

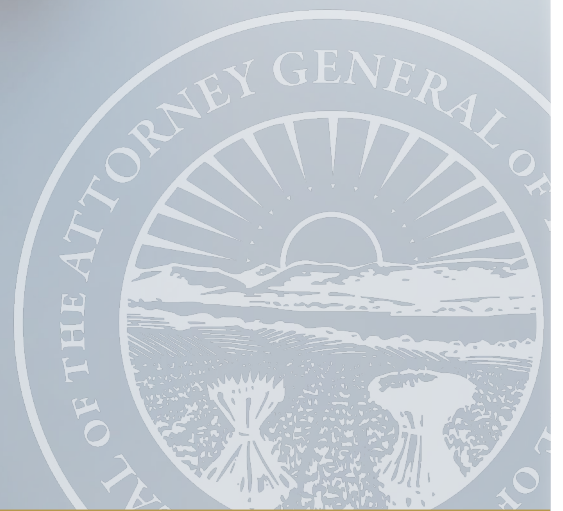
# Concealed Handgun Licenses

## A Special Report

The Ohio Attorney General's Office plays a role in the checks and balances of the state's permit process for concealed-handgun licenses (CHLs), seeking to do everything within its purview to prevent such licenses from landing in the wrong hands. A recent AGO analysis of active Ohio CHLs and mental incompetence declarations confirmed some vulnerabilities in the licensing system, prompting proactive efforts to shore up the gaps.



**DAVE YOST**  
OHIO ATTORNEY GENERAL



## Executive summary

In the public debate over gun control, supporters of the Second Amendment often contend that, instead of passing new gun laws, states should focus on enforcing the ones already in place.

When Ohio Attorney General Dave Yost assumed his elected position in January 2019, he entered the office having learned of some long-standing gaps in the state's concealed-handgun licensing (CHL) process. Wanting to exercise due diligence on behalf of all Ohioans, AG Yost began an analysis of the state's system for concealed-carry licensing and the active Ohio CHLs, to both assess the process and verify that the state's 88 counties are in compliance with existing law governing those licenses. All 11.7 million Ohioans, after all, have a stake in ensuring that concealed carry is administered lawfully and responsibly.

Under Ohio law, gun owners are required to obtain a license in order to carry a concealed handgun. Law-abiding Ohioans can seek a concealed handgun license (CHL) only after taking an eight-hour concealed-carry training class and passing a background check. From a public safety perspective, the two most important factors that prevent an applicant from obtaining a CHL are a felony conviction and an adjudication of mental incompetence. The same criteria, under both state and federal law, also prohibit the possession of a firearm.

The AGO's analysis focused on mental incompetence declarations and concealed-carry permits.

Roughly 700,000 people have an active Ohio CHL. The state's licensing process, introduced in 2004, begins with the 88 county sheriffs, who are authorized under Ohio law to issue the licenses. The backbone of this process is the background check.

After several internal discussions about the goals and logistics of the CHL analysis, the Attorney General's Office (AGO), through a memorandum of understanding, made a request for a list of active Ohio CHL holders from the Ohio Department of Public Safety (ODPS), which maintains the licenses in its Law Enforcement Automated Data System, a tool used strictly for criminal justice matters. That list, confidential under Ohio law, can be used for law enforcement purposes only.

With the list of the roughly 700,000 CHL holders in hand, the AGO matched identifying information of those individuals against a data set managed by the Attorney General's Bureau of Criminal Investigation (BCI) containing the names of individuals who have been deemed to be mentally incompetent.

This report summarizes the AGO data analysis as well as the steps since taken to plug the gaps involving concealed-carry permit holders who have been declared mentally incompetent – and, as such, are prohibited by law from holding a concealed-carry permit.

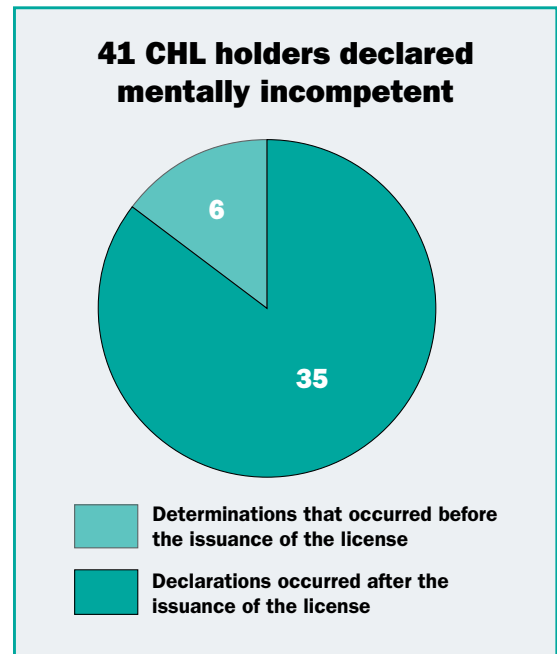
## Summary of the findings

The data analysis of the 700,000 holders of active CHLs yielded these findings:

- Forty-one individuals (spanning 17 Ohio counties) have been deemed to be mentally incompetent, a criterion that should have disqualified them from obtaining and/or keeping the CHL. (Note: A 42nd individual from an 18th county was also identified, but that person is now deceased.)
- Of the 41 CHL holders declared mentally incompetent, 35 MI declarations occurred after the issuance of the license. This finding reflects a gap in the statutory process: Sheriffs are not automatically notified when a CHL holder is deemed to be mentally incompetent.
- The remaining six have MI determinations that occurred before the issuance of the license.

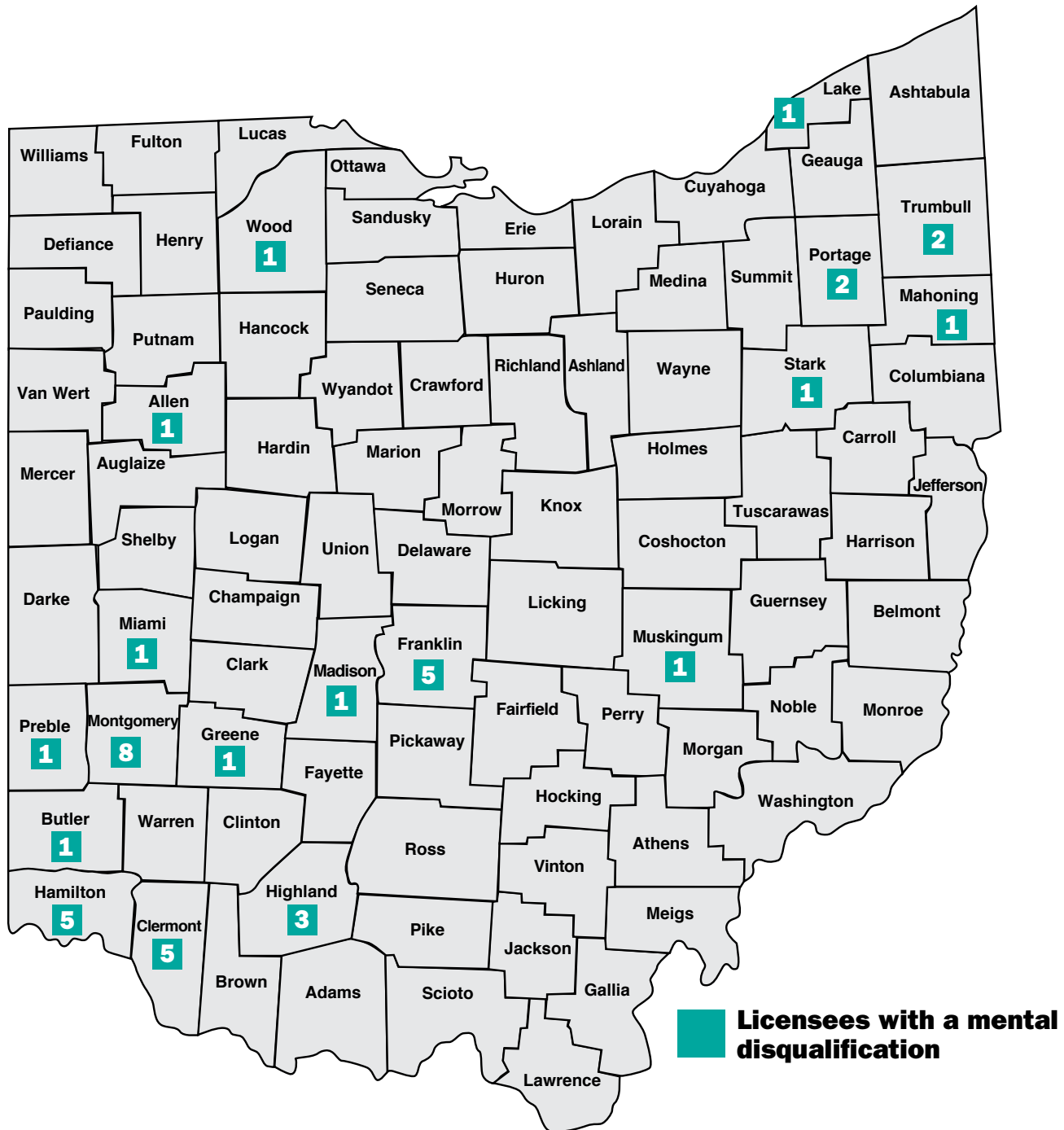
Besides the lack of an automated process for notifying sheriffs when a CHL holder is deemed to be incompetent, the AGO analysis confirmed other weaknesses in the licensing process:

- Some courts and/or mental health providers are not promptly reporting to BCI, as required by state law, determinations of mental incompetence.
- The fact that the CHL and MI databases are maintained by separate state agencies creates a bureaucratic roadblock to such reviews, directly contributing to the system's vulnerabilities.



# Wrongfully licensed

The analysis by the Ohio Attorney General’s Office found that 41 Ohioans have a concealed handgun license even though they are not legally permitted to own a gun because of a disqualifying mental issue.



## The concealed-carry licensing process

Under Ohio law, the state's 88 county sheriffs are authorized to issue Ohio concealed-handgun licenses. An Ohio CHL must be renewed every five years. The CHL application process plays out this way:

- An application for a CHL is filed with a county sheriff.
- The sheriff sends the applicant's fingerprints to BCI, which compares them against the Ohio Criminal History Repository to verify whether the applicant has a felony conviction.
- The sheriff compares the applicant's identifying information against the mental incompetence database, also managed by BCI, to verify whether the applicant has been deemed to be mentally incompetent.
- The sheriff uses LEADS to check the applicant's name in the FBI's National Instant Criminal Background Check System (NICS) to verify that, under federal law, the applicant qualifies to possess a firearm.
- If the background check reveals no MI determination or felony conviction, the sheriff issues the applicant a CHL within 45 days of the application date.

## The data analysis

The analysis by the Attorney General's Office encompassed two databases:

- The CHL database, which identifies holders of Ohio concealed-handgun licenses. This database, kept in LEADS, is managed by the Ohio Department of Public Safety. The list provided to the Attorney General's Office by the ODPS contained slightly fewer than 700,000 names.
- BCI's MI database, containing records of individuals in Ohio deemed mentally incompetent by a court. This database, maintained by BCI since 2004, contains about 30,000 names.

The cross-checking of the MI and CHL databases began with the AGO request for the list of active CHL holders. The request was fulfilled by the Department of Public Safety through a memorandum of understanding (MOU), with the AGO agreeing to a one-time use of the data – for purposes of the analysis only.

When an individual applies for a CHL, the required background check is in place to help identify, among other things, whether an applicant has been declared mentally incompetent. In conducting the analysis, then, the AGO sought to verify whether anyone that has been declared mentally incompetent is a CHL holder and, if so, whether that declaration occurred before or after the license was issued.

The AGO cross-checked the identifying information of individuals in the MI database against the list of holders of active CHLs to find potential matches. Any identified matches were then individually verified through additional research, which eventually led to the AGO's list of "highly confident matches."

The matching and verification process yielded 41 individuals (not counting one deceased individual) with an active CHL who have been deemed to be mentally incompetent.

## The Attorney General's response to the findings

In Ohio, the authority to revoke a concealed-handgun license lies with the county sheriffs, the same law enforcement officers authorized to issue the licenses.

In all 41 cases in which an MI determination was confidently linked to the holder of an active CHL, the Attorney General's Office notified the appropriate county sheriff — first by phone and then electronically in a letter — about its findings. The AGO advised each sheriff to act as soon as possible to verify the findings and, if/when confirmed, to revoke the wrongfully issued CHL.

Although 41 people out of 700,000 represents only a fraction of a percentage point (.006 percent), even one wrongfully licensed CHL holder is too many. Ohio can and should do better, and the best way to do better is to address the system vulnerabilities as expediently as possible.

To that end, Attorney General Yost and his office in recent months partnered with ODPS to create an automated process that allows BCI to cross-check the CHL and MI databases on a regular basis. This change, which was made at no cost to taxpayers, eliminates existing bureaucratic hurdles and allows BCI to make routine cross-checks of the CHLs against the MI database. When a mentally incompetent adjudication is uncovered in the cross-checking process, BCI is committed to promptly notifying the appropriate sheriff by phone and in writing so that action can be taken on the CHL in question.

As a repository of information, BCI is in the business of providing information and helping people identify criminals, making the bureau tailor-made for a primary role in the checks and balances of the CHL licensing process. With a few additional improvements, Ohio could solidify its commitment to administering concealed carry lawfully and responsibly, perhaps setting the national standard.



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