

**MEMORANDUM**

TO: Joseph Kirk, Ohio Department of Public Safety

FROM: Danielle Dillard, Regulatory Policy Advocate

DATE: July 24, 2018

RE: **CSI Review – Firearms Licensing (OAC 4501:7-1-01, 4501:7-1-04, 4501:7-1-08, 4501:7-1-09, 4501:7-1-16, 4501:7-1-22, and 4501:7-1-23)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of two new rules and five amended rules submitted by the Ohio Department of Public Safety (ODPS) regarding firearms licensing and firearms bearers' notations. The rule package was submitted to the CSI Office on January 19, 2018. The comment period closed on February 12, 2018. Five comments were received during this time and the Department provided its response to comments on June 20, 2018.

The proposed rules clarify language dealing with firearm bearer notations. These notations permit registered investigators and security guards to carry firearms while performing their job duties. The amended rules make only non-substantive changes to accommodate and reference the two proposed rules.

As part of early stakeholder outreach, ODPS sent a bulletin email to all licensed private investigator and security guard companies in the state asking for comment. Stakeholders expressed concerns over license renewal and firearm requalification dates being out of sync, as well as the lack of an exemption for retired law enforcement officers to carry firearms. The

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Department noted that both of these issues would require state statutory changes, and it is looking into possible solutions. The Department also reminded stakeholders that the proposed and amended rules are not making substantive changes, and only seek to clarify the licensing and registration processes.

During the CSI comment period, five comments were received from private security companies and interested individuals. The comments expressed general discontent with various aspects of the licensing and notation structure. For example, one comment discussed the lack of reciprocity with other states to satisfy licensing requirements. Other comments expressed dislike of the quarterly reporting system, and noted the lack of an exemption for retired law enforcement officers. The Department responded to each comment, noting that the proposed amendments only serve to clarify existing rules, and no new prohibitions, privileges, or responsibilities are being created. It encouraged commenters to contact state legislators for further discussion, as the concerns they expressed would require statutory changes. One comment did note a typographical error which the Department corrected.

Firearms licensing and firearm bearer notation rules impact all companies licensed in Ohio to provide private investigation services or security guard services. Any employee or qualifying agent who will carry a firearm in the course of his or her duties must carry a registration card that indicates which firearms they are registered to use. Firearm bearer notation requires a separate application from the license to provide investigation and security services. Applicants must pay a \$375 application fee, undergo an FBI records check, and show proof of completion of an approved training course, along with proof of certification for each type of firearm he or she will carry. Firearm bearer notation must be renewed annually, and employers must provide ODPS with a quarterly report listing all registered employees to verify compliance.

The ODPS justifies any adverse impact because it is statutorily required to implement licensing and registration laws for private investigator and security guard services and their employees. The regulations ensure public safety by requiring these individuals to have proper training and experience before carrying a firearm in the course of their job duties.

Recommendation

For the reasons explained above, the CSI office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Department of Public Safety should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.