

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 201

Representatives Hood, Brinkman

Cosponsors: Representatives Antani, Becker, Zeltwanger, Brenner, Goodman, Dean, Thompson, McColley, Vitale, Keller, Merrin, Blessing, Riedel, Wiggam, Lipps, Sprague, Johnson, Roegner, Householder, Schaffer, Faber, Koehler

A BILL

To amend sections 109.69, 109.731, 1547.69, 1
2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2
2923.124, 2923.125, 2923.126, 2923.128, 3
2923.129, 2923.1210, 2923.1213, 2923.16, 4
2953.37, and 4749.10 and to enact section 5
2923.111 of the Revised Code to allow a 6
concealed handgun licensee to carry concealed 7
all firearms other than dangerous ordnance or 8
firearms prohibited by state or federal law; to 9
repeal the requirement that a licensee stopped 10
for a law enforcement purpose promptly inform an 11
approaching officer if the licensee is carrying 12
a firearm and provide for expungement of 13
convictions based on a violation of the 14
requirement; and to provide that a person age 21 15
or older and not prohibited by federal law from 16
possessing or receiving a firearm does not need 17
a concealed handgun license in order to carry a 18
concealed firearm and is subject to the same 19
laws regarding concealed firearm carrying as a 20
licensee. 21

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.69, 109.731, 1547.69, 22
2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 23
2923.125, 2923.126, 2923.128, 2923.129, 2923.1210, 2923.1213, 24
2923.16, 2953.37, and 4749.10 be amended and section 2923.111 of 25
the Revised Code be enacted to read as follows: 26

Sec. 109.69. (A) (1) The attorney general shall negotiate 27
and enter into a reciprocity agreement with any other license- 28
issuing state under which a concealed handgun license that is 29
issued by the other state is recognized in this state, except as 30
provided in division (B) of this section, if the attorney 31
general determines that both of the following apply: 32

(a) The eligibility requirements imposed by that license- 33
issuing state for that license are substantially comparable to 34
the eligibility requirements for a concealed handgun license 35
issued under section 2923.125 of the Revised Code. 36

(b) That license-issuing state recognizes a concealed 37
handgun license issued under section 2923.125 of the Revised 38
Code. 39

(2) A reciprocity agreement entered into under division 40
(A) (1) of this section also may provide for the recognition in 41
this state of a concealed handgun license issued on a temporary 42
or emergency basis by the other license-issuing state, if the 43
eligibility requirements imposed by that license-issuing state 44
for the temporary or emergency license are substantially 45
comparable to the eligibility requirements for a concealed 46
handgun license issued under section 2923.125 or 2923.1213 of 47
the Revised Code and if that license-issuing state recognizes a 48

concealed handgun license issued under section 2923.1213 of the Revised Code. 49
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(3) The attorney general shall not negotiate any agreement with any other license-issuing state under which a concealed handgun license issued by the other state is recognized in this state other than as provided in divisions (A) (1) and (2) of this section. 51
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(B) (1) If, on or after ~~the effective date of this amendment~~ March 23, 2015, a person who is a resident of this state has a valid concealed handgun license that was issued by another license-issuing state that has entered into a reciprocity agreement with the attorney general under division (A) (1) of this section or the attorney general determines that the eligibility requirements imposed by that license-issuing state for that license are substantially comparable to the eligibility requirements for a concealed handgun license issued under section 2923.125 of the Revised Code, the license issued by the other license-issuing state shall be recognized in this state, shall be accepted and valid in this state, and grants the person the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code. 56
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(2) If, on or after ~~the effective date of this amendment~~ March 23, 2015, a person who is a resident of this state has a valid concealed handgun license that was issued by another license-issuing state that has not entered into a reciprocity agreement with the attorney general under division (A) (1) of this section, the license issued by the other license-issuing state shall be recognized in this state, shall be accepted and valid in this state, and grants the person the same right to 71
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carry a concealed handgun in this state as a person who was 79
issued a concealed handgun license under section 2923.125 of the 80
Revised Code for a period of six months after the person became 81
a resident of this state. After that six-month period, if the 82
person wishes to obtain a concealed handgun license, the person 83
shall apply for a concealed handgun license pursuant to section 84
2923.125 of the Revised Code. 85

(3) If, on or after ~~the effective date of this amendment~~ 86
March 23, 2015, a person who is not a resident of this state has 87
a valid concealed handgun license that was issued by another 88
license-issuing state, regardless of whether the other license- 89
issuing state has entered into a reciprocity agreement with the 90
attorney general under division (A)(1) of this section, and the 91
person is temporarily in this state, during the time that the 92
person is temporarily in this state the license issued by the 93
other license-issuing state shall be recognized in this state, 94
shall be accepted and valid in this state, and grants the person 95
the same right to carry a concealed handgun in this state as a 96
person who was issued a concealed handgun license under section 97
2923.125 of the Revised Code. 98

(C) The attorney general shall publish each determination 99
described in division (B)(1) of this section that the attorney 100
general makes in the same manner that written agreements entered 101
into under division (A)(1) or (2) of this section are published. 102

(D) As used in this section: 103

(1) "Handgun," "firearm," "concealed handgun license," and 104
"valid concealed handgun license" have the same meanings as in 105
section 2923.11 of the Revised Code. 106

(2) "License-issuing state" means a state other than this 107

state that, pursuant to law, provides for the issuance of a 108
license to carry a concealed handgun or a license to carry a 109
concealed firearm. 110

Sec. 109.731. (A) (1) The attorney general shall prescribe, 111
and shall make available to sheriffs an application form that is 112
to be used under section 2923.125 of the Revised Code by a 113
person who applies for a concealed handgun license and an 114
application form that is to be used under section 2923.125 of 115
the Revised Code by a person who applies for the renewal of a 116
license of that nature. The attorney general shall design the 117
form to enable applicants to provide the information that is 118
required by law to be collected, and shall update the form as 119
necessary. Burdens or restrictions to obtaining a concealed 120
handgun license that are not expressly prescribed in law shall 121
not be incorporated into the form. The attorney general shall 122
post a printable version of the form on the web site of the 123
attorney general and shall provide the address of the web site 124
to any person who requests the form. 125

(2) The Ohio peace officer training commission shall 126
prescribe, and shall make available to sheriffs, all of the 127
following: 128

(a) A form for the concealed handgun license that is to be 129
issued by sheriffs to persons who qualify for a concealed 130
handgun license under section 2923.125 of the Revised Code and 131
that conforms to the following requirements: 132

(i) It has space for the licensee's full name, residence 133
address, and date of birth and for a color photograph of the 134
licensee. 135

(ii) It has space for the date of issuance of the license, 136

its expiration date, its county of issuance, the name of the sheriff who issues the license, and the unique combination of letters and numbers that identify the county of issuance and the license given to the licensee by the sheriff in accordance with division (A) (2) (c) of this section.

(iii) It has space for the signature of the licensee and the signature or a facsimile signature of the sheriff who issues the license.

(iv) It does not require the licensee to include serial numbers of ~~handguns~~ firearms, other identification related to ~~handguns~~ firearms, or similar data that is not pertinent or relevant to obtaining the license and that could be used as a de facto means of registration of ~~handguns~~ firearms owned by the licensee.

(b) A series of three-letter county codes that identify each county in this state;

(c) A procedure by which a sheriff shall give each concealed handgun license, replacement concealed handgun license, or renewal concealed handgun license and each concealed handgun license on a temporary emergency basis or replacement license on a temporary emergency basis the sheriff issues under section 2923.125 or 2923.1213 of the Revised Code a unique combination of letters and numbers that identifies the county in which the license was issued and that uses the county code and a unique number for each license the sheriff of that county issues;

(d) A form for a concealed handgun license on a temporary emergency basis that is to be issued by sheriffs to persons who qualify for such a license under section 2923.1213 of the

Revised Code, which form shall conform to all the requirements 166
set forth in divisions (A) (2) (a) (i) to (iv) of this section and 167
shall additionally conspicuously specify that the license is 168
issued on a temporary emergency basis and the date of its 169
issuance. 170

(B) (1) The Ohio peace officer training commission, in 171
consultation with the attorney general, shall prepare a pamphlet 172
that does all of the following, in everyday language: 173

(a) Explains the firearms laws of this state; 174

(b) Instructs the reader in dispute resolution and 175
explains the laws of this state related to that matter; 176

(c) Provides information to the reader regarding all 177
aspects of the use of deadly force with a firearm, including, 178
but not limited to, the steps that should be taken before 179
contemplating the use of, or using, deadly force with a firearm, 180
possible alternatives to using deadly force with a firearm, and 181
the law governing the use of deadly force with a firearm. 182

(2) The attorney general shall consult with and assist the 183
commission in the preparation of the pamphlet described in 184
division (B) (1) of this section and, as necessary, shall 185
recommend to the commission changes in the pamphlet to reflect 186
changes in the law that are relevant to it. The attorney general 187
shall publish the pamphlet on the web site of the attorney 188
general and shall provide the address of the web site to any 189
person who requests the pamphlet. 190

(3) The attorney general shall create and maintain a 191
section on the attorney general's web site that provides 192
information on firearms laws of this state specifically 193
applicable to members of the armed forces of the United States 194

and a link to the pamphlet described in division (B) (1) of this section. 195
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(C) The Ohio peace officer training commission shall 197
maintain statistics with respect to the issuance, renewal, 198
suspension, revocation, and denial of concealed handgun licenses 199
under section 2923.125 of the Revised Code and the suspension of 200
processing of applications for those licenses, and with respect 201
to the issuance, suspension, revocation, and denial of concealed 202
handgun licenses on a temporary emergency basis under section 203
2923.1213 of the Revised Code, as reported by the sheriffs 204
pursuant to division (C) of section 2923.129 of the Revised 205
Code. Not later than the first day of March in each year, the 206
commission shall submit a statistical report to the governor, 207
the president of the senate, and the speaker of the house of 208
representatives indicating the number of concealed handgun 209
licenses that were issued, renewed, suspended, revoked, and 210
denied under section 2923.125 of the Revised Code in the 211
previous calendar year, the number of applications for those 212
licenses for which processing was suspended in accordance with 213
division (D) (3) of that section in the previous calendar year, 214
and the number of concealed handgun licenses on a temporary 215
emergency basis that were issued, suspended, revoked, or denied 216
under section 2923.1213 of the Revised Code in the previous 217
calendar year. Nothing in the statistics or the statistical 218
report shall identify, or enable the identification of, any 219
individual who was issued or denied a license, for whom a 220
license was renewed, whose license was suspended or revoked, or 221
for whom application processing was suspended. The statistics 222
and the statistical report are public records for the purpose of 223
section 149.43 of the Revised Code. 224

(D) As used in this section, "concealed handgun license," 225

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| " <u>firearm</u> ," and "handgun" have the same meanings as in section 2923.11 of the Revised Code. | 226 227 |
| Sec. 1547.69. (A) As used in this section: | 228 |
| (1) "Firearm," "concealed handgun license," "handgun," " <u>restricted firearm</u> ," "valid concealed handgun license," and "active duty" have the same meanings as in section 2923.11 of the Revised Code. | 229 230 231 232 |
| (2) "Unloaded" has the same meanings as in divisions (K) (5) and (6) of section 2923.16 of the Revised Code, except that all references in the definition in division (K) (5) of that section to "vehicle" shall be construed for purposes of this section to be references to "vessel." | 233 234 235 236 237 |
| (B) No person shall knowingly discharge a firearm while in or on a vessel. | 238 239 |
| (C) No person shall knowingly transport or have a loaded firearm in a vessel in a manner that the firearm is accessible to the operator or any passenger. | 240 241 242 |
| (D) No person shall knowingly transport or have a firearm in a vessel unless it is unloaded and is carried in one of the following ways: | 243 244 245 |
| (1) In a closed package, box, or case; | 246 |
| (2) In plain sight with the action opened or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or that cannot easily be stripped, in plain sight. | 247 248 249 250 |
| (E) (1) The affirmative defenses authorized in divisions (D) (1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (C) or (D) of | 251 252 253 |

this section that involves a firearm other than a handgun if 254
division (H) (2) of this section does not apply to the person 255
charged. It is an affirmative defense to a charge under division 256
(C) or (D) of this section of transporting or having a firearm 257
of any type, including a handgun, in a vessel that the actor 258
transported or had the firearm in the vessel for any lawful 259
purpose and while the vessel was on the actor's own property, 260
provided that this affirmative defense is not available unless 261
the actor, prior to arriving at the vessel on the actor's own 262
property, did not transport or possess the firearm in the vessel 263
or in a motor vehicle in a manner prohibited by this section or 264
division (B) or (C) of section 2923.16 of the Revised Code while 265
the vessel was being operated on a waterway that was not on the 266
actor's own property or while the motor vehicle was being 267
operated on a street, highway, or other public or private 268
property used by the public for vehicular traffic. 269

(2) No person who is charged with a violation of division 270
(C) or (D) of this section shall be required to obtain a license 271
or temporary emergency license to carry a concealed handgun 272
under section 2923.125 or 2923.1213 of the Revised Code as a 273
condition for the dismissal of the charge. 274

(F) Divisions (B), (C), and (D) of this section do not 275
apply to the possession or discharge of a United States coast 276
guard approved signaling device required to be carried aboard a 277
vessel under section 1547.251 of the Revised Code when the 278
signaling device is possessed or used for the purpose of giving 279
a visual distress signal. No person shall knowingly transport or 280
possess any signaling device of that nature in or on a vessel in 281
a loaded condition at any time other than immediately prior to 282
the discharge of the signaling device for the purpose of giving 283
a visual distress signal. 284

(G) No person shall operate or permit to be operated any vessel on the waters in this state in violation of this section.

(H) (1) This section does not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or of the United States, or to a law enforcement officer, when authorized to carry or have loaded or accessible firearms in a vessel and acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in a vessel, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (H) (1) (b) of this section does not apply to the person;

(c) Any person legally engaged in hunting.

~~(2) Divisions~~ (a) Subject to division (H) (2) (b) of this section, divisions (C) and (D) of this section do not apply to a person who transports or possesses ~~a handgun~~ in a vessel a firearm that is not a restricted firearm and who, at the time of that transportation or possession, ~~either~~ is carrying a valid concealed handgun license, is deemed under division (C) of section 2923.111 of the Revised Code to have been issued a concealed handgun license under section 2923.125 of the Revised Code, or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements

described in division (G) (1) of section 2923.125 of the Revised Code, ~~unless.~~

(b) The exemptions specified in division (H) (2) (a) of this section do not apply to a person if the person, at the time of the transport or possession in question, knowingly is in a-an unauthorized place on the vessel described specified in division (B) of section 2923.126 of the Revised Code or knowingly is transporting or possessing the firearm in any prohibited manner listed in that division.

(I) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

(J) Division (L) of section 2923.16 of the Revised Code applies with respect to division (A) (2) of this section, except that all references in division (L) of section 2923.16 of the Revised Code to "vehicle," to "this chapter," or to "division (K) (5) (a) or (b) of this section" shall be construed for purposes of this section to be, respectively, references to "vessel," to "section 1547.69 of the Revised Code," and to "divisions (K) (5) (a) and (b) of section 2923.16 of the Revised Code as incorporated under the definition of firearm adopted under division (A) (2) of this section."

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of

the Revised Code: 344

(A) "Deadly weapon" means any instrument, device, or thing 345
capable of inflicting death, and designed or specially adapted 346
for use as a weapon, or possessed, carried, or used as a weapon. 347

(B) (1) "Firearm" means any deadly weapon capable of 348
expelling or propelling one or more projectiles by the action of 349
an explosive or combustible propellant. "Firearm" includes an 350
unloaded firearm, and any firearm that is inoperable but that 351
can readily be rendered operable. 352

(2) When determining whether a firearm is capable of 353
expelling or propelling one or more projectiles by the action of 354
an explosive or combustible propellant, the trier of fact may 355
rely upon circumstantial evidence, including, but not limited 356
to, the representations and actions of the individual exercising 357
control over the firearm. 358

(C) "Handgun" means any of the following: 359

(1) Any firearm that has a short stock and is designed to 360
be held and fired by the use of a single hand; 361

(2) Any combination of parts from which a firearm of a 362
type described in division (C) (1) of this section can be 363
assembled. 364

(D) "Semi-automatic firearm" means any firearm designed or 365
specially adapted to fire a single cartridge and automatically 366
chamber a succeeding cartridge ready to fire, with a single 367
function of the trigger. 368

(E) "Automatic firearm" means any firearm designed or 369
specially adapted to fire a succession of cartridges with a 370
single function of the trigger. 371

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;

(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(K) "Dangerous ordnance" means any of the following,

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| except as provided in division (L) of this section: | 400 |
| (1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife; | 401 402 |
| (2) Any explosive device or incendiary device; | 403 |
| (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonite, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions; | 404 405 406 407 408 409 410 411 412 413 |
| (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon; | 414 415 416 417 |
| (5) Any firearm muffler or suppressor; | 418 |
| (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance. | 419 420 421 |
| (L) "Dangerous ordnance" does not include any of the following: | 422 423 |
| (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder; | 424 425 426 427 |

(2) Any pistol, rifle, or shotgun, designed or suitable 428
for sporting purposes, including a military weapon as issued or 429
as modified, and the ammunition for that weapon, unless the 430
firearm is an automatic or sawed-off firearm; 431

(3) Any cannon or other artillery piece that, regardless 432
of its actual age, is of a type in accepted use prior to 1887, 433
has no mechanical, hydraulic, pneumatic, or other system for 434
absorbing recoil and returning the tube into battery without 435
displacing the carriage, and is designed and safe for use only 436
with black powder; 437

(4) Black powder, priming quills, and percussion caps 438
possessed and lawfully used to fire a cannon of a type defined 439
in division (L) (3) of this section during displays, 440
celebrations, organized matches or shoots, and target practice, 441
and smokeless and black powder, primers, and percussion caps 442
possessed and lawfully used as a propellant or ignition device 443
in small-arms or small-arms ammunition; 444

(5) Dangerous ordnance that is inoperable or inert and 445
cannot readily be rendered operable or activated, and that is 446
kept as a trophy, souvenir, curio, or museum piece. 447

(6) Any device that is expressly excepted from the 448
definition of a destructive device pursuant to the "Gun Control 449
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 450
and regulations issued under that act. 451

(M) "Explosive" means any chemical compound, mixture, or 452
device, the primary or common purpose of which is to function by 453
explosion. "Explosive" includes all materials that have been 454
classified as division 1.1, division 1.2, division 1.3, or 455
division 1.4 explosives by the United States department of 456

transportation in its regulations and includes, but is not 457
limited to, dynamite, black powder, pellet powders, initiating 458
explosives, blasting caps, electric blasting caps, safety fuses, 459
fuse igniters, squibs, cordeau detonant fuses, instantaneous 460
fuses, and igniter cords and igniters. "Explosive" does not 461
include "fireworks," as defined in section 3743.01 of the 462
Revised Code, or any substance or material otherwise meeting the 463
definition of explosive set forth in this section that is 464
manufactured, sold, possessed, transported, stored, or used in 465
any activity described in section 3743.80 of the Revised Code, 466
provided the activity is conducted in accordance with all 467
applicable laws, rules, and regulations, including, but not 468
limited to, the provisions of section 3743.80 of the Revised 469
Code and the rules of the fire marshal adopted pursuant to 470
section 3737.82 of the Revised Code. 471

(N) (1) "Concealed handgun license" or "license to carry a 472
concealed handgun" means, subject to division (N) (2) of this 473
section, a license or temporary emergency license ~~to carry a~~ 474
~~concealed handgun~~ issued under section 2923.125 or 2923.1213 of 475
the Revised Code that authorizes the person to whom it is issued 476
to carry a concealed firearm other than a restricted firearm or 477
a license ~~to carry a concealed handgun~~ issued by another state 478
with which the attorney general has entered into a reciprocity 479
agreement under section 109.69 of the Revised Code that 480
authorizes the person to whom it is issued either to carry a 481
concealed handgun or to carry a concealed firearm other than a 482
restricted firearm. 483

(2) A reference in any provision of the Revised Code to a 484
concealed handgun license issued under section 2923.125 of the 485
Revised Code or a license to carry a concealed handgun issued 486
under section 2923.125 of the Revised Code means only a license 487

of the type that is specified in that section. A reference in 488
any provision of the Revised Code to a concealed handgun license 489
issued under section 2923.1213 of the Revised Code, a license to 490
carry a concealed handgun issued under section 2923.1213 of the 491
Revised Code, or a license to carry a concealed handgun on a 492
temporary emergency basis means only a license of the type that 493
is specified in section 2923.1213 of the Revised Code. A 494
reference in any provision of the Revised Code to a concealed 495
handgun license issued by another state or a license to carry a 496
concealed handgun issued by another state means only a license 497
issued by another state with which the attorney general has 498
entered into a reciprocity agreement under section 109.69 of the 499
Revised Code. 500

A reference in any provision of the Revised Code to a 501
person who is deemed under division (C) of section 2923.111 of 502
the Revised Code to have been issued a concealed handgun license 503
under section 2923.125 of the Revised Code means only a person 504
who is so deemed and does not include a person who has been 505
issued a license of a type described in division (N) (1) of this 506
section. 507

(O) "Valid concealed handgun license" or "valid license to 508
carry a concealed handgun" means a concealed handgun license 509
that is currently valid, that is not under a suspension under 510
division (A) (1) of section 2923.128 of the Revised Code, under 511
section 2923.1213 of the Revised Code, or under a suspension 512
provision of the state other than this state in which the 513
license was issued, and that has not been revoked under division 514
(B) (1) of section 2923.128 of the Revised Code, under section 515
2923.1213 of the Revised Code, or under a revocation provision 516
of the state other than this state in which the license was 517
issued. 518

(P) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:

(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.

