

**Subject:** RE: OSC Klein v Leis  
**From:** "Jeff Kruithoff" <Jeff@cityofspringboro.com>  
**Date:** Fri, 26 Sep 2003 09:49:48 -0400  
**To:** "Joe Eaton" <joeaton@usaconnect.com>

Mr. Eaton,

Based on the narrow scenario described in your questions, you would likely not be subject to arrest under any city ordinance in the City of Springboro. Although as a matter of practicality, it is very difficult to carry a weapon in an open holster for any length of time where your movement i.e. moving into and out of a vehicle, store, business, or other activity does not conceal the weapon at times from a casual observer, subjecting yourself to the restriction against carrying a weapon concealed.

Since any further speculation regarding the scenario described in your question is an issue of legal interpretation, I would encourage you to forward your questions to an attorney before you make an effort to self define whether your actions are legal or illegal.

Jeff Kruithoff  
Chief of Police

-----Original Message-----

From: Joe Eaton [mailto:joeaton@usaconnect.com]  
Sent: Thursday, September 25, 2003 5:18 PM  
To: Jeff Kruithoff  
Subject: OSC Klein v Leis

Chief Kruithoff,

On Wednesday, September 24th, 2003 the Ohio Supreme Court ruled in Klein v. Leis indicating Ohio Revised Code 2923.12 and 2923.16 (prohibits carrying concealed firearms) are not unconstitutional.

However, the court stated that the fundamental right to bear arms for defense and security, protected by the Ohio Constitution, Article I, Section 4 is protected by a citizens ability to carry a firearm openly in the state of Ohio.

For instance, a citizen can exercise their rights under the Ohio Constitution by putting a loaded firearm into an openly visible holster on their belt, but they may not conceal the firearm.

So long as this citizen is not breaking any other laws that prohibit possession of a firearm, their actions are deemed not only legal, but also constitutionally protected.

Based on this ruling, I have some questions that I would like you to answer:

- 1) Will I be arrested for walking through town with an openly visible firearm holstered on my belt?
- 2) Are there any local ordinances that prohibit this that would be enforced?
- 3) If there are local ordinances, do you foresee those ordinances being unconstitutional in light of the Ohio Supreme Courts mandate that openly carrying a firearm is a fundamental right protected by our State Constitution?

I would appreciate a response in writing.

Please deliver it to my attention via Email or facsimile to (330) 908-2881

at your earliest convenience, or contact me at the number below.

Sincerely,  
Joe Eaton

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