

Chairman Wilkin, Vice Chair White, Ranking Member Brown, and members of the Veterans and Public Safety Committee,

Thank you for allowing me to present my testimony today. SB 215 would eliminate Ohio's concealed handgun license requirement and allow people to carry hidden, loaded handguns in public without a permit or safety training. This is a dangerous bill, it does not keep Ohioans safe and I urge you to vote against it.

By way of introduction, my name is Kathryn Knue Przywara. I was born in Cincinnati, Ohio, raised in a small town in southeastern Indiana and I have lived in the Montgomery/Symmestown Township area since 1988. My husband and I raised our two sons in Ohio and we are now the proud grandparents of two young grandsons. I am a graduate of the University of Notre Dame and the Maurer School of Law at Indiana University (cum laude and Order of the Coif). I am currently licensed to practice law in Ohio and the District of Columbia. After practicing law for over approximately 35 years, I retired at the end of 2019. My husband and I are the children of parents who owned small, family-run businesses in the small communities where we were raised. I am a reliable voter and common-sense gun reforms that reduce gun violence are important voting issues for me and my family.

I. THERE IS NO CONSTITUTIONAL RIGHT TO CARRY A CONCEALED WEAPON.

At the outset, I want to correct the misnomer ("Constitutional Carry") used for this bill used by the sponsors and many gun group supporters of this bill including the Buckeye Firearms Association. **There is no Constitutional right to carry a concealed handgun.** In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the United States Supreme Court, in an opinion authored by the late Justice Scalia, stated:

Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever for any purpose... For example, the majority of the 19th-century courts to consider the question held that prohibitions on carrying concealed weapons were lawful under the Second Amendment or state analogues.

(citations omitted). Indeed, the Ohio Supreme Court has held that there is no constitutional right to carry a concealed, obscured weapon, and noted that Ohio's concealed carry statutes have been part of our state's heritage since 1859. *Klein v. Leis*, 99 Ohio St. 3d 537, 795 N.E.2d 633 (2003). As the *Klein* case recognized, a *concealed* weapon is different because it may "tend to the insecurity of other persons."

Adoption of this dangerous bill would be a **radical** departure from the longstanding traditions of this state.

II. SB 215 WOULD ENDANGER OHIOANS.

SB 215 would endanger Ohioans for several reasons. For example, it would eliminate the requirement to obtain a license in order to carry a concealed handgun. It also appears to expand who can carry a concealed handgun to include certain criminals. As written, it not only endangers Ohio citizens, it is also dangerous to law enforcement and burdens Ohio businesses and property owners and does not result in a reduction of gun violence.

A. SB 215 Is Dangerous to Law Enforcement.

In fact, this bill, as presently written, is hostile to police because it would do away with the current responsibility of civilians carrying a concealed handgun to promptly notify police when stopped that they are carrying. Instead, it shifts the burden to police to ask the civilian whether the individual is carrying a concealed weapon, adding to the many responsibilities of police officers who are placed in dangerous and difficult situations. It also severely hampers law enforcement's efforts to prevent and/or reduce the use of illegal firearms because the presence of a handgun cannot serve as a basis for law enforcement to conduct a search, seizure or detention. In effect, police will no longer be able to factor the presence a concealed handgun in deciding whether to question or temporarily detain an individual. Finally, it would seem that this aspect of the bill would also make law enforcement more apprehensive when conducting traffic stops. They will always have a concern that the vehicle occupants in an ordinary traffic stop are carrying concealed handguns and the occupants will have no duty to inform the police officer. This uneasiness could also potentially result in unnecessary uses of lethal force by law enforcement.

B. More Guns and Easier Access to Them Do Not Result in Less Crime and Less Violence.

SB 215 would also permit Ohioans to carry concealed handguns without any training in the use of and safe-handling of handguns. The improper handling or theft of a loaded handgun can result in harm to either the gun owner or innocent bystanders. In fact, there is some evidence to suggest that lax concealed carry laws increase "undesirable outcomes including gun thefts and unintentional gun injuries." https://giffords.org/lawcenter/gun-laws/policy-areas/guns-in-public/concealed-carry/#footnote_6_5601. Moreover, the overwhelming majority of Americans believe a person should get a permit before carrying a concealed handgun in public. See Strategies 360 Survey, March 2015.

I have concerns that legitimizing permitless concealed carry would result in vigilantism and more gun violence. In fact, it appears in looking broadly at the states that have enacted permitless concealed carry laws that there is an increase in gun violence and that is the last thing Ohio needs now. <https://everytownresearch.org/report/permitless-carry-carrying-a-concealed-gun-in-public-with-no-permit-and-no-training/>. Last year was the deadliest gun violence year in decades and 2021, so far, is worse. See "2020 was the deadliest gun violence year in decades. So far, 2021 is worse.", *Washington Post*,

June 14, 2021. “Through the first five months of 2021, gunfire killed more than 8,100 people in the United States, about 54 lives lost per day, according to a Washington Post analysis of data from the Gun Violence Archive, a nonprofit research organization. That’s more than the average toll during the same period of the previous six years.” *Id.* “In Ohio, the rate of gun deaths increased 34% from 2010 to 2019, compared to a 17% increase nationwide. The rate of gun suicides increased 28% and gun homicides increased 43%, compared to a 24% increase and 26% increase nationwide, respectively.” <https://everystat.org/wp-content/uploads/2021/02/Gun-Violence-in-Ohio-2.9.2021.pdf>.