(Q) "Alien registration number" means the number issued by the United States citizenship and immigration services agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number."

(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.

(S) "Restricted firearm" means a firearm that is a dangerous ordnance or that is a firearm that any law of this state or the United States prohibits the subject person from possessing, having, or carrying.

Sec. 2923.111. (A) Notwithstanding any other Revised Code section to the contrary, subject to the limitations specified in this division and to division (C) (2) of this section, a person who is twenty-one years of age or older and is not legally prohibited from possessing or receiving a firearm under 18 U.S.C. 922(g) (1) to (9) shall not be required to obtain a concealed handgun license under section 2923.125 or 2923.1213 of the Revised Code in order to carry in this state a concealed firearm that is not a restricted firearm.

Except as provided in divisions (B) and (C) of section

2923.126 of the Revised Code and regardless of whether the 548
person has been issued a concealed handgun license under section 549
2923.125 or 2923.1213 of the Revised Code or by another state, a 550
person who is twenty-one years of age or older and is not 551
legally prohibited from possessing or receiving a firearm under 552
18 U.S.C. 922(g)(1) to (9) may carry a concealed firearm that is 553
not a restricted firearm anywhere in this state. The person's 554
right to carry a concealed firearm that is not a restricted 555
firearm that is granted under this division is the same right as 556
is granted to a person who is issued a concealed handgun license 557
under section 2923.125 of the Revised Code, and the person 558
described in this division is subject to the same restrictions 559
as apply to a person who is issued a license under section 560
2923.125 of the Revised Code. 561

(B) The mere carrying or possession of a firearm that is 562
not a restricted firearm pursuant to the right described in 563
division (A) of this section, with or without a concealed 564
handgun license issued under section 2923.125 or 2923.1213 of 565
the Revised Code or by another state, does not constitute 566
grounds for any law enforcement officer or any agent of the 567
state, a county, a municipal corporation, or a township to 568
conduct any search, seizure, or detention, no matter how 569
temporary in duration, of an otherwise law-abiding person. 570

(C) (1) For purposes of sections 1547.69 and 2923.12 to 571
2923.1213 of the Revised Code and any other provision of law 572
that refers to a concealed handgun license or a concealed 573
handgun licensee, except when the context clearly indicates 574
otherwise, a person who is described in division (A) of this 575
section and is carrying or has, concealed on the person's person 576
or ready at hand, a firearm that is not a restricted firearm 577
shall be deemed to have been issued a concealed handgun license 578

under section 2923.125 of the Revised Code. 579

(2) The concealed handgun license expiration provisions of 580
section 2923.125 of the Revised Code and the concealed handgun 581
license suspension and revocation provisions of section 2923.128 582
of the Revised Code do not apply with respect to a person who is 583
described in division (A) of this section unless the person has 584
been issued a concealed handgun license. If a person is 585
described in division (A) of this section and the person 586
thereafter comes within any category of persons specified in 18 587
U.S.C. 922(g) (1) to (9) so that the person as a result is 588
legally prohibited under the applicable provision from 589
possessing or receiving a firearm, both of the following apply 590
automatically and immediately upon the person coming within that 591
category: 592

(a) Division (A) of this section and the authority and 593
right to carry a concealed firearm that are described in that 594
division do not apply to the person. 595

(b) Division (C) (1) of this section does not apply to the 596
person, and the person no longer is deemed to have been issued a 597
concealed handgun license under section 2923.125 of the Revised 598
Code as described in that division. 599

Sec. 2923.12. (A) No person shall knowingly carry or have, 600
concealed on the person's person or concealed ready at hand, any 601
of the following: 602

(1) A deadly weapon other than a handgun; 603

(2) A handgun other than a dangerous ordnance; 604

(3) A dangerous ordnance. 605

(B) No person who has been issued a concealed handgun 606

license and is carrying a concealed firearm that is not a 607
restricted firearm or who is deemed under division (C) of 608
section 2923.111 of the Revised Code to have been issued a 609
concealed handgun license under section 2923.125 of the Revised 610
Code and is carrying a concealed firearm that is not a 611
restricted firearm shall do any of the following: 612

~~(1) If the person is stopped for a law enforcement purpose~~ 613
~~and is carrying a concealed handgun, fail to promptly inform any~~ 614
~~law enforcement officer who approaches the person after the~~ 615
~~person has been stopped that the person has been issued a~~ 616
~~concealed handgun license and that the person then is carrying a~~ 617
~~concealed handgun;~~ 618

~~(2)~~ If the person is stopped for a law enforcement purpose 619
~~and is carrying a concealed handgun,~~ knowingly fail to keep the 620
person's hands in plain sight at any time after any law 621
enforcement officer begins approaching the person while stopped 622
and before the law enforcement officer leaves, unless the 623
failure is pursuant to and in accordance with directions given 624
by a law enforcement officer; 625

~~(3)~~ (2) If the person is stopped for a law enforcement 626
purpose, ~~if the person is carrying a concealed handgun,~~ and if 627
the person is approached by any law enforcement officer while 628
stopped, knowingly remove or attempt to remove the loaded 629
~~handgun~~ firearm from the holster, pocket, or other place in 630
which the person is carrying it, knowingly grasp or hold the 631
loaded ~~handgun~~ firearm, or knowingly have contact with the 632
loaded ~~handgun~~ firearm by touching it with the person's hands or 633
fingers at any time after the law enforcement officer begins 634
approaching and before the law enforcement officer leaves, 635
unless the person removes, attempts to remove, grasps, holds, or 636

has contact with the loaded ~~handgun~~ firearm pursuant to and in 637
accordance with directions given by the law enforcement officer; 638

~~(4)~~ (3) If the person is stopped for a law enforcement 639
purpose ~~and is carrying a concealed handgun~~, knowingly disregard 640
or fail to comply with any lawful order of any law enforcement 641
officer given while the person is stopped, including, but not 642
limited to, a specific order to the person to keep the person's 643
hands in plain sight. 644

(C) (1) This section does not apply to any of the 645
following: 646

(a) An officer, agent, or employee of this or any other 647
state or the United States, or to a law enforcement officer, who 648
is authorized to carry concealed weapons or dangerous ordnance 649
or is authorized to carry handguns and is acting within the 650
scope of the officer's, agent's, or employee's duties; 651

(b) Any person who is employed in this state, who is 652
authorized to carry concealed weapons or dangerous ordnance or 653
is authorized to carry handguns, and who is subject to and in 654
compliance with the requirements of section 109.801 of the 655
Revised Code, unless the appointing authority of the person has 656
expressly specified that the exemption provided in division (C) 657
(1) (b) of this section does not apply to the person; 658

(c) A person's transportation or storage of a firearm, 659
other than a firearm described in divisions (G) to (M) of 660
section 2923.11 of the Revised Code, in a motor vehicle for any 661
lawful purpose if the firearm is not on the actor's person; 662

(d) A person's storage or possession of a firearm, other 663
than a firearm described in divisions (G) to (M) of section 664
2923.11 of the Revised Code, in the actor's own home for any 665

lawful purpose. 666

~~(2) Division~~ (a) Subject to division (C) (2) (b) of this 667
section, divisions (A) (1) and (2) of this section does do not 668
apply to any person who with respect to the carrying or 669
possession of any firearm that is not a restricted firearm if, 670
at the time of the alleged carrying or possession of a handgun 671
the firearm, either the person is carrying a valid concealed 672
handgun license, is deemed under division (C) of section 673
2923.111 of the Revised Code to have been issued a concealed 674
handgun license under section 2923.125 of the Revised Code, or 675
is an active duty member of the armed forces of the United 676
States and is carrying a valid military identification card and 677
documentation of successful completion of firearms training that 678
meets or exceeds the training requirements described in division 679
(G) (1) of section 2923.125 of the Revised Code, unless. 680

(b) The exemptions specified in division (C) (2) (a) of this 681
section do not apply to a person if the person, at the time of 682
the carrying or possession in question, knowingly is in a an 683
unauthorized place described specified in division (B) of 684
section 2923.126 of the Revised Code or knowingly is 685
transporting or possessing the firearm in any prohibited manner 686
listed in that division. 687

(D) It is an affirmative defense to a charge under 688
division (A) (1) of this section of carrying or having control of 689
a deadly weapon other than a handgun and other than a dangerous 690
ordnance that neither division (C) (1) nor (2) of this section 691
applies, that the actor was not otherwise prohibited by law from 692
having the weapon, and that any of the following applies: 693

(1) The weapon was carried or kept ready at hand by the 694
actor for defensive purposes while the actor was engaged in or 695

was going to or from the actor's lawful business or occupation, 696
which business or occupation was of a character or was 697
necessarily carried on in a manner or at a time or place as to 698
render the actor particularly susceptible to criminal attack, 699
such as would justify a prudent person in going armed. 700

(2) The weapon was carried or kept ready at hand by the 701
actor for defensive purposes while the actor was engaged in a 702
lawful activity and had reasonable cause to fear a criminal 703
attack upon the actor, a member of the actor's family, or the 704
actor's home, such as would justify a prudent person in going 705
armed. 706

(3) The weapon was carried or kept ready at hand by the 707
actor for any lawful purpose and while in the actor's own home. 708

(E) (1) No person who is charged with a violation of this 709
section shall be required to obtain a concealed handgun license 710
as a condition for the dismissal of the charge. 711

(2) If a person is convicted of, was convicted of, pleads 712
guilty to, or has pleaded guilty to a violation of division (B) 713
(1) of this section as it existed prior to the effective date of 714
this amendment, the person may file an application under section 715
2953.37 of the Revised Code requesting the expungement of the 716
record of conviction. 717

(F) (1) Whoever violates this section is guilty of carrying 718
concealed weapons. Except as otherwise provided in this division 719
or divisions (F) ~~(2), (6), (4)~~ and ~~(7) (5)~~ of this section, 720
carrying concealed weapons in violation of division (A) of this 721
section is a misdemeanor of the first degree. Except as 722
otherwise provided in this division or divisions (F) ~~(2), (6),~~ 723
(4) and ~~(7) (5)~~ of this section, if the offender previously has 724

been convicted of a violation of this section or of any offense 725
of violence, if the weapon involved is a firearm that is either 726
loaded or for which the offender has ammunition ready at hand, 727
or if the weapon involved is dangerous ordnance, carrying 728
concealed weapons in violation of division (A) of this section 729
is a felony of the fourth degree. Except as otherwise provided 730
in ~~divisions~~ division (F) ~~(2) and (6)~~ ~~(4)~~ of this section, if the 731
offense is committed aboard an aircraft, or with purpose to 732
carry a concealed weapon aboard an aircraft, regardless of the 733
weapon involved, carrying concealed weapons in violation of 734
division (A) of this section is a felony of the third degree. 735

~~(2) Except as provided in division (F) (6) of this section, 736
if a person being arrested for a violation of division (A) (2) of 737
this section promptly produces a valid concealed handgun 738
license, and if at the time of the violation the person was not 739
knowingly in a place described in division (B) of section 740
2923.126 of the Revised Code, the officer shall not arrest the 741
person for a violation of that division. If the person is not 742
able to promptly produce any concealed handgun license and if 743
the person is not in a place described in that section, the 744
officer may arrest the person for a violation of that division, 745
and the offender shall be punished as follows: 746~~

~~(a) The offender shall be guilty of a minor misdemeanor if 747
both of the following apply: 748~~

~~(i) Within ten days after the arrest, the offender 749
presents a concealed handgun license, which license was valid at 750
the time of the arrest to the law enforcement agency that 751
employs the arresting officer. 752~~

~~(ii) At the time of the arrest, the offender was not 753
knowingly in a place described in division (B) of section 754~~

~~2923.126 of the Revised Code.~~ 755

~~(b) The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars if all of the following apply:~~ 756
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758

~~(i) The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.~~ 759
760
761

~~(ii) Within forty five days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in section 2945.71 of the Revised Code.~~ 762
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~~(iii) At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code.~~ 768
769
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~~(c) If divisions (F) (2) (a) and (b) and (F) (6) of this section do not apply, the offender shall be punished under division (F) (1) or (7) of this section.~~ 771
772
773

~~(3) Except as otherwise provided in this division, carrying concealed weapons in violation of division (B) (1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of division (B) (1) of this section, the offender's concealed handgun license shall be suspended pursuant to division (A) (2) of section 2923.128 of the Revised Code. If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the~~ 774
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~~offender has been issued a concealed handgun license, carrying
concealed weapons in violation of division (B) (1) of this
section is a minor misdemeanor, and the offender's concealed
handgun license shall not be suspended pursuant to division (A)
(2) of section 2923.128 of the Revised Code.~~

~~(4)~~ Carrying concealed weapons in violation of division
(B) ~~(2)~~ (1) or ~~(4)~~ (3) of this section is a misdemeanor of the
first degree or, if the offender previously has been convicted
of or pleaded guilty to a violation of division (B) ~~(2)~~ (1) or ~~(4)~~
(3) of this section, a felony of the fifth degree. In addition
to any other penalty or sanction imposed for a misdemeanor
violation of division (B) ~~(2)~~ (1) or ~~(4)~~ (3) of this section, if
the offender has been issued a concealed handgun license, the
offender's ~~concealed handgun~~ license shall be suspended pursuant
to division (A) (2) of section 2923.128 of the Revised Code.

~~(5)~~ (3) Carrying concealed weapons in violation of
division (B) ~~(3)~~ (2) of this section is a felony of the fifth
degree.

~~(6)~~ (4) If a person being arrested for a violation of
division (A) (1) or (2) of this section based on carrying a
concealed firearm that is not a restricted firearm is an active
duty member of the armed forces of the United States and is
carrying a valid military identification card and documentation
of successful completion of firearms training that meets or
exceeds the training requirements described in division (G) (1)
of section 2923.125 of the Revised Code, and if at the time of
the violation the person was not knowingly in ~~a~~ an unauthorized
place described specified in division (B) of section 2923.126 of
the Revised Code or knowingly carrying or having the firearm in
any prohibited manner listed in that division, the officer shall

not arrest the person for a violation of ~~that~~ division (A) (1) or 814
(2) of this section. If the person is not able to promptly 815
produce a valid military identification card and documentation 816
of successful completion of firearms training that meets or 817
exceeds the training requirements described in division (G) (1) 818
of section 2923.125 of the Revised Code and if the person at the 819
time of the violation is not knowingly in a ~~an~~ unauthorized 820
place ~~described~~ specified in division (B) of section 2923.126 of 821
the Revised Code or knowingly carrying or having the firearm in 822
any prohibited manner listed in that division, the officer shall 823
issue a citation and the offender shall be assessed a civil 824
penalty of not more than five hundred dollars. The citation 825
shall be automatically dismissed and the civil penalty shall not 826
be assessed if both of the following apply: 827

(a) Within ten days after the issuance of the citation, 828
the offender presents a valid military identification card and 829
documentation of successful completion of firearms training that 830
meets or exceeds the training requirements described in division 831
(G) (1) of section 2923.125 of the Revised Code, which were both 832
valid at the time of the issuance of the citation to the law 833
enforcement agency that employs the citing officer. 834

(b) At the time of the citation, the offender was not 835
knowingly in ~~a~~ any unauthorized place described ~~specified~~ in 836
division (B) of section 2923.126 of the Revised Code or 837
knowingly carrying or having the firearm in any prohibited 838
manner listed in that division. 839

~~(7)~~ ~~(5)~~ If a person being arrested for a violation of 840
division (A) (1) or (2) of this section based on carrying a 841
concealed firearm that is not a restricted firearm is knowingly 842
in ~~a~~ any unauthorized place described in division (B) (5) of 843

section 2923.126 of the Revised Code and is not authorized to 844
carry a ~~handgun~~-firearm or have a ~~handgun~~-firearm concealed on 845
the person's person or concealed ready at hand under that 846
division, the penalty shall be as follows: 847

(a) Except as otherwise provided in ~~this division, if the~~ 848
~~person produces a valid concealed handgun license within ten~~ 849
~~days after the arrest and has not previously been convicted or~~ 850
~~pleaded guilty to a violation of division (A) (2) of this section~~ 851
(F) (5) (b), (c), or (d) of this section, the person is guilty of 852
a minor misdemeanor; 853

(b) Except as otherwise provided in ~~this division~~ (F) (5) 854
(c) or (d) of this section, if the person has previously been 855
convicted of or pleaded guilty to a violation of division (A) (1) 856
or (2) of this section, the person is guilty of a misdemeanor of 857
the fourth degree; 858

(c) Except as otherwise provided in ~~this division~~ (F) (5) 859
(d) of this section, if the person has previously been convicted 860
of or pleaded guilty to two violations of division (A) (1) or (2) 861
of this section, the person is guilty of a misdemeanor of the 862
third degree; 863

(d) ~~Except as otherwise provided in this division, if~~ 864
~~If~~ the person has previously been convicted of or pleaded guilty to 865
three or more violations of division (A) (1) or (2) of this 866
section, or convicted of or pleaded guilty to any offense of 867
violence, if the weapon involved is a firearm that is either 868
loaded or for which the offender has ammunition ready at hand, 869
or if the weapon involved is a dangerous ordnance, the person is 870
guilty of a misdemeanor of the second degree. 871

(G) If a law enforcement officer stops a person to 872

question the person regarding a possible violation of this 873
section, for a traffic stop, or for any other law enforcement 874
purpose, if the person surrenders a firearm to the officer, 875
either voluntarily or pursuant to a request or demand of the 876
officer, and if the officer does not charge the person with a 877
violation of this section or arrest the person for any offense, 878
the person is not otherwise prohibited by law from possessing 879
the firearm, and the firearm is not contraband, the officer 880
shall return the firearm to the person at the termination of the 881
stop. If a court orders a law enforcement officer to return a 882
firearm to a person pursuant to the requirement set forth in 883
this division, division (B) of section 2923.163 of the Revised 884
Code applies. 885

Sec. 2923.121. (A) No person shall possess a firearm in 886
any room in which any person is consuming beer or intoxicating 887
liquor in a premises for which a D permit has been issued under 888
Chapter 4303. of the Revised Code or in an open air arena for 889
which a permit of that nature has been issued. 890

(B) (1) This section does not apply to any of the 891
following: 892

(a) An officer, agent, or employee of this or any other 893
state or the United States, or to a law enforcement officer, who 894
is authorized to carry firearms and is acting within the scope 895
of the officer's, agent's, or employee's duties; 896

(b) Any person who is employed in this state, who is 897
authorized to carry firearms, and who is subject to and in 898
compliance with the requirements of section 109.801 of the 899
Revised Code, unless the appointing authority of the person has 900
expressly specified that the exemption provided in division (B) 901
(1) (b) of this section does not apply to the person; 902

(c) Any room used for the accommodation of guests of a 903
hotel, as defined in section 4301.01 of the Revised Code; 904

(d) The principal holder of a D permit issued for a 905
premises or an open air arena under Chapter 4303. of the Revised 906
Code while in the premises or open air arena for which the 907
permit was issued if the principal holder of the D permit also 908
possesses a valid concealed handgun license or is deemed under 909
division (C) of section 2923.111 of the Revised Code to have 910
been issued a concealed handgun license under section 2923.125 911
of the Revised Code and as long as the firearm is not a 912
restricted firearm and the principal holder is not consuming 913
beer or intoxicating liquor or under the influence of alcohol or 914
a drug of abuse, or any agent or employee of that holder who 915
also is a peace officer, as defined in section 2151.3515 of the 916
Revised Code, who is off duty, and who otherwise is authorized 917
to carry firearms while in the course of the officer's official 918
duties and while in the premises or open air arena for which the 919
permit was issued and as long as the firearm is not a restricted 920
firearm and the agent or employee of that holder is not 921
consuming beer or intoxicating liquor or under the influence of 922
alcohol or a drug of abuse. 923

(e) Any person who is carrying a valid concealed handgun 924
license, any person who is deemed under division (C) of section 925
2923.111 of the Revised Code to have been issued a concealed 926
handgun license under section 2923.125 of the Revised Code, or 927
any person who is an active duty member of the armed forces of 928
the United States and is carrying a valid military 929
identification card and documentation of successful completion 930
of firearms training that meets or exceeds the training 931
requirements described in division (G) (1) of section 2923.125 of 932
the Revised Code, as long as the firearm is not a restricted 933

firearm and the person is not consuming beer or intoxicating 934
liquor or under the influence of alcohol or a drug of abuse. 935

(2) This section does not prohibit any person who is a 936
member of a veteran's organization, as defined in section 937
2915.01 of the Revised Code, from possessing a rifle in any room 938
in any premises owned, leased, or otherwise under the control of 939
the veteran's organization, if the rifle is not loaded with live 940
ammunition and if the person otherwise is not prohibited by law 941
from having the rifle. 942

(3) This section does not apply to any person possessing 943
or displaying firearms in any room used to exhibit unloaded 944
firearms for sale or trade in a soldiers' memorial established 945
pursuant to Chapter 345. of the Revised Code, in a convention 946
center, or in any other public meeting place, if the person is 947
an exhibitor, trader, purchaser, or seller of firearms and is 948
not otherwise prohibited by law from possessing, trading, 949
purchasing, or selling the firearms. 950

