



Representative Scott Wiggam

1<sup>st</sup> House District

Vice Chair John, Ranking Member Kelly, and members of the House State and Local Government Committee, I appreciate the opportunity to offer sponsor testimony on House Bill 89.

House Bill 89, protects our law-abiding concealed handgun license holders across the state by clarifying ambiguous language and removing harsh penalties associated with that language.

Our citizens deserve to have laws that are understandable and clearly defined. Under current law, a licensee stopped for any law enforcement purpose must notify law enforcement “promptly” that they are legally carrying a concealed handgun. This is ambiguous language that has caused confusion because it has been interpreted differently and applied arbitrarily. In addition, failure to comply with the confusing language carries harsh penalties for Ohio’s more than 673,000 Concealed Handgun License (CHL) holders should there be a perceived violation of this law. One in twelve Ohio adults, 21 years of age and older are concealed handgun license holders.

House Bill 89 will:

- Strike the vague language to clarify officers are no longer forced to determine whether an individual “promptly” informed them of their legal concealed handgun. This acknowledges the fact that CHL holders have already informed law enforcement through the thorough CHL

application process. Moving forward, an individual must notify if an officer asks if they are carrying a firearm.

- It is only then that an individual is required to comply with the officer, tell them they are a concealed handgun license holder and are carrying a concealed handgun. A concealed handgun license holder may respond verbally and must show the officer their concealed carry license if the officer asks to see the license.

- Additionally, under current law, failure to notify “promptly” can be charged as a first degree misdemeanor, which can come with a penalty of up to six months in jail and a fine of up to \$1,000.

- The bill removes the penalty for violating duty to notify “promptly”. BUT an individual is still required by law to comply with an officer’s order.

Current law makes it so the burden to notify is on the concealed handgun license holder.

This comes with a host of problems.

- For example, say you are stopped by a police officer and they begin asking you questions.

- You, a concealed carry licensee, knowing that you are required to “promptly” inform the officer that you are carrying a handgun, try to tell the officer this.

- But the officer tells you to be quiet or stay put until the officer has run your license.

- Then, several minutes later, the officer returns and you are finally able to let the officer know that you are carrying a concealed handgun.

- But it is too late. You have just committed a crime because this notification was not “prompt” enough and you are charged with a first degree misdemeanor.

This law gives control of the dialogue back to the law enforcement officer by allowing them to ask if the person they stop is carrying a concealed handgun. A Concealed handgun license

holder no longer must interject themselves into the conversation with a law enforcement officer.

This bill takes away reasons to unnecessarily charge otherwise law-abiding Ohioans.

Going back to our example, if someone doesn't "promptly" notify the officer, they can be additionally charged with failure to comply with an officer, leading to further unprecedented and unintended incidents that could have been prevented through this bill's clarified language.

Finally, this bill strengthens families and communities by protecting CHL holders so that they may comfortably answer law enforcement questions without fear of prosecution due to subjective notification language and draconian penalties.

41 other states across our nation do not have this law, and of the other nine states, Ohio currently has the most severe penalty for violating the duty to notify.

Not only would this bill bring Ohio in line with the vast majority of other states it would also bring Ohio in line with Pennsylvania, Indiana, Illinois, Kentucky and West Virginia. This bill passed through the House with Bi-partisan support and I respectfully ask for your support of this legislation. Thank you all for your time and I am happy to answer any questions at this time.