

House Government Oversight Committee  
February 15, 2022  
Testimony against SB215 by Douglas Rogers

Chair Wilkin, Vice Chair White and Ranking Member Brown. Thank you for the opportunity to testify against SB215.

**1. SB215 would harm the enforcement of law by eliminating required CHG licenses**

The extreme gun lobby paints a false picture of this country starkly divided between “law-abiding people” and “bad guys.” As the Reverend Timothy Keller has written, “Time after time the Bible shows us that the world is not divided into the good guys and bad guys. There may be ‘better guys,’ and ‘worse guys,’ but no clear division can be made between the good and the bad.”<sup>1</sup> Laws must apply to individuals based on their actions, not on stereotypes.

SB215 would make it impossible for police to sort the good actors from the bad actors. Currently a police officer who sees a civilian carrying a concealed weapon can tell if the civilian is obeying the concealed carry law by having the civilian give the officer his/her concealed handgun license. “Without a concealed carry permit requirement, a law enforcement officer ... will have no way of determining whether that person is carrying a concealed weapon legally or illegally.”<sup>2</sup>

We know people will disobey speed limits, but the existence of speed limits will cause some to slow down and save lives (even though drivers have a right under the 14th Amendment to drive their cars). Those who do not obey the speed limits can then be caught and punished. Without standards, no punishment. Think about our highways without any speed limits.<sup>3</sup>

**2. SB215 turns its back on the protection of life by eliminating training requirement**

President George Bush proclaimed that the “care of human life ...is the first and only legitimate object of good government.” Yet SB215 turns the government’s back on protecting life by encouraging untrained adults (21 years of age and older) to carry a concealed firearm and sneak up on and endanger others.

John Donne correctly wrote, “No man is an island entire of itself ....” To allow an untrained individual to carry a concealed firearm, sneak up on another human and, accidentally or intentionally, endanger them rejects Donne’s writing that we are not islands and teachings in the Bible that man should not wrong his neighbor (Psalm 15:3; Romans 13:10). Government should not affirmatively let untrained people carry concealed weapons and improperly shoot our neighbors.

Attorney General Yost concluded: “Ohio’s concealed carry licensing system has succeeded in combining safeguards that protect the public and provisions that uphold Americans’ right to bear arms and protect themselves.”<sup>4</sup> In 2020, under the existing system, 429 concealed handgun licenses were revoked for causes, including felony convictions and mental incompetence, and 1,618 licenses were suspended.<sup>5</sup> After SB215, more of such individuals will roam the streets with concealed firearms.

The gun lobby is asking the General Assembly to remove the existing standard of 8 hours of training and a background check. This will result in more gun violence (see Appendix at end of testimony), including an increase in the already high number of accidental shootings in this country.<sup>6</sup>

3. **SB215 is anti-police, because it would allow persons convicted of misdemeanor assault on a police officer to legally carry a concealed handgun, when such persons currently cannot carry concealed**

SB215 [proposed 2923.111(B)] says if you are over 21 you can carry a concealed weapon unless federal or state law prohibits you from possessing such weapon, “Notwithstanding any other Revised Code section to the contrary.”<sup>7</sup> The prohibitions on who can carry a concealed handgun [R.C. §2923.125] are broader than the prohibitions on possessing a firearm [under both Federal law (18 U.S.C. §922) and Ohio law (R.C. §2923.13)]. The result will be, if you are only currently prohibited from carrying a gun concealed – but not prohibited from possessing it – you will be able to carry that gun concealed under SB215.

The gun lobby gives no valid reason to now permit a person convicted of misdemeanor violence against a police officer to carry a concealed weapon up to police officers and others. Perhaps it is because the extreme gun lobby disparages law enforcement professionals as “political law enforcement groups”<sup>8</sup> or “deadbeats.”<sup>9</sup>

4. **SB215 would shackle police**

Over 50 years ago, the U.S. Supreme Court upheld the right of police officers to question a suspicious individual carrying a firearm even if the police did not have probable cause to make an arrest.<sup>10</sup> It was a matter of safety. SB215 [§2923.111(C)] would effectively stop that procedure. The Ohio FOP said [about the predecessor to SB215] that such provision “practically eliminates the ability of an officer to conduct a Terry Stop to check for weapons” and “protect themselves.”<sup>11</sup> Finally, SB215 puts the burden on the police to ask if the civilian is carrying a concealed weapon, unnecessarily adding to the burdens of police in already dangerous/difficult jobs.

