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Ohio Police Chief Says AG Must Help Educate Police & Public on Legality of Open Carry

The open carry of handgun in holsters without any license has been peremptorily lawful in Ohio (like most states) ⁽¹⁾ since the Ohio legislature overrode Governor Taft's veto of HB 347 in 2006. Further, the United States Supreme Court said last week that the open carry of handguns is constitutionally protected while concealed carry is not. ⁽²⁾

Nonetheless, some Ohio police officers remain confused as to the legality of open carry in Ohio, and/or believe it to be their province to editorialize against the practice.

Recently Willowick Police Chief Michael T. Lazor, after disciplining one of his officers for over-exuberance during an encounter with a citizen who was open carrying, concluded that "openly carrying a firearm [does] not constitute any type of illegal act and that [the] issue is misunderstood by a very large portion of the law enforcement community and the public at large." ⁽³⁾

Today Chief Lazor asked in writing for "[a]n opinion from the Attorney General's Office along with some training options [that] would go a long way toward giving law enforcement some guidance from the state level." ⁽⁴⁾

OpenCarry.org commends Chief Lazor for being both professional and proactive in this matter.

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Footnotes

1. <http://www.opencarry.org/opencarry.html>
2. District of Columbia v. Heller, 554 U.S. ___, ___, slip op. at 64 (2008) (“At the time of the founding, as now, to ‘bear’ meant to, ‘carry.’ . . . [in Muscarello w]e think that JUSTICE GINSBURG accurately captured the natural meaning of “bear arms.” Although the phrase implies that the carrying of the weapon is for the purpose of ‘offensive or defensive action,’ it in no way connotes participation in a structured military organization.”) (quoting Muscarello v. United States, 524 U. S. 125, 143 (1998) (quoting Black’s Law Dictionary 214 (6th ed. 1998) (Ginsberg, J., dissenting)). See also, e.g., Nunn v. State, 1 Ga. 243, 246, 250–251 (1846) (striking down broad ban on openly carrying weapons on Second Amendment grounds); State v. Kerner, 107 S.E. 222 (1921) (state requirement for license to carry handguns openly in public is unconstitutional under North Carolina constitution); State v. Bolin, ___ S.E.2d ___, 2008 WL 2078141, 2 (S.C. 2008) (state statute banning handgun possession for persons under 21 years of age violates South Carolina constitution as applied to persons aged 18-20 years of age).
3. http://www.ohioccw.org/images/stories/ag_willowick_chief_letter.pdf
4. Id.