

Proponent Testimony on Sub HB 425

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The kids are fighting, the wife is trying to settle them down, the dog is barking and the officer that pulled you over is at your window as you wonder why you are being stopped. Under these circumstances it is very possible that notification that you are armed is not at the forefront of your mind. Distractions can be a costly mistake if you do not notify within the arbitrary “promptly notify” period of time that the officer has established.

Every since Restaurant Carry was passed in 2011 and the dire warnings of doom and gloom didn’t materialize OFCC members have made removal of notification one of the most sought after improvement to Ohio’s concealed carry laws. When a Canton police officer contacted an armed concealed handgun licensee, the licensee attempted to promptly notify that he was armed but his attempts were rebuffed. Once the officer found that the individual was armed he said he should have stepped back, drew his Glock 40 and put ten bullets into him. OFCC has the police dash cam video of this incident on line. It can be found at <https://www.youtube.com/watch?v=kassP7zI0qc> and the officer’s comment about stepping back and putting 10 bullets in him can be found at 13:32 into the video. There is no disputing what the officer said.

It would seem to a lay person that an officer approaching a vehicle would always be in a sense of heightened alert. It would seem that the heightened alert can cause more problems than it resolves. Consider the case of Philando Castile. In 2016 he was a 32 year old African American man who was stopped by a Minnesota police officer because one of his brake lights was inoperative. He notified the officer that he was carrying and while attempting to retrieve his drive license as requested, the officer shot and killed him. I have to ask myself if Mr. Castile had not notified would this traffic stop have ended the same way.

With that sense of heightened alert in mind, law enforcement has as yet to adequately explain how notification enhances officer safety. Last session the FOP testified against HB142 before this committee on the grounds that elimination of notification threatened officer safety. They cited a 187% increase in ambush killings of law enforcement officers the previous year. A common definition of ambush is a surprise attack by people lying in wait in a concealed position.

An individual sitting in a vehicle with a law enforcement officer at the side of his vehicle doesn't fit the definition of ambush yet the FOP used ambush killings as justification to keep notification.

OFCC strongly supports language in the bill that puts the responsibility on the law enforcement officer to ask if the citizen is armed.