What does the gun lobby have against law enforcement officers?

5. **Conclusion**

I reject the arguments of the gun lobby. I support law enforcement in their opposition to anti-police, anti-public safety SB215. Please vote NO on SB215. Thank you very much.

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[Proponents have suggested there has not been “blood in the streets” so Ohio gun laws could be loosened further by passing SB215. Apparently, proponents have not been looking at the streets

or the news, since the FBI just reported that “Killings soared nearly 30 percent in 2020, with more slayings committed with guns.”<sup>12]</sup>

## **APPENDIX**

### **INCREASE IN GUN VIOLENCE DUE TO PERMITLESS CARRY**

<https://everytownresearch.org/report/permitless-carry-carrying-a-concealed-gun-in-public-with-no-permit-and-no-training/>

“Laws that weaken a state’s firearm permitting system have been a precursor to permitless carry legislation, and a substantial body of research shows that these laws have led to a rise in gun violence and violent crime more broadly. States that have weakened their firearm permitting system have experienced an 11 percent increase in handgun homicide rates<sup>12</sup> and a 13-15 percent increase in violent crime rates.<sup>13</sup> Conversely, states that provided law enforcement discretion to issue carry permits saw 11 percent lower homicide rates compared to states that did not have that discretion.<sup>14</sup>

12. Michael Siegel et al., “Easiness of Legal Access to Concealed Firearm Permits and Homicide Rates in the United States,” *American Journal of Public Health* 107, no. 12 (December 1, 2017): 1923–29, <https://ajph.aphapublications.org/doi/>

13. John J. Donohue, Abhay Aneja, and Kyle D. Weber, “Right-To-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Control Analysis,” NBER Working Papers (National Bureau of Economic Research, November 2018), <https://www.nber.org/papers/w23510.pdf>

14. Michael Siegel and Claire Boine, “What Are the Most Effective Policies in Reducing Gun Homicides?” (Rockefeller Institute of Government, March 29, 2019), <https://rockinst.org/wp-content/uploads/2019/08/8-13-19-Firearm-Laws-Homicide-Brief.pdf>.

Since many states have only recently passed permitless carry legislation, research is limited on the impact of these newer laws.<sup>15</sup> But early signs are not good: States that have enacted permitless carry legislation are seeing increased violent gun crimes. States such as Alaska and Arizona (see table), have experienced an increase in the rate of aggravated assaults with a gun since the enactment of permitless carry legislation.<sup>16</sup> This has resulted in hundreds more gun-related aggravated assaults in these states in 2017-2018 (the latest years for which data is available) compared to years prior to enactment.<sup>17</sup>

15. The following states currently require a person to obtain a permit to carry a concealed handgun in public: AL, AR, CA, CO, CT, DE, FL, GA, HI, IA, IL, IN, LA, MA, MD, MI, MN, MT, NC, NE, NJ, NM, NV, NY, OH, OR, PA, RI, SC, TN, TX, UT, VA, WA and WI.

16. Eleanor Dotomain, “Crime Reported in Alaska 2001,” Uniform Crime Reporting Program (Alaska Department of Public Safety), <https://bit.ly/2SQDEUf>; Kristi Johnson,

“Crime Reported in Alaska 2002,” Uniform Crime Reporting Program (Alaska Department of Public Safety), <https://bit.ly/2wtDyZZ>; Christen L. Spears, “Crime in Alaska 2017,” Uniform Crime Reporting Program (Alaska Department of Public Safety, August 2018), <https://bit.ly/37OZagy>; Christen L. Spears, “Crime in Alaska 2018,” Uniform Crime Reporting Program (Alaska Department of Public Safety, September 2019), <https://bit.ly/2srLtoX>; “Crime in Arizona 2008” (Arizona Department of Public Safety, Access Integrity Unit), <https://bit.ly/2V6IChk>; “Crime in Arizona 2009” (Arizona Department of Public Safety, Access Integrity Unit), <https://bit.ly/2SQNRjP>; “Crime in Arizona 2017” (Arizona Department of Public Safety, Access Integrity Unit), <https://bit.ly/2PdLfdR>; “Crime in Arizona 2018” (Arizona Department of Public Safety, Access Integrity Unit), <https://bit.ly/2ZsFlce>. Rates were calculated using population data from the United States Census Bureau. The percent increase in rates was calculated using the average rate per 100,000 for two years prior to enactment (2001-2002 for Alaska and 2008-2009 for Arizona) and the average rate per 100,000 for the two latest years for which data is available (2017-2018). The average rate of aggravated assaults with a gun per 100,000 people in Alaska was 80.0 for the years 2001-2002 and 132.0 for 2017-2018. In Arizona, the average rate of aggravated assaults with a gun per 100,000 people was 68.9 in 2008-2009 and 74.1 in 2017-2018.