(C) It is an affirmative defense to a charge under this 951
section of illegal possession of a firearm in a liquor permit 952
premises ~~that involves~~ involving the possession of a firearm 953
other than a handgun, that neither division (B)(1)(d) nor (e) of 954
this section applies, that the actor was not otherwise 955
prohibited by law from having the firearm, and that any of the 956
following apply: 957

(1) The firearm was carried or kept ready at hand by the 958
actor for defensive purposes, while the actor was engaged in or 959
was going to or from the actor's lawful business or occupation, 960
which business or occupation was of such character or was 961
necessarily carried on in such manner or at such a time or place 962
as to render the actor particularly susceptible to criminal 963

attack, such as would justify a prudent person in going armed. 964

(2) The firearm was carried or kept ready at hand by the 965
actor for defensive purposes, while the actor was engaged in a 966
lawful activity, and had reasonable cause to fear a criminal 967
attack upon the actor or a member of the actor's family, or upon 968
the actor's home, such as would justify a prudent person in 969
going armed. 970

(D) No person who is charged with a violation of this 971
section shall be required to obtain a concealed handgun license 972
as a condition for the dismissal of the charge. 973

(E) Whoever violates this section is guilty of illegal 974
possession of a firearm in a liquor permit premises. Except as 975
otherwise provided in this division, illegal possession of a 976
firearm in a liquor permit premises is a felony of the fifth 977
degree. If the offender commits the violation of this section by 978
knowingly carrying or having the firearm concealed on the 979
offender's person or concealed ready at hand, illegal possession 980
of a firearm in a liquor permit premises is a felony of the 981
third degree. 982

(F) As used in this section, "beer" and "intoxicating 983
liquor" have the same meanings as in section 4301.01 of the 984
Revised Code. 985

Sec. 2923.122. (A) No person shall knowingly convey, or 986
attempt to convey, a deadly weapon or dangerous ordnance into a 987
school safety zone. 988

(B) No person shall knowingly possess a deadly weapon or 989
dangerous ordnance in a school safety zone. 990

(C) No person shall knowingly possess an object in a 991
school safety zone if both of the following apply: 992

| | |
|--|------|
| (1) The object is indistinguishable from a firearm, | 993 |
| whether or not the object is capable of being fired. | 994 |
| (2) The person indicates that the person possesses the | 995 |
| object and that it is a firearm, or the person knowingly | 996 |
| displays or brandishes the object and indicates that it is a | 997 |
| firearm. | 998 |
| (D) (1) This section does not apply to any of the | 999 |
| following: | 1000 |
| (a) An officer, agent, or employee of this or any other | 1001 |
| state or the United States who is authorized to carry deadly | 1002 |
| weapons or dangerous ordnance and is acting within the scope of | 1003 |
| the officer's, agent's, or employee's duties, a law enforcement | 1004 |
| officer who is authorized to carry deadly weapons or dangerous | 1005 |
| ordnance, a security officer employed by a board of education or | 1006 |
| governing body of a school during the time that the security | 1007 |
| officer is on duty pursuant to that contract of employment, or | 1008 |
| any other person who has written authorization from the board of | 1009 |
| education or governing body of a school to convey deadly weapons | 1010 |
| or dangerous ordnance into a school safety zone or to possess a | 1011 |
| deadly weapon or dangerous ordnance in a school safety zone and | 1012 |
| who conveys or possesses the deadly weapon or dangerous ordnance | 1013 |
| in accordance with that authorization; | 1014 |
| (b) Any person who is employed in this state, who is | 1015 |
| authorized to carry deadly weapons or dangerous ordnance, and | 1016 |
| who is subject to and in compliance with the requirements of | 1017 |
| section 109.801 of the Revised Code, unless the appointing | 1018 |
| authority of the person has expressly specified that the | 1019 |
| exemption provided in division (D) (1) (b) of this section does | 1020 |
| not apply to the person. | 1021 |

(2) Division (C) of this section does not apply to 1022
premises upon which home schooling is conducted. Division (C) of 1023
this section also does not apply to a school administrator, 1024
teacher, or employee who possesses an object that is 1025
indistinguishable from a firearm for legitimate school purposes 1026
during the course of employment, a student who uses an object 1027
that is indistinguishable from a firearm under the direction of 1028
a school administrator, teacher, or employee, or any other 1029
person who with the express prior approval of a school 1030
administrator possesses an object that is indistinguishable from 1031
a firearm for a legitimate purpose, including the use of the 1032
object in a ceremonial activity, a play, reenactment, or other 1033
dramatic presentation, school safety training, or a ROTC 1034
activity or another similar use of the object. 1035

(3) This section does not apply to a person who conveys or 1036
attempts to convey a ~~handgun~~ firearm that is not a restricted 1037
firearm into, or possesses a ~~handgun~~ firearm that is not a 1038
restricted firearm in, a school safety zone if, ~~at~~ both of the 1039
following apply: 1040

(a) At the time of that conveyance, attempted conveyance, 1041
or possession of the ~~handgun~~ firearm that is not a restricted 1042
firearm, ~~all the person is carrying a valid concealed handgun~~ 1043
license, the person is deemed under division (C) of section 1044
2923.111 of the Revised Code to have been issued a concealed 1045
handgun license under section 2923.125 of the Revised Code, or 1046
the person is an active duty member of the armed forces of the 1047
United States and is carrying a valid military identification 1048
card and documentation of successful completion of firearms 1049
training that meets or exceeds the training requirements 1050
described in division (G) (1) of section 2923.125 of the Revised 1051
Code. 1052

~~(b) Either of the following apply applies:~~ 1053

~~(a) (i) The person does not enter into a school building or onto school premises and is not at a school activity.~~ 1054
1055

~~(b) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code.~~ 1056
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1058
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1062

~~(c) The, the person is in the school safety zone in accordance with 18 U.S.C. 922(q) (2) (B).~~ 1063
1064

~~(d) The, and the person is not knowingly in a an unauthorized place ~~described~~ specified in division (B) (1) or (B) (3) to (8) of section 2923.126 of the Revised Code and is not knowingly conveying, attempting to convey, or possessing the firearm in any prohibited manner specified in any of those divisions.~~ 1065
1066
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1070

~~(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:~~ 1071
1072
1073
1074
1075

~~(a) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of~~ 1076
1077
1078
1079
1080
1081

~~the Revised Code.~~ 1082

~~(b) (ii) The person leaves the handgun in a motor vehicle.~~ 1083

~~(c) The, the handgun does not leave the motor vehicle.~~ 1084

~~(d) If, and, if the person exits the motor vehicle, the~~ 1085
person locks the motor vehicle. 1086

(E) (1) Whoever violates division (A) or (B) of this 1087
section is guilty of illegal conveyance or possession of a 1088
deadly weapon or dangerous ordnance in a school safety zone. 1089
Except as otherwise provided in this division, illegal 1090
conveyance or possession of a deadly weapon or dangerous 1091
ordnance in a school safety zone is a felony of the fifth 1092
degree. If the offender previously has been convicted of a 1093
violation of this section, illegal conveyance or possession of a 1094
deadly weapon or dangerous ordnance in a school safety zone is a 1095
felony of the fourth degree. 1096

(2) Whoever violates division (C) of this section is 1097
guilty of illegal possession of an object indistinguishable from 1098
a firearm in a school safety zone. Except as otherwise provided 1099
in this division, illegal possession of an object 1100
indistinguishable from a firearm in a school safety zone is a 1101
misdemeanor of the first degree. If the offender previously has 1102
been convicted of a violation of this section, illegal 1103
possession of an object indistinguishable from a firearm in a 1104
school safety zone is a felony of the fifth degree. 1105

(F) (1) In addition to any other penalty imposed upon a 1106
person who is convicted of or pleads guilty to a violation of 1107
this section and subject to division (F) (2) of this section, if 1108
the offender has not attained nineteen years of age, regardless 1109
of whether the offender is attending or is enrolled in a school 1110

operated by a board of education or for which the state board of 1111
education prescribes minimum standards under section 3301.07 of 1112
the Revised Code, the court shall impose upon the offender a 1113
class four suspension of the offender's probationary driver's 1114
license, restricted license, driver's license, commercial 1115
driver's license, temporary instruction permit, or probationary 1116
commercial driver's license that then is in effect from the 1117
range specified in division (A)(4) of section 4510.02 of the 1118
Revised Code and shall deny the offender the issuance of any 1119
permit or license of that type during the period of the 1120
suspension. 1121

If the offender is not a resident of this state, the court 1122
shall impose a class four suspension of the nonresident 1123
operating privilege of the offender from the range specified in 1124
division (A)(4) of section 4510.02 of the Revised Code. 1125

(2) If the offender shows good cause why the court should 1126
not suspend one of the types of licenses, permits, or privileges 1127
specified in division (F)(1) of this section or deny the 1128
issuance of one of the temporary instruction permits specified 1129
in that division, the court in its discretion may choose not to 1130
impose the suspension, revocation, or denial required in that 1131
division, but the court, in its discretion, instead may require 1132
the offender to perform community service for a number of hours 1133
determined by the court. 1134

(G) As used in this section, "object that is 1135
indistinguishable from a firearm" means an object made, 1136
constructed, or altered so that, to a reasonable person without 1137
specialized training in firearms, the object appears to be a 1138
firearm. 1139

Sec. 2923.123. (A) No person shall knowingly convey or 1140

attempt to convey a deadly weapon or dangerous ordnance into a 1141
courthouse or into another building or structure in which a 1142
courtroom is located. 1143

(B) No person shall knowingly possess or have under the 1144
person's control a deadly weapon or dangerous ordnance in a 1145
courthouse or in another building or structure in which a 1146
courtroom is located. 1147

(C) This section does not apply to any of the following: 1148

(1) Except as provided in division (E) of this section, a 1149
judge of a court of record of this state or a magistrate; 1150

(2) A peace officer, officer of a law enforcement agency, 1151
or person who is in either of the following categories: 1152

(a) Except as provided in division (E) of this section, a 1153
peace officer, or an officer of a law enforcement agency of 1154
another state, a political subdivision of another state, or the 1155
United States, who is authorized to carry a deadly weapon or 1156
dangerous ordnance, who possesses or has under that individual's 1157
control a deadly weapon or dangerous ordnance as a requirement 1158
of that individual's duties, and who is acting within the scope 1159
of that individual's duties at the time of that possession or 1160
control; 1161

(b) Except as provided in division (E) of this section, a 1162
person who is employed in this state, who is authorized to carry 1163
a deadly weapon or dangerous ordnance, who possesses or has 1164
under that individual's control a deadly weapon or dangerous 1165
ordnance as a requirement of that person's duties, and who is 1166
subject to and in compliance with the requirements of section 1167
109.801 of the Revised Code, unless the appointing authority of 1168
the person has expressly specified that the exemption provided 1169

in division (C) (2) (b) of this section does not apply to the 1170
person. 1171

(3) A person who conveys, attempts to convey, possesses, 1172
or has under the person's control a deadly weapon or dangerous 1173
ordnance that is to be used as evidence in a pending criminal or 1174
civil action or proceeding; 1175

(4) Except as provided in division (E) of this section, a 1176
bailiff or deputy bailiff of a court of record of this state who 1177
is authorized to carry a firearm pursuant to section 109.77 of 1178
the Revised Code, who possesses or has under that individual's 1179
control a firearm as a requirement of that individual's duties, 1180
and who is acting within the scope of that individual's duties 1181
at the time of that possession or control; 1182

(5) Except as provided in division (E) of this section, a 1183
prosecutor, or a secret service officer appointed by a county 1184
prosecuting attorney, who is authorized to carry a deadly weapon 1185
or dangerous ordnance in the performance of the individual's 1186
duties, who possesses or has under that individual's control a 1187
deadly weapon or dangerous ordnance as a requirement of that 1188
individual's duties, and who is acting within the scope of that 1189
individual's duties at the time of that possession or control; 1190

(6) (a) Except as provided in division (E) of this section, 1191
a person who conveys or attempts to convey a ~~handgun~~-firearm 1192
that is not a restricted firearm into a courthouse or into 1193
another building or structure in which a courtroom is located, 1194
or who possesses or has under the person's control a firearm 1195
that is not a restricted firearm in a courthouse or such a 1196
building or structure, if both of the following apply with 1197
respect to the person: 1198

(i) The person, at the time of the conveyance ~~or, attempt,~~ 1199
either possession, or control, is carrying a valid concealed 1200
handgun license, is deemed under division (C) of section 1201
2923.111 of the Revised Code to have been issued a concealed 1202
handgun license under section 2923.125 of the Revised Code, or 1203
is an active duty member of the armed forces of the United 1204
States and is carrying a valid military identification card and 1205
documentation of successful completion of firearms training that 1206
meets or exceeds the training requirements described in division 1207
(G) (1) of section 2923.125 of the Revised Code, ~~and who.~~ 1208

(ii) The person transfers possession of the handgun 1209
firearm that is not a restricted firearm to the officer or 1210
officer's designee who has charge of the courthouse or building. 1211

(b) The officer described in division (C) (6) (a) (ii) of 1212
this section shall secure the handgun firearm that is not a 1213
restricted firearm until the licensee is prepared to leave the 1214
premises. The exemption described in ~~this~~ division (C) (6) (a) of 1215
this section applies only if the officer who has charge of the 1216
courthouse or building provides services of the nature described 1217
in ~~this~~ division (C) (6) (a) (ii) of this section. An officer who 1218
has charge of the courthouse or building is not required to 1219
offer services of the nature described in ~~this~~ division (C) (6) 1220
(a) (ii) of this section. 1221

(D) (1) Whoever violates division (A) of this section is 1222
guilty of illegal conveyance of a deadly weapon or dangerous 1223
ordnance into a courthouse. Except as otherwise provided in this 1224
division, illegal conveyance of a deadly weapon or dangerous 1225
ordnance into a courthouse is a felony of the fifth degree. If 1226
the offender previously has been convicted of a violation of 1227
division (A) or (B) of this section, illegal conveyance of a 1228

deadly weapon or dangerous ordnance into a courthouse is a 1229
felony of the fourth degree. 1230

(2) Whoever violates division (B) of this section is 1231
guilty of illegal possession or control of a deadly weapon or 1232
dangerous ordnance in a courthouse. Except as otherwise provided 1233
in this division, illegal possession or control of a deadly 1234
weapon or dangerous ordnance in a courthouse is a felony of the 1235
fifth degree. If the offender previously has been convicted of a 1236
violation of division (A) or (B) of this section, illegal 1237
possession or control of a deadly weapon or dangerous ordnance 1238
in a courthouse is a felony of the fourth degree. 1239

(E) The exemptions described in divisions (C) (1), (2) (a), 1240
(2) (b), (4), (5), and (6) of this section do not apply to any 1241
judge, magistrate, peace officer, officer of a law enforcement 1242
agency, bailiff, deputy bailiff, prosecutor, secret service 1243
officer, or other person described in any of those divisions if 1244
a rule of superintendence or another type of rule adopted by the 1245
supreme court pursuant to Article IV, Ohio Constitution, or an 1246
applicable local rule of court prohibits all persons from 1247
conveying or attempting to convey a deadly weapon or dangerous 1248
ordnance into a courthouse or into another building or structure 1249
in which a courtroom is located or from possessing or having 1250
under one's control a deadly weapon or dangerous ordnance in a 1251
courthouse or in another building or structure in which a 1252
courtroom is located. 1253

(F) As used in this section: 1254

(1) "Magistrate" means an individual who is appointed by a 1255
court of record of this state and who has the powers and may 1256
perform the functions specified in Civil Rule 53, Criminal Rule 1257
19, or Juvenile Rule 40. 1258

| | |
|--|--|
| (2) "Peace officer" and "prosecutor" have the same meanings as in section 2935.01 of the Revised Code. | 1259 1260 |
| Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of the Revised Code: | 1261 1262 |
| (A) "Application form" means the application form prescribed pursuant to division (A) (1) of section 109.731 of the Revised Code and includes a copy of that form. | 1263 1264 1265 |
| (B) "Competency certification" and "competency certificate" mean a document of the type described in division (B) (3) of section 2923.125 of the Revised Code. | 1266 1267 1268 |
| (C) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code. | 1269 1270 |
| (D) "Licensee" means a person to whom a concealed handgun license has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a concealed handgun license on a temporary emergency basis has been issued under section 2923.1213 of the Revised Code and , a person to whom a concealed handgun license has been issued by another state, <u>and a person who is deemed under division (C) of section 2923.111 of the Revised Code to have been issued a concealed handgun license under section 2923.125 of the Revised Code.</u> | 1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 |
| (E) "License fee" or "license renewal fee" means the fee for a concealed handgun license or the fee to renew that license that is to be paid by an applicant for a license of that type. | 1281 1282 1283 |
| (F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. | 1284 1285 |
| (G) "State correctional institution" has the same meaning | 1286 |

as in section 2967.01 of the Revised Code. 1287

(H) "Civil protection order" means a protection order 1288
issued, or consent agreement approved, under section 2903.214 or 1289
3113.31 of the Revised Code. 1290

(I) "Temporary protection order" means a protection order 1291
issued under section 2903.213 or 2919.26 of the Revised Code. 1292

(J) "Protection order issued by a court of another state" 1293
has the same meaning as in section 2919.27 of the Revised Code. 1294

(K) "Child day-care center," "type A family day-care home" 1295
and "type B family day-care home" have the same meanings as in 1296
section 5104.01 of the Revised Code. 1297

(L) "Foreign air transportation," "interstate air 1298
transportation," and "intrastate air transportation" have the 1299
same meanings as in 49 U.S.C. 40102, as now or hereafter 1300
amended. 1301

(M) "Commercial motor vehicle" has the same meaning as in 1302
division (A) of section 4506.25 of the Revised Code. 1303

(N) "Motor carrier enforcement unit" has the same meaning 1304
as in section 2923.16 of the Revised Code. 1305

Sec. 2923.125. It is the intent of the general assembly 1306
that Ohio concealed handgun license law be compliant with the 1307
national instant criminal background check system, that the 1308
bureau of alcohol, tobacco, firearms, and explosives is able to 1309
determine that Ohio law is compliant with the national instant 1310
criminal background check system, and that no person shall be 1311
eligible to receive a concealed handgun license permit under 1312
section 2923.125 or 2923.1213 of the Revised Code unless the 1313
person is eligible lawfully to receive or possess a firearm in 1314

the United States. 1315

(A) This section applies with respect to the application 1316
for and issuance by this state of concealed handgun licenses 1317
other than concealed handgun licenses on a temporary emergency 1318
basis that are issued under section 2923.1213 of the Revised 1319
Code. Upon the request of a person who wishes to obtain a 1320
concealed handgun license with respect to which this section 1321
applies or to renew a concealed handgun license with respect to 1322
which this section applies, a sheriff, as provided in division 1323
(I) of this section, shall provide to the person free of charge 1324
an application form and the web site address at which a 1325
printable version of the application form that can be downloaded 1326
and the pamphlet described in division (B) of section 109.731 of 1327
the Revised Code may be found. A sheriff shall accept a 1328
completed application form and the fee, items, materials, and 1329
information specified in divisions (B) (1) to (5) of this section 1330
at the times and in the manners described in division (I) of 1331
this section. 1332

(B) An applicant for a concealed handgun license who is a 1333
resident of this state shall submit a completed application form 1334
and all of the material and information described in divisions 1335
(B) (1) to (6) of this section to the sheriff of the county in 1336
which the applicant resides or to the sheriff of any county 1337
adjacent to the county in which the applicant resides. An 1338
applicant for a license who resides in another state shall 1339
submit a completed application form and all of the material and 1340
information described in divisions (B) (1) to (7) of this section 1341
to the sheriff of the county in which the applicant is employed 1342
or to the sheriff of any county adjacent to the county in which 1343
the applicant is employed: 1344

(1) (a) A nonrefundable license fee as described in either 1345
of the following: 1346

(i) For an applicant who has been a resident of this state 1347
for five or more years, a fee of sixty-seven dollars; 1348

(ii) For an applicant who has been a resident of this 1349
state for less than five years or who is not a resident of this 1350
state, but who is employed in this state, a fee of sixty-seven 1351
dollars plus the actual cost of having a background check 1352
performed by the federal bureau of investigation. 1353

(b) No sheriff shall require an applicant to pay for the 1354
cost of a background check performed by the bureau of criminal 1355
identification and investigation. 1356

(c) A sheriff shall waive the payment of the license fee 1357
described in division (B) (1) (a) of this section in connection 1358
with an initial or renewal application for a license that is 1359
submitted by an applicant who is a retired peace officer, a 1360
retired person described in division (B) (1) (b) of section 109.77 1361
of the Revised Code, or a retired federal law enforcement 1362
officer who, prior to retirement, was authorized under federal 1363
law to carry a firearm in the course of duty, unless the retired 1364
peace officer, person, or federal law enforcement officer 1365
retired as the result of a mental disability. 1366

(d) The sheriff shall deposit all fees paid by an 1367
applicant under division (B) (1) (a) of this section into the 1368
sheriff's concealed handgun license issuance fund established 1369
pursuant to section 311.42 of the Revised Code. The county shall 1370
distribute the fees in accordance with section 311.42 of the 1371
Revised Code. 1372

(2) A color photograph of the applicant that was taken 1373

within thirty days prior to the date of the application; 1374

(3) One or more of the following competency 1375
certifications, each of which shall reflect that, regarding a 1376
certification described in division (B)(3)(a), (b), (c), (e), or 1377
(f) of this section, within the three years immediately 1378
preceding the application the applicant has performed that to 1379
which the competency certification relates and that, regarding a 1380
certification described in division (B)(3)(d) of this section, 1381
the applicant currently is an active or reserve member of the 1382
armed forces of the United States or within the ten years 1383
immediately preceding the application the honorable discharge or 1384
retirement to which the competency certification relates 1385
occurred: 1386

