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MEMORANDUM

TO: ALL COUNTY LAW ENFORCEMENT AGENCIES

FROM: MICHAEL K. ALLEN
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DATE: September 25, 2003

RE: *Klein vs. Leis*, 99 Ohio St. 3d 537 (Sept. 24, 2003)

1. On September 24, 2003, the Ohio Supreme Court ruled that Ohio's statutes which prohibit carrying concealed weapons (R.C. §2023.12) and Improper Transportation of Firearms in a Motor Vehicle (R.C. §2923.16) are constitutional enactments of the General Assembly. The Court ruled that there is no constitutional right to bear concealed weapons. While recognizing a fundamental right to bear arms, under the Ohio Constitution, the Ohio Supreme Court held that these statutes are a reasonable regulation of the manner in which weapons are carried.

2. The Ohio Supreme Court did not address the issue of carrying "unconcealed" weapons. The plaintiffs in the lawsuit argued that anybody who openly carries a firearm is automatically arrested. There is no statute, in the state of Ohio, which prohibits the carrying an unconcealed firearm, on your person. Police officers are advised that they should not consider an individual openly carrying a firearm as an "automatic arrest." Officers must exercise their judgment and only make an arrest in cases where probable cause exists to believe that the person carrying the firearm is violating the law. Openly carrying a firearm does not mean that the person is automatically guilty of Disorderly Conduct (R.C. §2917.11) or Inducing Panic (R.C. §2817.31). Each case must be judged on it's own set of facts.

3. The Court's decision did not impact the prohibitions against carrying weapons in certain locations, such as school safety zones, liquor premises, courthouses or detention facilities or possessing a weapon while under disability or intoxicated.