

Proponent Testimony for H.B. 425 – Judi Phelps

Thank you Chair Becker, Vice Chair Stoltzfus, Ranking Member Miller and Federalism Committee Members, for the opportunity to provide proponent testimony today concerning H.B. 425.

My name is Judi Phelps. I am a gun rights advocate, former practicing paralegal, proud member of Ohioans for Concealed Carry (OFCC) and small business owner of On Guard Defense, a self-defense training center and shooting range in the Hocking Hills region of southeast Ohio. I support H.B. 425 because I believe the current law requiring citizens to notify officers when stopped that we are lawfully carrying our firearm causes undue burden and does nothing to reduce the risks that those officers face when performing their jobs.

Ohio Revised Code (ORC) § 2923.12 governs the use of carrying concealed weapons. It states, in part, that no person who has been issued a concealed handgun license and “...is stopped for a law enforcement purpose and is carrying a concealed handgun, **fail to promptly inform** (emphasis added) any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun”.

First, the language employed in that statute, specifically “fail to promptly inform” is ambiguous and subjective. What does “promptly” mean? Is that measured in seconds, in minutes....that’s a judgment call that the law enforcement officer is positioned to make and that’s not right nor does it afford equal application of the law.

Second, this law was presumably made in an effort to protect law enforcement officers yet it does nothing to achieve that goal. Often times, prior to even initiating a traffic stop, officers run license plate numbers through the Law Enforcement Automated Data System (“LEADS”), wherein they can determine if a vehicle bearing an Ohio license plate is registered to a Concealed Handgun License (“CHL”) holder. So they already have that information at their disposal. What it doesn’t do is provide that same information when running a plate that is issued out-of-state but that driver may be carrying lawfully and have reciprocity rights to do so in Ohio nor does it account for the fact that the person operating that motor vehicle may not be the concealed carry licensee and just borrowing the vehicle.

Third, CHL holders are not criminals; we, like most law enforcement officers, are the good guys and gals that just want to protect ourselves and those we love from grave bodily injury, rape or death.

In a report written by Crime Prevention Research Center, president John Lott, noted that it is “very rare for permit holders to violate the law”. He went on to compare the crimes committed by permit holders to both police officers and the general population. He found

that *“police committed 103 crimes per 100,000 officers, while the general population committed 3,813 per 100,000 people, 37 times as much as the police crime rate.”*

Lott went on to report his findings that when combining the data for Florida and Texas, *“we find that permit holders are convicted of misdemeanors and felonies at less than a sixth the rate for police officers”.*

Lott stated that, *“among police, firearms violations occur at a rate of 16.5 per 100,000 officers. Among permit holders in Florida and Texas, the rate is only 2.4 per 100,000. That is just 1/7th of the rate for police officers. But there’s no need to focus on Texas and Florida — the data are similar in other states.”*

The fact of the matter is that Ohio’s CHL holders have submitted to professional training, pay license fees, get fingerprinted and have performed exhaustive and intrusive background checks on us in order to obtain our licenses to carry. Criminals don’t subject themselves to this because they have no intent of following the law.

Finally, existing law does not account for the myriad reasons why a CHL holder who knows the law and would otherwise follow it fails to do so *“promptly”* when in a state of injury or duress. I can provide a real-world and personal example of such a case.

Two years ago our adult daughter planned to come to stay the weekend with us because we had an instructor visiting from Israel who we were hosting for a self-defense class and she wanted to attend. The evening prior to the class, she had planned to help a friend of mine cater a wedding in nearby Hocking County. It was an early evening wedding so her dad and I anticipated that she might not be home until after we went to bed and she would just let herself in. When we woke up very early the next morning in order to go about preparing our training center for the class that was to start at 8 A.M., we immediately noticed that our daughter’s car was not in the driveway. We checked her room and she was not there nor did it appear she had come home the night before. We checked our cell phones to see if she had called or texted and found nothing.

Heavy storms had passed through overnight and our initial concern was that she could have been in a car accident or broken down somewhere. Cell service is dicey in our part of the state so she may not have been able to make a call to us or anyone else if she needed to. We called her phone and it just went to voice mail. It wasn’t even 6:00 A.M. but I immediately called my friend that she was helping with the event and got her voice mail.

That’s when we both started to freak out! I told my husband to open the training center because the instructor team and others would soon arrive. I jumped in my truck with the goal of driving the 25 minute route between home and where we thought the event was being held while scouring every ditch along my way looking for any sign of our daughter.

By the time I got to Logan and back in cell service range, I called my husband to see if he had heard anything from her yet – negative! He had continued to call her phone multiple times and it just went to voice mail. My frustration grew when I couldn't locate the road that she told us the event was being held. My husband was trying to give me directions but I could not find any road bearing the one I was looking for.

I decided to head back into town and ask someone for directions which is when a Logan Police Officer turned in front of me. I started flashing my lights and waving for him to pull over. As soon as he approached my door I told him I was a CHL holder – at the time I was open carrying my firearm which was strapped to my hip. I was crying and told him our daughter didn't come home last night and we were worried that something bad had happened to her and I needed to find the road. He gave me directions and told me he would contact the Sheriff's office to meet me out that way.

I proceeded to find the road which ran along a very large and active body of water. I drove to the end of the road and found the place where the event was supposed to have been held but the doors were locked and no one was around. So I drove back down the road and I noticed some grass that looked like it might have been driven through toward the water. I slammed on the brakes and stopped my truck, jumped out and ran back to the area looking for any signs of her car or anything else of concern. That's when a deputy arrived from the Sheriff's office. He asked if I was the mom with the missing kid and what I was doing out by the water. I told him and he quickly determined that he didn't believe the tracks I saw as being from a car and wanted to know where the wedding event had taken place so he could follow me there. Literally as we were standing there, my daughter passes us by in her vehicle! She didn't even take notice that it was me on the side of the road with the deputy and just drove on by. I screamed to the deputy "that's her!" and so we got into our vehicles and proceeded to catch up to her and get her pulled over.

Turns out that the event went so late and due to heavy rains, she decided to stay nearby with some of the wedding party in a rustic cabin that had no landline telephone and no cell service in the area so she couldn't call to let us know. I sent her on her way so that I could wrap up with the deputy and thank him for his concern and help. By that time, I was so relieved that she was okay but also feeling like I was going to vomit due to what I'd just been put through. The deputy and I talked and I apologized for being a basket-case. He laughed, he shared that he has kids of his own and he and his wife would have likely felt the same way if it was their daughter. Then he informed me that in all of the chaos I had failed in my duty to notify him of my CHL status. Oops!! I apologized and explained that I had told the initial officer in Logan but that I was also aware it was the law to inform every single officer that I interacted with and acknowledged that I had failed to do so. He gave me a pass on that given the stressful circumstances but it could have turned out differently.

For these reasons, I ask for your support in passing H.B. 425 to repeal the duty for concealed carry licensees to notify officers that we are, indeed, exercising our legal rights.

I appreciate your time and attention to this critical issue and am happy to address any questions you have for me.

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