



Ron Hood

State Representative

78th Ohio House District

Tom Brinkman, Jr.

State Representative

27th Ohio House District

Sponsor Testimony on HB 178

February 6, 2020

Mr. Chairman and members of the House Criminal Justice Committee, on behalf of gun owners across our state, thank you for bringing HB 178 forward to the committee for testimony today.

Constitutional Carry is a simple concept – if you are legally allowed to possess a weapon, you are legally allowed to carry that weapon for any lawful purpose with no additional licenses, fees, or bureaucratic paperwork required.

Our bill would not eliminate the current Concealed Handgun License (CHL) system. However, it renames the license as a Concealed Weapons License (CWL), and expands the variety of self-defense tools that Ohioans may wear a coat overtop. This would include allowing an Ohioan to carry a pocket knife for self-defense – if he or she so wishes.

Current Ohio law prohibits the carrying of a pocket knife as a self-defense tool. It is only permitted to carry a knife if you are carrying it for utilitarian purposes, such as opening mail and boxes.

HB 178 makes the CWL optional. If an Ohioan wants to obtain a license for reciprocity purposes, they would continue to be able to do so as the current ‘shall issue’ law would remain unchanged. However, they would not be required to.

It is important to point out that it is currently legal in this state to carry a firearm openly, but when one puts on a coat or jacket, the individual is subject to tremendous government regulation,

causing law-abiding Ohioans to be stripped of their God-given rights - as recognized in the Second Amendment to the U.S. Constitution.

Current disqualifiers on owning firearms at the Federal level would remain in effect under the bill. Constitutional Carry would not allow criminals any ability to own or carry firearms while committing criminal acts.

We know that some will argue that we need to take gun restrictions further by expanding the failed background check system. However, the background check system can't stop killers. The Charleston, South Carolina church murderer was not stopped by a background check. The Aurora, Colorado movie theater murderer passed a background check. The Naval Yard murderer in 2013 passed a background check. More recently, the Parkland, Florida murderer, Las Vegas mass shooter, and the Sutherland Springs, Texas shooter passed a background check. In the case of the Las Vegas shooter, he passed a multitude of background checks before committing his criminal acts.

Both of the Ft. Hood shootings, the Virginia Tech shooting, and the Tucson shooting that injured former Congresswoman Giffords. – All of the murderers in these cases bought their guns legally and passed a background check. It did not stop any of them from carrying out violent criminal acts that resulted in loss of life.

Adam Lanza, the Newtown, Connecticut killer, did not even subject himself to the background check system before murdering innocent children and teachers at Sandy Hook Elementary School in 2012. The weapons that he used were legally purchased by his mother, who passed a background check. He stole her firearms, murdered her, and then went onto the school. Criminals like Adam Lanza, intent on committing murder, will find a way to do their evil deeds regardless of the laws in place. Unfortunately, this is a common criminal practice across our country, and across the world.

Clearly, the regulations and restrictions that are in place currently are not stopping violent crime and only serve as barriers for law-abiding citizens who are trying to possess and carry weapons for self-defense, and for the defense of their loved ones. In fact, a 2015 study from the Crime Prevention Research Center's Annual Report would seem to indicate that states with Constitutional Carry laws have lower crime rates than states with mandated license systems – simply because criminals know there is an even greater chance that a would-be victim may be armed.

Constitutional Carry laws are being enacted in more and more states across the country. Just this past year Kentucky, Oklahoma, and South Dakota had Constitutional Carry laws signed and go into effect. As a matter of fact, in both Oklahoma and South Dakota, Constitutional Carry legislation was the first bill signed into law by the newly elected governors of those states.

There are 16 states that have a version of Constitutional Carry legislation on the books. This includes two of our neighboring states – Kentucky and West Virginia.

Recently, Constitutional Carry has passed the House chamber of ‘that state up north’. In Indiana, it has already been introduced and is making progress – very soon, we may be surrounded by Constitutional Carry states.

We believe that training is essential to properly using and carrying weapons appropriately.

We have seen that in states that have relaxed carry laws, more law-abiding gun owners are seeking training and obtaining a license *after* the license became optional rather than when it was government-mandated. This bill empowers the citizens of a state to realize their God-given right of self-defense. They are proving that they take that right seriously by ensuring they know how to use their weapon properly if they choose to carry.

In addition to making the current license system optional, HB 178 would remove Ohio’s “duty to notify” statute that currently requires a citizen to ‘promptly’ notify a police officer upon contact that they are carrying a firearm.

Current law says that an individual who is openly carrying a firearm without a license does not have to notify a law enforcement officer when they come into contact with one another in a regular encounter. However, a person openly carrying a firearm is mandated to notify an officer if the individual simply possesses a concealed handgun license and could be charged with a crime for failing to do so. Ohio has had several instances in which otherwise law-abiding citizens have been charged for not notifying an officer quickly enough that they were exercising their Second Amendment rights.

Simply put, the duty to notify creates needless friction. For example, if an off-duty paramedic were to respond to the scene of an accident to render first aid, the act of notifying every responding officer that you are carrying a firearm not only wastes precious time, but it could unnecessarily alarm an arriving officer and cause even more delays while the situation is sorted out by the officers.

A criminal intending to commit a crime of violence will ignore the duty to notify anyway. It should additionally be noted that nothing in the bill prevents law enforcement officers from asking if someone is armed during a confrontation. In fact, law enforcement will often operate under the assumption that everyone is armed, until otherwise revealed.

Approximately 35 states currently do not have these ‘duty to notify’ laws on the books. Including all of our neighboring states, with the exception of Michigan. Ohio stands alone amongst our neighboring states in requiring mandatory proactive notification to law enforcement.

Law-abiding citizens exercising their Second Amendment rights are some of the finest citizens in the state of Ohio. They respect the rule of law and they respect our excellent law-enforcement community.

It is our belief that it is time for Ohio to take what is clearly the next step in defending the Second Amendment at the state level by passing HB 178.

Thank you for your time, and we would be happy to answer any questions that you may have.