(a) An original or photocopy of a certificate of 1387
completion of a firearms safety, training, or requalification or 1388
firearms safety instructor course, class, or program that was 1389
offered by or under the auspices of a national gun advocacy 1390
organization and that complies with the requirements set forth 1391
in division (G) of this section; 1392

(b) An original or photocopy of a certificate of 1393
completion of a firearms safety, training, or requalification or 1394
firearms safety instructor course, class, or program that 1395
satisfies all of the following criteria: 1396

(i) It was open to members of the general public. 1397

(ii) It utilized qualified instructors who were certified 1398
by a national gun advocacy organization, the executive director 1399
of the Ohio peace officer training commission pursuant to 1400
section 109.75 or 109.78 of the Revised Code, or a governmental 1401
official or entity of another state. 1402

(iii) It was offered by or under the auspices of a law 1403
enforcement agency of this or another state or the United 1404
States, a public or private college, university, or other 1405
similar postsecondary educational institution located in this or 1406
another state, a firearms training school located in this or 1407
another state, or another type of public or private entity or 1408
organization located in this or another state. 1409

(iv) It complies with the requirements set forth in 1410
division (G) of this section. 1411

(c) An original or photocopy of a certificate of 1412
completion of a state, county, municipal, or department of 1413
natural resources peace officer training school that is approved 1414
by the executive director of the Ohio peace officer training 1415
commission pursuant to section 109.75 of the Revised Code and 1416
that complies with the requirements set forth in division (G) of 1417
this section, or the applicant has satisfactorily completed and 1418
been issued a certificate of completion of a basic firearms 1419
training program, a firearms requalification training program, 1420
or another basic training program described in section 109.78 or 1421
109.801 of the Revised Code that complies with the requirements 1422
set forth in division (G) of this section; 1423

(d) A document that evidences both of the following: 1424

(i) That the applicant is an active or reserve member of 1425
the armed forces of the United States, has retired from or was 1426
honorably discharged from military service in the active or 1427
reserve armed forces of the United States, is a retired trooper 1428
of the state highway patrol, or is a retired peace officer or 1429
federal law enforcement officer described in division (B) (1) of 1430
this section or a retired person described in division (B) (1) (b) 1431
of section 109.77 of the Revised Code and division (B) (1) of 1432

this section; 1433

(ii) That, through participation in the military service 1434
or through the former employment described in division (B) (3) (d) 1435
(i) of this section, the applicant acquired experience with 1436
handling ~~handguns or other~~ firearms, and the experience so 1437
acquired was equivalent to training that the applicant could 1438
have acquired in a course, class, or program described in 1439
division (B) (3) (a), (b), or (c) of this section. 1440

(e) A certificate or another similar document that 1441
evidences satisfactory completion of a firearms training, 1442
safety, or requalification or firearms safety instructor course, 1443
class, or program that is not otherwise described in division 1444
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 1445
by an instructor who was certified by an official or entity of 1446
the government of this or another state or the United States or 1447
by a national gun advocacy organization, and that complies with 1448
the requirements set forth in division (G) of this section; 1449

(f) An affidavit that attests to the applicant's 1450
satisfactory completion of a course, class, or program described 1451
in division (B) (3) (a), (b), (c), or (e) of this section and that 1452
is subscribed by the applicant's instructor or an authorized 1453
representative of the entity that offered the course, class, or 1454
program or under whose auspices the course, class, or program 1455
was offered; 1456

(g) A document that evidences that the applicant has 1457
successfully completed the Ohio peace officer training program 1458
described in section 109.79 of the Revised Code. 1459

(4) A certification by the applicant that the applicant 1460
has read the pamphlet prepared by the Ohio peace officer 1461

training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code.

(6) If the applicant is not a citizen or national of the United States, the name of the applicant's country of citizenship and the applicant's alien registration number issued by the United States citizenship and immigration services agency.

(7) If the applicant resides in another state, adequate proof of employment in Ohio.

(C) Upon receipt of the completed application form, supporting documentation, and, if not waived, license fee of an applicant under this section, a sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.

(D) (1) Except as provided in division (D) (3) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a concealed handgun license under this section, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance

with division (H) of this section the information described in 1491
that division and, upon making the information available through 1492
the system, shall issue to the applicant a concealed handgun 1493
license that shall expire as described in division (D) (2) (a) of 1494
this section if all of the following apply: 1495

(a) The applicant is legally living in the United States. 1496
For purposes of division (D) (1) (a) of this section, if a person 1497
is absent from the United States in compliance with military or 1498
naval orders as an active or reserve member of the armed forces 1499
of the United States and if prior to leaving the United States 1500
the person was legally living in the United States, the person, 1501
solely by reason of that absence, shall not be considered to 1502
have lost the person's status as living in the United States. 1503

(b) The applicant is at least twenty-one years of age. 1504

(c) The applicant is not a fugitive from justice. 1505

(d) The applicant is not under indictment for or otherwise 1506
charged with a felony; an offense under Chapter 2925., 3719., or 1507
4729. of the Revised Code that involves the illegal possession, 1508
use, sale, administration, or distribution of or trafficking in 1509
a drug of abuse; a misdemeanor offense of violence; or a 1510
violation of section 2903.14 or 2923.1211 of the Revised Code. 1511

(e) Except as otherwise provided in division (D) (4) or (5) 1512
of this section, the applicant has not been convicted of or 1513
pleaded guilty to a felony or an offense under Chapter 2925., 1514
3719., or 4729. of the Revised Code that involves the illegal 1515
possession, use, sale, administration, or distribution of or 1516
trafficking in a drug of abuse; has not been adjudicated a 1517
delinquent child for committing an act that if committed by an 1518
adult would be a felony or would be an offense under Chapter 1519

2925., 3719., or 4729. of the Revised Code that involves the 1520
illegal possession, use, sale, administration, or distribution 1521
of or trafficking in a drug of abuse; has not been convicted of, 1522
pleaded guilty to, or adjudicated a delinquent child for 1523
committing a violation of section 2903.13 of the Revised Code 1524
when the victim of the violation is a peace officer, regardless 1525
of whether the applicant was sentenced under division (C) (4) of 1526
that section; and has not been convicted of, pleaded guilty to, 1527
or adjudicated a delinquent child for committing any other 1528
offense that is not previously described in this division that 1529
is a misdemeanor punishable by imprisonment for a term exceeding 1530
one year. 1531

(f) Except as otherwise provided in division (D) (4) or (5) 1532
of this section, the applicant, within three years of the date 1533
of the application, has not been convicted of or pleaded guilty 1534
to a misdemeanor offense of violence other than a misdemeanor 1535
violation of section 2921.33 of the Revised Code or a violation 1536
of section 2903.13 of the Revised Code when the victim of the 1537
violation is a peace officer, or a misdemeanor violation of 1538
section 2923.1211 of the Revised Code; and has not been 1539
adjudicated a delinquent child for committing an act that if 1540
committed by an adult would be a misdemeanor offense of violence 1541
other than a misdemeanor violation of section 2921.33 of the 1542
Revised Code or a violation of section 2903.13 of the Revised 1543
Code when the victim of the violation is a peace officer or for 1544
committing an act that if committed by an adult would be a 1545
misdemeanor violation of section 2923.1211 of the Revised Code. 1546

(g) Except as otherwise provided in division (D) (1) (e) of 1547
this section, the applicant, within five years of the date of 1548
the application, has not been convicted of, pleaded guilty to, 1549
or been adjudicated a delinquent child for committing two or 1550

more violations of section 2903.13 or 2903.14 of the Revised Code. 1551
1552

(h) Except as otherwise provided in division (D) (4) or (5) 1553
of this section, the applicant, within ten years of the date of 1554
the application, has not been convicted of, pleaded guilty to, 1555
or been adjudicated a delinquent child for committing a 1556
violation of section 2921.33 of the Revised Code. 1557

(i) The applicant has not been adjudicated as a mental 1558
defective, has not been committed to any mental institution, is 1559
not under adjudication of mental incompetence, has not been 1560
found by a court to be a mentally ill person subject to court 1561
order, and is not an involuntary patient other than one who is a 1562
patient only for purposes of observation. As used in this 1563
division, "mentally ill person subject to court order" and 1564
"patient" have the same meanings as in section 5122.01 of the 1565
Revised Code. 1566

(j) The applicant is not currently subject to a civil 1567
protection order, a temporary protection order, or a protection 1568
order issued by a court of another state. 1569

(k) The applicant certifies that the applicant desires a 1570
legal means to carry a concealed ~~handgun~~ firearm for defense of 1571
the applicant or a member of the applicant's family while 1572
engaged in lawful activity. 1573

(l) The applicant submits a competency certification of 1574
the type described in division (B) (3) of this section and 1575
submits a certification of the type described in division (B) (4) 1576
of this section regarding the applicant's reading of the 1577
pamphlet prepared by the Ohio peace officer training commission 1578
pursuant to section 109.731 of the Revised Code. 1579

(m) The applicant currently is not subject to a suspension 1580
imposed under division (A) (2) of section 2923.128 of the Revised 1581
Code of a concealed handgun license that previously was issued 1582
to the applicant under this section or section 2923.1213 of the 1583
Revised Code or a similar suspension imposed by another state 1584
regarding a concealed handgun license issued by that state. 1585

(n) If the applicant resides in another state, the 1586
applicant is employed in this state. 1587

(o) The applicant certifies that the applicant is not an 1588
unlawful user of or addicted to any controlled substance as 1589
defined in 21 U.S.C. 802. 1590

(p) If the applicant is not a United States citizen, the 1591
applicant is an alien and has not been admitted to the United 1592
States under a nonimmigrant visa, as defined in the "Immigration 1593
and Nationality Act," 8 U.S.C. 1101(a) (26). 1594

(q) The applicant has not been discharged from the armed 1595
forces of the United States under dishonorable conditions. 1596

(r) The applicant certifies that the applicant has not 1597
renounced the applicant's United States citizenship, if 1598
applicable. 1599

(s) The applicant has not been convicted of, pleaded 1600
guilty to, or adjudicated a delinquent child for committing a 1601
violation of section 2919.25 of the Revised Code or a similar 1602
violation in another state. 1603

(2) (a) A concealed handgun license that a sheriff issues 1604
under division (D) (1) of this section shall expire five years 1605
after the date of issuance. 1606

If a sheriff issues a license under this section, the 1607

sheriff shall place on the license a unique combination of 1608
letters and numbers identifying the license in accordance with 1609
the procedure prescribed by the Ohio peace officer training 1610
commission pursuant to section 109.731 of the Revised Code. 1611

(b) If a sheriff denies an application under this section 1612
because the applicant does not satisfy the criteria described in 1613
division (D)(1) of this section, the sheriff shall specify the 1614
grounds for the denial in a written notice to the applicant. The 1615
applicant may appeal the denial pursuant to section 119.12 of 1616
the Revised Code in the county served by the sheriff who denied 1617
the application. If the denial was as a result of the criminal 1618
records check conducted pursuant to section 311.41 of the 1619
Revised Code and if, pursuant to section 2923.127 of the Revised 1620
Code, the applicant challenges the criminal records check 1621
results using the appropriate challenge and review procedure 1622
specified in that section, the time for filing the appeal 1623
pursuant to section 119.12 of the Revised Code and this division 1624
is tolled during the pendency of the request or the challenge 1625
and review. 1626

(c) If the court in an appeal under section 119.12 of the 1627
Revised Code and division (D)(2)(b) of this section enters a 1628
judgment sustaining the sheriff's refusal to grant to the 1629
applicant a concealed handgun license, the applicant may file a 1630
new application beginning one year after the judgment is 1631
entered. If the court enters a judgment in favor of the 1632
applicant, that judgment shall not restrict the authority of a 1633
sheriff to suspend or revoke the license pursuant to section 1634
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1635
the license for any proper cause that may occur after the date 1636
the judgment is entered. In the appeal, the court shall have 1637
full power to dispose of all costs. 1638

(3) If the sheriff with whom an application for a
concealed handgun license was filed under this section becomes
aware that the applicant has been arrested for or otherwise
charged with an offense that would disqualify the applicant from
holding the license, the sheriff shall suspend the processing of
the application until the disposition of the case arising from
the arrest or charge.

(4) If an applicant has been convicted of or pleaded
guilty to an offense identified in division (D)(1)(e), (f), or
(h) of this section or has been adjudicated a delinquent child
for committing an act or violation identified in any of those
divisions, and if a court has ordered the sealing or expungement
of the records of that conviction, guilty plea, or adjudication
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to
2953.36, or section 2953.37 of the Revised Code or the applicant
has been relieved under operation of law or legal process from
the disability imposed pursuant to section 2923.13 of the
Revised Code relative to that conviction, guilty plea, or
adjudication, the sheriff with whom the application was
submitted shall not consider the conviction, guilty plea, or
adjudication in making a determination under division (D)(1) or
(F) of this section or, in relation to an application for a
concealed handgun license on a temporary emergency basis
submitted under section 2923.1213 of the Revised Code, in making
a determination under division (B)(2) of that section.

(5) If an applicant has been convicted of or pleaded
guilty to a minor misdemeanor offense or has been adjudicated a
delinquent child for committing an act or violation that is a
minor misdemeanor offense, the sheriff with whom the application
was submitted shall not consider the conviction, guilty plea, or
adjudication in making a determination under division (D)(1) or

(F) of this section or, in relation to an application for a
concealed handgun license on a temporary basis submitted under
section 2923.1213 of the Revised Code, in making a determination
under division (B) (2) of that section.

(E) If a concealed handgun license issued under this
section is lost or is destroyed, the licensee may obtain from
the sheriff who issued that license a duplicate license upon the
payment of a fee of fifteen dollars and the submission of an
affidavit attesting to the loss or destruction of the license.
The sheriff, in accordance with the procedures prescribed in
section 109.731 of the Revised Code, shall place on the
replacement license a combination of identifying numbers
different from the combination on the license that is being
replaced.

(F) (1) (a) Except as provided in division (F) (1) (b) of this
section, a licensee who wishes to renew a concealed handgun
license issued under this section shall do so not earlier than
ninety days before the expiration date of the license or at any
time after the expiration date of the license by filing with the
sheriff of the county in which the applicant resides or with the
sheriff of an adjacent county, or in the case of ~~a~~ an applicant
who resides in another state with the sheriff of the county that
issued the applicant's previous concealed handgun license an
application for renewal of the license obtained pursuant to
division (D) of this section, a certification by the applicant
that, subsequent to the issuance of the license, the applicant
has reread the pamphlet prepared by the Ohio peace officer
training commission pursuant to section 109.731 of the Revised
Code that reviews firearms, dispute resolution, and use of
deadly force matters, and a nonrefundable license renewal fee in
an amount determined pursuant to division (F) (4) of this section

unless the fee is waived. 1701

(b) A person on active duty in the armed forces of the 1702
United States or in service with the peace corps, volunteers in 1703
service to America, or the foreign service of the United States 1704
is exempt from the license requirements of this section for the 1705
period of the person's active duty or service and for six months 1706
thereafter, provided the person was a licensee under this 1707
section at the time the person commenced the person's active 1708
duty or service or had obtained a license while on active duty 1709
or service. The spouse or a dependent of any such person on 1710
active duty or in service also is exempt from the license 1711
requirements of this section for the period of the person's 1712
active duty or service and for six months thereafter, provided 1713
the spouse or dependent was a licensee under this section at the 1714
time the person commenced the active duty or service or had 1715
obtained a license while the person was on active duty or 1716
service, and provided further that the person's active duty or 1717
service resulted in the spouse or dependent relocating outside 1718
of this state during the period of the active duty or service. 1719
This division does not prevent such a person or the person's 1720
spouse or dependent from making an application for the renewal 1721
of a concealed handgun license during the period of the person's 1722
active duty or service. 1723

(2) A sheriff shall accept a completed renewal 1724
application, the license renewal fee, and the information 1725
specified in division (F)(1) of this section at the times and in 1726
the manners described in division (I) of this section. Upon 1727
receipt of a completed renewal application, of certification 1728
that the applicant has reread the specified pamphlet prepared by 1729
the Ohio peace officer training commission, and of a license 1730
renewal fee unless the fee is waived, a sheriff, in the manner 1731

specified in section 311.41 of the Revised Code shall conduct or 1732
cause to be conducted the criminal records check and the 1733
incompetency records check described in section 311.41 of the 1734
Revised Code. The sheriff shall renew the license if the sheriff 1735
determines that the applicant continues to satisfy the 1736
requirements described in division (D) (1) of this section, 1737
except that the applicant is not required to meet the 1738
requirements of division (D) (1) (1) of this section. A renewed 1739
license shall expire five years after the date of issuance. A 1740
renewed license is subject to division (E) of this section and 1741
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1742
shall comply with divisions (D) (2) and (3) of this section when 1743
the circumstances described in those divisions apply to a 1744
requested license renewal. If a sheriff denies the renewal of a 1745
concealed handgun license, the applicant may appeal the denial, 1746
or challenge the criminal record check results that were the 1747
basis of the denial if applicable, in the same manner as 1748
specified in division (D) (2) (b) of this section and in section 1749
2923.127 of the Revised Code, regarding the denial of a license 1750
under this section. 1751

(3) A renewal application submitted pursuant to division 1752
(F) of this section shall only require the licensee to list on 1753
the application form information and matters occurring since the 1754
date of the licensee's last application for a license pursuant 1755
to division (B) or (F) of this section. A sheriff conducting the 1756
criminal records check and the incompetency records check 1757
described in section 311.41 of the Revised Code shall conduct 1758
the check only from the date of the licensee's last application 1759
for a license pursuant to division (B) or (F) of this section 1760
through the date of the renewal application submitted pursuant 1761
to division (F) of this section. 1762

(4) An applicant for a renewal concealed handgun license 1763
under this section shall submit to the sheriff of the county in 1764
which the applicant resides or to the sheriff of any county 1765
adjacent to the county in which the applicant resides, or in the 1766
case of an applicant who resides in another state to the sheriff 1767
of the county that issued the applicant's previous concealed 1768
handgun license, a nonrefundable license fee as described in 1769
either of the following: 1770

(a) For an applicant who has been a resident of this state 1771
for five or more years, a fee of fifty dollars; 1772

(b) For an applicant who has been a resident of this state 1773
for less than five years or who is not a resident of this state 1774
but who is employed in this state, a fee of fifty dollars plus 1775
the actual cost of having a background check performed by the 1776
federal bureau of investigation. 1777

(5) The concealed handgun license of a licensee who is no 1778
longer a resident of this state or no longer employed in this 1779
state, as applicable, is valid until the date of expiration on 1780
the license, and the licensee is prohibited from renewing the 1781
concealed handgun license. 1782

(G) (1) Each course, class, or program described in 1783
division (B) (3) (a), (b), (c), or (e) of this section shall 1784
provide to each person who takes the course, class, or program 1785
the web site address at which the pamphlet prepared by the Ohio 1786
peace officer training commission pursuant to section 109.731 of 1787
the Revised Code that reviews firearms, dispute resolution, and 1788
use of deadly force matters may be found. Each such course, 1789
class, or program described in one of those divisions shall 1790
include at least eight hours of training in the safe handling 1791
and use of a firearm that shall include training, provided as 1792

described in division (G) (3) of this section, on all of the 1793
following: 1794

(a) The ability to name, explain, and demonstrate the 1795
rules for safe handling of a ~~handgun~~-firearm and proper storage 1796
practices for ~~handguns~~-firearms and ammunition; 1797

(b) The ability to demonstrate and explain how to handle 1798
ammunition in a safe manner; 1799

(c) The ability to demonstrate the knowledge, skills, and 1800
attitude necessary to shoot a ~~handgun~~-firearm in a safe manner; 1801

(d) Gun handling training; 1802

(e) A minimum of two hours of in-person training that 1803
consists of range time and live-fire training. 1804

(2) To satisfactorily complete the course, class, or 1805
program described in division (B) (3) (a), (b), (c), or (e) of 1806
this section, the applicant shall pass a competency examination 1807
that shall include both of the following: 1808

(a) A written section, provided as described in division 1809
(G) (3) of this section, on the ability to name and explain the 1810
rules for the safe handling of a ~~handgun~~-firearm and proper 1811
storage practices for ~~handguns~~-firearms and ammunition; 1812

(b) An in-person physical demonstration of competence in 1813
the use of a ~~handgun~~-firearm and in the rules for safe handling 1814
and storage of a ~~handgun~~-firearm and a physical demonstration of 1815
the attitude necessary to shoot a ~~handgun~~-firearm in a safe 1816
manner. 1817

(3) (a) Except as otherwise provided in this division, the 1818
training specified in division (G) (1) (a) of this section shall 1819
be provided to the person receiving the training in person by an 1820

instructor. If the training specified in division (G) (1) (a) of 1821
this section is provided by a course, class, or program 1822
described in division (B) (3) (a) of this section, or it is 1823
provided by a course, class, or program described in division 1824
(B) (3) (b), (c), or (e) of this section and the instructor is a 1825
qualified instructor certified by a national gun advocacy 1826
organization, the training so specified, other than the training 1827
that requires the person receiving the training to demonstrate 1828
handling abilities, may be provided online or as a combination 1829
of in-person and online training, as long as the online training 1830
includes an interactive component that regularly engages the 1831
person. 1832

