

TESTIMONY AGAINST HB 455
House Government Oversight Committee
Submitted By: Andrea R. Yagoda, Private Citizen

Chairman, Wilken, Vice Chair White, Ranking Member Brown and Members of the Government Oversight Committee: Thank you for allowing me to participate in this hearing today on HB 455. I am a private citizen and a resident of Ohio for the last 48 years, concerned about the safety of our community and how this bill affects the same. My name is Andrea Yagoda and I presently hold a conceal carry permit. I have had a permit since the early inception of the law providing for concealed carry permits. This bill is just another solution looking for a problem.

I have so many objections to bill but have only quickly reviewed it because of the short notice provided by this Committee. My notice was sent to me at 1:10 PM on Tuesday, February 15 and testimony was due By 10:00AM Wed, less than 24 hours later. However I will briefly state my objections:

1) First, contrary to the assertions of Representative Stolfus there is no constitutional right to carry a concealed deadly weapon.

2) Representative Stolfus claims he does not want permit holders to be criminally liable for unintentional acts yet he gives an example of a business that has a sign which clearly states no firearms. So this clearly is an intentional violation not a mistake. It cannot be an excuse that the carrier forgot s/he was carrying a firearm. If you are carrying a firearm a responsible gun owner never forgets s/he is carrying one. *See* paragraph 5 herein. Nor should one be excused for failing to carry upon his/her person his/her permit. When an exception to the law is made, that exception is based on a permit that is not easily verifiable, a person carrying a deadly weapon should be held

responsible. How many times will the State of Ohio excuse bad/negligent behavior of gun owners? If I go to a bar where proof of one's age is required and I forget mine, there is no excuse.

3) How does the business owner know one is carrying a firearm unless it is observed? How does a business owner, a court security officer, school personnel,¹ etc know that one has such a permit? And the bill defines "Qualified military member" as "an active duty member of the armed forces of the United States who is **carrying** a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code" So does the qualified military member show his identification and documentation of the completion of firearms training? Is s/he excused from "carrying" these documents? Are the police required to be called to ascertain whether the individual carrying a firearm has a permit since this bill only requires that one "**has** a valid permit" verses "**carrying** a valid" permit.

4) Does this bill not encourage one to intentionally violate the stated condition of a business, owner, etc. in the hope that s/he does not get caught and even if caught there is no consequence for his/her act?

5) LSC states "The bill allows a **law enforcement officer or security officer** to record any violation of the offense to determine whether the person has entered the same land or premises more than once within 30 days while **knowingly** in possession of a

¹ This bill is quite confusing as a permit holder is already excluded from certain prohibitions relating to school zones, courthouse where they can give their weapon to security, etc. but they need to Carry their permit, etc. This bill appears to obviate the need for them to do so.

deadly weapon.” The bill itself acknowledges that the act of violating signage is intentional. Knowingly is defined in ORC 2901.22

B) A person acts knowingly, regardless of purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.

In effect then a private business owner who does not have security must call the police to the scene to make a police report in order to make a record.

6) Why is it if I violate a sign that says “NO Trespassing” I, an Ohio citizen, can be charged with criminal trespassing for entering the premises but if I trespass with a deadly weapon and have a conceal carry or qualify as a member of the military I cannot. Why are we creating two classes of citizens in Ohio? Those armed with deadly weapons and those who are not where those armed getting a free pass to violate the law and those unarmed not so much. Or how about the example above where the business owner of a 7-11 sells me cigarettes and fails to check my license. Turns out I am under age, does he get a free pass if law enforcement sees it because the store was busy and he merely forgot? I No.

How does this not violate the equal protection clause of the Constitution? No this is just damn unfair, inequitable and un-American in my view.

As a citizen, and voting constituent I ask this committee to vote no on this bill.

Thank you.

Andrea R. Yagoda

