

01 House District

Wayne County

Columbus Office

Vern Riffe Center

77 S. High Street, 11th Floor
Columbus, Ohio 43215-6111

(614) 466-1474

Rep01@ohiohouse.gov



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Scott Wiggam
State Representative

The Honorable Scott Wiggam
77 South High Street, 11th Floor
Columbus, Ohio 43215

Ohio Senate Government Oversight and Reform Committee
1 Capitol Square
Columbus, Ohio 43215

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Chairman Coley, Vice-Chair Uecker, and Ranking Member Schiavoni; thank you for allowing me the opportunity to provide sponsor testimony on House Bill 142.

In 2004, Governor Taft signed House Bill 12 into law, which regulated and restricted Ohioans ability to carry concealed weapons. This measure aimed to clarify Ohio law regarding concealed carry, and further sought to regulate and register Ohioans who chose to defend themselves, their families, and others from immediate danger. However, during the drafting of HB 12, several stipulations were included that attempted to weaken the intent of the law. In recent years, the General Assembly has taken steps to remove these harmful provisions from the Ohio Revised Code, and Substitute House Bill 142 would be another step forward in protecting the rights of law-abiding Ohioans by clarifying the duty to notify provision.

Before discussing the contents of the sub bill, it is important to note how terrible current law currently treats Ohioans. Today, if you are a concealed carry holder, part of the safest demographic in the United States, and you do not promptly inform any officer who approaches you for a law enforcement purpose that you have your license and your handgun on your person, you are to be charged with a misdemeanor in the first degree. This is the same penalty criminals face when charged with petty theft or domestic violence. Current penalties are extremely draconian and harshly punish otherwise law-abiding Ohioans.

The Washington Times recently published an article ranking the states from worst to best regarding concealed carry laws. Guns and Ammo magazine studied the laws across the nation, grading the "ease of acquiring a concealed carry permit, costs associated with licensure, training hours required and reciprocity with other states." Ohio ranked as the 11th worst state with concealed and carry, preceded by DC, California, Hawaii, New Jersey, Maryland, New York, Massachusetts, Delaware, Connecticut and Illinois.

Last winter, I had the opportunity to join law enforcement on a local radio show. One of the officers on the show mentioned the current law is hard for him to even understand. He shared a personal example on the air as to why the current law is unacceptable. Recently, this off-duty officer was carrying his concealed handgun while walking with his wife through the neighborhood. A police officer drove up next to him and asked if he saw a person of interest in the area. The off-duty officer told the uniformed officer that he had not, and the officer drove off. He then turned to his wife and said, "I'm not sure if I just broke the law." Did this police officer stop him for a law enforcement purpose? Did the off-duty officer have the duty to notify? These are concerns everyday concealed carry holders face due to the poorly written law. This law is:

1. Vaguely written
2. Arbitrarily enforced
3. The most draconian criminal penalty in the nation regarding concealed carry notification.

These Ohioans simply desire to practice their second amendment rights to defend themselves, their families, and their communities from harm. Current law is written in a way that severely jeopardizes their ability to do so.

Current law is unacceptable. That is why I worked with House leadership and the House Federalism Committee to draft the substitute bill that is before you, today. Joined by Representative Holmes as a joint sponsor, Substitute House Bill 142 would define:

1. "Who to Notify." Current law requires any officer that approaches the licensee to be "promptly" informed of the license and handgun. House Bill 142 only requires the licensee to inform the officer who asks for state identification, such as a driver's license.
2. "How to Notify." Current law does not describe what constitutes as notification, allowing the law to be arbitrarily enforced. House Bill 142 states a licensee can either verbally notify, or simply hand the officer the concealed handgun license.
3. "When to Notify." Current law states a licensee must "promptly" notify. House Bill 142 strikes this vague language and states notification is to occur "at the same time" as the licensee handing the officer the state identification.

This bill also strikes the current penalty, and replaces it with a minor misdemeanor and a maximum fine of \$25.

Substitute House Bill 142 is the first pro-concealed carry bill to pass out of the House with a bipartisan joint sponsorship. This legislation is supported by Buckeye Firearms and the NRA. The Buckeye Sheriffs Association has moved to neutral on the bill, stating this bill will, "benefit all those concerned."

Thank you for this opportunity, and I would be more than happy to answer any questions on HB 142 at this time.

Respectfully Yours,

Scott Wiggam
State Representative