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HOUSE FEDERALISM COMMITTEE TESTIMONY ON HB 425
FEBRUARY 19, 2020

Chair Becker, Vice-Chair Stoltzfus, Ranking Member Miller, and members of the House Federalism Committee. My name is Doug Deeken and I am a volunteer coordinator with Ohioans for Concealed Carry. I am here to testify in favor of amending HB 425.

OFCC seeks the change to concealed carry law that the amendment to HB 425 addresses. In fact, a similar bill was introduced in the last General Assembly also by Rep. Scott Wiggam as a result of our bringing to his attention the issue of the current "active notification" requirement.

Under current law, ORC 2923.12(B)(1) and ORC 2923.16 (E)(1) & (2), a concealed handgun licensee must "promptly inform" a law enforcement officer during a stop if they are armed. This is bad law for multiple reasons:

1 – It is the ONLY instance where someone is required to take over the conversation with law enforcement or be subject to criminal penalty. Not even registered sex offenders are required to reveal their status when stopped by the police. This means that we are treating CHL holders, some of the most law-abiding people in our society, as third-class citizens.

2 – The "promptly inform" requirement is unconstitutionally vague and subject to abuse. If you get stopped by a sympathetic officer you may have a good outcome but an encounter in a political subdivision with an anti-gun prosecutor could leave you with significant exposure to risk of prosecution. There are MANY documented cases of this vague definition of "promptly" being used to harass CHL holders, including a case in Northeast Ohio where a CHL holder notified 56 seconds after the stop began and yet was still prosecuted for failing to "promptly inform". Given the General Assembly's clear desire to implement uniform gun laws throughout the state it is inconsistent to leave this vague "promptly inform" criteria to be interpreted so differently in the 88 counties and many municipalities.

3 – It ignores the simple fact that OPOTA training includes teaching officers to presume that every subject they approach is armed until they have positively found otherwise, for instance via a pat-down.

4 – Bringing the topic of weapons into a conversation with law enforcement only increases the stress of the encounter to the detriment of all parties. The most famous example of this is the case of Philando Castile in Minnesota. It should be noted that while Minnesota law does NOT require active notification in this case Mr. Castile notified anyway. That greatly increased the stress of the encounter and led to his being shot by an officer, even though Mr. Castile's gun remained in his pocket the entire time. Current Ohio law requires that ALL STOPS become as stressful as this one. It is just blind luck that we haven't had a Castile type of event here.

5 – Even if we repeal the duty to "promptly inform" the officer the data in the LEADS system will still be there for the officer to use prior to approaching the vehicle. Thus, even before the officer exits their cruiser they will know that the registered owner of the vehicle has a CHL.

Again, Chair Becker and members of the House Federalism Committee, I appreciate the opportunity to testify before you today. I will be happy to answer any questions you may have.