(b) Except as otherwise provided in this division, the 1833
written section of the competency examination specified in 1834
division (G) (2) (a) of this section shall be administered to the 1835
person taking the competency examination in person by an 1836
instructor. If the training specified in division (G) (1) (a) of 1837
this section is provided to the person receiving the training by 1838
a course, class, or program described in division (B) (3) (a) of 1839
this section, or it is provided by a course, class, or program 1840
described in division (B) (3) (b), (c), or (e) of this section and 1841
the instructor is a qualified instructor certified by a national 1842
gun advocacy organization, the written section of the competency 1843
examination specified in division (G) (2) (a) of this section may 1844
be administered online, as long as the online training includes 1845
an interactive component that regularly engages the person. 1846

(4) The competency certification described in division (B) 1847
(3) (a), (b), (c), or (e) of this section shall be dated and 1848
shall attest that the course, class, or program the applicant 1849
successfully completed met the requirements described in 1850
division (G) (1) of this section and that the applicant passed 1851

the competency examination described in division (G) (2) of this section. 1852
1853

(H) Upon deciding to issue a concealed handgun license, 1854
deciding to issue a replacement concealed handgun license, or 1855
deciding to renew a concealed handgun license pursuant to this 1856
section, and before actually issuing or renewing the license, 1857
the sheriff shall make available through the law enforcement 1858
automated data system all information contained on the license. 1859
If the license subsequently is suspended under division (A) (1) 1860
or (2) of section 2923.128 of the Revised Code, revoked pursuant 1861
to division (B) (1) of section 2923.128 of the Revised Code, or 1862
lost or destroyed, the sheriff also shall make available through 1863
the law enforcement automated data system a notation of that 1864
fact. The superintendent of the state highway patrol shall 1865
ensure that the law enforcement automated data system is so 1866
configured as to permit the transmission through the system of 1867
the information specified in this division. 1868

(I) A sheriff shall accept a completed application form or 1869
renewal application, and the fee, items, materials, and 1870
information specified in divisions (B) (1) to (5) or division (F) 1871
of this section, whichever is applicable, and shall provide an 1872
application form or renewal application to any person during at 1873
least fifteen hours a week and shall provide the web site 1874
address at which a printable version of the application form 1875
that can be downloaded and the pamphlet described in division 1876
(B) of section 109.731 of the Revised Code may be found at any 1877
time, upon request. The sheriff shall post notice of the hours 1878
during which the sheriff is available to accept or provide the 1879
information described in this division. 1880

Sec. 2923.126. (A) A concealed handgun license that is 1881

issued under section 2923.125 of the Revised Code shall expire 1882
five years after the date of issuance. A licensee who has been 1883
issued a license under that section shall be granted a grace 1884
period of thirty days after the licensee's license expires 1885
during which the licensee's license remains valid. Except as 1886
provided in divisions (B) and (C) of this section, a licensee 1887
who has been issued a concealed handgun license under section 1888
2923.125 or 2923.1213 of the Revised Code, regardless of whether 1889
the license was issued prior to, on, or after the effective date 1890
of this amendment, may carry a concealed ~~handgun~~ firearm that is 1891
not a restricted firearm anywhere in this state if the licensee 1892
also carries a valid license and valid identification when the 1893
licensee is in actual possession of ~~a the concealed handgun~~ 1894
firearm. ~~The~~ A licensee who has been issued a concealed handgun 1895
license under section 2923.125 or 2923.1213 of the Revised Code 1896
shall give notice of any change in the licensee's residence 1897
address to the sheriff who issued the license within forty-five 1898
days after that change. 1899

If a licensee is the driver or an occupant of a motor 1900
vehicle that is stopped as the result of a traffic stop or a 1901
stop for another law enforcement purpose and if the licensee is 1902
transporting or has a loaded ~~handgun~~ firearm that is not a 1903
restricted firearm in the motor vehicle at that time, ~~the~~ 1904
~~licensee shall promptly inform any law enforcement officer who~~ 1905
~~approaches the vehicle while stopped that the licensee has been~~ 1906
~~issued a concealed handgun license and that the licensee~~ 1907
~~currently possesses or has a loaded handgun,~~ the licensee shall 1908
not knowingly disregard or fail to comply with lawful orders of 1909
a law enforcement officer given while the motor vehicle is 1910
stopped, knowingly fail to remain in the motor vehicle while 1911
stopped, or knowingly fail to keep the licensee's hands in plain 1912

sight after any law enforcement officer begins approaching the 1913
licensee while stopped and before the officer leaves, unless 1914
directed otherwise by a law enforcement officer; and the 1915
licensee shall not knowingly have contact with the loaded 1916
~~handgun~~ firearm by touching it with the licensee's hands or 1917
fingers, in any manner in violation of division (E) of section 1918
2923.16 of the Revised Code, after any law enforcement officer 1919
begins approaching the licensee while stopped and before the 1920
officer leaves. ~~Additionally, if a licensee is the driver or an~~ 1921
~~occupant of a commercial motor vehicle that is stopped by an~~ 1922
~~employee of the motor carrier enforcement unit for the purposes~~ 1923
~~defined in section 5503.34 of the Revised Code and if the~~ 1924
~~licensee is transporting or has a loaded handgun in the~~ 1925
~~commercial motor vehicle at that time, the licensee shall~~ 1926
~~promptly inform the employee of the unit who approaches the~~ 1927
~~vehicle while stopped that the licensee has been issued a~~ 1928
~~concealed handgun license and that the licensee currently~~ 1929
~~possesses or has a loaded handgun.~~ 1930

If a licensee is stopped for a law enforcement purpose and 1931
if the licensee is carrying a concealed ~~handgun~~ firearm that is 1932
not a restricted firearm at the time the officer approaches, ~~the~~ 1933
~~licensee shall promptly inform any law enforcement officer who~~ 1934
~~approaches the licensee while stopped that the licensee has been~~ 1935
~~issued a concealed handgun license and that the licensee~~ 1936
~~currently is carrying a concealed handgun;~~ the licensee shall 1937
not knowingly disregard or fail to comply with lawful orders of 1938
a law enforcement officer given while the licensee is stopped or 1939
knowingly fail to keep the licensee's hands in plain sight after 1940
any law enforcement officer begins approaching the licensee 1941
while stopped and before the officer leaves, unless directed 1942
otherwise by a law enforcement officer; and the licensee shall 1943

not knowingly remove, attempt to remove, grasp, or hold the 1944
loaded ~~handgun~~-firearm or knowingly have contact with the loaded 1945
~~handgun~~-firearm by touching it with the licensee's hands or 1946
fingers, in any manner in violation of division (B) of section 1947
2923.12 of the Revised Code, after any law enforcement officer 1948
begins approaching the licensee while stopped and before the 1949
officer leaves. 1950

(B) ~~A valid~~ The right to carry a concealed firearm that is 1951
granted under division (A) of this section to a licensee who has 1952
been issued a concealed handgun license, or that is granted 1953
under division (A) of section 2923.111 of the Revised Code to a 1954
licensee who is deemed under division (C) of that section to 1955
have been issued a concealed handgun license under section 1956
2923.125 of the Revised Code, does not authorize the licensee to 1957
carry any restricted firearm, does not authorize the licensee to 1958
carry a firearm or a concealed ~~handgun~~-firearm in any manner 1959
prohibited under division (B) of section 2923.12 of the Revised 1960
Code or in any manner prohibited under section 1547.69, 2921.36, 1961
2923.12, 2923.121, 2923.122, 2923.123, 2923.13, 2923.131, 1962
2923.15, or 2923.16 of the Revised Code. ~~A valid license,~~ and 1963
does not authorize the licensee to carry a concealed ~~handgun~~- 1964
firearm into any of the following places: 1965

(1) A police station, sheriff's office, or state highway 1966
patrol station, premises controlled by the bureau of criminal 1967
identification and investigation; a state correctional 1968
institution, jail, workhouse, or other detention facility; any 1969
area of an airport passenger terminal that is beyond a passenger 1970
or property screening checkpoint or to which access is 1971
restricted through security measures by the airport authority or 1972
a public agency; or an institution that is maintained, operated, 1973
managed, and governed pursuant to division (A) of section 1974

| | |
|--|------|
| 5119.14 of the Revised Code or division (A) (1) of section | 1975 |
| 5123.03 of the Revised Code; | 1976 |
| (2) A school safety zone if the licensee's carrying the | 1977 |
| concealed handgun - <u>firearm</u> is in violation of section 2923.122 of | 1978 |
| the Revised Code; | 1979 |
| (3) A courthouse or another building or structure in which | 1980 |
| a courtroom is located, <u>if the licensee's carrying the concealed</u> | 1981 |
| <u>firearm is</u> in violation of section 2923.123 of the Revised Code; | 1982 |
| (4) Any premises or open air arena for which a D permit | 1983 |
| has been issued under Chapter 4303. of the Revised Code if the | 1984 |
| licensee's carrying the concealed handgun - <u>firearm</u> is in | 1985 |
| violation of section 2923.121 of the Revised Code; | 1986 |
| (5) Any premises owned or leased by any public or private | 1987 |
| college, university, or other institution of higher education, | 1988 |
| unless the handgun - <u>firearm</u> is in a locked motor vehicle or, the | 1989 |
| licensee is in the immediate process of placing the handgun - | 1990 |
| <u>firearm</u> in a locked motor vehicle, or unless the licensee is | 1991 |
| carrying the concealed handgun - <u>firearm</u> pursuant to a written | 1992 |
| policy, rule, or other authorization that is adopted by the | 1993 |
| institution's board of trustees or other governing body and that | 1994 |
| authorizes specific individuals or classes of individuals to | 1995 |
| carry a concealed handgun - <u>firearm</u> on the premises; | 1996 |
| (6) Any church, synagogue, mosque, or other place of | 1997 |
| worship, unless the church, synagogue, mosque, or other place of | 1998 |
| worship posts or permits otherwise; | 1999 |
| (7) Any building that is a government facility of this | 2000 |
| state or a political subdivision of this state and that is not a | 2001 |
| building that is used primarily as a shelter, restroom, parking | 2002 |
| facility for motor vehicles, or rest facility and is not a | 2003 |

courthouse or other building or structure in which a courtroom 2004
is located that is subject to division (B) (3) of this section, 2005
unless the governing body with authority over the building has 2006
enacted a statute, ordinance, or policy that permits a licensee 2007
to carry a concealed ~~handgun~~ firearm into the building; 2008

(8) A place in which federal law prohibits the carrying of 2009
~~handguns~~ firearms. 2010

(C) (1) Nothing in this section or section 2923.111 of the 2011
Revised Code shall negate or restrict a rule, policy, or 2012
practice of a private employer that is not a private college, 2013
university, or other institution of higher education concerning 2014
or prohibiting the presence of firearms on the private 2015
employer's premises or property, including motor vehicles owned 2016
by the private employer. Nothing in this section or section 2017
2923.111 of the Revised Code shall require a private employer of 2018
that nature to adopt a rule, policy, or practice concerning or 2019
prohibiting the presence of firearms on the private employer's 2020
premises or property, including motor vehicles owned by the 2021
private employer. 2022

(2) (a) A private employer shall be immune from liability 2023
in a civil action for any injury, death, or loss to person or 2024
property that allegedly was caused by or related to a licensee 2025
bringing a ~~handgun~~ firearm onto the premises or property of the 2026
private employer, including motor vehicles owned by the private 2027
employer, unless the private employer acted with malicious 2028
purpose. A private employer is immune from liability in a civil 2029
action for any injury, death, or loss to person or property that 2030
allegedly was caused by or related to the private employer's 2031
decision to permit a licensee to bring, or prohibit a licensee 2032
from bringing, a ~~handgun~~ firearm onto the premises or property 2033

of the private employer. 2034

(b) A political subdivision shall be immune from liability 2035
in a civil action, to the extent and in the manner provided in 2036
Chapter 2744. of the Revised Code, for any injury, death, or 2037
loss to person or property that allegedly was caused by or 2038
related to a licensee bringing a ~~handgun~~-firearm onto any 2039
premises or property owned, leased, or otherwise under the 2040
control of the political subdivision. As used in this division, 2041
"political subdivision" has the same meaning as in section 2042
2744.01 of the Revised Code. 2043

(c) An institution of higher education shall be immune 2044
from liability in a civil action for any injury, death, or loss 2045
to person or property that allegedly was caused by or related to 2046
a licensee bringing a ~~handgun~~-firearm onto the premises of the 2047
institution, including motor vehicles owned by the institution, 2048
unless the institution acted with malicious purpose. An 2049
institution of higher education is immune from liability in a 2050
civil action for any injury, death, or loss to person or 2051
property that allegedly was caused by or related to the 2052
institution's decision to permit a licensee or class of 2053
licensees to bring a ~~handgun~~-firearm onto the premises of the 2054
institution. 2055

(3) (a) Except as provided in division (C) (3) (b) of this 2056
section, the owner or person in control of private land or 2057
premises, and a private person or entity leasing land or 2058
premises owned by the state, the United States, or a political 2059
subdivision of the state or the United States, may post a sign 2060
in a conspicuous location on that land or on those premises 2061
prohibiting persons from carrying firearms or concealed firearms 2062
on or onto that land or those premises. Except as otherwise 2063

provided in this division, a person who knowingly violates a 2064
posted prohibition of that nature is guilty of criminal trespass 2065
in violation of division (A) (4) of section 2911.21 of the 2066
Revised Code and is guilty of a misdemeanor of the fourth 2067
degree. If a person knowingly violates a posted prohibition of 2068
that nature and the posted land or premises primarily was a 2069
parking lot or other parking facility, the person is not guilty 2070
of criminal trespass under section 2911.21 of the Revised Code 2071
or under any other criminal law of this state or criminal law, 2072
ordinance, or resolution of a political subdivision of this 2073
state, and instead is subject only to a civil cause of action 2074
for trespass based on the violation. 2075

If a person knowingly violates a posted prohibition of the 2076
nature described in this division and the posted land or 2077
premises is a child day-care center, type A family day-care 2078
home, or type B family day-care home, unless the person is a 2079
licensee who resides in a type A family day-care home or type B 2080
family day-care home, the person is guilty of aggravated 2081
trespass in violation of section 2911.211 of the Revised Code. 2082
Except as otherwise provided in this division, the offender is 2083
guilty of a misdemeanor of the first degree. If the ~~person~~ 2084
offender previously has been convicted of a violation of this 2085
division or of any offense of violence, if the weapon involved 2086
is a firearm that is either loaded or for which the offender has 2087
ammunition ready at hand, or if the weapon involved is dangerous 2088
ordnance, the offender is guilty of a felony of the fourth 2089
degree. 2090

(b) A landlord may not prohibit or restrict a tenant who 2091
is a licensee and who on or after September 9, 2008, enters into 2092
a rental agreement with the landlord for the use of residential 2093
premises, and the tenant's guest while the tenant is present, 2094

from lawfully carrying or possessing a handgun on those 2095
residential premises. A landlord may not prohibit or restrict a 2096
tenant who is a licensee and who on or after the effective date 2097
of this amendment enters into a rental agreement with the 2098
landlord for the use of residential premises and the tenant's 2099
guest while the tenant is present from lawfully carrying or 2100
possessing a firearm that is not a restricted firearm on those 2101
premises. 2102

(c) As used in division (C) (3) of this section: 2103

(i) "Residential premises" has the same meaning as in 2104
section 5321.01 of the Revised Code, except "residential 2105
premises" does not include a dwelling unit that is owned or 2106
operated by a college or university. 2107

(ii) "Landlord," "tenant," and "rental agreement" have the 2108
same meanings as in section 5321.01 of the Revised Code. 2109

(D) A person who holds a valid concealed handgun license 2110
issued by another state that is recognized by the attorney 2111
general pursuant to a reciprocity agreement entered into 2112
pursuant to section 109.69 of the Revised Code ~~or,~~ a person who 2113
holds a valid concealed handgun license under the circumstances 2114
described in division (B) of section 109.69 of the Revised Code, 2115
or a person who is deemed under division (C) of section 2923.111 2116
of the Revised Code to have been issued a concealed handgun 2117
license under section 2923.125 of the Revised Code has the same 2118
right to carry a concealed ~~handgun~~ firearm that is not a 2119
restricted firearm in this state as a person who was issued a 2120
concealed handgun license under section 2923.125 of the Revised 2121
Code and is subject to the same restrictions that apply to a 2122
person who carries a license issued under that section. 2123

(E) (1) A peace officer has the same right to carry a 2124
concealed ~~handgun~~ firearm that is not a restricted firearm in 2125
this state as a person who was issued a concealed handgun 2126
license under section 2923.125 of the Revised Code. For purposes 2127
of reciprocity with other states, a peace officer shall be 2128
considered to be a licensee in this state who has been issued 2129
such a license under that section. 2130

(2) An active duty member of the armed forces of the 2131
United States who is carrying a valid military identification 2132
card and documentation of successful completion of firearms 2133
training that meets or exceeds the training requirements 2134
described in division (G) (1) of section 2923.125 of the Revised 2135
Code has the same right to carry a concealed ~~handgun~~ firearm 2136
that is not a restricted firearm in this state as a person who 2137
was issued a concealed handgun license under section 2923.125 of 2138
the Revised Code and is subject to the same restrictions as 2139
specified in this section. 2140

(F) (1) A qualified retired peace officer who possesses a 2141
retired peace officer identification card issued pursuant to 2142
division (F) (2) of this section and a valid firearms 2143
requalification certification issued pursuant to division (F) (3) 2144
of this section has the same right to carry a concealed ~~handgun~~ 2145
firearm that is not a restricted firearm in this state as a 2146
person who was issued a concealed handgun license under section 2147
2923.125 of the Revised Code and is subject to the same 2148
restrictions that apply to a person who carries a license issued 2149
under that section. For purposes of reciprocity with other 2150
states, a qualified retired peace officer who possesses a 2151
retired peace officer identification card issued pursuant to 2152
division (F) (2) of this section and a valid firearms 2153
requalification certification issued pursuant to division (F) (3) 2154

of this section shall be considered to be a licensee in this 2155
state who has been issued a concealed handgun license under 2156
section 2923.125 of the Revised Code. 2157

(2) (a) Each public agency of this state or of a political 2158
subdivision of this state that is served by one or more peace 2159
officers shall issue a retired peace officer identification card 2160
to any person who retired from service as a peace officer with 2161
that agency, if the issuance is in accordance with the agency's 2162
policies and procedures and if the person, with respect to the 2163
person's service with that agency, satisfies all of the 2164
following: 2165

(i) The person retired in good standing from service as a 2166
peace officer with the public agency, and the retirement was not 2167
for reasons of mental instability. 2168

(ii) Before retiring from service as a peace officer with 2169
that agency, the person was authorized to engage in or supervise 2170
the prevention, detection, investigation, or prosecution of, or 2171
the incarceration of any person for, any violation of law and 2172
the person had statutory powers of arrest. 2173

(iii) At the time of the person's retirement as a peace 2174
officer with that agency, the person was trained and qualified 2175
to carry firearms in the performance of the peace officer's 2176
duties. 2177

(iv) Before retiring from service as a peace officer with 2178
that agency, the person was regularly employed as a peace 2179
officer for an aggregate of fifteen years or more, or, in the 2180
alternative, the person retired from service as a peace officer 2181
with that agency, after completing any applicable probationary 2182
period of that service, due to a service-connected disability, 2183

as determined by the agency. 2184

(b) A retired peace officer identification card issued to 2185
a person under division (F) (2) (a) of this section shall identify 2186
the person by name, contain a photograph of the person, identify 2187
the public agency of this state or of the political subdivision 2188
of this state from which the person retired as a peace officer 2189
and that is issuing the identification card, and specify that 2190
the person retired in good standing from service as a peace 2191
officer with the issuing public agency and satisfies the 2192
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 2193
section. In addition to the required content specified in this 2194
division, a retired peace officer identification card issued to 2195
a person under division (F) (2) (a) of this section may include 2196
the firearms requalification certification described in division 2197
(F) (3) of this section, and if the identification card includes 2198
that certification, the identification card shall serve as the 2199
firearms requalification certification for the retired peace 2200
officer. If the issuing public agency issues credentials to 2201
active law enforcement officers who serve the agency, the agency 2202
may comply with division (F) (2) (a) of this section by issuing 2203
the same credentials to persons who retired from service as a 2204
peace officer with the agency and who satisfy the criteria set 2205
forth in divisions (F) (2) (a) (i) to (iv) of this section, 2206
provided that the credentials so issued to retired peace 2207
officers are stamped with the word "RETIRED." 2208

(c) A public agency of this state or of a political 2209
subdivision of this state may charge persons who retired from 2210
service as a peace officer with the agency a reasonable fee for 2211
issuing to the person a retired peace officer identification 2212
card pursuant to division (F) (2) (a) of this section. 2213

(3) If a person retired from service as a peace officer 2214
with a public agency of this state or of a political subdivision 2215
of this state and the person satisfies the criteria set forth in 2216
divisions (F) (2) (a) (i) to (iv) of this section, the public 2217
agency may provide the retired peace officer with the 2218
opportunity to attend a firearms requalification program that is 2219
approved for purposes of firearms requalification required under 2220
section 109.801 of the Revised Code. The retired peace officer 2221
may be required to pay the cost of the course. 2222

