

Larry Moore's testimony

The Federalism Committee
The Honorable John Becker, Chair
The Honorable Reggie Stoltzfus, Vice Chair
The Honorable Adam C. Miller, Ranking Member

HB 425 - Modify duty-notify police if carrying gun when stopped

Chair Mr. Becker, Vice-Chair Mr. Stoltzfus, Ranking Member Mr. Miller and members of the Committee, thank you for allowing me to testify in support of HB 425.

The discussion of duty to notify an officer often centers on the legal definition of "promptly" and the different application by different law enforcement agencies or officers across the state. However, I will present some other situations, from my personal experience, which also causes a quandary for concealed handgun license (CHL) holders. The first is as a passenger during a vehicle stop and the second dealing with multiple officers at an accident scene.

The first took place in Sandusky. My friend, who doesn't have a CHL, was stopped for an illegal left turn. It was an intersection that was marked no left turn 3PM to 6PM. I saw the sign about the same time as we saw the officer's lights. I told my friend to tell the officer that I have a CHL and my handgun. The officer engaged him with the usual requests presented during a traffic stop. I repeated to my friend to tell the officer I am a CHL and have my handgun. He didn't. I tried to interrupt the officer conversation to tell him but that only irritated the officer. He simply told me to shut up and if he wants to talk with me, he'll come to my side of the car. Okay, I understand that direction but what to do? When an officer tells me to shut up, I shut up. The officer never addressed me again. He left that traffic stop never knowing there was a CHL holder with a handgun in the vehicle. The Ohio Attorney General concealed carry booklet (Ohio's Concealed Carry Laws and License Application) does not address a passenger in a stopped vehicle. Nor does it address a stop involving a group of people when the CHL holder is not the primary person for the stop. ORC 2923.126 does specify the driver or occupant.

The second incident occurred when I wrecked my pickup truck and camper on US 35 just west of Washington CH. I was on the way home from deer gun season. It was sleeting with a strong wind. The wind took the truck and camper, which ended up rolling over. Fortunately everything landed back on the wheels. It was a major mess! In addition to being disoriented from the roll-over, we had gear and guns strewn along the highway. Others had already called 911. A Fayette County Sheriff was first on the scene followed by an ambulance. I spoke to the Deputy and immediately informed him of my CHL and handgun. He said that's good but you are not a problem just leave it in your holster. We declined the ambulance and finished retrieving the other firearms and cases. A Deputy approached and asked us to come to the cruiser to fill out the accident report. While sitting in the cruiser, I suddenly realized this is NOT the same Deputy to whom I spoke earlier. I called to the Deputy and noted that information along with my CHL and handgun. He responded, "That's fine if you were going to shoot me you would have already done so. We don't have issues with the licensed concealed carry folks. Thanks." We finished our reports and spoke with the Deputy. He asked what handgun do I carry? He said an excellent choice and be safe before he departed. ORC 2923.126 does state to inform any officer. That is very difficult to assure when there is a stressful situation and multiple officers in identical uniforms.

The officer safety in both instances had nothing to do with a duty to notify. It rested solely with the honesty and ethics of the background checked CHL holder. The Sandusky Officer never knew there was a handgun. Fayette County is fairly rural Ohio area and, at least from a couple of Deputies, concealed carry friendly. Other places not so much and the late notification may have had different result. These varying interpretations are the major issue. We just don't know how many local law enforcement agencies and officers may react. The CHL holder is not a threat to law enforcement.

The duty should be placed on the law enforcement officer who is trained and may perform a dozen stops daily. They can still inquire if there is a CHL or any dangerous weapons, just as they inquire about driver's license, registration and insurance.

Respectively submitted,

Larry S. Moore
Buckeye Firearms Association
1137 Huron Trail
Jamestown, OH 45335