



*BEFORE THE HOUSE FEDERALISM &
INTERSTATE RELATIONS COMMITTEE
OPPONENT TESTIMONY ON HB 233
Wednesday, July 5th, 2017*

Chair Roegner, Vice Chair Lipps, Ranking Member Leland, and members of the House Federalism and Interstate Relations Committee, thank you for the opportunity to provide opponent testimony on House Bill 233. My name is Don Boyd and I am the Director of Labor and Legal Affairs for the Ohio Chamber of Commerce.

The Ohio Chamber is the state's leading business advocate, and we represent nearly 8,000 companies that do business in Ohio. Our mission is to aggressively champion free enterprise, economic competitiveness and growth for the benefit of all Ohioans. The Ohio Chamber of Commerce is a champion for Ohio business so our state enjoys economic growth and prosperity.

We believe that the current law that allows employers, and other private property owners, to prohibit weapons and firearms on their property is essential to their private property rights and ability to properly manage the workplace. These protections were added at the request of the Ohio Chamber when the concealed handgun license statutes were first passed and we have subsequently worked to safeguard these exemptions. As we did when these laws were first enacted, we continue to believe that current law allowing employers to prohibit weapons and firearms on their property is critical and should be left to the discretion of individual employers and property owners.

We strongly believe that HB 233 makes it significantly more difficult for our members to provide a safe work environment for their employees and customers and infringes on the private property rights of business owners. Under current law, an owner of private property, including a business, can post a sign prohibiting visitors, employees, and customers from carrying firearms onto their property. If an individual knowingly violates that prohibition, he or she can be charged and found guilty of criminal trespass (ORC 2923.126(C)(3)(a)).

Both the Sponsor and proponents of this legislation have stated the purpose of HB 233 is to allow individuals who have a concealed handgun license (CHL) and unintentionally forget to remove their firearm prior to entering a place where firearms are prohibited to avoid criminal charges. However, current law already accommodates this as a person can only be charged with criminal trespass if the person **knowingly** takes a firearm into a place where it is prohibited. Knowingly is a high legal standard and, in most cases, would already prevent charges against Bob and Betty Buckeye's inadvertent or accidental carrying of a firearm where it is prohibited. Further, there is also prosecutorial discretion as to whether it makes sense to prosecute an individual for a mere mistake.

HB 233 goes far beyond the simple "I forgot" scenario to decriminalize all areas where guns are prohibited for CHL holders. Under HB 233, a person can intentionally take a firearm into a place where firearms are clearly prohibited and face absolutely no criminal penalties as long as he or she leaves upon request and does not do it again within 30 days. After that 30-day period the person is free to intentionally come in again with a firearm as long as he or she leaves upon request. This is a clear infringement upon the private property rights of businesses and the ability to prohibit firearms on private property.

The language in this provision goes far beyond handguns as well. Being that this ability to intentionally enter a property with a firearm and face no repercussions is tied to the individual having a valid CHL, one would think that this would apply only to handguns as that is what the license is for. However, the language in HB 233 allows a CHL holder to carry any "deadly weapon" onto or into private businesses and face no criminal repercussions provided that the individual leaves upon request. A "deadly weapon" is defined under ORC 2923.11(A) as "any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon." Thus, this would allow an individual to intentionally bring **any instrument capable of inflicting death** into a place that prohibits weapons and face absolutely no repercussions.

Many may say, "Well, if they leave upon request, what is the issue?" The issue is that the person has already violated the private property rights of the business owner by bringing a deadly weapon onto their property in violation of a clear prohibition and exceeded the scope of any invitation onto the property. However, the individual would face no repercussions for such an action and he or she could do it again every 30 days thereafter. In addition to not facing any criminal penalties, the new language in HB 233 also takes away the ability for a business or property owner to pursue any civil action for trespass against the person.

We believe this legislation is unnecessary, unjustified, and unacceptable. The language goes far beyond the stated intent and we strongly urge you to oppose HB 233. Thank you for the opportunity to provide this testimony and I would be happy to answer any questions you may have at this time.