If a retired peace officer who satisfies the criteria set 2223
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 2224
a firearms requalification program that is approved for purposes 2225
of firearms requalification required under section 109.801 of 2226
the Revised Code, the retired peace officer's successful 2227
completion of the firearms requalification program requalifies 2228
the retired peace officer for purposes of division (F) of this 2229
section for five years from the date on which the program was 2230
successfully completed, and the requalification is valid during 2231
that five-year period. If a retired peace officer who satisfies 2232
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 2233
section satisfactorily completes such a firearms requalification 2234
program, the retired peace officer shall be issued a firearms 2235
requalification certification that identifies the retired peace 2236
officer by name, identifies the entity that taught the program, 2237
specifies that the retired peace officer successfully completed 2238
the program, specifies the date on which the course was 2239
successfully completed, and specifies that the requalification 2240
is valid for five years from that date of successful completion. 2241
The firearms requalification certification for a retired peace 2242
officer may be included in the retired peace officer 2243
identification card issued to the retired peace officer under 2244

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| division (F) (2) of this section. | 2245 |
| A retired peace officer who attends a firearms | 2246 |
| requalification program that is approved for purposes of | 2247 |
| firearms requalification required under section 109.801 of the | 2248 |
| Revised Code may be required to pay the cost of the program. | 2249 |
| (G) As used in this section: | 2250 |
| (1) "Qualified retired peace officer" means a person who | 2251 |
| satisfies all of the following: | 2252 |
| (a) The person satisfies the criteria set forth in | 2253 |
| divisions (F) (2) (a) (i) to (v) of this section. | 2254 |
| (b) The person is not under the influence of alcohol or | 2255 |
| another intoxicating or hallucinatory drug or substance. | 2256 |
| (c) The person is not prohibited by federal law from | 2257 |
| receiving firearms. | 2258 |
| (2) "Retired peace officer identification card" means an | 2259 |
| identification card that is issued pursuant to division (F) (2) | 2260 |
| of this section to a person who is a retired peace officer. | 2261 |
| (3) "Government facility of this state or a political | 2262 |
| subdivision of this state" means any of the following: | 2263 |
| (a) A building or part of a building that is owned or | 2264 |
| leased by the government of this state or a political | 2265 |
| subdivision of this state and where employees of the government | 2266 |
| of this state or the political subdivision regularly are present | 2267 |
| for the purpose of performing their official duties as employees | 2268 |
| of the state or political subdivision; | 2269 |
| (b) The office of a deputy registrar serving pursuant to | 2270 |
| Chapter 4503. of the Revised Code that is used to perform deputy | 2271 |

registrar functions. 2272

(4) "Governing body" has the same meaning as in section 2273
154.01 of the Revised Code. 2274

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 2275
concealed handgun license is arrested for or otherwise charged 2276
with an offense described in division (D) (1) (d) of section 2277
2923.125 of the Revised Code or with a violation of section 2278
2923.15 of the Revised Code or becomes subject to a temporary 2279
protection order or to a protection order issued by a court of 2280
another state that is substantially equivalent to a temporary 2281
protection order, the sheriff who issued the license shall 2282
suspend it and shall comply with division (A) (3) of this section 2283
upon becoming aware of the arrest, charge, or protection order. 2284
Upon suspending the license, the sheriff also shall comply with 2285
division (H) of section 2923.125 of the Revised Code. 2286

(b) A suspension under division (A) (1) (a) of this section 2287
shall be considered as beginning on the date that the licensee 2288
is arrested for or otherwise charged with an offense described 2289
in that division or on the date the appropriate court issued the 2290
protection order described in that division, irrespective of 2291
when the sheriff notifies the licensee under division (A) (3) of 2292
this section. The suspension shall end on the date on which the 2293
charges are dismissed or the licensee is found not guilty of the 2294
offense described in division (A) (1) (a) of this section or, 2295
subject to division (B) of this section, on the date the 2296
appropriate court terminates the protection order described in 2297
that division. If the suspension so ends, the sheriff shall 2298
return the license or temporary emergency license to the 2299
licensee. 2300

(2) (a) If a licensee holding a valid concealed handgun 2301

license is convicted of or pleads guilty to a misdemeanor 2302
violation of division (B) (1), ~~(2)~~, or ~~(4)~~ (3) of section 2923.12 2303
of the Revised Code or of division (E) (1), ~~(2)~~, ~~(3)~~, or ~~(5)~~ (3) 2304
of section 2923.16 of the Revised Code, ~~except as provided in~~ 2305
~~division (A) (2) (c) of this section and subject to division (C)~~ 2306
~~of this section,~~ the sheriff who issued the license shall 2307
suspend it and shall comply with division (A) (3) of this section 2308
upon becoming aware of the conviction or guilty plea. Upon 2309
suspending the license, the sheriff also shall comply with 2310
division (H) of section 2923.125 of the Revised Code. 2311

(b) A suspension under division (A) (2) (a) of this section 2312
shall be considered as beginning on the date that the licensee 2313
is convicted of or pleads guilty to the offense described in 2314
that division, irrespective of when the sheriff notifies the 2315
licensee under division (A) (3) of this section. If the 2316
suspension is imposed for a misdemeanor violation of division 2317
(B) (1) ~~or (2)~~ of section 2923.12 of the Revised Code or of 2318
division (E) (1), ~~(2)~~, ~~or (3)~~ of section 2923.16 of the Revised 2319
Code, it shall end on the date that is one year after the date 2320
that the licensee is convicted of or pleads guilty to that 2321
violation. If the suspension is imposed for a misdemeanor 2322
violation of division (B) ~~(4)~~ (3) of section 2923.12 of the 2323
Revised Code or of division (E) ~~(5)~~ (3) of section 2923.16 of the 2324
Revised Code, it shall end on the date that is two years after 2325
the date that the licensee is convicted of or pleads guilty to 2326
that violation. If the licensee's license was issued under 2327
section 2923.125 of the Revised Code and the license remains 2328
valid after the suspension ends as described in this division, 2329
when the suspension ends, the sheriff shall return the license 2330
to the licensee. If the licensee's license was issued under 2331
section 2923.125 of the Revised Code and the license expires 2332

before the suspension ends as described in this division, or if 2333
the licensee's license was issued under section 2923.1213 of the 2334
Revised Code, the licensee is not eligible to apply for a new 2335
license under section 2923.125 or 2923.1213 of the Revised Code 2336
or to renew the license under section 2923.125 of the Revised 2337
Code until after the suspension ends as described in this 2338
division. 2339

~~(c) The license of a licensee who is convicted of or 2340
pleads guilty to a violation of division (B) (1) of section 2341
2923.12 or division (E) (1) or (2) of section 2923.16 of the 2342
Revised Code shall not be suspended pursuant to division (A) (2) 2343
(a) of this section if, at the time of the stop of the licensee 2344
for a law enforcement purpose, for a traffic stop, or for a 2345
purpose defined in section 5503.34 of the Revised Code that was 2346
the basis of the violation, any law enforcement officer involved 2347
with the stop or the employee of the motor carrier enforcement 2348
unit who made the stop had actual knowledge of the licensee's 2349
status as a licensee. 2350~~

(3) Upon becoming aware of an arrest, charge, or 2351
protection order described in division (A) (1) (a) of this section 2352
with respect to a licensee who was issued a concealed handgun 2353
license, or a conviction of or plea of guilty to a misdemeanor 2354
offense described in division (A) (2) (a) of this section with 2355
respect to a licensee who was issued a concealed handgun license 2356
and with respect to which ~~division (A) (2) (c) of this section 2357
does not apply,~~ subject to division (C) of this section, the 2358
sheriff who issued the licensee's license shall notify the 2359
licensee, by certified mail, return receipt requested, at the 2360
licensee's last known residence address that the license has 2361
been suspended and that the licensee is required to surrender 2362
the license at the sheriff's office within ten days of the date 2363

on which the notice was mailed. If the suspension is pursuant to 2364
division (A) (2) of this section, the notice shall identify the 2365
date on which the suspension ends. 2366

(B) (1) A sheriff who issues a concealed handgun license to 2367
a licensee shall revoke the license in accordance with division 2368
(B) (2) of this section upon becoming aware that the licensee 2369
satisfies any of the following: 2370

(a) The licensee is under twenty-one years of age. 2371

(b) Subject to division (C) of this section, at the time 2372
of the issuance of the license, the licensee did not satisfy the 2373
eligibility requirements of division (D) (1) (c), (d), (e), (f), 2374
(g), or (h) of section 2923.125 of the Revised Code. 2375

(c) Subject to division (C) of this section, on or after 2376
the date on which the license was issued, the licensee is 2377
convicted of or pleads guilty to a violation of section 2923.15 2378
of the Revised Code or an offense described in division (D) (1) 2379
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 2380

(d) On or after the date on which the license was issued, 2381
the licensee becomes subject to a civil protection order or to a 2382
protection order issued by a court of another state that is 2383
substantially equivalent to a civil protection order. 2384

(e) The licensee knowingly carries a concealed ~~handgun~~ 2385
firearm into a place that the licensee knows is an unauthorized 2386
place specified in division (B) of section 2923.126 of the 2387
Revised Code, knowingly carries a concealed firearm in any 2388
prohibited manner listed in that division, or knowingly carries 2389
under alleged authority as a licensee a concealed restricted 2390
firearm. 2391

(f) On or after the date on which the license was issued, 2392

the licensee is adjudicated as a mental defective or is 2393
committed to a mental institution. 2394

(g) At the time of the issuance of the license, the 2395
licensee did not meet the residency requirements described in 2396
division (D) (1) of section 2923.125 of the Revised Code and 2397
currently does not meet the residency requirements described in 2398
that division. 2399

(h) Regarding a license issued under section 2923.125 of 2400
the Revised Code, the competency certificate the licensee 2401
submitted was forged or otherwise was fraudulent. 2402

(2) Upon becoming aware of any circumstance listed in 2403
division (B) (1) of this section that applies to a particular 2404
licensee who was issued a concealed handgun license, subject to 2405
division (C) of this section, the sheriff who issued the license 2406
to the licensee shall notify the licensee, by certified mail, 2407
return receipt requested, at the licensee's last known residence 2408
address that the license is subject to revocation and that the 2409
licensee may come to the sheriff's office and contest the 2410
sheriff's proposed revocation within fourteen days of the date 2411
on which the notice was mailed. After the fourteen-day period 2412
and after consideration of any information that the licensee 2413
provides during that period, if the sheriff determines on the 2414
basis of the information of which the sheriff is aware that the 2415
licensee is described in division (B) (1) of this section and no 2416
longer satisfies the requirements described in division (D) (1) 2417
of section 2923.125 of the Revised Code that are applicable to 2418
the licensee's type of license, the sheriff shall revoke the 2419
license, notify the licensee of that fact, and require the 2420
licensee to surrender the license. Upon revoking the license, 2421
the sheriff also shall comply with division (H) of section 2422

2923.125 of the Revised Code. 2423

(C) If a sheriff who issues a concealed handgun license to 2424
a licensee becomes aware that at the time of the issuance of the 2425
license the licensee had been convicted of or pleaded guilty to 2426
an offense identified in division (D)(1)(e), (f), or (h) of 2427
section 2923.125 of the Revised Code or had been adjudicated a 2428
delinquent child for committing an act or violation identified 2429
in any of those divisions or becomes aware that on or after the 2430
date on which the license was issued the licensee has been 2431
convicted of or pleaded guilty to an offense identified in 2432
division (A)(2)(a) or (B)(1)(c) of this section, the sheriff 2433
shall not consider that conviction, guilty plea, or adjudication 2434
as having occurred for purposes of divisions (A)(2), (A)(3), (B) 2435
(1), and (B)(2) of this section if a court has ordered the 2436
sealing or expungement of the records of that conviction, guilty 2437
plea, or adjudication pursuant to sections 2151.355 to 2151.358 2438
or sections 2953.31 to 2953.36 of the Revised Code or the 2439
licensee has been relieved under operation of law or legal 2440
process from the disability imposed pursuant to section 2923.13 2441
of the Revised Code relative to that conviction, guilty plea, or 2442
adjudication. 2443

(D) As used in this section, "motor carrier enforcement 2444
unit" has the same meaning as in section 2923.16 of the Revised 2445
Code. 2446

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of 2447
the bureau of criminal identification and investigation, the 2448
employees of the bureau, the Ohio peace officer training 2449
commission, or the employees of the commission make a good faith 2450
effort in performing the duties imposed upon the sheriff, the 2451
superintendent, the bureau's employees, the commission, or the 2452

commission's employees by sections 109.731, 311.41, and 2923.124 2453
to 2923.1213 of the Revised Code, in addition to the personal 2454
immunity provided by section 9.86 of the Revised Code or 2455
division (A) (6) of section 2744.03 of the Revised Code and the 2456
governmental immunity of sections 2744.02 and 2744.03 of the 2457
Revised Code and in addition to any other immunity possessed by 2458
the bureau, the commission, and their employees, the sheriff, 2459
the sheriff's office, the county in which the sheriff has 2460
jurisdiction, the bureau, the superintendent of the bureau, the 2461
bureau's employees, the commission, and the commission's 2462
employees are immune from liability in a civil action for 2463
injury, death, or loss to person or property that allegedly was 2464
caused by or related to any of the following: 2465

(a) The issuance, renewal, suspension, or revocation of a 2466
concealed handgun license; 2467

(b) The failure to issue, renew, suspend, or revoke a 2468
concealed handgun license; 2469

(c) Any action or misconduct with a ~~handgun~~firearm 2470
committed by a licensee. 2471

(2) Any action of a sheriff relating to the issuance, 2472
renewal, suspension, or revocation of a concealed handgun 2473
license shall be considered to be a governmental function for 2474
purposes of Chapter 2744. of the Revised Code. 2475

(3) An entity that or instructor who provides a competency 2476
certification of a type described in division (B) (3) of section 2477
2923.125 of the Revised Code is immune from civil liability that 2478
might otherwise be incurred or imposed for any death or any 2479
injury or loss to person or property that is caused by or 2480
related to a person to whom the entity or instructor has issued 2481

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| the competency certificate if all of the following apply: | 2482 |
| (a) The alleged liability of the entity or instructor | 2483 |
| relates to the training provided in the course, class, or | 2484 |
| program covered by the competency certificate. | 2485 |
| (b) The entity or instructor makes a good faith effort in | 2486 |
| determining whether the person has satisfactorily completed the | 2487 |
| course, class, or program and makes a good faith effort in | 2488 |
| assessing the person in the competency examination conducted | 2489 |
| pursuant to division (G) (2) of section 2923.125 of the Revised | 2490 |
| Code. | 2491 |
| (c) The entity or instructor did not issue the competency | 2492 |
| certificate with malicious purpose, in bad faith, or in a wanton | 2493 |
| or reckless manner. | 2494 |
| (4) An entity that or instructor who, prior to March 27, | 2495 |
| 2013, provides a renewed competency certification of a type | 2496 |
| described in division (G) (4) of section 2923.125 of the Revised | 2497 |
| Code as it existed prior to March 27, 2013, is immune from civil | 2498 |
| liability that might otherwise be incurred or imposed for any | 2499 |
| death or any injury or loss to person or property that is caused | 2500 |
| by or related to a person to whom the entity or instructor has | 2501 |
| issued the renewed competency certificate if all of the | 2502 |
| following apply: | 2503 |
| (a) The entity or instructor makes a good faith effort in | 2504 |
| assessing the person in the physical demonstrations or the | 2505 |
| competency examination conducted pursuant to division (G) (4) of | 2506 |
| section 2923.125 of the Revised Code as it existed prior to | 2507 |
| March 27, 2013. | 2508 |
| (b) The entity or instructor did not issue the renewed | 2509 |
| competency certificate with malicious purpose, in bad faith, or | 2510 |

in a wanton or reckless manner. 2511

(5) A law enforcement agency that employs a peace officer 2512
is immune from liability in a civil action to recover damages 2513
for injury, death, or loss to person or property allegedly 2514
caused by any act of that peace officer if the act occurred 2515
while the peace officer carried a concealed ~~handgun~~ firearm and 2516
was off duty and if the act allegedly involved the peace 2517
officer's use of the concealed ~~handgun~~ firearm. Sections 9.86 2518
and 9.87, and Chapter 2744., of the Revised Code apply to any 2519
civil action involving a peace officer's use of a concealed 2520
~~handgun~~ firearm in the performance of the peace officer's 2521
official duties while the peace officer is off duty. 2522

(B) Notwithstanding section 149.43 of the Revised Code, 2523
the records that a sheriff keeps relative to the issuance, 2524
renewal, suspension, or revocation of a concealed handgun 2525
license, including, but not limited to, completed applications 2526
for the issuance or renewal of a license, completed affidavits 2527
submitted regarding an application for a license on a temporary 2528
emergency basis, reports of criminal records checks and 2529
incompetency records checks under section 311.41 of the Revised 2530
Code, and applicants' social security numbers and fingerprints 2531
that are obtained under division (A) of section 311.41 of the 2532
Revised Code, are confidential and are not public records. No 2533
person shall release or otherwise disseminate records that are 2534
confidential under this division unless required to do so 2535
pursuant to a court order. 2536

(C) Each sheriff shall report to the Ohio peace officer 2537
training commission the number of concealed handgun licenses 2538
that the sheriff issued, renewed, suspended, revoked, or denied 2539
under section 2923.125 of the Revised Code during the previous 2540

quarter of the calendar year, the number of applications for 2541
those licenses for which processing was suspended in accordance 2542
with division (D) (3) of section 2923.125 of the Revised Code 2543
during the previous quarter of the calendar year, and the number 2544
of concealed handgun licenses on a temporary emergency basis 2545
that the sheriff issued, suspended, revoked, or denied under 2546
section 2923.1213 of the Revised Code during the previous 2547
quarter of the calendar year. The sheriff shall not include in 2548
the report the name or any other identifying information of an 2549
applicant or licensee. The sheriff shall report that information 2550
in a manner that permits the commission to maintain the 2551
statistics described in division (C) of section 109.731 of the 2552
Revised Code and to timely prepare the statistical report 2553
described in that division. The information that is received by 2554
the commission under this division is a public record kept by 2555
the commission for the purposes of section 149.43 of the Revised 2556
Code. 2557

(D) Law enforcement agencies may use the information a 2558
sheriff makes available through the use of the law enforcement 2559
automated data system pursuant to division (H) of section 2560
2923.125 or division (B) (2) or (D) of section 2923.1213 of the 2561
Revised Code for law enforcement purposes only. The information 2562
is confidential and is not a public record. A person who 2563
releases or otherwise disseminates this information obtained 2564
through the law enforcement automated data system in a manner 2565
not described in this division is guilty of a violation of 2566
section 2913.04 of the Revised Code. 2567

(E) Whoever violates division (B) of this section is 2568
guilty of illegal release of confidential concealed handgun 2569
license records, a felony of the fifth degree. In addition to 2570
any penalties imposed under Chapter 2929. of the Revised Code 2571

for a violation of division (B) of this section or a violation 2572
of section 2913.04 of the Revised Code described in division (D) 2573
of this section, if the offender is a sheriff, an employee of a 2574
sheriff, or any other public officer or employee, and if the 2575
violation was willful and deliberate, the offender shall be 2576
subject to a civil fine of one thousand dollars. Any person who 2577
is harmed by a violation of division (B) or (C) of this section 2578
or a violation of section 2913.04 of the Revised Code described 2579
in division (D) of this section has a private cause of action 2580
against the offender for any injury, death, or loss to person or 2581
property that is a proximate result of the violation and may 2582
recover court costs and attorney's fees related to the action. 2583

Sec. 2923.1210. (A) A business entity, property owner, or 2584
public or private employer may not establish, maintain, or 2585
enforce a policy or rule that prohibits or has the effect of 2586
prohibiting a person who has been issued a valid concealed 2587
handgun license, or a person who is deemed under division (C) of 2588
section 2923.111 of the Revised Code to have been issued a 2589
concealed handgun license under section 2923.125 of the Revised 2590
Code, from transporting or storing a firearm or ammunition when 2591
both of the following conditions are met: 2592

(1) Each firearm and all of the ammunition remains inside 2593
the person's privately owned motor vehicle while the person is 2594
physically present inside the motor vehicle, or each firearm and 2595
all of the ammunition is locked within the trunk, glove box, or 2596
other enclosed compartment or container within or on the 2597
person's privately owned motor vehicle; 2598

(2) The vehicle is in a location where it is otherwise 2599
permitted to be. 2600

(B) No business entity, property owner, or public or 2601

private employer shall be held liable in any civil action for 2602
damages, injuries, or death resulting from or arising out of 2603
another person's actions involving a firearm or ammunition 2604
transported or stored pursuant to division (A) of this section, 2605
including the theft of a firearm from an employee's or invitee's 2606
automobile, unless the business entity, property owner, or 2607
public or private employer intentionally solicited or procured 2608
the other person's injurious actions. 2609

Sec. 2923.1213. (A) As used in this section: 2610

(1) "Evidence of imminent danger" means any of the 2611
following: 2612

(a) A statement sworn by the person seeking to carry a 2613
concealed ~~handgun~~ firearm other than a restricted firearm that 2614
is made under threat of perjury and that states that the person 2615
has reasonable cause to fear a criminal attack upon the person 2616
or a member of the person's family, such as would justify a 2617
prudent person in going armed; 2618

(b) A written document prepared by a governmental entity 2619
or public official describing the facts that give the person 2620
seeking to carry a concealed ~~handgun~~ firearm other than a 2621
restricted firearm reasonable cause to fear a criminal attack 2622
upon the person or a member of the person's family, such as 2623
would justify a prudent person in going armed. Written documents 2624
of this nature include, but are not limited to, any temporary 2625
protection order, civil protection order, protection order 2626
issued by another state, or other court order, any court report, 2627
and any report filed with or made by a law enforcement agency or 2628
prosecutor. 2629

