

## MEMORANDUM

**TO** OHIO HOUSE FEDERALISM COMMITTEE

**FROM** GIFFORDS

**DATE** MAY 17, 2019

**RE** OPPOSITION OF HB 178

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### **Testimony in Opposition of HB 178, permit concealed carry without a license**

**Submitted by:** Molly Voigt, State Legislative Manager

Chairman Becker and members of the House Federalism Committee:

House Bill 178, a bill that would allow dangerous, untrained people to carry hidden, loaded guns in public is dubbed “constitutional carry” by its proponents in order to obscure the serious public safety risks this legislation would create. In fact, HB 178 would threaten the constitutional rights of law-abiding citizens, children, law enforcement officers, and other Ohioans.

### **HB 178 Would Allow Dangerous People to Carry Guns Outside the Home, Jeopardizing the Safety of Law Enforcement and the Public**

HB 178 would allow any person who is not prohibited by federal law to carry a concealed firearm in public regardless if those individuals would be ineligible to obtain a concealed carry permit under existing Ohio law. Ohio law prohibits certain categories of dangerous people from carrying concealed guns in public. These are individuals who, because of criminal investigations or convictions, are at a higher risk of committing violence or they have other characteristics that make them more likely to pose a danger with a handgun in public.

For example, individuals who have been convicted of a misdemeanor for resisting arrest or other acts involving law enforcement would, under HB 178, be legally able to carry a gun during their future interactions with law enforcement. Adding an additional layer of danger, the individual would no longer be required to disclose to the officer that he or she was carrying a concealed weapon.

Additionally, a person who has never handled or shot a handgun would be allowed to carry in public spaces such as movie theaters and restaurants where children and families congregate. Currently, in order to obtain a concealed carry permit in Ohio, an applicant must prove at a gun range that he or she can handle a gun competently, and also take a 10-hour safety course. These requirements would disappear with HB 178. Gun accidents are more likely when individuals are carrying guns in public who haven't received training in how to properly use and safely carry firearms. And when people are carrying guns, everyday arguments are more likely to escalate into shoot-outs such as the one at a Florida movie theater that took the life of a toddler's father in 2014.

## **No Court in the United States Has Interpreted the Second Amendment to Require Unregulated Carrying of Guns in Public**

While “constitutional carry” proponents want to make public concealed carry an absolute right, every court to have considered the issue has held that licensing and training requirements for carrying concealed firearms are consistent with the Second Amendment. It makes sense: carrying firearms in public affects other people's rights, like the First Amendment right to free assembly, and the rights to life and liberty (the right to be safe from being shot by criminals in public spaces, or endangered by someone carrying a gun who doesn't know how to use it). So courts treat concealed carry differently from the Second Amendment right to keep guns in the home for personal protection, and have endorsed permit requirements like background checks and safety training.

Justice Scalia said the following about concealed carry in the landmark decision interpreting the Second Amendment, *Heller v. District of Columbia*:

Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. See, e.g., Sheldon, in 5 Blume 346; Rawle 123; Pomeroy 152–153; Abbott 333. For example, the majority of the 19th-century courts to consider the question held that prohibitions on carrying concealed weapons were lawful under the Second Amendment or state analogues.

We urge the Ohio Legislature not to fall victim to the false narratives and extremism of some gun proponents who misconstrue the rights guaranteed by the Second Amendment and elevate their perceived right to use a gun above the rights of every other American to live without gun violence. Your duty is to protect the safety and liberty of all Ohioans. To do so, you must reject HB 178.