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House State & Local Government Committee

Testimony on Substitute House Bill 89

March 9, 2021

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Chairman Wiggam, Vice-Chair John, Ranking Member Kelly, and Members of the Committee,

My name is Michael Weinman, and I am a retired Columbus police officer who now serves as director of government affairs for the Ohio Fraternal Order of Police. Thank you for allowing me to give our opponent testimony on HB 89. Today, I am testifying on behalf of more than 25,000 active and retired members of the FOP from across Ohio

The FOP strongly opposes HB 89 because it threatens officer safety. A concealed carry permit holder's duty to inform an officer who has stopped her had been thoroughly negotiated and unanimously agreed to during the numerous interested party meetings leading to the CCW license. We see the notification as a constitutionally sound, commonsense measure to keep the permit holder and officer safe. Our experience is that people who would lie, withhold information from us, have, or are about to commit a crime.

You have heard arguments that law enforcement doesn't need the notification due to the information being in LEADS. There are scores of situations when LE doesn't have the ability, or time, to run a license plate through LEADS. There are incidents when the permit holder is in a vehicle not registered to him or her, and numerous times when drivers leap from the car when pulled over and head toward the officer still sitting in his or her patrol vehicle. Additionally, officers have numerous encounters when they could approach a permit holder outside of motor vehicles.

The primary case made by proponents of HB 89 is that officers are incapable of understanding the word promptly and therefore are heavy-handed and racists in their enforcement of the notification provision. Contrary to the allegations, today's officers in Ohio are the best-educated and trained than they have ever been in the past. Law enforcement has thousands of interactions daily across Ohio, including with CCW permit holders, without incident using sound judgment, commonsense, and exercising considerable discretion. Perhaps the issue doesn't lie with the officers but rests with the permit holders. Ohio slashed CCW permit training standards from 12 hours to eight, eliminated renewal training, and severely relaxed reciprocity allowing Ohioans to get permits from other states that do not provide even

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our rudimentary training level. This lack of training on the permit holder's part may cause the problem if it indeed exists.

The proponents also allege that by having the permit holder inform the officer, the officer somehow loses control of the situation. This allegation is absurd. Just because someone other than the officer speaks first doesn't mean the officer loses control. A CCW permit holder is not the same as a rioter screaming vicious taunts at an officer. Officers approach people who spontaneously exclaim everything from, "sorry I didn't see the stop sign" to "I didn't steal this car." These exclamations are a common occurrence. Again, it doesn't mean the officer somehow lost control because someone spoke to them first.

I want to draw your attention to a YouTube video from the channel Columbus Police Body Cam that can be found at <https://youtu.be/M6Msf73mOXk>. Columbus police officers approach a woman in a vehicle stopped in the roadway. They have a dialogue with her and suspect she may be under the influence. An officer asks her to step out of the car and perform a field sobriety check on her. She complies but fails the test. When the officer asks for her driver's license after failing the test, he sees a CCW permit. He asks to see it, and she hands it to him. The officer then asks if there is a weapon in the car. At first, she lies but eventually tells him it is in the glovebox. The license plate did not indicate she was a CCW permit holder. Until the officer requests to see the permit, she never told him she was a permit holder when she had ample time to do so. What would have happened if she was hostile and threatening to the officers and aggressively reached into the glove box?

The current bill eliminates the M-1 for failing to promptly notify an officer that one is a CCW permit holder and is silent on any penalty for lying to a police officer if asked. If this bill passes and judging by the testimony, the committee should be aware that officers will discover a firearm on a person and hear the "well you never asked me." There will be those who will not be afraid to lie or otherwise hide a firearm from the officer in the absence of any penalty, especially since the bill doesn't allow for a CCW permit holder to lose their license for lying.

In 2018, 222 officers were shot in the line of duty, and 48 made the ultimate sacrifice that year. In 2019, 293 officers were shot while 50 lost their lives. 2020 had 45 officers killed by gunfire with 283 total shootings.

Unfortunately, law enforcement is not immune from CCW permit holders attacks; Twinsburg Police Officer Josh Miktarian was shot four times by a CCW permit holder on July 13, 2008. The permit holder felt Officer Miktarian embarrassed him in front of his girlfriend by pulling him over for a traffic offense. Keep in mind that 2,047 permits were revoked or suspended in 2020 alone.

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On behalf of the Fraternal Order of Police of Ohio, I would like to thank you for the opportunity to provide opposition testimony to HB 89. I will be happy to address any questions that you may have at this time.