(2) "Prosecutor" has the same meaning as in section 2630

2935.01 of the Revised Code. 2631

(B) (1) A person seeking a concealed handgun license on a 2632
temporary emergency basis shall submit to the sheriff of the 2633
county in which the person resides or, if the person usually 2634
resides in another state, to the sheriff of the county in which 2635
the person is temporarily staying, all of the following: 2636

(a) Evidence of imminent danger to the person or a member 2637
of the person's family; 2638

(b) A sworn affidavit that contains all of the information 2639
required to be on the license and attesting that the person is 2640
legally living in the United States; is at least twenty-one 2641
years of age; is not a fugitive from justice; is not under 2642
indictment for or otherwise charged with an offense identified 2643
in division (D) (1) (d) of section 2923.125 of the Revised Code; 2644
has not been convicted of or pleaded guilty to an offense, and 2645
has not been adjudicated a delinquent child for committing an 2646
act, identified in division (D) (1) (e) of that section and to 2647
which division (B) (3) of this section does not apply; within 2648
three years of the date of the submission, has not been 2649
convicted of or pleaded guilty to an offense, and has not been 2650
adjudicated a delinquent child for committing an act, identified 2651
in division (D) (1) (f) of that section and to which division (B) 2652
(3) of this section does not apply; within five years of the 2653
date of the submission, has not been convicted of, pleaded 2654
guilty, or adjudicated a delinquent child for committing two or 2655
more violations identified in division (D) (1) (g) of that 2656
section; within ten years of the date of the submission, has not 2657
been convicted of, pleaded guilty, or adjudicated a delinquent 2658
child for committing a violation identified in division (D) (1) 2659
(h) of that section and to which division (B) (3) of this section 2660

does not apply; has not been adjudicated as a mental defective, 2661
has not been committed to any mental institution, is not under 2662
adjudication of mental incompetence, has not been found by a 2663
court to be a mentally ill person subject to court order, and is 2664
not an involuntary patient other than one who is a patient only 2665
for purposes of observation, as described in division (D) (1) (i) 2666
of that section; is not currently subject to a civil protection 2667
order, a temporary protection order, or a protection order 2668
issued by a court of another state, as described in division (D) 2669
(1) (j) of that section; is not currently subject to a suspension 2670
imposed under division (A) (2) of section 2923.128 of the Revised 2671
Code of a concealed handgun license that previously was issued 2672
to the person or a similar suspension imposed by another state 2673
regarding a concealed handgun license issued by that state; is 2674
not an unlawful user of or addicted to any controlled substance 2675
as defined in 21 U.S.C. 802; if applicable, is an alien and has 2676
not been admitted to the United States under a nonimmigrant 2677
visa, as defined in the "Immigration and Nationality Act," 8 2678
U.S.C. 1101(a) (26); has not been discharged from the armed 2679
forces of the United States under dishonorable conditions; if 2680
applicable, has not renounced the applicant's United States 2681
citizenship; and has not been convicted of, pleaded guilty to, 2682
or been adjudicated a delinquent child for committing a 2683
violation identified in division (D) (1) (s) of section 2923.125 2684
of the Revised Code; 2685

(c) A nonrefundable temporary emergency license fee as 2686
described in either of the following: 2687

(i) For an applicant who has been a resident of this state 2688
for five or more years, a fee of fifteen dollars plus the actual 2689
cost of having a background check performed by the bureau of 2690
criminal identification and investigation pursuant to section 2691

311.41 of the Revised Code; 2692

(ii) For an applicant who has been a resident of this 2693
state for less than five years or who is not a resident of this 2694
state, but is temporarily staying in this state, a fee of 2695
fifteen dollars plus the actual cost of having background checks 2696
performed by the federal bureau of investigation and the bureau 2697
of criminal identification and investigation pursuant to section 2698
311.41 of the Revised Code. 2699

(d) A set of fingerprints of the applicant provided as 2700
described in section 311.41 of the Revised Code through use of 2701
an electronic fingerprint reading device or, if the sheriff to 2702
whom the application is submitted does not possess and does not 2703
have ready access to the use of an electronic fingerprint 2704
reading device, on a standard impression sheet prescribed 2705
pursuant to division (C) (2) of section 109.572 of the Revised 2706
Code. If the fingerprints are provided on a standard impression 2707
sheet, the person also shall provide the person's social 2708
security number to the sheriff. 2709

(2) A sheriff shall accept the evidence of imminent 2710
danger, the sworn affidavit, the fee, and the set of 2711
fingerprints required under division (B) (1) of this section at 2712
the times and in the manners described in division (I) of this 2713
section. Upon receipt of the evidence of imminent danger, the 2714
sworn affidavit, the fee, and the set of fingerprints required 2715
under division (B) (1) of this section, the sheriff, in the 2716
manner specified in section 311.41 of the Revised Code, 2717
immediately shall conduct or cause to be conducted the criminal 2718
records check and the incompetency records check described in 2719
section 311.41 of the Revised Code. Immediately upon receipt of 2720
the results of the records checks, the sheriff shall review the 2721

information and shall determine whether the criteria set forth 2722
in divisions (D)(1)(a) to (j) and (m) to (s) of section 2923.125 2723
of the Revised Code apply regarding the person. If the sheriff 2724
determines that all of the criteria set forth in divisions (D) 2725
(1)(a) to (j) and (m) to (s) of section 2923.125 of the Revised 2726
Code apply regarding the person, the sheriff shall immediately 2727
make available through the law enforcement automated data system 2728
all information that will be contained on the temporary 2729
emergency license for the person if one is issued, and the 2730
superintendent of the state highway patrol shall ensure that the 2731
system is so configured as to permit the transmission through 2732
the system of that information. Upon making that information 2733
available through the law enforcement automated data system, the 2734
sheriff shall immediately issue to the person a concealed 2735
handgun license on a temporary emergency basis. 2736

If the sheriff denies the issuance of a license on a 2737
temporary emergency basis to the person, the sheriff shall 2738
specify the grounds for the denial in a written notice to the 2739
person. The person may appeal the denial, or challenge criminal 2740
records check results that were the basis of the denial if 2741
applicable, in the same manners specified in division (D)(2) of 2742
section 2923.125 and in section 2923.127 of the Revised Code, 2743
regarding the denial of an application for a concealed handgun 2744
license under that section. 2745

The license on a temporary emergency basis issued under 2746
this division shall be in the form, and shall include all of the 2747
information, described in divisions (A)(2)(a) and (d) of section 2748
109.731 of the Revised Code, and also shall include a unique 2749
combination of identifying letters and numbers in accordance 2750
with division (A)(2)(c) of that section. 2751

The license on a temporary emergency basis issued under 2752
this division is valid for ninety days and may not be renewed. A 2753
person who has been issued a license on a temporary emergency 2754
basis under this division shall not be issued another license on 2755
a temporary emergency basis unless at least four years has 2756
expired since the issuance of the prior license on a temporary 2757
emergency basis. 2758

(3) If a person seeking a concealed handgun license on a 2759
temporary emergency basis has been convicted of or pleaded 2760
guilty to an offense identified in division (D) (1) (e), (f), or 2761
(h) of section 2923.125 of the Revised Code or has been 2762
adjudicated a delinquent child for committing an act or 2763
violation identified in any of those divisions, and if a court 2764
has ordered the sealing or expungement of the records of that 2765
conviction, guilty plea, or adjudication pursuant to sections 2766
2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the 2767
Revised Code or the applicant has been relieved under operation 2768
of law or legal process from the disability imposed pursuant to 2769
section 2923.13 of the Revised Code relative to that conviction, 2770
guilty plea, or adjudication, the conviction, guilty plea, or 2771
adjudication shall not be relevant for purposes of the sworn 2772
affidavit described in division (B) (1) (b) of this section, and 2773
the person may complete, and swear to the truth of, the 2774
affidavit as if the conviction, guilty plea, or adjudication 2775
never had occurred. 2776

(4) The sheriff shall waive the payment pursuant to 2777
division (B) (1) (c) of this section of the license fee in 2778
connection with an application that is submitted by an applicant 2779
who is a retired peace officer, a retired person described in 2780
division (B) (1) (b) of section 109.77 of the Revised Code, or a 2781
retired federal law enforcement officer who, prior to 2782

retirement, was authorized under federal law to carry a firearm 2783
in the course of duty, unless the retired peace officer, person, 2784
or federal law enforcement officer retired as the result of a 2785
mental disability. 2786

The sheriff shall deposit all fees paid by an applicant 2787
under division (B)(1)(c) of this section into the sheriff's 2788
concealed handgun license issuance fund established pursuant to 2789
section 311.42 of the Revised Code. 2790

(C) A person who holds a concealed handgun license on a 2791
temporary emergency basis, regardless of whether the license was 2792
issued prior to, on, or after the effective date of this 2793
amendment, has the same right to carry a concealed ~~handgun-~~ 2794
firearm that is not a restricted firearm as a person who was 2795
issued a concealed handgun license under section 2923.125 of the 2796
Revised Code, ~~and any exceptions to the prohibitions contained-~~ 2797
~~in section 1547.69 and sections 2923.12 to 2923.16 of the~~ 2798
~~Revised Code for a licensee under section 2923.125 of the~~ 2799
~~Revised Code apply to a licensee under this section.~~ The person 2800
is subject to the same restrictions, and to all other 2801
procedures, duties, and sanctions, that apply to a person who 2802
carries a license issued under section 2923.125 of the Revised 2803
Code, other than the license renewal procedures set forth in 2804
that section. 2805

(D) A sheriff who issues a concealed handgun license on a 2806
temporary emergency basis under this section shall not require a 2807
person seeking to carry a concealed ~~handgun-~~firearm that is not 2808
a restricted firearm in accordance with this section to submit a 2809
competency certificate as a prerequisite for issuing the license 2810
and shall comply with division (H) of section 2923.125 of the 2811
Revised Code in regards to the license. The sheriff shall 2812

suspend or revoke the license in accordance with section 2813
2923.128 of the Revised Code. In addition to the suspension or 2814
revocation procedures set forth in section 2923.128 of the 2815
Revised Code, the sheriff may revoke the license upon receiving 2816
information, verifiable by public documents, that the person is 2817
not eligible to possess a firearm under either the laws of this 2818
state or of the United States or that the person committed 2819
perjury in obtaining the license; if the sheriff revokes a 2820
license under this additional authority, the sheriff shall 2821
notify the person, by certified mail, return receipt requested, 2822
at the person's last known residence address that the license 2823
has been revoked and that the person is required to surrender 2824
the license at the sheriff's office within ten days of the date 2825
on which the notice was mailed. Division (H) of section 2923.125 2826
of the Revised Code applies regarding any suspension or 2827
revocation of a concealed handgun license on a temporary 2828
emergency basis. 2829

(E) A sheriff who issues a concealed handgun license on a 2830
temporary emergency basis under this section shall retain, for 2831
the entire period during which the license is in effect, the 2832
evidence of imminent danger that the person submitted to the 2833
sheriff and that was the basis for the license, or a copy of 2834
that evidence, as appropriate. 2835

(F) If a concealed handgun license on a temporary 2836
emergency basis issued under this section is lost or is 2837
destroyed, the licensee may obtain from the sheriff who issued 2838
that license a duplicate license upon the payment of a fee of 2839
fifteen dollars and the submission of an affidavit attesting to 2840
the loss or destruction of the license. The sheriff, in 2841
accordance with the procedures prescribed in section 109.731 of 2842
the Revised Code, shall place on the replacement license a 2843

combination of identifying numbers different from the 2844
combination on the license that is being replaced. 2845

(G) The attorney general shall prescribe, and shall make 2846
available to sheriffs, a standard form to be used under division 2847
(B) of this section by a person who applies for a concealed 2848
handgun license on a temporary emergency basis on the basis of 2849
imminent danger of a type described in division (A)(1)(a) of 2850
this section. The attorney general shall design the form to 2851
enable applicants to provide the information that is required by 2852
law to be collected, and shall update the form as necessary. 2853
Burdens or restrictions to obtaining a concealed handgun license 2854
that are not expressly prescribed in law shall not be 2855
incorporated into the form. The attorney general shall post a 2856
printable version of the form on the web site of the attorney 2857
general and shall provide the address of the web site to any 2858
person who requests the form. 2859

(H) A sheriff who receives any fees paid by a person under 2860
this section shall deposit all fees so paid into the sheriff's 2861
concealed handgun license issuance expense fund established 2862
under section 311.42 of the Revised Code. 2863

(I) A sheriff shall accept evidence of imminent danger, a 2864
sworn affidavit, the fee, and the set of fingerprints specified 2865
in division (B)(1) of this section at any time during normal 2866
business hours. In no case shall a sheriff require an 2867
appointment, or designate a specific period of time, for the 2868
submission or acceptance of evidence of imminent danger, a sworn 2869
affidavit, the fee, and the set of fingerprints specified in 2870
division (B)(1) of this section, or for the provision to any 2871
person of a standard form to be used for a person to apply for a 2872
concealed handgun license on a temporary emergency basis. 2873

Sec. 2923.16. (A) No person shall knowingly discharge a 2874
firearm while in or on a motor vehicle. 2875

(B) No person shall knowingly transport or have a loaded 2876
firearm in a motor vehicle in such a manner that the firearm is 2877
accessible to the operator or any passenger without leaving the 2878
vehicle. 2879

(C) No person shall knowingly transport or have a firearm 2880
in a motor vehicle, unless the person may lawfully possess that 2881
firearm under applicable law of this state or the United States, 2882
the firearm is unloaded, and the firearm is carried in one of 2883
the following ways: 2884

(1) In a closed package, box, or case; 2885

(2) In a compartment that can be reached only by leaving 2886
the vehicle; 2887

(3) In plain sight and secured in a rack or holder made 2888
for the purpose; 2889

(4) If the firearm is at least twenty-four inches in 2890
overall length as measured from the muzzle to the part of the 2891
stock furthest from the muzzle and if the barrel is at least 2892
eighteen inches in length, either in plain sight with the action 2893
open or the weapon stripped, or, if the firearm is of a type on 2894
which the action will not stay open or which cannot easily be 2895
stripped, in plain sight. 2896

(D) No person shall knowingly transport or have a loaded 2897
~~handgun~~firearm in a motor vehicle if, at the time of that 2898
transportation or possession, any of the following applies: 2899

(1) The person is under the influence of alcohol, a drug 2900
of abuse, or a combination of them. 2901

(2) The person's whole blood, blood serum or plasma, 2902
breath, or urine contains a concentration of alcohol, a listed 2903
controlled substance, or a listed metabolite of a controlled 2904
substance prohibited for persons operating a vehicle, as 2905
specified in division (A) of section 4511.19 of the Revised 2906
Code, regardless of whether the person at the time of the 2907
transportation or possession as described in this division is 2908
the operator of or a passenger in the motor vehicle. 2909

(E) No person who has been issued a concealed handgun 2910
license, who is deemed under division (C) of section 2923.111 of 2911
the Revised Code to have been issued a concealed handgun license 2912
under section 2923.125 of the Revised Code, or who is an active 2913
duty member of the armed forces of the United States and is 2914
carrying a valid military identification card and documentation 2915
of successful completion of firearms training that meets or 2916
exceeds the training requirements described in division (G) (1) 2917
of section 2923.125 of the Revised Code, who is the driver or an 2918
occupant of a motor vehicle that is stopped as a result of a 2919
traffic stop or a stop for another law enforcement purpose or is 2920
the driver or an occupant of a commercial motor vehicle that is 2921
stopped by an employee of the motor carrier enforcement unit for 2922
the purposes defined in section 5503.34 of the Revised Code, and 2923
who is transporting or has a loaded handgun-firearm that is not 2924
a restricted firearm in the motor vehicle or commercial motor 2925
vehicle in any manner, shall do any of the following: 2926

~~(1) Fail to promptly inform any law enforcement officer~~ 2927
~~who approaches the vehicle while stopped that the person has~~ 2928
~~been issued a concealed handgun license or is authorized to~~ 2929
~~carry a concealed handgun as an active duty member of the armed~~ 2930
~~forces of the United States and that the person then possesses~~ 2931
~~or has a loaded handgun in the motor vehicle;~~ 2932

~~(2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle;~~ 2933
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~~(3)~~ Knowingly fail to remain in the motor vehicle while stopped or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer; 2939
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~~(4)~~ (2) Knowingly have contact with the loaded ~~handgun~~ firearm by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded ~~handgun~~ firearm pursuant to and in accordance with directions given by the law enforcement officer; 2946
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~~(5)~~ (3) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight. 2953
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(F) (1) Divisions (A), (B), (C), and (E) of this section do not apply to any of the following: 2958
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(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when 2960
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authorized to carry or have loaded or accessible firearms in 2962
motor vehicles and acting within the scope of the officer's, 2963
agent's, or employee's duties; 2964

(b) Any person who is employed in this state, who is 2965
authorized to carry or have loaded or accessible firearms in 2966
motor vehicles, and who is subject to and in compliance with the 2967
requirements of section 109.801 of the Revised Code, unless the 2968
appointing authority of the person has expressly specified that 2969
the exemption provided in division (F) (1) (b) of this section 2970
does not apply to the person. 2971

(2) Division (A) of this section does not apply to a 2972
person if all of the following circumstances apply: 2973

(a) The person discharges a firearm from a motor vehicle 2974
at a coyote or groundhog, the discharge is not during the deer 2975
gun hunting season as set by the chief of the division of 2976
wildlife of the department of natural resources, and the 2977
discharge at the coyote or groundhog, but for the operation of 2978
this section, is lawful. 2979

(b) The motor vehicle from which the person discharges the 2980
firearm is on real property that is located in an unincorporated 2981
area of a township and that either is zoned for agriculture or 2982
is used for agriculture. 2983

(c) The person owns the real property described in 2984
division (F) (2) (b) of this section, is the spouse or a child of 2985
another person who owns that real property, is a tenant of 2986
another person who owns that real property, or is the spouse or 2987
a child of a tenant of another person who owns that real 2988
property. 2989

(d) The person does not discharge the firearm in any of 2990

the following manners: 2991

(i) While under the influence of alcohol, a drug of abuse, 2992
or alcohol and a drug of abuse; 2993

(ii) In the direction of a street, highway, or other 2994
public or private property used by the public for vehicular 2995
traffic or parking; 2996

(iii) At or into an occupied structure that is a permanent 2997
or temporary habitation; 2998

(iv) In the commission of any violation of law, including, 2999
but not limited to, a felony that includes, as an essential 3000
element, purposely or knowingly causing or attempting to cause 3001
the death of or physical harm to another and that was committed 3002
by discharging a firearm from a motor vehicle. 3003

(3) Division (A) of this section does not apply to a 3004
person if all of the following apply: 3005

(a) The person possesses a valid electric-powered all- 3006
purpose vehicle permit issued under section 1533.103 of the 3007
Revised Code by the chief of the division of wildlife. 3008

(b) The person discharges a firearm at a wild quadruped or 3009
game bird as defined in section 1531.01 of the Revised Code 3010
during the open hunting season for the applicable wild quadruped 3011
or game bird. 3012

(c) The person discharges a firearm from a stationary 3013
electric-powered all-purpose vehicle as defined in section 3014
1531.01 of the Revised Code or a motor vehicle that is parked on 3015
a road that is owned or administered by the division of 3016
wildlife, provided that the road is identified by an electric- 3017
powered all-purpose vehicle sign. 3018

(d) The person does not discharge the firearm in any of 3019
the following manners: 3020

(i) While under the influence of alcohol, a drug of abuse, 3021
or alcohol and a drug of abuse; 3022

(ii) In the direction of a street, a highway, or other 3023
public or private property that is used by the public for 3024
vehicular traffic or parking; 3025

(iii) At or into an occupied structure that is a permanent 3026
or temporary habitation; 3027

(iv) In the commission of any violation of law, including, 3028
but not limited to, a felony that includes, as an essential 3029
element, purposely or knowingly causing or attempting to cause 3030
the death of or physical harm to another and that was committed 3031
by discharging a firearm from a motor vehicle. 3032

(4) Divisions (B) and (C) of this section do not apply to 3033
a person if all of the following circumstances apply: 3034

(a) At the time of the alleged violation of either of 3035
those divisions, the person is the operator of or a passenger in 3036
a motor vehicle. 3037

(b) The motor vehicle is on real property that is located 3038
in an unincorporated area of a township and that either is zoned 3039
for agriculture or is used for agriculture. 3040

(c) The person owns the real property described in 3041
division (D) (4) (b) of this section, is the spouse or a child of 3042
another person who owns that real property, is a tenant of 3043
another person who owns that real property, or is the spouse or 3044
a child of a tenant of another person who owns that real 3045
property. 3046

(d) The person, prior to arriving at the real property 3047
described in division (D) (4) (b) of this section, did not 3048
transport or possess a firearm in the motor vehicle in a manner 3049
prohibited by division (B) or (C) of this section while the 3050
motor vehicle was being operated on a street, highway, or other 3051
public or private property used by the public for vehicular 3052
traffic or parking. 3053

(5) Divisions (B) and (C) of this section do not apply to 3054
a person who transports or possesses a ~~handgun~~ firearm that is 3055
not a restricted firearm in a motor vehicle if, at the time of 3056
that transportation or possession, both of the following apply: 3057

(a) The person transporting or possessing the ~~handgun~~ 3058
firearm is ~~either~~ carrying a valid concealed handgun license, is 3059
deemed under division (C) of section 2923.111 of the Revised 3060
Code to have been issued a concealed handgun license under 3061
section 2923.125 of the Revised Code, or is an active duty 3062
member of the armed forces of the United States and is carrying 3063
a valid military identification card and documentation of 3064
successful completion of firearms training that meets or exceeds 3065
the training requirements described in division (G) (1) of 3066
section 2923.125 of the Revised Code. 3067

(b) The person transporting or possessing the ~~handgun~~ 3068
firearm is not knowingly in ~~a~~ an unauthorized place described 3069
specified in division (B) of section 2923.126 of the Revised 3070
Code and is not knowingly transporting or possessing the firearm 3071
in any prohibited manner listed in that division. 3072

(6) Divisions (B) and (C) of this section do not apply to 3073
a person if all of the following apply: 3074

(a) The person possesses a valid electric-powered all- 3075

purpose vehicle permit issued under section 1533.103 of the Revised Code by the chief of the division of wildlife.

