



VETERANS AND  
PUBLIC SAFETY  
COMMITTEE

Witness Form

Today's Date 10-4-21

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Organization Representing: N/A

Testifying on Bill Number: 215

Testimony:  Verbal  Written  Both

Testifying As:  Proponent  Opponent  Interested Party

Are you a Registered Lobbyist?  Yes  No

Special Requests: \_\_\_\_\_

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## SB 215 – Regards concealed handgun licensee duties

Chairman Hoagland, Vice-Chairman Johnson, Ranking Member Thomas and fellow members of the Committee, thank you for allowing me to testify in support of SB 215.

I am a proponent of this bill who has a somewhat unique perspective, I believe.

I am not a member of the NRA. Nor am I a member of the Buckeye Firearms Association. I am a member of the FOP and have been for the last 25 years. I am currently a full time police sergeant and have been a full time law enforcement officer in Greene County for 26 years. I am a police trainer and an OPOTC certified Basic Police Academy instructor that teaches a variety of topics including firearms and legal topics. I also teach CCW classes.

And I support this bill.

There are several reasons why I support this bill. First, although the notification requirement has long been touted as an officer safety issue - I disagree. It is a feel good measure added to this law unnecessarily, by well-intentioned police advocates, Command Staff and FOP representatives. One of the first things I was taught as a rookie was to assume everyone you deal with has a gun on them. And it's one of the first things I have taught my trainees over the years. If it was such a justified officer safety concern then we would see this notification requirement all across the country. That is not the case. And I am not alone in believing this way. I know many Officers and Deputies who are also members of the FOP who feel as I do.

But my real concern about this notification law is with how this law was written and how it could be enforced arbitrarily. For example, let's look at the wording of the statute. The statute says that a licensee must make that notification "promptly". In the real world of police and citizen interaction what does "promptly" mean? During the first 5 seconds? 10 seconds? 30 seconds? As with any statute passed by the legislature and signed into law, it is up to the courts or a jury to interpret that statute if it is ambiguous or unclear. In the more than 15 years since this statute was passed it STILL hasn't really been addressed by the Courts statewide. As far as I can tell the only Court who has addressed this issue is the 11th District Court of Appeals. According to the 11th District, "promptly" is not ambiguous. They said - "To do something 'promptly' is to do it without delay and with reasonable speed." But even then they went on to clarify and say "Certainly, the notification should occur during the initial encounter with the officer." The initial encounter with the officer could last 10 seconds or it could last 2 minutes. Does that mean notifying anywhere in 2 minutes is doing it "promptly"? Without a standard that applies across the state, how are citizens and the police to know what is and is not required?

With the 11th Districts decision in mind, imagine that you are the legally armed citizen who has been pulled over for speeding. You're running late and you are on your way to take your small children to school. You're nervous. Most people are when they're stopped by the cops. And now your children start crying because they're scared. And while you

are trying to calm them down so that you will be able to hear the officer when he gets to your window you get sidetracked and forget that you have a loaded pistol in the center console. After giving your license to the officer and after he walks back to his car to write the ticket/warning you suddenly realize that you forgot to notify him about your pistol in the center console. What do you do? When he runs your license he will see that you have a Concealed Handgun License. If you do notify when he gets back you just incriminated yourself and have opened yourself up to criminal charges. Do you keep your mouth shut and hope that he doesn't ask about a firearm? In this case, neither option is a good one.

Another area of the notification law that I believe is ambiguous is the phrase "stopped for a law enforcement purpose". What exactly does that mean? I can tell you from conversations I have had with many different officers and cadets that "stopped for a law enforcement purpose" means different things to different officers. Some believe that it means any "official" encounter between the police and a legally armed citizen. Such as when you have to make a hit skip report because someone backed into your unoccupied car at Kroger. Other officers believe that it only applies when the legally armed citizen is not free to end the encounter with the officer of their own free will. In other words - that person has been "detained".

A perfect example of the problem with the notification law happened earlier this summer. A City of Warren resident called the police to her house due to an unwanted person. When the police arrived, they arrested the unwanted person because he had a warrant. During the course of the call at this resident's house, one of the officers on scene ran her information and learned that she had a Concealed Handgun License. He then asked her if she had a gun with her. She acknowledged that she did, it was in her purse. She was then charged with failing to notify and had her pistol seized as evidence. **She** called the police. She was in **her** front yard. How is this a "stop for a law enforcement purpose"? Several months later the charges were dropped and her pistol was returned to her, but this is a great example of the danger inherent to the current notification law.

A few years ago I finally had an opportunity to teach the "2-20 Other Offenses" block in a Basic Police Academy. This is the legal block that covers certain alcohol, firearm and prostitution related offenses. To say I was shocked with how little time was spent covering this portion of the law is an understatement. Nowhere in the lesson plan is the term "promptly" discussed in detail. Nowhere in the lesson plan is the phrase "stopped for a law enforcement purpose" discussed in detail. So now you have individual instructors teaching an important topic without a standard frame of reference to teach by. How are they answering questions about these terms during academy classes? This Committee will also be hearing testimony today about a law that requires the police to receive training on dealing with dementia patients. I support that mandate; however, I can tell you that law enforcement officers deal with many more who have Concealed Handgun Licenses than they do people who are suffering from dementia. Why isn't there a mandate that the police receive mandatory training on dealing with legally armed citizens?

Overall, we (law enforcement) have done a horrible job in training our officers about the CCW statutes. Notification is just one example. One portion of this law that is clearly

defined is the fact that notification is only required when the legally armed citizen is actually carrying their firearm with them. And yet we still have Officers who do not understand that portion of the law.

Notification is an unnecessary requirement for the legally armed citizen and, as written, is a statute that is easily misapplied by law enforcement and should be repealed.

These opinions are my own and are not those of my employer or the State of Ohio.

Respectfully submitted,

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