

Proponent Testimony: Ohio House Bill 203

Chairwoman Bolon and Members of the Public Safety and Homeland Security Committee,

My name is Jeff Garvas and I am the founding president of Ohioans For Concealed Carry, Inc. We created this organization in 1999 and have worked hard to reform Ohio's self-defense laws for over a decade here in the legislature, down the street in the Ohio Supreme Court twice, as well as in the court of public opinion.

We spent the first five years educating anyone who would listen about the facts and benefits of permitting Ohioans to carry concealed handguns. Despite our best efforts we accepted initial legislation with many flaws, and we have come back and slowly improved upon those flaws with a very sympathetic legislature.

This bill that I am here to address today is one of the most popular complaints we've heard since the inception of concealed carry in 2004. Since the vast majority of restaurants sell some form of alcohol a sober individual who has no intention of drinking alcohol can't enter those establishments for lunch, dinner, or legitimate business purposes – the perception by licensees is that we can't go out to eat or work in industries who serve restaurants.

As you can see from the graphic at the top of my testimony the majority of the country allows this behavior, including every state surrounding Ohio. Astonishingly, of the eighteen states that recognize my Ohio license through reciprocity sixteen of them allow me to enter a liquor-serving establishment in one way or another.

Some of you may be surprised to learn that Pizza Hut sells beer. Some would argue that I can't enjoy their pizza buffet while carrying a firearm, while others believe that since its just beer and not liquor the relevant sections of Ohio Revised Code don't apply – something I don't want to challenge in court.

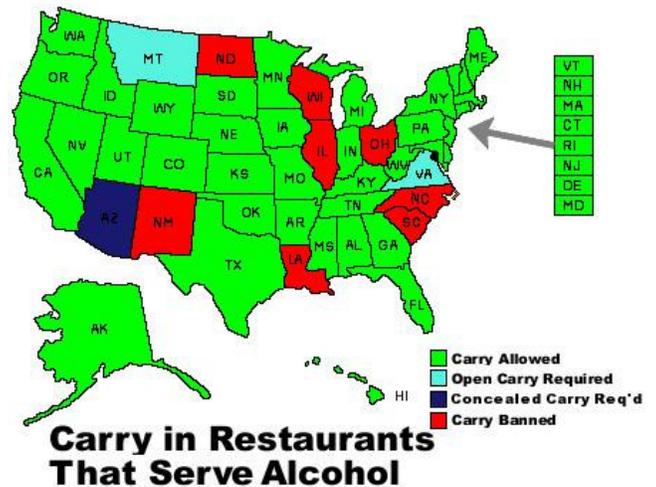
So we cross the street to Chipotle for a burrito – but they sell margaritas so we're prohibited from eating lunch there simply because we're armed. Ruby Tuesdays? Chillis? Outback Steakhouse?

A man I recently met over the Holidays at an OFCC gathering, which we intentionally hold at Cracker Barrel, told me that he works for a vending machine operation servicing and repairing those claw games I like to refer to as legalized games of chance. Their management has encouraged them to obtain their CCW licenses after one of them was mugged and severely beaten, but these individuals who have no intention of consuming alcohol let alone a sandwich can't enter most of their client locations because of their liquor permits.

Weeks after the concealed carry law passed my wife took me to a comedy club in Cleveland near the Hannah Theater. We parked in a garage and walked through an alley. I drank a diet Pepsi, but since comedy clubs sell alcohol I couldn't take my gun with me. I don't necessarily feel a need to be armed in the Comedy Club. I want to be armed when walking back to my car in a dark lot via an alley, and I don't want to leave a loaded gun in my car as often as I have to due to our liquor laws.

The point of these four examples is that when it comes to alcohol and guns the fact is we've run into another unintended consequence of meshing concealed carry reform with old Ohio laws that didn't take carrying into consideration, nor were they modified in the adoption of concealed carry reform.

For years we have drafted conceptual solutions that avoid mistakes made in other states, such as the 51% of gross sales approach other states have adopted. The ratio of food to alcohol sales is a discretionary figure nobody can prove or disprove, and it's a pointless indicator of when to ban guns.



Basing a ban on the volume of alcohol sold is just as misguided as saying you can't have a gun because someone else in the establishment might have a drink. Both of these approaches unjustly deny the regular non-drinking citizen and the vendor visiting the establishment. A ban on carrying should be based on the actions of an individual, not the proximity to alcohol within the establishment.

We believe that our Executive Director Daniel White has come up with what is probably the State of Ohio's smallest amendment to existing revised code, and it handles this issue in an incredibly simplistic but complete approach.

Simply put: If you are not under the influence and not consuming alcohol at a restaurant you may carry a concealed firearm in accordance with Ohio Law.

The first condition of this amendment re-emphasizes RC 2923.15 which prohibits using or carrying a firearm while under the influence of any drug or alcohol. The second condition of this amendment prohibits you from carrying a firearm should you decide to order a drink. It's that simple.

This amendment focuses the prohibition of firearm possession on the actions of a patron and his or her intent to drink intoxicating beverages that day, as opposed to their proximity to alcohol availability.

I would urge this committee to understand that this bill isn't about arming people to carry in a bar, but you will hear the opponents talk about that and the media likely insisting that's our intent. It's not.

This is about allowing someone who has no intention to drink to carry his or her firearm to and from any establishment without any unnecessary burden and restrictions, while simultaneously prohibiting someone who intends to consume alcohol or is already intoxicated from doing so while armed, period.

I would urge this committee and the legislature as a whole not to ruin this streamlined approach with complicated amendments such as those adopted by other states. Too much of the CCW sections of Ohio Revised code leave very intelligent individuals, and quite frankly OFCC saying we don't know how to comply with a specific section of law.

In fact, the law director for the city I live in advised the police department to arrest anyone carrying a firearm in a specific scenario because neither he, the police, nor the licensee would likely know if they were in compliance with the law – so just arrest them and let the court decide. I agree with him only in the sense that nobody could possibly know if they were complying with that section of law.

One of the most frustrating aspects of this issue over the past six years has been educating the public and law enforcement on what is or is not lawful behavior. By keeping this amendment as simplistic as possible we know that all parties will be able to easily understand, comply, and properly enforce the new law – and that should be a compelling interest of the legislature as you adopt this amendment.

I was told that during sponsor testimony the story of Nikki Goeser was shared with the committee. In a few minutes you'll hear directly from Nikki, who has been kind enough to take time out of her life to travel here today from out of state and testify on behalf of this bill.

I would be more than happy to entertain any questions this committee may have, and our organization would be honored to have any detailed discussions necessary on possible amendments to this legislation deemed necessary to get this bill to the Governor's desk.

Thank you all for your time.

Sincerely,

Jeff Garvas