

TESTIMONY AGAINST HB 227
House Government Oversight Committee

Submitted By: Andrea R. Yagoda, Private Citizen

Chairman, Wiken, Vice Chair White, Ranking Member Sweeney and Members of the Committee: Thank you for allowing me to participate in this hearing today on HB 227. I am a private citizen and a resident of Ohio for the last 47 years, concerned about the safety of our community and how this bill affects the same. My name is Andrea Yagoda and I presently hold a concealed carry permit. I have had a permit since the early inception of the law providing for concealed carry permits. I obtained my permit as a result of what turned out to be a credible threat against my life. A client and I were threatened. No one, including myself, took it seriously until my client was shot and killed by the person making the threat. After that, threats and conduct, made in my line of work, which appeared threatening to me were taken seriously. The woman who carried out the threat went to prison. I appeared, on my own behalf and on behalf of the victim's family to oppose release at every parole hearing. When release was imminent I sought my conceal carry permit to protect myself, my family and my home. Up until that time I had no experience with firearms of any kind but here I was a 50-year old woman preparing to defend herself with a firearm, if necessary. I would not have felt comfortable walking around with a firearm in plain view. In my mind, this would just be asking for trouble. Rambo, I am not and would never want to be. So a concealed carry permit was my only legal option.

Had HB 227 been in effect, at that time, I would have purchased a firearm and carried it with me. I would have told myself that I would get training and go to the shooting range to learn about my gun and to properly shoot it. But I know, even now, that

life and work would have gotten in the way and the training and practice would not have happened as I would not have found the time.

The mandatory education and training were invaluable to me - not just to learn about the safety in handling a firearm but to build my confidence in the use of one.

Did I know that you should never point a gun at anyone? Yes. Did I know that in transferring a gun you lower the weapon towards the ground? Yes. But without the training would I have thought about that when handling the gun? No. After the training I did not have to think about it, it was automatic for me.

Did I know that if a firearm was fired with the safety on, normally it would not fire? Yes. But did I know that if fired with the safety on and then the safety taken off it could fire? No. I learned that in my mandatory training.

Did I know that a bullet discharged from a revolver could travel for a mile or greater? Absolutely not. Never even really thought about it until my mandatory training/education. I am pretty confident that I am not the only one. We hear stories about people celebrating by shooting guns in the air and falling blocks away hitting an innocent bystander. Obviously, they were not thinking about it either. It is common sense that in homes with children firearms should be stored securely where children do not have access but we have learned that common sense does not always prevail. I would hope that at age 50 I was more mature than the normal 21 year old and had more common sense than someone my junior and yet these were things I did not contemplate. Yet this legislative body is considering putting a concealed firearm in the hands of anyone 21 or older with limited exceptions.

My conceal carry education/training planted a seed. I cultivated that seed by continuing to practice safety and practice the handling and shooting my weapons at a range. I learned about my guns and how to use them. As a result, the training built up my confidence and skills. That would not have been the case without the mandatory training/education prescribed. I obtained my permit to protect myself. Without confidence that would not have been accomplished. In actuality, without that seed, far from being able to protect myself and my loved ones from harm, I would have been a danger to myself and others. A person lacking confidence in the handling of a firearm is a walking time bomb.

I have heard the argument that the law as is stands will not deter criminals from obtaining guns. Well, we have laws against murder, yet folks kill each other daily. We have laws prohibiting theft, but we still have thefts. Do we abandon laws based on the argument that certain folks will not abide by them? No, we do not. I have no way of knowing how many folks out there have been deterred from carrying a concealed weapon because we have a permit process in place nor how many have been declined a permit due to a record check. What I do know, is that those who have permits have learned something about firearm safety and the handling of a firearm. HB 227 actually encourages people who have no experience with firearms to carry and conceal them. What could possibly be the rationale for this?

According to the Ohio Attorney General's report for 2020 there were a total of approximately 700,000 CHL permit holders. In 2020 alone 169,232 CHL were issued . 96,892 of the licenses issued were first time applicants. 72,340 were renewals. 1,777 licenses were denied and 42 were granted permits although declared mentally

incompetent, 35 of these permit holders were declared mentally incompetent after the license was issued and the remaining before the license was issued. In light of this fact to ensure the safety of the public, Mr Yost states in his report “ To ensure that the program runs as designed, my office partnered with the Ohio Department of Public Safety last year to forge a new path, and we now alert sheriffs when a court deems a license holder to be mentally incompetent. This means that a population not legally permitted to own a gun can no longer escape notice. “ This safeguard will no longer be in place if this Bill is passed. It is comforting to know that at least 700,000 Ohioans carrying guns have been educated and had some sort of training. In the first quarter of 2021 There were 31,802 new licenses issued, 25,974 renewals, 414 suspension, 93 revocations, 581 denials and 44 suspensions. This is just in the first quarter. Without permits these 1,132 Ohioans would still be carrying.

Although the Notice provisions have been left in under the amended bill, I just want to mention that the sponsor of the no notice bill testified that it is unnecessary as law enforcement are on notice if they do a LEADS check since permit holders would show up on such a check. That will no longer be the case of this Bill is passed.

In his testimony Representative Jordan incorrectly stated the following:

Current law says that an individual who is openly carrying a firearm without a license does not have to notify a law enforcement officer when they come into contact with one another in a regular encounter.

However, a person openly carrying a firearm is mandated to notify an officer if the individual simply possesses a concealed handgun license and could be charged with a crime for failing to do so. Ohio has had several instances in which otherwise law-abiding citizens are being charged for not notifying an officer quickly enough that they were exercising their Second Amendment rights.

Ohio Revised Code Section 2923.12 (B)(1) as currently written only requires a CHL holder to notify law enforcement if stopped for a lawful purpose and said person is carrying a **concealed handgun**. So contrary to his assertion, a CHL holder is **not** required to notify the officer if the weapon is in plain sight and thus is treated no differently than someone without a license who is carrying openly.

Further troubling to me is the fact that this bill extends conceal carry to all deadly weapons but only limits the prohibition against making contact with a loaded firearm when approached by law enforcement. It does not include in this prohibition, knives, and other weapons capable of inflicting death or adapted for such purpose. Further, it prohibits one from having contact only with a “loaded firearm”. This is a tragedy waiting to happen. A law enforcement officer observing someone reaching for a firearm has no way of knowing if the weapon is loaded. When approached by a police officer an individual should be prohibited from coming in contact with any deadly weapon s/he has on his/her person or under his/her control which has defined by numerous courts in OMVI cases.

This bill requires all persons stopped by police to keep their hands in plain sight not just those carrying concealed deadly weapons. I remember when Republicans in this legislative body argued that the requirement that a CHL holder show their hands when stopped by law enforcement was a burden. One of the examples given was that the individual could have been tending to unruly children. So now, under this bill, we are requiring all citizens to do so. Perhaps a good thing but placing this provision in a carrying concealed weapons statute hardly gives Ohioans notice of this requirement. Who

would know to look at this provision where it is located and thus understand this duty in order to comply?

Although none of us really know how we will react when and if forced to use deadly force with our adrenalin flowing, I am confident that I am better equipped to do so due to my mandatory training/education.

As a citizen, and voting constituent I ask this committee to vote no on this bill.

Thank you.

Andrea R. Yagoda