with me do you have any instructions?" But not everyone has my personality and will

do that. It's rude and impolite. Mom and the Sisters taught me that.

How do other states handle it, how do they interact with their citizens? The vast majority simply require that you inform the Officer if she asks. 36 States require their citizens to simply honestly respond if asked? Do you have any Guns in the car? Yes I am a concealed carry holder, here my permit my gun is on my right hip.

[Alabama](#) – **If Asked** (No known duty to inform law enforcement)

[Alaska](#) – **Yes** (Always)

[Arizona](#) – **If Asked** (If Asked – Yes)

[Arkansas](#) – **Yes – When Asked For Identification**

[California](#) – **Yes For Some Counties – If Asked Otherwise** (No known duty)

[Colorado](#) – **If Asked** (No known duty to inform law enforcement)

[Connecticut](#) – **If Asked** (No known duty to inform law enforcement)

[Delaware](#) – **If Asked** (See *NOTES)

[District of Columbia](#) – **If Asked** (No known duty to inform law enforcement; **in flux!**)

[Florida](#) – **If Asked** (No known duty to inform law enforcement)

[Georgia](#) – **No** (Police Cannot Detain You To Verify)

[Hawaii](#) – **Unknown At This Time** (*Essentially* No-Permit State)

[Idaho](#) – **If Asked** (No known duty to inform law enforcement)

[Illinois](#) – **If Asked** (See Notes* — Thank you, Illinois concealed carriers!)

[Indiana](#) – **If Asked**

[Iowa](#) – **If Asked** (No known duty to inform law enforcement)

[Kansas](#) – **If Asked** (Non-Resident, **Residents have constitutional carry**)

[Kentucky](#) – **If Asked** (LEOs Really Appreciate It If You DO)

[Louisiana](#) – **If Under The Influence (See Notes)**

[Maine](#) – **No (Permitless Carriers – Yes; See Notes...)**

[Maryland](#) – **If Asked** (No known duty to inform law enforcement)

[Massachusetts](#) – **If Asked** (No known duty to inform law enforcement)

[Michigan](#) – **Yes** (Always)

[Minnesota](#) – **If Asked** (No known duty to inform law enforcement)

[Mississippi](#) – **If Asked** (No known duty to inform law enforcement)

[Missouri](#) – **If Asked** (No known duty to inform law enforcement)

[Montana](#) – **If Asked** (No known duty to inform law enforcement)

[Nebraska](#) – **Yes**

[Nevada](#) – **If Asked** (No known duty to inform law enforcement)

[New Hampshire](#) – **If Asked** (No known duty to inform law enforcement)

[New Jersey](#) – **If Asked** (No known duty to inform law

enforcement)

[New Mexico](#) – **If Asked** (No known duty to inform law enforcement)

[New York](#) – **If Asked** (see *Notes)

[North Carolina](#) – **Yes** (see *Notes)

[North Dakota](#) – **If Asked** (No known duty to inform law enforcement)

[Ohio](#) – **Yes** (Always)

[Oklahoma](#) – **Yes** (Must also inform private property owner)

[Oregon](#) – **If Asked** (No known duty to inform law enforcement)

[Pennsylvania](#) – **If Asked** (No known duty to inform law enforcement)

[Rhode Island](#) – **Please Do! If Asked...**

[South Carolina](#) – **Yes**

[South Dakota](#) – **If Asked** (No known duty to inform law enforcement)

[Tennessee](#) – **If Asked** (No known duty to inform law enforcement)

[Texas](#) – **Yes – When Asked For Identification**

[Utah](#) – **If Asked** (No known duty to inform law enforcement)

[Vermont](#) – **Constitutional Carry**

[Virginia](#) – **If Asked** (No known duty to inform law enforcement)

[Washington](#) – **If Asked** (No known duty to inform law enforcement)

[West Virginia](#) – **If Asked** (No known duty to inform law enforcement)

Wisconsin – **If Asked**

Wyoming – **If Asked** (No known duty to inform law enforcement)

Some argue that it unfair, demeaning to the officer to have the officer ask. But isn't the officers safety paramount, don't we want our officers trained to ask do you have any guns? Only the law abiding Concealed Carry Holder will respond honestly. Does anyone really believe that a Felon knowingly under a firearms disability; unlawfully transporting a concealed weapon is going to admit that they are?

Some will argue that it comes up on the registration when there license plate number is checked by LEEDS. But isn't it incumbent to train our Officers to ask, because there safety is paramount?

What about driving a spouse's car; a car with a 30 day tag; a rental car; a borrowed car; a stolen car. It is not unfair, demeaning to the officer to have the officer ask if the occupants of a motor vehicle during a traffic stop have a firearm, it is paramount for their safety that they do.

As an attorney I have represented people who have actually used lethal force to defend their gift of life. I have defended those who brandished. Many more times I have given advice too, and represented those charge for failing to promptly inform.

For those people who simply followed instructions and handed their permit to the officer with their license and registration; they paid me to defend them.

Those that were simply so overwhelmed by being pulled over, they paid me to represent them.

I represented a gentleman who was pulled over by a DNR officer, outside a Cowin Lake state park, late at night driving home, after setting up camp and leaving his family to camp until he returned. He had a top secret security clearance; just plain forgot to inform the DNR Officer; the DNR officer was informed by dispatch that my client had a CHL, so if my client failed to promptly inform it would be the less serious of the two sentencing guidelines resulting in a MM ticket with no suspension But if the DNR officer as he testified did not receive notification from dispatch he would be sentenced under the more serious provision, lost his security clearance and Job. I preserved the tapes from that night; DNR testified he didn't hear dispatch; tapes said otherwise, that close to losing job and ability to support family

Received a call about 4 officers; promptly informed 3 did not know there was 4, and cited by number 4.

The statute itself sets the law abiding gun owner up for failure, after all

The law is at best inconsistently applied, at worst unfairly impact the law abiding citizen, who chooses to exercise their civil rights.

It is not the fault of the Police Officer at the side of the road during a traffic stop; it is not the fault of the law abiding concealed handgun License holder. If we place blame, it is proper to place it on a statute that relies on a word, “promptly,” that is subject to a wide range of interpretations by definition.

I ask that the Duty to Promptly inform be removed from the duty of a concealed carry holder, and be replace by a duty to inform if asked by a Police Officer.