

# **The Truth About**

## **The Open Carry Bill & the 45 States that Allow Open Carry**

In recent Palm Beach Post Blog articles and a Tampa Bay Times Blog article, the Chairman of the Florida Sheriffs Association Legislative Committee (FSA) is quoted with some erroneous claims regarding the proposed open carry bill in Florida (SB-300 By Sen. Don Gaetz and HB-163 by Rep. Matt Gaetz).

Below are some of those claims and our response.

**FSA CLAIM:** “The bill as currently drafted is extremely broad, lacking limits on when, how or where firearms could be carried.”

**FACT:** The same provisions and restrictions that apply to concealed carry also apply to open carry (s.790.06). Only a person with a license to carry concealed will be able to carry openly. Additionally, the improper exhibition of firearms law (s.790.10) applies whether carrying concealed or openly.

*Further, because of these and other erroneous claims, a clarification amendment, to stop open carry opponents from continuing to make such false claims, was added to the bill in Senate Criminal Justice Committee the morning of 10/20/15 – We know the spokesman made that claim even AFTER the clarification amendment was added because the spokesman made reference to an amendment “that didn’t pass” in the same committee meeting.*

Since the FSA spokesman obviously doesn't want to believe the NRA's data, the following data was provided by Florida Carry, Inc. – and their data confirms ours.

**CLAIM:** “The bill’s proponents claim that 45 other states already allow open-carry. But that’s not really accurate.”

**FACT:** To the contrary, it is accurate. Forty-five (45) states allow open carry of firearms. Varying restrictions on open carry in some states does not alter the fact that 45 states allow open carry.

15 of 45 open carry states require a license to carry concealed or openly.

30 of 45 open carry states do not require any license to carry openly

0 of 15 of the concealed carry license states require additional training to carry openly

0 of 45 states offer a separate “open carry” license

2 of 45 states require an open carry holster. On 1/1/16 Texas will require a holster.

0 of 45 states require a retention holster.

5 of 15 are “may-issue” states where law enforcement issues licenses

15 of 15 states require the license holder to produce the license on lawful demand by a law enforcement officer.

**CLAIM:** "... most open-carry states have strict rules about ... producing the permit on demand."

**FACT:** This is a red herring. FLORIDA law already requires license holders to produce a license on demand by a law enforcement officer. And for the record, all 15 states that require a license, require producing the license on lawful demand by a law enforcement officer.

**CLAIM:** "...[I]t's 'intellectually dishonest' to say open carry laws are working in the 45 other states because there are so many variations in the laws and the demographics.

**FACT:** The open carry laws are working in 45 states. Opponents have presented no evidence to the contrary – no evidence that it isn't working in any state and no evidence of problems in any state. These are just baseless allegations. Simply because different states have variations in their laws does not in any way alter the fact that open carry is allowed and that it's working.

**CLAIM:** "In Pennsylvania, for example, cities can opt out of its open carry law and some, including Philadelphia, do just that, Gaultieri said. Florida cities don't have the option to opt out of a state law."

**FACT:** Pennsylvania DOES NOT allow cities to opt out of its open carry law. Pennsylvania does not require a license for a person to carry openly. Philadelphia cannot "op out" of the state open carry law. Pennsylvania state law allows the city of Philadelphia (and only Philadelphia) to require a license to carry openly in Philadelphia.

**CLAIM:** As for demographics, "You can't compare Sioux Falls, S.D. to downtown Miami or downtown Tampa or downtown Orlando," Gaultieri said.

**FACT:** This argument is illogical and perhaps intentionally misleading. Seventy percent (70%) of the American public live in open carry states from all regions of the country. Many of the 45 open carry states have large and diverse cities just like Florida and where you live geographically, whether it's Trilby, FL or Fanning Springs, FL, you have the same constitutional rights as citizens who live in Miami, Tampa, or Orlando.

**CLAIM:** "...the state's trespass law gives businesses the right to ask anyone openly carrying a weapon to leave their property," but they ... "will be reluctant to tell a person wearing a .45 to leave."

**FACT:** Posting signs prohibiting open carry inside a business establishment is a simple solution. Proper notification will stop citizens from even entering the establishment. Property owners already must post trespass signs to notify the public to stay off private property.

Businesses have the right to refuse service and evict anyone they wish unless it's done on the basis of race, gender, or religion. Further, it is common to see signs that say,

“No shirt, no shoes - no service.” Why are they reluctant to post signs saying , “No open carrying of firearms?”

**CLAIM:** “..if you are McDonald’s you won’t be able to exclude somebody from putting their gun on the table and sitting there and eating.”

**FACT:** Again, any business may evict a customer for behavior they deem to be offensive, dangerous or inappropriate. Further it is a criminal offense under s.790.10 to exhibit a firearm in a rude or careless manner.