



## FRATERNAL ORDER OF POLICE OF OHIO, INC.

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### House Government Oversight Committee

### Testimony on Substitute Senate Bill 215

February 17, 2022

Chairman Wilkin, Vice-Chair White, Ranking Member Brown, and Members of the Committee,

My name is Michael Weinman, and I am a retired Columbus police officer who now serves as director of government affairs for the Ohio Fraternal Order of Police. Thank you for allowing me to give our opponent testimony on Sub. SB 215. Today, I am testifying on behalf of more than 24,000 active and retired members of the FOP from across Ohio.

The FOP strongly opposes Sub. SB 215; we feel the changes in the bill create a threat to officer safety. The bill eliminates the need for a concealed carry license, modifies the notification by a licensee to an officer that they are armed, removes the requirement to carry documentation for both licensee and military personnel, and disallows an officer from detaining anyone with a firearm.

As I have said in the past, the license was negotiated over the course of multiple interested party meetings with a series of compromises that had an agreement. Under SB 215, anyone twenty-one and older who doesn't have any prohibitions under state and federal law may carry a concealed handgun. They can do this without training or background checks and avoid any revocations or suspensions of a license from an issuing sheriff. They also get around the renewal background check.

One of the critical points for the FOP dropping its opposition to concealed carry was the interaction between the licensee and officers. A concealed carry license holder's duty to inform an officer and keep their hands in plain sight, who has stopped her, had been thoroughly discussed and unanimously agreed to during those numerous interested party meetings leading to the CCH license. We see the notification as a commonsense measure to keep the permit holder and officer safe. SB 215 changes the notification to an officer asking the individual if they are armed. There is no duration of time specified in the bill when the person asked if they are armed to answer. This video illustrates a failure to notify and repeated denials when asked whether a firearm is in the car during a traffic stop. It comes from the YouTube channel Columbus Police Body Cam, which can be found at <https://youtu.be/M6Msf73mOXk>.

You have heard arguments that law enforcement doesn't need the notification due to the information being in LEADS. This argument has also been mentioned in eliminating the need to have documentation on one's person. There are scores of situations when LE doesn't have the ability, or time, to run a license plate or check for a CHL through LEADS. There are incidents when the permit holder is in a vehicle not registered to them and numerous times when drivers leap from the car when pulled over and head toward the officer still sitting in their patrol vehicle. Officers have numerous encounters where they approach a license holder outside of motor vehicles. Furthermore, we do not know of any way to check a military member's training status outside of the documentation they provide.

Not only does this bill modify the notification, but it also goes one step further in disallowing an officer to detain anyone with a firearm. At the same time, the bill seeks to eliminate the notification requirement based on an argument that the word "promptly" is ambiguous. It creates an incredibly confusing and dangerous practice that says an officer cannot detain, conduct any search, or make any seizure of anyone for merely having a firearm if they are law-abiding.

Since 1968 an officer has been allowed by the courts to conduct a Terry stop and pat-down. These stops are permitted if the officer has reasonable suspicion that a person is armed, or is committing, or about to commit a crime; an officer may detain and pat down the outer garments of an individual. (For additional information, please follow the link: <https://www.law.cornell.edu/supremecourt/text/392/1>.) So, is Sub. SB 215 a get-out-of-jail-free card for having a firearm? How do you know with any certainty that a person is armed without searching them? Suppose the individual is armed and acting in a manner that the officer feels is threatening to him or others. In that case, the bill prohibits him from detaining, searching, or making a seizure to deescalate the situation safely. How does a law-abiding person look? How do they act? The testimony we've heard says that we must treat everyone as armed and a threat. The bill, however, forces us to assume that anyone armed is law-abiding and not a threat to an officer.

In 2018, 222 officers were shot in the line of duty, and 48 made the ultimate sacrifice that year. In 2019, 293 officers were shot, while 50 lost their lives. 2020 had 45 officers killed by gunfire, with 283 total shootings. 2021 saw 346 officers shot in the line of duty, with 63 of them killed by gunfire. Unfortunately, law enforcement is not immune from attacks by CHL holders; Twinsburg Police Officer Josh Miktarian was shot four times by a CHL holder on July 13, 2008. The permit holder felt Officer Miktarian embarrassed him in front of his girlfriend by pulling him over for a traffic offense. By essentially eliminating the CHL, the number of individuals carrying concealed handguns will undoubtedly increase. And with that increase, individuals who have not had any training have not been subject to

Chairman Shane Wilkin

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a background check and can avoid a suspension or revocation by a sheriff. Will officers be faced with more gun violence?

Two thousand forty-seven licenses were suspended or revoked in 2020 by sheriffs, and 1,777 were denied. These numbers will drop precipitously if Sub. SB 215 should pass. Those who are twenty years of age or older will no longer have an incentive to get a CHL unless they intend to travel outside of Ohio and only if they need to meet a reciprocity requirement. No one can say how many of these people would have had their license suspended or revoked at some time.

On behalf of the Fraternal Order of Police of Ohio, I would like to thank you for the opportunity to provide opposition testimony to Sub. SB 215. I will be happy to address any questions you may have at this time.