



Written Opponent Testimony HB 89 House State and Local Government Committee Colonel Richard Fambro

Chairman Wiggam, Vice Chair John, Ranking Member Kelly and members of the House State and Local Government Committee, thank you for the opportunity to provide written testimony in opposition to HB 89.

In 2004, the General Assembly passed legislation that provided Ohioans with the legal authority to possess concealed weapons through the permit process. The permit process includes background checks, education, training and demonstration of weapon competency. All of these aspects played a vital role to ensure the proper vetting of permit holders and to garner the support of the interested parties involved in the legislation.

In addition to the aforementioned items, another key component negotiated into the concealed carry legislation was the mandatory notification to law enforcement officers when a permit holder is carrying a concealed weapon. This is one of the essential aspects of the legislation that keeps everyone safe but most importantly **the permit holder** themselves.

Eliminating the duty to notify creates a very dangerous situation. When a law enforcement officer observes a weapon, they must instinctively react to the threat (weapon) and by doing so, it places everyone involved in a very volatile circumstance. By removing the duty to notify, a permit holder could find themselves with a weapon drawn on them when the officer notices a weapon as the permit holder reaches to retrieve their driver's license from the wallet in their back pocket. At best this would be a very uncomfortable situation; however, at worst it could lead to a tragedy. This is just one example of what could happen when an officer is not advised of a weapon.

Members of the committee, you need to ask yourself one question: Who will be safer as a result of this legislation? The simple answer is no one, especially not the permit holder who is alleged to benefit from this legislation.

Proponents of HB 89 have made three basic arguments against the duty to notify. They are as follows:

- 1) The penalty for failure to notify is a 1st degree misdemeanor which is alleged to be "draconian."
- 2) Multiple officers at a scene or traffic stop create multiple notifications which is a burden on the permit holder.
- 3) The wording of "prompt" is vague, ambiguous and subjective.

It is important to note, the Division is willing to work with the sponsor to craft language to address two of the three issues noted. The penalties for failure to notify could be re-evaluated and language could be drafted to address multiple officers; however, prompt notification to the law enforcement officer is vitally important to ensure the safety of both the permit holder and the officer.

The Division cannot support the bill in its current state and as a result would request the committee to reject House Bill 89 as it is currently written. I would like to thank Chairman Wiggam and the House State and Local Government Committee for the opportunity to submit this written testimony.

Respectfully,

Colonel Richard S. Fambro
Superintendent
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