



OHIO PATROLMEN'S BENEVOLENT ASSOCIATION

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June 17, 2019

Representative John Becker
Chairman House Federalism Committee
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Columbus, OH 43215

Chairman Becker, Vice Chairman Stolfus, Ranking Member Miller, and members of the House Federalism Committee, the Ohio Patrolmen's Benevolent Association (OPBA) is firmly opposed to House Bill 178. My name is Tom Austin, Executive Director for the OPBA. Thank you for allowing me to give opponent testimony on HB 178. In addition to serving as Executive Director of the OPBA, I am also an active police sergeant. The OPBA represents nearly 8,000 active and retired police officers, sheriffs' deputies, corrections officers, and dispatchers across the state. This bill makes several changes to existing state law that will impact the day to day lives of our members. The bill will make our members less safe while doing their jobs.

The OPBA is not here to express an opinion on the Second Amendment or the right to carry concealed weapons. While the conversation on any issue concerning guns can get contentious, there must be some balance and logical discussion. There is a difference between infringements on the Second Amendment and the legal restrictions states are permitted to enact. The current restrictions on gun ownership and possession are reasonable. Background checks and safety training assure safe and legal concealed carry. This discussion is not anti-gun, but about what is reasonable. The current concealed carry law is not onerous and should remain as currently enacted.

Of concern are the following changes:

1. Repealing the notice requirement applicable to licensees stopped for a law enforcement purpose;
2. Repealing the need for a license to carry a concealed weapon;
3. Repealing the need for any training to carry a concealed weapon;
4. Enabling a person 21 or older who is not prohibited under federal law from having a firearm to carry a concealed deadly weapon other than those that are federally prohibited. According to a Legislative Service Commission analysis, that would result in several categories of persons currently ineligible to obtain a license being granted the ability to carry a concealed deadly weapon, including those being charged with a felony or

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misdemeanor offenses related to violence, drugs, negligent assault, or falsification of a concealed weapons license.

The requirement to notify a law enforcement officer that an individual is carrying a concealed weapon is paramount to ensuring interactions with law enforcement are safe. We cannot interpret intentions and work in fast moving, volatile, and confusing scenes where split second decisions are required. This was made clear on July 13, 2008 around 2 a.m. when one of my fellow officers initiated a traffic stop on a person with a valid concealed carry license. Within minutes of initiating the traffic stop, the suspect shot my fellow officer in the head multiple times, killing him. It is believed my fellow officer never received the information from dispatch about the suspect having a concealed carry license.

While it is hopeful that most people carrying a concealed weapon will tell an officer they have one, there is no guarantee they will. As a responsible gun owner, the onus should always be on that person to advise law enforcement that they are carrying. Given that a concealed carry license is connected to a vehicle's registration, there is no guarantee an officer will receive notice if the person is driving another vehicle or is a passenger. Regardless of whether a criminal would tell an officer or not, is irrelevant. Those in legal possession of firearms should have no reason to fear notifying the police, just as we have no reason to be concerned with people who legally carry firearms.

As law enforcement officers, we are committed to the idea that more training is always preferable. The amount of training has already been reduced from 16 to 8 hours. This mandatory training might be the only training someone who decides to carry a concealed firearm ever receives. The idea that someone will seek out training on their own is a lofty one. There must be a minimum training requirement for someone entrusted with the awesome right of carrying a weapon that can deprive another person of their life. Additionally, the assertion that the amount of firearms training has gone up in states that have adopted this model, is unfounded.

As concerning as the foregoing changes are, we are equally concerned with the fact that this bill will allow those with felony or misdemeanor offenses related to violence, drugs, negligent assault, or falsification of a concealed weapons license to carry a concealed deadly weapon. We are a nation and state of laws, not men. There are legal restrictions put on rights enumerated in the Constitution, including the Second Amendment. The Supreme Court of the United States has found time and again that the restrictions in place like those in current Ohio law are constitutional.

In closing, we ask you to carefully consider whether it is reasonable to require a background check and to obtain basic safety training to carry a concealed firearm in Ohio. We believe it is reasonable to ask those carrying concealed to be required to tell law enforcement that they are carrying when in contact with the police. It is equally reasonable to restrict persons with certain convictions, especially crimes of violence from carrying concealed. The OPBA urges you to vote no on this bill and leave the existing common-sense safeguards in place.

Thank you for your consideration of our concerns. I am happy to answer any questions.

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