



March 8, 2022

Governor Mike DeWine
Vern Riffe Center, 30th Floor
77 South High Street
Columbus, OH 43215

Dear Governor DeWine:

On behalf of the House Democratic Caucus, representatives of law enforcement agencies and local officials across Ohio, and the majority of Ohioans who favor commonsense gun safety measures, we urge you to use your executive powers to veto Senate Bill (SB) 215. If enacted, SB 215 would allow any Ohioan, aged 21 years or older, to carry a concealed handgun without a permit and without any training, provided they are not otherwise prohibited under state or federal law. Additionally, this bill would modify “duty to notify” requirements and reduce the penalty for failure to notify to a misdemeanor with no accompanying license suspension. SB 215 would also permit the expungement of past convictions based on a failure to comply with existing “duty to notify” requirements. By removing these responsible and reasonable precautions, this dangerous legislation compromises the safety and security of our communities and law enforcement while catering to extreme voices under the cover of constitutionality.

The vast majority of Ohioans believe that those carrying a firearm should practice responsible gun ownership, and current Ohio law encourages this. Those who wish to carry a concealed weapon currently must undergo a background check and show proof of at least eight hours of training in order to obtain a concealed carry license. These small, commonsense measures do not contradict the Second Amendment of the U.S. Constitution, as determined by the 2008 case *District of Columbia vs. Heller*. As Justice Scalia wrote:

“Like most rights, the Second Amendment right is *not* unlimited. It is *not* a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. For example, concealed weapons prohibitions have been upheld under the Amendment or state analogues. The Court’s opinion should *not* be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.”

Similarly, the Ohio Supreme Court upheld this notion in the 2003 case *Klein vs. Leis*, deciding that Ohio’s current concealed carry statute does not infringe upon the right to bear arms. It also noted that “the right to bear arms is fundamental, and is also subject to limitations,” and that “there is no Constitutional right to bear concealed weapons.” Ohio courts have determined that Ohio’s current concealed carry statute acts as a lawful regulation of the manner of carrying firearms, which is an appropriate use of state power.

The real issue at hand with SB 215 is not the constitutionality of concealed carry regulations, but safety: the safety of our communities and the safety of our law enforcement officials. So far, the evidence clearly demonstrates that permitless carry laws do *not* improve the safety of our communities and law enforcement officers; instead, they contribute to a more dangerous environment, causing both higher crime rates and higher rates of gun violence. Research shows that for each year weakened concealed carry laws remained in place, violent crime increased¹. By year 10, states with weakened concealed carry laws (including permitless carry) experienced a statistically significant 6.5% increase in homicides, a 9% increase in firearm homicides, an 11% increase in handgun-specific homicides, and a 13-15% increase in violent crime when compared to states with stronger concealed carry laws. Furthermore, states with “shall-issue” concealed carry laws had a 29% increase in firearm workplace homicides.^{1,2,3 4} The Violence Policy Center documents that concealed carry permit holders have, since 2007, killed more than 1,358 people (not in self-defense), committed 35 mass shootings, and killed 24 law enforcement officers.³ Many of these individuals have histories of domestic abuse, substance abuse, criminality, and suicidal behavior.

These statistics correlate with the testimony provided by our law enforcement officers. The Ohio Fraternal Order of Police, the Ohio Mayor’s Alliance, the Ohio Association of Chiefs of Police, and the Ohio Patrolmen’s Benevolent Association are all strongly opposed to SB 215 due to concerns of officer safety, crime prevention, and community violence. Currently, the duty to promptly notify officers for concealed carry holders not only reduces the uncertainty officers face on the job, but it also helps establish an important distinction between lawful gun owners and those illegally concealing a weapon. By placing the burden on our law enforcement officers, we are making it hard to identify who is lawfully carrying their firearm versus who poses a danger, adding more uncertainty to an already uncertain and potentially life-threatening situation. Reducing the penalty for violations of “duty to notify” requirements to a minor misdemeanor makes matters worse and signals that lying to law enforcement is no longer a serious problem.

Additionally, SB 215 will allow for more people to conceal carry without training or background checks, resulting in more gun violence in our communities and fewer ways to identify and address those that may be carrying illegally. Elimination of the need for concealed carry licensing in Ohio effectively removes one of the last safeguards we have to prevent potentially dangerous individuals from carrying a concealed handgun. Data from other states again supports this: in states with the lowest standard for legal gun ownership, 60% of those incarcerated for committing a violent crime with a gun legally owned the gun they committed the crime with.¹

Ohio’s current concealed carry licensure laws work. They have prevented many individuals who should not have access to firearms from carrying concealed weapons. In 2020, over 2,000 concealed carry licenses were revoked, and 1,777 licenses were denied by sheriff’s

¹ https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-violence-prevention-and-policy/_archive-2019/_pdfs/concealed-carry-of-firearms.pdf

² <https://giffords.org/lawcenter/gun-laws/policy-areas/guns-in-public/concealed-carry/>

³ <https://efsgv.org/learn/policies/carrying-firearms-in-public/>

⁴ <https://everytownresearch.org/report/permitless-carry-carrying-a-concealed-gun-in-public-with-no-permit-and-no-training/>

offices across Ohio.⁵ Attorney General Yost's 2021 Statistics on Concealed Handgun Licenses (CHL) in Ohio, released the morning of the House floor vote of SB 215, revealed 420 CHLs revoked for cause, such as a felony conviction or an adjudication as mentally incompetent. There were another 1,880 CHLs suspended, for a total of 2,300 revocations and suspensions in 2021. Another 2,668 applicants were denied CHLs because they did not meet statutory requirements.⁶ That's a total of 4,968 people who were without a CHL in Ohio in 2021 because they were not fit to have one. We should not be stripping our law enforcement officers and communities of such an effective tool to keep us safe. Instead, we should be supporting them by passing commonsense gun safety legislation, as demanded by Ohioans two and a half years ago after the mass shooting in Dayton. As a former State Attorney General and prosecutor you understand, better than most, the potential impact enactment of this bill will have on the safety of our citizens and law enforcement personnel. We should not disrespect the survivors and casualties of Dayton and countless other communities by making SB 215 law. We urge you to swiftly veto Senate Bill 215.

Thank you for your prompt attention to this urgent matter.

Sincerely,



C. Allison Russo
House Minority Leader
24th House District



Thomas West
House Minority Assistant Leader
49th House District



Jessica Miranda
House Minority Whip
28th House District



Richard Brown
House Minority Assistant Whip
20th House District

⁵ Letter from the Ohio Association of Chiefs of Police, Ohio Mayors Alliance, Ohio Fraternal Order of Police Opposing SB 215, HB 227. Feb 16, 2022.

⁶ Office of the Attorney General: 2021 Statistics on Concealed Handgun Licenses in Ohio. pp.3-5.