17. See note 16 for data sources. The increase in the number of aggravated assaults with a gun was calculated using the average number for two years prior to enactment (2001-2002 for Alaska and 2008-2009 for Arizona) and the two latest years for which data is available (2017-2018). The average number of aggravated assaults with a gun in Alaska was 511 for the years 2001-2002 and 975 for 2017-2018. In Arizona, the average number of aggravated assaults with a gun was 4,347 in 2008-2009 and 5,267 in 2017-2018.”

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<sup>1</sup> Timothy Keller, *Jesus the King, Understanding the Life and Death of the Son of God*, Penguin Books, (2016), p. 82.

<sup>2</sup> Ohio Prosecuting Attorneys Association @ <https://www.legislature.ohio.gov/legislation/legislation-committee-documents?id=GA133-HB-178>.

<sup>3</sup> The rate of traffic fatalities per 100 million vehicle miles driven decreased from 1.73 in 1994 to 1.11 in 2019. See <https://www.fars.nhtsa.dot.gov/Main/index.aspx>

<sup>4</sup> [https://www.ohioattorneygeneral.gov/Files/Reports/Concealed-Carry-Annual-Reports-\(PDF\)/2020-CCW-Annual-Report](https://www.ohioattorneygeneral.gov/Files/Reports/Concealed-Carry-Annual-Reports-(PDF)/2020-CCW-Annual-Report)

<sup>5</sup> *Id.*

<sup>6</sup> See discussion of accidental shootings in the United States: Sara J. Solnick & David Hemenway,

*Unintentional firearm deaths in the United States 2005–2015*, @ <https://injejournal.biomedcentral.com/articles/10.1186/s40621-019-0220-0>. Of course, the current 8 hours of training requirement does not limit the constitutional right of an individual to use a gun in his/her house to defend his/her castle without any training. Nor does the concealed carry law prevent an individual from carrying a gun openly. In other words, individuals can always openly carry and defend themselves with a gun.

<sup>7</sup> <https://www.legislature.ohio.gov/download?key=16289&format=pdf> (interpreting the companion HB227). The Ohio Legislative Service Commission correctly concluded last year, “the bill [the companion HB227 with the same language] allows the following categories of persons who are not eligible for a concealed weapons license to carry a concealed deadly weapon: ... A person who has been convicted of ... misdemeanor assault of a peace officer.”

<sup>8</sup> <https://ohiohouse.gov/legislation/134/sb215/committee>

<sup>9</sup> See c. 1:47.23 – 1:48 of 10/14/21 Ohio Channel livestream.

<sup>10</sup> *Terry v. Ohio*, 392 U.S. 1 (1968). The Supreme Court explained, “When an officer is justified in believing that the individual whose suspicious behavior he is investigating at close range is armed and presently dangerous to the officer or to others, it would appear to be clearly unreasonable to deny the officer the power to take necessary measures to determine whether the person is in fact carrying a weapon and to neutralize the threat of physical harm.” *Id.*

<sup>11</sup> <https://www.legislature.ohio.gov/legislation/legislation-committee-documents?id=GA133-HB-178>

<sup>12</sup> [https://www.washingtonpost.com/national-security/fbi-murders-2020-data-homicides/2021/09/27/062a1e4e-1f9c-11ec-9309-b743b79abc59\\_story.html](https://www.washingtonpost.com/national-security/fbi-murders-2020-data-homicides/2021/09/27/062a1e4e-1f9c-11ec-9309-b743b79abc59_story.html)