

## PROPONENT TESTIMONY FOR HOUSE BILL 178

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Chairman Becker, Vice Chair Stoltzfus, Ranking Member Miller, and members of the House Federalism Committee, thank you for giving me the opportunity to present proponent testimony on House Bill 178. My name is Gary Witt, Legislative Coordinator for Ohioans For Concealed Carry, a statewide non-profit Second Amendment advocacy group founded in 1999. Today we represent the interests of Ohio's 750,000 concealed carry licensees.

The Committee has heard doom and gloom testimony about what would happen if this bill passes along with some, on the surface, rather daunting statistics.

Opponents ask where the phrase "Blood in the streets" comes from saying it is frequently used by the gun lobby to provoke fear. They conveniently forget that the phrase was used by an opponent of the original concealed carry bill as to what would happen if that bill passed.<sup>i</sup> That prediction did not materialize. In fact, the exact opposite is true. You have been told that crime is on the increase yet the Fraternal Order of Police of Ohio has testified that violent crime rates continue to fall and are at an all-time low. Using FBI numbers, the violent crime rate fell 49% between 1993 and 2017.<sup>ii</sup>

The Committee heard that 90% of Ohioans oppose carrying a concealed weapon in public without a permit. This statistic came from Strategies 360, a company whose website says their calling is to drive lasting change, a company that reported an average of 96% of its income from democrats over the past 9 years.<sup>iii</sup> The Speaker of the House, Nancy Pelosi, has stated that gun control is a priority. Can we believe that Strategies 360's figures are unbiased?<sup>iv</sup>

The Committee heard that after Missouri passed permitless carry, St. Louis experienced a nearly 25% increase in the rate of aggravated assault with a gun in 2017 over 2016. There are no references as to where this statistic comes from. The FBI report, Crime in the United States, for aggravated assault in the St. Louis statistical area reports 3630 aggravated assaults in 2016<sup>v</sup> and 4023 in 2017,<sup>vi</sup> an increase of 10.64%. Quite a bit different than the 25% given in opponent testimony without references.

Between 2003 and 2017 aggravated assault with a firearm in Alaska supposedly increased 82 percent according to opponent testimony with no documentation as to how this increase was computed. The FBI Crime In The United States report does not break down aggravated assault into sub-categories such as with a firearm or without in its basic tables. However, According to that report aggravated assault in Alaska increased 38 percent. Quite a difference from opponent testimony.

The Committee heard that according to the CDC the number of deaths in Ohio has increased by 70% since Ohio CCW was enacted according to testimony from an opponent. Total number of deaths in Ohio? Only deaths from firearms? According to the Ohio county statistics in the Ohio Department of Public Safety's Office of Criminal Justice Service there were 480 murders in Ohio in 2004 and 686 murders in 2017, the last year that figures are available. That works out to a 43% increase.<sup>vii</sup> We are possibly comparing apples to oranges here, firearm deaths vs. homicides. With 60% of gun violence attributed to suicide, could this discrepancy be attributed to suicide? I'll address suicide later in my testimony.

A final note with regards to statistics in my testimony comes from an article in the Journal of the American College of Surgeons, January 2019.<sup>viii</sup> Their conclusion: This study demonstrated "no statistically significant association between the liberalization of state level firearm carry legislation over the last 30 years and the rates of homicides or other violent crime."

The point of these contradictions in statistics between opponent and proponent testimonies is to show that statistics can say different things on

the same subject. Different sources can and do have different results. We request the Committee not take statistics given in testimony, either from opponents or proponents, at face value. Statistics need to be vetted.

Opponents say this bill will increase the number of people who can carry a concealed weapon. Could it be that people who don't carry concealed weapons for the protection of themselves and their loved ones now will be in a better position to defend themselves and those loved ones once this bill passes?

Testimony from the an opponent organization: "Law Abiding is simply not a high enough standard for liberalizing our gun laws. Who is to know which of these law abiding citizens will develop ill intent!" If we hold to this reasoning, then no Ohioan should ever be allowed to purchase alcohol for fear that someone might eventually injure a fellow citizen while driving impaired. After all, who is to know which citizen might develop a pathological drinking habit.

The Fraternal Order Of Police Of Ohio testified that this bill would practically eliminate the ability of an officer to conduct a Terry Stop to check for weapons. Chairman Becker wisely asked the Legislative Services Commission whether an officer will be able to conduct a Terry stop under HB 178. A Terry stop requires an officer to have reasonable suspicion based on articulable facts that a person has committed a crime according to LSC and further indicates that if the officer's suspicion is based solely on the person's carrying or possession of a deadly weapon that is not a restricted deadly weapon then the officer likely does not have the reasonable suspicion required to conduct a Terry stop. This would appear to negate this objection of the FOP and the Ohio Prosecuting Attorneys Association. If an officer has reasonable suspicion based on articulable facts that a person has committed a crime or meets other standards cited in Terry v. Ohio then there does not appear to be anything in HB 178 to preclude a Terry stop.

Officer safety has been cited for years as the reason not to eliminate notification. For years we have requested that officers ask if a person is armed rather than require law-abiding citizens to notify an officer that they are performing a lawful activity. Asking a person if he/she is armed has been met with stiff resistance from law enforcement administration yet isn't it safe practice for an officer to ask a person if he/she has anything sharp in their pockets that could stick them before being searched? After all, a stick by a contaminated needle or other sharp contaminated object can cause long lasting medical problems for the officer. If they can ask a person if there is anything that can stick/hurt them, why is it then so difficult to ask if a person is armed?

Ohio, as well as the nation, faces a crisis in suicides, a health crisis. With roughly 60% of firearm deaths in our state attributed to suicide as testified to by opponents and verified through research, the crisis cannot be denied and needs to be addressed. But not regarding HB 178.

In order for one to commit suicide using a firearm, one must have access to a firearm and ammunition for that weapon. An individual will still need to meet all of the requirements to purchase a firearm if purchased from a Federal Firearm Licensee or they could purchase one from a 3<sup>rd</sup> party, possibly years ago, They could obtain one on the black market, they could steal one or borrow one and obtain a firearm through other methods not mentioned here. House Bill 178 does nothing to address a person obtaining a firearm from any source and HB 178 would have no effect on suicide or gun violence statistics. If some people are determined to take their life, they don't need a gun. The actor Robin Williams who hung himself and Marilyn Monroe who died from pills come to mind.

I have covered a number of aspects of this bill in my testimony. Thank you for your time and attention. I will attempt to answer any questions that you may have.

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- i <http://www.gunssavelife.com/civil-rights-opponents-the-face-of-a-paid-anti-gun-activist/>
- ii <https://www.pewresearch.org/fact-tank/2019/01/03/5-facts-about-crime-in-the-u-s/>
- iii <https://www.opensecrets.org/orgs/totals.php?id=D000030147&cycle=2018>
- iv <https://arizonafreedomalliance.ning.com/forum/topics/nancy-pelosi-gun-confiscation-will-be-a-priority?groupUrl=all-things-obama&>
- v <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-4>
- vi <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/table-6>
- vii [https://www.ocjs.ohio.gov/crime\\_stats\\_reports.stm#tog](https://www.ocjs.ohio.gov/crime_stats_reports.stm#tog)
- viii [https://www.journalacs.org/article/S1072-7515\(18\)32074-X/fulltext](https://www.journalacs.org/article/S1072-7515(18)32074-X/fulltext)