



Representative Scott Wiggam

1<sup>st</sup> House District

Chairman Becker, Vice Chair Stoltzfus, Ranking Member Miller, and members of the House Federalism Committee, I appreciate the opportunity to offer sponsor testimony on House Bill 425.

The purpose of this legislation is modify the current duty to notify laws for conceal carry permit holders.

To be issued a CHL, individuals must complete an eight-hour course, pass a National Instant Criminal Background Check System (NICS) conducted by the county sheriff's department and pay the fee associated with being issued the CHL holder. Law enforcement is notified through the Law Enforcement Automated Data System (LEADS) that the individual registered to the vehicle is a CHL holder. With LEADS, the individual who has successfully attained a CHL has already informed law enforcement, prior to the officer approaching the vehicle, that they may be carrying a concealed handgun.

Current law punishes law abiding citizens who desire to practice their 2nd Amendment right. In too many instances across the state of Ohio, CHL holders who have complied with law enforcement orders, such as providing their license and registration during a traffic stop, have been charged for not "promptly" informing law enforcement they were carrying their handgun. Even though law enforcement is already notified through the LEADS system this charge is a 1st degree misdemeanor and can come with a penalty of up to 6 months in jail and up to a \$1000 fine. My legislation will reduce that penalty to a civil citation with a max fine of \$25.

In addition my bill will clarify "Who to notify", "How to notify", and "when to notify". All of which have been left very vague under current law.

For "who to notify", current law requires any offer that approaches the licensee to be "promptly" informed of the license and handgun. My legislation only requires the licensee to inform the officer who asks for state identification, such as a driver's license.

For “how to notify”, current law does not describe what constitutes as notification, allowing the law to be arbitrarily enforced. My legislation states a licensee can either verbally notify, or simply hand the officer the concealed handgun license.

For “when to notify”, current law states a licensee must “promptly” notify. My legislation strikes this vague language and states notification is to occur “before or at the time the law enforcement officer requests the persons driver’s license or state identification card” as the licensee handing the officer the state identification.

This proposed legislation does not address any other requirement currently codified. CHL holders must keep their hands in plain sight, may not have contact with the handgun when stopped by law enforcement, and must comply with all lawful orders by any law enforcement officer.

The interpretation and arbitrary application of our current law has intruded upon the constitutional rights of too many Ohioans. By striking this language, officers are no longer forced to determine whether an individual “promptly” informed them of their legal concealed handgun. This bill also strengthens families and communities by protecting the CHL holders so they may comfortably answer law enforcement questions without fear of being arrested due to subjective notification language and draconian penalties. Forty-one states have no mandate for their concealed handgun license holders to notify law enforcement before a law enforcement has even asked for CHL identification. With this bill Ohio would still not join the other 41 states – Ohio would still be a “Duty to Notify” state, however are CHL holders would at least know who, how, and when to notify about their license and firearm.

I respectfully ask for your support of this legislation. Thank you all for your time and I am happy to answer any questions at this time.