



**Before the House Government Oversight Committee
House Bill 418 – Repeals Permitless Concealed Carry Law
Sponsor Testimony by Representative Richard D. Brown
June 25, 2024**

Chairman Peterson, Vice-Chair Thomas, and Ranking Member Humphrey, thank you for allowing Representative Isaacsohn and me to provide sponsor testimony to you and the Government Oversight Committee today in support of H.B. 418.

On June 13, 2022, Ohio enacted a permitless concealed carry law, R.C. 2923.111, which arose from SB 215 of the 134th General Assembly, allowing Ohioans who are “qualifying adults” to carry concealed handguns without the requirement of obtaining a concealed carry license.

If passed, HB 418 will: 1) repeal in its entirety Ohio’s permitless concealed carry law, R.C. 2923.111, and the changes made by SB 215 of the 134th General Assembly; and, 2) it will rename concealed handgun licenses as “basic competency licenses.”

Opponents of Ohio’s permitless concealed carry law contend that laws of this type, also known as “right to carry” (RTC) laws, “shall-issue carry laws,” or, “Constitutional Carry laws,” are dangerous and will lead to greater gun violence. Many, if not most, of you sitting here today strongly disagree with this contention. And, the Ohio Attorney General, in conjunction with Bowling Green State University, has given you ammunition for this position in the form of a study performed by two BGSU academics and the Center for Justice Research, entitled “*Pre- and Post-Outcomes: Ohio’s Permitless Concealed Carry Law*, dated January 3, 2024.

This study explored the relationship between permitless concealed carry and crime involving a firearm in the eight (8) largest cities in Ohio before and after the enactment of Ohio’s permitless concealed carry law. The study looked at data from June 2021 through June 2023, one year before and one year after the enactment of 2923.111. The *supposition* of the study’s authors was that “the enactment of the PCL [permitless carry law] does not appear to have any appreciable effect on law enforcement injuries or deaths by firearm in the cities of interest.” Based on this conclusion, advocates of permitless concealed carry felt totally vindicated and deemed Ohio’s permitless concealed carry law a great success.

So why do we want to repeal 2923.111? Because it is dangerous and will result in more gun deaths and gun violence. Why do we continue to say this in light of the study I just cited? Because that study is not comprehensive enough to be significant. It covered just one year prior to and subsequent to the law’s passage. The fact is, many far more in depth studies demonstrate that permitless concealed carry laws do, in fact, lead to an increase in gun violence.

The authors of the AG's study admit that it is limited and not based on sufficient evidence to be reliable. They write that "[s]ome limitations [of our study] should be mentioned." Their study only looked at data from a two year period of time. The authors acknowledged that more studies were needed, and, that these "*future studies should analyze the impact of permitless carry, and other like laws, in other cities and states over a longer period of time to gain better insight on how changes to firearm laws impact crime over time and in different areas. Moreover, our study examined the largest cities of Ohio, thus, the influence of permitless carry on smaller, more rural areas may not be represented in our findings.*"

Moreover, the very first sentence of the study's results tellingly states that "our observations of the trends pre- and post- PCL lead us to *surmise* that, to date, the effects of the PCL are minimal on crime rates involving firearms***." You will note that the authors did not use the word "conclude," they specifically chose the word "surmise" to describe the results of their study. And this is important, because "surmise" means "*to suppose that something is true without having evidence to confirm it.*" The study's authors knew their results were tentative, based on a small database gleaned over a small period of time, and that they had insufficient evidence to confirm their tentative results.

The authors also knew that other studies based on far more data gathered over much longer time periods from more locations reached contrary conclusions, acknowledging that other scholarly studies have concluded that permitless concealed carry laws not only contribute to crime, but also pose a threat to public safety and increase fatal police encounters.¹ Many of the most recent studies have found evidence that adopting relaxed right-to-carry laws is associated with increases in violent crime, including homicides.

In 2023 the Johns Hopkins School of Public Health published in the American Journal of Epidemiology findings concerning its 2022 study of 34 states that weakened their concealed carry laws from 1980 to 2019.² States that passed permitless concealed carry laws had the rate of assaults with firearms increase by an average of 9.5% in the first ten (10) years after enactment of the laws. The study found that, generally, violent crime increased after states lessened concealed carry laws and that allowing more people to carry concealed guns in public increased inappropriate use of firearms in response to interpersonal conflicts or disputes. States that allowed permitless concealed carry with virtually no restrictions saw an average increase of 21.6% in gun assaults and 29.8% increase in gun homicides. For states with some restrictions that did not require live-firearm training, like Ohio, the average rate of gun assaults increased by 18.3%. And, according to a study published in the American Journal of Public Health in December 2019, from 1992 to 2017, the average effect of having right to carry firearm laws was associated with a 29% higher rate of workplace homicides.³

¹ See, e.g., Siegel, M, Xuan Z, Ross CS, et al. Easiness of Legal Access to Concealed Firearm Permits and Homicide Rates in the United States. *Am J Public Health*. 2017; 107(12): 1923-1929; Donohue J, Aneja A, Weber K. Right-to-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and A State Level Synthetic Control Analysis. *J Empir Leg Stud*. 2019: 198-247; Crifasi CK, Merrill-Francis M, McCourt A, Vernick JS, Wintemute GJ, Webster DW. Association Between Firearm Laws and Homicide in Urban Counties [erratum *J Urban Health*. 2018; 95(5): 773-776]. *J Urban Health*. 2018; 95(3): 383-390.