Moreover, gun sales are soaring, especially in Ohio. “An arms Race in America: Gun Buying Spiked During the Pandemic. It’s Still Up.” May 29, 2021, *The New York Times*; <https://www.citybeat.com/news/blog/21149309/ohio-bought-a-hell-of-a-lot-of-guns-in-2020-apparently> (Feb. 25, 2021).

C. Permitless Concealed Carry Places Extraordinary Burdens on and Restricts the Rights of Ohio Businesses and Property Owners.

As the children of small business owners, my husband and I grew up working in our family businesses. Based on that experience, we recognize that allowing permitless carry will result in increased burden, risk and expense to Ohio businesses. Many businesses may choose to provide a family-friendly atmosphere without the presence of handguns and other weapons and, as the proposed legislation requires, post signs stating that firearms and weapons are not allowed. These businesses will be faced with responsibility of monitoring the policy and confronting armed individuals in places of business. The risk for escalation increases when loaded firearms are present. We cannot imagine what we would have done when we were younger working in our family businesses if we had encountered that situation. For those businesses that allow the presence of firearms or weapons, security guards and others charged with protecting the business may be more inclined to use their firearms when they suspect the presence of a concealed handgun on a customer.

My husband and youngest son, both structural engineers, are frequently at construction sites where tempers can flare. Introduce a concealed, loaded handgun or other weapon to the situation, especially when the individual with the gun has no training, and the situation can become lethal. In fact, as a young engineer, my husband experienced a situation where an individual pulled a loaded handgun on him and his co-workers at a construction site. While they were able to deescalate the situation and retreat without shots being fired, they had to enlist the assistance of local law enforcement to accompany them back to the site so they could do their jobs.

The proposed bill actually limits the ability of Ohio businesses and property owners to restrict the presence of concealed handguns on property that they own or control. For example, the bill provides that a landlord cannot prohibit or restrict a tenant from lawfully carrying or possessing a handgun on the landlord’s premises. In addition, while private property owners or those in control of the property can post signage prohibiting firearms or concealed handguns on the premises, they are restricted in pursuing criminal charges

against violators who possess a handgun in a parking lot or facility and can only pursue civil criminal trespass causes of action.

A survey in 2015 estimated “that there are approximately 250,000 gun theft incidents per year, with about 380,000 guns stolen... [and found] that certain types of gun owners-who own many guns, who carry guns, and who do not store guns safely-are at higher risk to have their guns stolen.” Hemenway, David, Deborah Azrael, and Matthew Miller, “Whose guns are stolen? The epidemiology of Gun theft victims,” <https://dash.harvard.edu/bitstream/handle/1/32630640/5385318.pdf?sequence=1> (2017). An NPR survey of a sampling of police departments in 2019 found that “[m]ore guns are being stolen out of cars in America, particularly in states that have made it easier for people to carry firearms on the road.” “More Guns In Cars Mean More Guns Stolen From Cars,” <https://www.npr.org/2019/05/09/717178960/more-guns-in-cars-mean-more-guns-stolen-from-cars> (May 9, 2019). In fact, “[m]ore guns were reported stolen in Ohio in 2020, and weapon law violations surged nearly 50% in Dayton in the first half of this year, according to a Dayton Daily News investigation.” Frolik, Cornelius, “Gun thefts climb in Ohio; Dayton sees increase in Firearm offenses,” (July 26, 2021) <https://www.daytondailynews.com/local/gun-thefts-climb-in-ohio-dayton-sees-increase-in-firearm-offenses/BXK626LKLRDINJ4S5Q3UOYHG3E/>.

III. PERMITLESS CONCEALED CARRY DOES NOT MAKE US SAFER AND IS NOT WHAT OHIOANS WANT.

It is obvious that this bill does not make our state safer and it is not what Ohioans want. According to a March 2016 survey, 90% of Ohio voters support requiring a permit to carry a concealed handgun in public. Survey USA Survey, March 2016. Looking more broadly at surveys covering the entire country, 88% of Americans support getting a permit before carrying a concealed gun in public, and 80% of “gun owners, non-gun owners, Republicans, Democrats, and Independents agree that high safety standards are critical in issuing concealed carry permits.” <https://everytownresearch.org/report/permitless-carry-carrying-a-concealed-gun-in-public-with-no-permit-and-no-training/>.

SB 215 would be dangerous for Ohio, and I urge you to discontinue hearings on the bill. Thank you for your consideration.

Sincerely,
Kathryn Knue Przywara