



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

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The Honorable Mark Wagoner  
Chairman, Ohio Senate Judiciary Committee  
1 Capitol Square, 1<sup>st</sup> Floor  
Columbus, Ohio 43215

Dear Chairman Wagoner,

As Ohio's Attorney General, I would like to submit my written support in favor of House Bill 495 which makes modifications to Ohio's firearms laws. The Bill contains three key provisions before this committee:

1. The bill allows the expansion of concealed handgun license agreements with other states by creating an "automatic" reciprocity provision while retaining the flexibility of the Attorney General to enter into written agreements when needed.
2. The bill eliminates the vague requirement for citizens renewing their license for the second time to demonstrate competency with a firearm.
3. The bill clarifies the prohibition for non-licensed concealed carry permit holders from carrying a loaded firearm in a car under 2923.16.

Because the last provision of the bill, the "loaded" firearm definition, does not impact the operations of my office, I have declined to comment on that particular provision. Instead, I would like to focus my comments on the other key provisions – automatic reciprocity and what is required to demonstrate renewed competency with a firearm in order to renew the license.

To set the stage I think it would be helpful to talk about how concealed carry has changed nationwide. The United States has seen a dramatic expansion of concealed carry laws for the last 15 years. Concealed handgun licenses or CHLs have grown nationwide. While there is no single national statistical database on the number of CHLs issued in the country, the conservative estimate is that there are about 7,613,000 issued licenses. This figure does not count retired police officers carrying firearms nationwide as permitted by federal law and who are not required to obtain a state-issued concealed handgun license.

As of the third quarter of 2012, Ohio has issued over 314,000 concealed carry licenses since 2004. Study after study has shown that concealed carry laws reduce crime because the bad guy faces a greater probability that his target is capable of fighting back. In his book, *More Guns, Less Crime*, economics researcher John Lott studied FBI crime statistics from 1977 to 1993 and concluded that the passage of concealed carry laws resulted in a murder rate reduction of 8.5%, rape rate reduction of 5%, and aggravated assault reduction of 7%. A 1999 study of CHL holders in Texas showed that CHL holders were always less likely to commit any particular type of crime than the general population, and overall were 13 times less likely to commit any crime. In short, we do not have any reason to fear the expansion of lawful concealed handgun license holders.

As part of the expansion of concealed carry laws, states have struggled with how to recognize other licensees from other states. A patchwork of laws arose. Initially, many states had no reciprocity requirements, and then states began allowing reciprocal agreements. The trend has been to eliminate the reciprocal agreement scheme in favor of mutual and automatic recognition of licenses

the same way that states recognize a driver's license from another state. Importantly, licensees are responsible to know and obey the laws of the state they are in at that particular moment, regardless of what state's CHL is in their wallet. Expanded reciprocity of these licenses brings tourism dollars from hunting and outdoor sports particularly in Ohio.

Ohio should be a part of this expanded automatic scheme while retaining the flexibility to enter into written agreements with states that still require a written agreement under the old scheme. While some states have varying levels of training and thoroughness of background checks, we have nothing to fear from CHL holders who are obeying the laws of our state while they are here. I estimate that an automatic scheme will grant mutual recognition with eleven other states including Georgia which is a major transit point for both Ohioans traveling south and sportsmen traveling here. The states I would expect to add are Alabama, Colorado, Georgia, Indiana, Iowa, Minnesota, Montana, New Hampshire, Pennsylvania, South Dakota and Vermont.

The second issue I would like to address relates to the competency requirement for license renewals. The current law is vague and undefined and I urge you to eliminate the confusion.

Today, an Ohioan obtains a license to carry a concealed handgun under the scheme set forth in R.C. 2923.125(F) and (G). First, you take a class from a certified instructor that includes 10 hours of classroom training that covers certain topics followed by 2 hours of live fire range time. You are also required to take a written examination and physically show safe handling of a firearm. This class is comprehensive and is one of the most thorough in the United States.

The license you receive after your initial class is good for 5 years. At the end of five years you can renew that license once without additional training. That takes you out to a total of 10 years from your initial class. When you renew your license for the second time you do not have to take the class again but must instead present the sheriff with a "certificate of renewed competency certification." To get that certificate, you must show that you are "range competent." The problem is that there is nothing in the law that defines what range competency means. Sheriffs don't know how to implement this requirement, instructors don't know what to teach and the public is confused.

There is not a compelling need for recertification of CHLs at these time limits. I have heard the argument that citizens need the same training as police officers. Police officers require a significant amount of initial and yearly training in order to carry firearms. However, their situation is not comparable to the citizen concealed carry permit holder. Police are out actively enforcing the law and face the real danger of deploying their firearm every day. They are a constant target for the bad guy. Individually, license holders are not as great a target on a daily basis nor are they expected to be active interveners in an armed conflict. CHLs are occasionally in a position of having to defend themselves.

In sum, I support HB 495 and believe that it should be enacted.

Very respectfully yours,

A handwritten signature in black ink that reads "Mike DeWine". The signature is written in a cursive, flowing style.

Mike DeWine  
Ohio Attorney General