² Doucette ML, McCourt AD, Crifasi CK, Webster DW. Impact of Changes to Concealed-Carry Weapons Laws on Fatal and Nonfatal Violent Crime, 1980-2019. *Am J Epidemiology* 2023; 192(3): 342-355.

³ Doucette ML, Crifasi CK, Frattaroli S. Right-to-Carry Laws and Firearm Workplace Homicides: A Longitudinal Analysis (1992-2017). *Am J Public Health*, 2019; 109(12): 1747-1753.

In 2021 and 2022 numerous law enforcement agencies and officials opposed SB 215 and the enactment of permitless concealed carry in the prior General Assembly, including the Ohio FOP, the Ohio Association of Chiefs of Police, the Ohio Patrolmen's Benevolent Association, the Delaware Chief of Police, the Hamilton County Sheriff, and other police and sheriffs organizations, as they all believed the enactment of permitless concealed carry would create a public safety issue and a safety issue for law enforcement officers. The Ohio Association of Chiefs of Police, the Ohio Mayors Alliance, and the Ohio FOP previously testified that permitless concealed carry would "threaten the safety of our communities and our law enforcement professionals."

And, the recent study commissioned by the AG has not changed the opinion of many in law enforcement that permitless concealed carry presents significant safety issues for the community and law enforcement officers. A representative of the FOP was quoted in a January 4, 2024 article in the Ohio Capital Journal stating that the study data did not tell the full story, as, for example, Cleveland, Columbus, and Cincinnati combined had all-time homicide rates since the enactment of R.C. 2923.111. He also noted that increased gun violence during the COVID pandemic of 2019-2021 created a unique situation of high gun violence rates which naturally decreased after the pandemic in 2022-2023. New data from the Centers for Disease Control also documented that gun deaths reached an all-time high in 2021, continuing a troubling spike during the COVID pandemic. These assessments are consistent with the AG's study, which stated that fluctuations in crime rates they measured "could be due to the influence of other factors;" factors such as the COVID crisis.

The repeal of permitless concealed carry in Ohio will ultimately result in less gun violence in Ohio and increased safety for citizens and law enforcement professionals alike. It will also resurrect the concealed carry licensing system, which has been drastically curtailed by the enactment of permitless concealed carry. According to a report by the Ohio Attorney General, the number of concealed carry licenses issued in Ohio sharply declined in 2023, the first full year of permitless concealed carry. From 2021, the last full year permits were required, to 2023, Ohio sheriffs issued 82% fewer concealed carry licenses. This is a sharp decline in a concealed carry licensing system that the Ohio Attorney General's *2020 Annual Report Re: Concealed Handgun Licenses in Ohio* described as follows: "by any measure, Ohio's concealed carry licensing system has succeeded in combining safeguards that protect the public and provisions that uphold Americans' right to bear arms and protect themselves." This permit system provided needed safeguards for public safety. The Ohio AG's *2021 Statistics on Concealed Handgun Licenses in Ohio* revealed that in 2021 alone there were 420 concealed carry licenses revoked for cause, such as felony convictions or an adjudication as mentally incompetent. There were another 1,880 concealed carry licenses suspended in 2021, for a total of 2,300 revocations and suspensions in 2021. Another 2,668 applicants were denied concealed carry licenses because they did not meet the statutory requirements. That's 4,968 people who were without concealed carry licenses in 2021 because they were not fit to have one. Under permitless concealed carry, most of these people can now carry a concealed handgun lawfully, to the detriment of public safety.

Finally, to any who may oppose HB 418 on the grounds that they have a Second Amendment constitutional right to carry a concealed handgun without the necessity of obtaining a license or permit to do so, the Ohio Supreme Court has disagreed. The Court correctly noted in *Klein v. Leis*, 2003-Ohio-4779, that Ohio's concealed carry statute did not unconstitutionally infringe on the right to bear arms. The Court specifically held in the syllabus that there is "*no constitutional right to bear concealed weapons.*" The Court noted that the right to bear arms is a fundamental right and is part of Ohio's heritage; but, the Court nevertheless stated that "however fundamental

and entrenched in the constitutional heritage of our state, the right to bear arms is not absolute***. [T]he right to bear arms is fundamental, and is also subject to limitations.” Requiring people to be licensed in order to carry a concealed handgun is one of those constitutional limitations which do not violate the protections of the Second Amendment.

I ask for your vote in favor of HB 418 and the repeal of permitless concealed carry in Ohio.