



***BEFORE THE HOUSE FEDERALISM &  
INTERSTATE RELATIONS COMMITTEE  
INTERESTED PARTY TESTIMONY ON HB 253***  
*Wednesday, January 24, 2018*

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 interested party testimony on House Bill 253. 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.

I am here today because our members have become increasingly concerned with recent legislation regarding firearms and private property rights. Ohio's concealed carry laws currently contain provisions to protect employers' ability to prohibit concealed weapons on their premises. These protections were negotiated in good faith by the Ohio Chamber and business community when concealed carry legislation was first passed. We are not advocating whether a business or property owner should or should not prohibit firearms. However, as we did when these laws were first enacted, we believe that current law allowing employers and private property owners to choose whether to prohibit weapons and firearms on their property is critical and should be left to the discretion of individual employers.

Specifically, recent legislation, and any legislation for that matter, that alters or changes those protections raises concerns for our members. Specifically, we oppose any legislation that would:

1. Create a new cause of action or additional civil liability for employers or property owners who prohibit firearms on their property including the award of attorneys' fees;

2. Infringe on an employer or property owner's choice whether to allow or prohibit firearms on their property;
3. Reduce or remove any criminal or civil penalties for violating an employer or private property owner's prohibition of firearms; or
4. Remove an employer or property owner's immunity from civil liability for allowing or prohibiting firearms on their premises or property.

Ohio has taken great care to promote stability by providing a predictable legal system and tort environment. This stability is an essential component of encouraging economic growth in our state.

However, after meeting with the sponsors, we are testifying on HB 253 as an interested party to advocate for a few changes that will allow us to remain neutral on the bill. We have had positive discussions with the sponsors of the bill regarding the changes but, since the changes have not yet been made to the bill, felt compelled to testify. First, under current law, businesses and private property owners are granted immunity from civil liability for their choice to allow or prohibit firearms on their property. Under HB 253, it is unclear who would be liable in the event an off-duty officer would have to act. Since the officer is off-duty, there could be confusion as to who is liable if firearms are prohibited but the officer is permitted to carry a firearm due to HB 253. Ensuring that businesses, who would be required to allow firearms onto their property under this bill, are not left civilly liable if anything would happen is paramount. To achieve this, we believe language similar to that contained in ORC 2923.126(C)(2)(a) should be added to HB 253.

Second, we believe that a requirement that the off-duty officer be required to carry his or her badge, or other identification, whenever carrying off-duty should be added to the legislation. This will help prevent any mistaken identity and, for those that prohibit firearms on their property, allow quick identification that the individual is an officer and able to carry due to this legislation. Third, we believe a provision should be added stating that the off-duty officer is permitted to carry in areas open to the public. This would be similar to comparable legislation in the Senate, SB 208.

Lastly, we believe there should be language added to the bill to allow businesses and private property owners to prohibit officers from carrying weapons in certain areas where having a firearm would pose an unreasonable threat to the public. Though there may be other instances where issues could arise, the one that comes to mind is that of amusement parks. These are issues that simply do not arise while officers are on-duty and thus not routinely considered. However, once again, businesses do not like ambiguity and the affirmative right to carry anywhere that is open to the public creates ambiguity as to whether a prohibition could be enforced. Thus, the three issues we would like to be addressed in the legislation are liability, identification, and instances where having a firearm would pose an unreasonable risk to the public.

As previously stated, 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. 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. However, we also understand that this issue, dealing with off-duty police officers, may be more of a public policy decision to be made by the legislature and simply want to make sure that the appropriate protections are in place for Ohio's businesses. Thank you for the opportunity to provide this testimony and I would be happy to answer any questions you may have at this time.