

Good morning, Chairman Becker, Vice Chair Stoltzfus, Ranking Member Miller, and members of the Federalism Committee. My name is Evan English and I am from Olde English Outfitters in Tipp City, Ohio. We are a shooting and hunting retailer with forty-five (45) years in business serving the public of the Miami Valley. Thank you for the invitation, through the office of the 80<sup>th</sup> district, to testify on behalf of the many federally licensed firearms dealers in the great State of Ohio. These otherwise responsible and law abiding business people may unknowingly break the law because Ohio's law does not currently line up with the federal law.

You should have all been briefed by this time on the current law versus the proposed change, so I will not go into great detail regarding the laws themselves. In overview I will only state that Ohio treats black powder firearms (also known as "primitive" firearms or "antique" firearms) the same as any other modern firearm. The federal law, which our licenses and our regulations are stipulated under, treats those same classes of firearms differently and does not classify them as a regulated firearm. As such, we are not required to run a background check to sell one of this type of gun. In addition to not requiring the background check, we are prohibited from using the National Instant Check System (NICS) to run a background check for an item that is not classified as a firearm. Our company maintains age restrictions on these items but we have no means to impose any greater restriction. This leads us to the reason we are all here today.

Several months ago, I met with Miss Powell, Mr. Plummer and Mr. Smith who represent my district and two neighboring districts to discuss this issue. I had already called to their attention a lawsuit in Wayne County, Ohio where someone was bringing suit against Bass Pro Shops and their Cabela's stores citing this law discrepancy as the basis for the suit. (Attached to this document) I expressed my concern to them regarding Ohio's current law being greater or more restrictive than the federal laws and went so far as to say that I may have unknowingly broken this law in the past. The name on that law suit could easily be my company's or my own. For that matter, it could easily be any of the other dealers in our State that sell black powder guns.

By nature, the primitive guns in question are cumbersome and slow to use. They require loading from the muzzle end of the gun by pouring in powder or propellant and then seating a projectile on top of the powder with a ramrod or similar device. A cap or primer is then inserted which the hammer will strike to ignite the powder. Most often they are single shot (Meaning that the whole reloading process would begin again after the first shot is fired) but there are some replica revolvers that fire up to 6 shots before reloading. This "cap and ball" technology dates back to the mid-1800's which is why they are called "primitive" or "antique" style guns. Our State Department of Natural Resources already classifies these firearms differently by allowing a separate season for black powder rifles in the hunting of Whitetail Deer. They have limited applications and limited abilities compared to their modern counterparts.

As I explained to these State Representatives that day, there is no possible way for a seller to know the background of a purchaser of these primitive firearms unless they volunteer the information. The State has not provided a means for us to comply with the current law and most do not even know the law exists. Therefore, we are bridled by a law with which we can never be sure we are in full compliance.

I have come here today to respectfully request that you consider HB 248 as positive step towards addressing this discrepancy and bring this State's standards in line with the broader federal definition of a firearm.