

Subject: [ccw-talk] Open Carry of firearms In Loveland Response to letter
From: XXXXXXXX XXXXXXXX XXXXXXXX XXXXXXXX X
Date: Mon, 6 Oct 2003 07:48:41 -0400
To: ccw-talk@lists.ofcc.net

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

From: lovelandpolice [mailto:lovelandpolice@safety-center.org]
Sent: Friday, October 03, 2003 3:14 PM
To: 'Anthony Walls '
Subject: RE: Open Carry of firearms In Loveland

Mr. Walls

Thank you for your interest in the Loveland Police Department. You have raised questions about an issue in our society that is under considerable debate. You have already mentioned the fact that several courts have made rulings on this particular issue. I will answer your questions to the best of my ability. However, I suggest you contact the Hamilton County Prosecutor's Office if you have further questions.

The Loveland Police Department has been following the case of Klein vs. Leis with great interest, as have all law enforcement throughout Hamilton County. I have read the Ohio Supreme Court findings in this matter. Based on their instructions I see no reason why you could not carry a firearm, not concealed, in a public place provided you do not meet any of the other restrictions imposed by Ohio Law. There are several in the Ohio Revised Code that restrict such carrying and I suggest you research them to make sure you do not apply to any.

My decision on this issue is based in the United States and Ohio Constitutions and the recent decision of this case, wherein, the Ohio Supreme court stated, "The right to bear arms is fundamental". It also goes on to state, "...the right to bear arms is a right of which citizens cannot be deprived."

Additionally, to my knowledge, there are no Ohio Revised Codes or Loveland City Ordinances that prohibit such carrying. Please take into account that this is MY interpretation of the existing rulings, constitution, and laws. Also, understand that many Ohio laws leave room for interpretation among law enforcement, prosecutors, and the court system. And many such topics are, as you have already mentioned, debated by all sides. You may encounter a police officer who does not share my interpretation and is willing to enforce such laws and let a judge decide the finding.

If you have and further questions or comments please do not hesitate to ask.

Respectfully

PO Dennis Rahe
Loveland Police Department

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

From: Anthony Walls
To: 'lovelandpolice@safety-center.org'
Sent: 10/01/2003 1:05 PM
Subject: Open Carry of firearms In Loveland

To Whom It May Concern,

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 citizen's 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:

* Will I be arrested for walking through town with an openly visible firearm holstered on my belt or in a shoulder holster?

* Are there any local ordinances that prohibit this that would be enforced?

* If there are local ordinances, do you foresee those ordinances being unconstitutional in light of the Ohio Supreme Court's 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 facsimile email to XXXXXXXXXXXXXXXXXXXXXXX at your earliest convenience, or contact me at the number below.

Sincerely,
XXXXXXXX X XXXXX
XXX X XXX XXX
Loveland, Ohio 45140
XXX-XXX-XXXX
XXXXXXXXXXXXXXXXXXXXXXX

Ohioans For Concealed Carry's ccw-talk Discussion List
To contribute, email: ccw-talk@lists.ofcc.net
To unsubscribe or for more info: <http://www.OhioCCW.org/mailman/listinfo/ccw-talk>

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