(b) The person is on or in an electric-powered all-purpose vehicle as defined in section 1531.01 of the Revised Code or a motor vehicle during the open hunting season for a wild quadruped or game bird.

(c) The person is on or in an electric-powered all-purpose vehicle as defined in section 1531.01 of the Revised Code or a motor vehicle that is parked on a road that is owned or administered by the division of wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.

(7) Nothing in this section prohibits or restricts a person from possessing, storing, or leaving a firearm in a locked motor vehicle that is parked in the state underground parking garage at the state capitol building or in the parking garage at the Riffe center for government and the arts in Columbus, if the person's transportation and possession of the firearm in the motor vehicle while traveling to the premises or facility was not in violation of division (A), (B), (C), (D), or (E) of this section or any other provision of the Revised Code.

(G) (1) The affirmative defenses authorized in divisions (D) (1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (B) or (C) of this section that involves a firearm other than a handgun if division (E) (3) of this section does not apply to the person charged.

(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had

the firearm in the motor vehicle for any lawful purpose and 3105
while the motor vehicle was on the actor's own property, 3106
provided that this affirmative defense is not available unless 3107
the person, immediately prior to arriving at the actor's own 3108
property, did not transport or possess the firearm in a motor 3109
vehicle in a manner prohibited by division (B) or (C) of this 3110
section while the motor vehicle was being operated on a street, 3111
highway, or other public or private property used by the public 3112
for vehicular traffic. 3113

(H) (1) No person who is charged with a violation of 3114
division (B), (C), or (D) of this section shall be required to 3115
obtain a concealed handgun license as a condition for the 3116
dismissal of the charge. 3117

(2) (a) If a person is convicted of, was convicted of, 3118
pleads guilty to, or has pleaded guilty to a violation of 3119
division (E) of this section as it existed prior to September 3120
30, 2011, and ~~if~~ the conduct that was the basis of the violation 3121
no longer would be a violation of division (E) of this section 3122
on or after September 30, 2011, or if a person is convicted of, 3123
was convicted of, pleads guilty to, or has pleaded guilty to a 3124
violation of division (E) (1) or (2) of this section as it 3125
existed prior to the effective date of this amendment, the 3126
person may file an application under section 2953.37 of the 3127
Revised Code requesting the expungement of the record of 3128
conviction. 3129

If a person is convicted of, was convicted of, pleads 3130
guilty to, or has pleaded guilty to a violation of division (B) 3131
or (C) of this section as the division existed prior to 3132
September 30, 2011, and if the conduct that was the basis of the 3133
violation no longer would be a violation of division (B) or (C) 3134

of this section on or after September 30, 2011, due to the 3135
application of division (F)(5) of this section as it exists on 3136
and after September 30, 2011, the person may file an application 3137
under section 2953.37 of the Revised Code requesting the 3138
expungement of the record of conviction. 3139

(b) The attorney general shall develop a public media 3140
advisory that summarizes the expungement procedure established 3141
under section 2953.37 of the Revised Code and the offenders 3142
identified in division (H)(2)(a) of this section and those 3143
identified in division (E)(2) of section 2923.12 of the Revised 3144
Code who are authorized to apply for the expungement. Within 3145
thirty days after September 30, 2011, with respect to violations 3146
of divisions (B), (C), or (E) of this section as they existed 3147
prior to that date, and within thirty days after the effective 3148
date of this amendment with respect to a violation of division 3149
(E)(1) or (2) of this section or division (B)(1) of section 3150
2923.12 of the Revised Code as they existed prior to the 3151
effective date of this amendment, the attorney general shall 3152
provide a copy of the advisory to each daily newspaper published 3153
in this state and each television station that broadcasts in 3154
this state. The attorney general may provide the advisory in a 3155
tangible form, an electronic form, or in both tangible and 3156
electronic forms. 3157

(I) Whoever violates this section is guilty of improperly 3158
handling firearms in a motor vehicle. Violation of division (A) 3159
of this section is a felony of the fourth degree. Violation of 3160
division (C) of this section is a misdemeanor of the fourth 3161
degree. A violation of division (D) of this section is a felony 3162
of the fifth degree or, if the loaded handgun is concealed on 3163
the person's person, a felony of the fourth degree. ~~Except as~~ 3164
~~otherwise provided in this division, a violation of division (E)~~ 3165

~~(1) or (2) of this section is a misdemeanor of the first degree,~~ 3166
~~and, in addition to any other penalty or sanction imposed for~~ 3167
~~the violation, the offender's concealed handgun license shall be~~ 3168
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 3169
~~Revised Code. If at the time of the stop of the offender for a~~ 3170
~~traffic stop, for another law enforcement purpose, or for a~~ 3171
~~purpose defined in section 5503.34 of the Revised Code that was~~ 3172
~~the basis of the violation any law enforcement officer involved~~ 3173
~~with the stop or the employee of the motor carrier enforcement~~ 3174
~~unit who made the stop had actual knowledge of the offender's~~ 3175
~~status as a licensee, a violation of division (E) (1) or (2) of~~ 3176
~~this section is a minor misdemeanor, and the offender's~~ 3177
~~concealed handgun license shall not be suspended pursuant to~~ 3178
~~division (A) (2) of section 2923.128 of the Revised Code. A~~ 3179
violation of division (E) ~~(4)~~ (2) of this section is a felony of 3180
the fifth degree. A violation of division (E) ~~(3)~~ (1) or ~~(5)~~ (3) of 3181
this section is a misdemeanor of the first degree or, if the 3182
offender previously has been convicted of or pleaded guilty to a 3183
violation of division (E) ~~(3)~~ (1) or ~~(5)~~ (3) of this section, a 3184
felony of the fifth degree. In addition to any other penalty or 3185
sanction imposed for a misdemeanor violation of division (E) ~~(3)~~ 3186
(1) or ~~(5)~~ (3) of this section, if the offender has been issued a 3187
concealed handgun license, the offender's ~~concealed handgun~~ 3188
license shall be suspended pursuant to division (A) (2) of 3189
section 2923.128 of the Revised Code. A violation of division 3190
(B) of this section is a felony of the fourth degree. 3191

(J) If a law enforcement officer stops a motor vehicle for 3192
a traffic stop or any other purpose, if any person in the motor 3193
vehicle surrenders a firearm to the officer, either voluntarily 3194
or pursuant to a request or demand of the officer, and if the 3195
officer does not charge the person with a violation of this 3196

section or arrest the person for any offense, the person is not 3197
otherwise prohibited by law from possessing the firearm, and the 3198
firearm is not contraband, the officer shall return the firearm 3199
to the person at the termination of the stop. If a court orders 3200
a law enforcement officer to return a firearm to a person 3201
pursuant to the requirement set forth in this division, division 3202
(B) of section 2923.163 of the Revised Code applies. 3203

(K) As used in this section: 3204

(1) "Motor vehicle," "street," and "highway" have the same 3205
meanings as in section 4511.01 of the Revised Code. 3206

(2) "Occupied structure" has the same meaning as in 3207
section 2909.01 of the Revised Code. 3208

(3) "Agriculture" has the same meaning as in section 3209
519.01 of the Revised Code. 3210

(4) "Tenant" has the same meaning as in section 1531.01 of 3211
the Revised Code. 3212

(5) (a) "Unloaded" means, with respect to a firearm other 3213
than a firearm described in division (K) (6) of this section, 3214
that no ammunition is in the firearm in question, no magazine or 3215
speed loader containing ammunition is inserted into the firearm 3216
in question, and one of the following applies: 3217

(i) There is no ammunition in a magazine or speed loader 3218
that is in the vehicle in question and that may be used with the 3219
firearm in question. 3220

(ii) Any magazine or speed loader that contains ammunition 3221
and that may be used with the firearm in question is stored in a 3222
compartment within the vehicle in question that cannot be 3223
accessed without leaving the vehicle or is stored in a container 3224

that provides complete and separate enclosure. 3225

(b) For the purposes of division (K) (5) (a) (ii) of this 3226
section, a "container that provides complete and separate 3227
enclosure" includes, but is not limited to, any of the 3228
following: 3229

(i) A package, box, or case with multiple compartments, as 3230
long as the loaded magazine or speed loader and the firearm in 3231
question either are in separate compartments within the package, 3232
box, or case, or, if they are in the same compartment, the 3233
magazine or speed loader is contained within a separate 3234
enclosure in that compartment that does not contain the firearm 3235
and that closes using a snap, button, buckle, zipper, hook and 3236
loop closing mechanism, or other fastener that must be opened to 3237
access the contents or the firearm is contained within a 3238
separate enclosure of that nature in that compartment that does 3239
not contain the magazine or speed loader; 3240

(ii) A pocket or other enclosure on the person of the 3241
person in question that closes using a snap, button, buckle, 3242
zipper, hook and loop closing mechanism, or other fastener that 3243
must be opened to access the contents. 3244

(c) For the purposes of divisions (K) (5) (a) and (b) of 3245
this section, ammunition held in stripper-clips or in en-bloc 3246
clips is not considered ammunition that is loaded into a 3247
magazine or speed loader. 3248

(6) "Unloaded" means, with respect to a firearm employing 3249
a percussion cap, flintlock, or other obsolete ignition system, 3250
when the weapon is uncapped or when the priming charge is 3251
removed from the pan. 3252

(7) "Commercial motor vehicle" has the same meaning as in 3253

division (A) of section 4506.25 of the Revised Code. 3254

(8) "Motor carrier enforcement unit" means the motor 3255
carrier enforcement unit in the department of public safety, 3256
division of state highway patrol, that is created by section 3257
5503.34 of the Revised Code. 3258

(L) Divisions (K) (5) (a) and (b) of this section do not 3259
affect the authority of a person who is carrying a valid 3260
concealed handgun license or who is deemed under division (C) of 3261
section 2923.111 of the Revised Code to have been issued a 3262
concealed handgun license under section 2923.125 of the Revised 3263
Code to have one or more magazines or speed loaders containing 3264
ammunition anywhere in a vehicle, without being transported as 3265
described in those divisions, as long as no ammunition is in a 3266
firearm, other than a handgun, in the vehicle other than as 3267
permitted under any other provision of this chapter. A person 3268
who is carrying a valid concealed handgun license or who is 3269
deemed under division (C) of section 2923.111 of the Revised 3270
Code to have been issued a concealed handgun license under 3271
section 2923.125 of the Revised Code may have one or more 3272
magazines or speed loaders containing ammunition anywhere in a 3273
vehicle without further restriction, as long as no ammunition is 3274
in a firearm, other than a handgun, in the vehicle other than as 3275
permitted under any provision of this chapter. 3276

Sec. 2953.37. (A) As used in this section: 3277

(1) "Expunge" means to destroy, delete, and erase a record 3278
as appropriate for the record's physical or electronic form or 3279
characteristic so that the record is permanently irretrievable. 3280

(2) "Official records" has the same meaning as in section 3281
2953.51 of the Revised Code. 3282

(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.

(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.

(B) Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, or a violation of division (E) (1) or (2) of section 2923.16 of the Revised Code as the division existed prior to the effective date of this amendment, and who is authorized by division (H) (2) (a) of that section to file an application under this section for the expungement of the conviction record may apply to the sentencing court for the expungement of the record of conviction. Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B) (1) of section 2923.12 of the Revised Code as it existed prior to the effective date of this amendment and who is authorized by division (E) (2) of that section may apply to the sentencing court for the expungement of the record of conviction. The person may file the application at any time on or after September 30, 2011, with respect to violations of division (B), (C), or (E) of section 2923.16 of the Revised Code as they existed prior to that date, or at any time on or after the effective date of this amendment with respect to a violation of division (B) (1) of section 2923.12 or of division (E) (1) or (2) of section 2923.16 of the Revised Code as the particular division existed prior to the effective date of this amendment. The application shall do all of the following:

(1) Identify the applicant, the offense for which the

expungement is sought, the date of the conviction of or plea of 3313
guilty to that offense, and the court in which the conviction 3314
occurred or the plea of guilty was entered; 3315

(2) Include evidence that the offense was a violation of 3316
division (B), (C), or (E) of section 2923.16 of the Revised Code 3317
as the division existed prior to September 30, 2011, or was a 3318
violation of division (B) (1) of section 2923.12 or of division 3319
(E) (1) or (2) of section 2923.16 of the Revised Code as the 3320
particular division existed prior to the effective date of this 3321
amendment, and that the applicant is authorized by division (H) 3322
(2) (a) of ~~that~~ section 2923.16 or division (E) (2) of section 3323
2923.12, whichever is applicable, to file an application under 3324
this section; 3325

(3) Include a request for expungement of the record of 3326
conviction of that offense under this section. 3327

(C) Upon the filing of an application under division (B) 3328
of this section and the payment of the fee described in division 3329
(D) (3) of this section if applicable, the court shall set a date 3330
for a hearing and shall notify the prosecutor for the case of 3331
the hearing on the application. The prosecutor may object to the 3332
granting of the application by filing an objection with the 3333
court prior to the date set for the hearing. The prosecutor 3334
shall specify in the objection the reasons for believing a 3335
denial of the application is justified. The court shall direct 3336
its regular probation officer, a state probation officer, or the 3337
department of probation of the county in which the applicant 3338
resides to make inquiries and written reports as the court 3339
requires concerning the applicant. The court shall hold the 3340
hearing scheduled under this division. 3341

(D) (1) At the hearing held under division (C) of this 3342

section, the court shall do each of the following: 3343

(a) Determine whether the applicant has been convicted of 3344
or pleaded guilty to a violation of division (E) of section 3345
2923.16 of the Revised Code as the division existed prior to 3346
September 30, 2011, and whether the conduct that was the basis 3347
of the violation no longer would be a violation of that division 3348
on or after September 30, 2011; 3349

(b) Determine whether the applicant has been convicted of 3350
or pleaded guilty to a violation of division (B) or (C) of 3351
section 2923.16 of the Revised Code as the division existed 3352
prior to September 30, 2011, and whether the conduct that was 3353
the basis of the violation no longer would be a violation of 3354
that division on or after September 30, 2011, due to the 3355
application of division (F) (5) of that section as it exists on 3356
and after September 30, 2011; 3357

(c) Determine whether the applicant has been convicted of 3358
or pleaded guilty to a violation of division (B) (1) of section 3359
2923.12 of the Revised Code or of division (E) (1) or (2) of 3360
section 2923.16 of the Revised Code as the particular division 3361
existed prior to the effective date of this amendment; 3362

(d) If the prosecutor has filed an objection in accordance 3363
with division (C) of this section, consider the reasons against 3364
granting the application specified by the prosecutor in the 3365
objection; 3366

~~(d)~~ (e) Weigh the interests of the applicant in having the 3367
records pertaining to the applicant's conviction or guilty plea 3368
expunged against the legitimate needs, if any, of the government 3369
to maintain those records. 3370

(2) (a) The court may order the expungement of all official 3371

records pertaining to the case and the deletion of all index 3372
references to the case and, if it does order the expungement, 3373
shall send notice of the order to each public office or agency 3374
that the court has reason to believe may have an official record 3375
pertaining to the case if the court, after complying with 3376
division (D) (1) of this section, determines both of the 3377
following: 3378

(i) That the applicant has been convicted of or pleaded 3379
guilty to a violation of division (E) of section 2923.16 of the 3380
Revised Code as it existed prior to September 30, 2011, and the 3381
conduct that was the basis of the violation no longer would be a 3382
violation of that division on or after September 30, 2011,~~or;~~ 3383
that the applicant has been convicted of or pleaded guilty to a 3384
violation of division (B) or (C) of section 2923.16 of the 3385
Revised Code as the division existed prior to September 30, 3386
2011, and the conduct that was the basis of the violation no 3387
longer would be a violation of that division on or after 3388
September 30, 2011, due to the application of division (F) (5) of 3389
that section as it exists on and after September 30, 2011;or 3390
that the applicant has been convicted of or pleaded guilty to a 3391
violation of division (B) (1) of section 2923.12 of the Revised 3392
Code or of division (E) (1) or (2) of section 2923.16 of the 3393
Revised Code as the particular division existed prior to the 3394
effective date of this amendment; 3395

(ii) That the interests of the applicant in having the 3396
records pertaining to the applicant's conviction or guilty plea 3397
expunged are not outweighed by any legitimate needs of the 3398
government to maintain those records. 3399

(b) The proceedings in the case that is the subject of an 3400
order issued under division (D) (2) (a) of this section shall be 3401

considered not to have occurred and the conviction or guilty 3402
plea of the person who is the subject of the proceedings shall 3403
be expunged. The record of the conviction shall not be used for 3404
any purpose, including, but not limited to, a criminal records 3405
check under section 109.572 of the Revised Code or a 3406
determination under section 2923.125 or 2923.1212 of the Revised 3407
Code of eligibility for a concealed handgun license. The 3408
applicant may, and the court shall, reply that no record exists 3409
with respect to the applicant upon any inquiry into the matter. 3410

(3) Upon the filing of an application under this section, 3411
the applicant, unless indigent, shall pay a fee of fifty 3412
dollars. The court shall pay thirty dollars of the fee into the 3413
state treasury and shall pay twenty dollars of the fee into the 3414
county general revenue fund. 3415

Sec. 4749.10. (A) No class A, B, or C licensee and no 3416
registered employee of a class A, B, or C licensee shall carry a 3417
firearm, as defined in section 2923.11 of the Revised Code, in 3418
the course of engaging in the business of private investigation, 3419
the business of security services, or both businesses, unless 3420
all of the following apply: 3421

(1) The licensee or employee either has successfully 3422
completed a basic firearm training program at a training school 3423
approved by the Ohio peace officer training commission, which 3424
program includes twenty hours of training in handgun use and, if 3425
any firearm other than a handgun is to be used, five hours of 3426
training in the use of other firearms, and has received a 3427
certificate of satisfactory completion of that program from the 3428
executive director of the commission; the licensee or employee 3429
has, within three years prior to November 27, 1985, 3430
satisfactorily completed firearms training that has been 3431

approved by the commission as being equivalent to such a program 3432
and has received written evidence of approval of that training 3433
from the executive director of the commission; or the licensee 3434
or employee is a former peace officer, as defined in section 3435
109.71 of the Revised Code, who previously had successfully 3436
completed a firearms training course at a training school 3437
approved by the Ohio peace officer training commission and has 3438
received a certificate or other evidence of satisfactory 3439
completion of that course from the executive director of the 3440
commission. 3441

(2) The licensee or employee submits an application to the 3442
director of public safety, on a form prescribed by the director, 3443
in which the licensee or employee requests registration as a 3444
class A, B, or C licensee or employee who may carry a firearm. 3445
The application shall be accompanied by a copy of the 3446
certificate or the written evidence or other evidence described 3447
in division (A) (1) of this section, the identification card 3448
issued pursuant to section 4749.03 or 4749.06 of the Revised 3449
Code if one has previously been issued, a statement of the 3450
duties that will be performed while the licensee or employee is 3451
armed, and a fee the director determines, not to exceed fifteen 3452
dollars. In the case of a registered employee, the statement 3453
shall be prepared by the employing class A, B, or C licensee. 3454

(3) The licensee or employee receives a notation on the 3455
licensee's or employee's identification card that the licensee 3456
or employee is a firearm-bearer and carries the identification 3457
card whenever the licensee or employee carries a firearm in the 3458
course of engaging in the business of private investigation, the 3459
business of security services, or both businesses. 3460

(4) At any time within the immediately preceding twelve- 3461

month period, the licensee or employee has requalified in 3462
firearms use on a firearms training range at a firearms 3463
requalification program certified by the Ohio peace officer 3464
training commission or on a firearms training range under the 3465
supervision of an instructor certified by the commission and has 3466
received a certificate of satisfactory requalification from the 3467
certified program or certified instructor, provided that this 3468
division does not apply to any licensee or employee prior to the 3469
expiration of eighteen months after the licensee's or employee's 3470
completion of the program described in division (A) (1) of this 3471
section. A certificate of satisfactory requalification is valid 3472
and remains in effect for twelve months from the date of the 3473
requalification. 3474

(5) If division (A) (4) of this section applies to the 3475
licensee or employee, the licensee or employee carries the 3476
certificate of satisfactory requalification that then is in 3477
effect or any other evidence of requalification issued or 3478
provided by the director. 3479

(B) (1) The director of public safety shall register an 3480
applicant under division (A) of this section who satisfies 3481
divisions (A) (1) and (2) of this section, and place a notation 3482
on the applicant's identification card indicating that the 3483
applicant is a firearm-bearer and the date on which the 3484
applicant completed the program described in division (A) (1) of 3485
this section. 3486

(2) A firearms requalification training program or 3487
instructor certified by the commission for the annual 3488
requalification of class A, B, or C licensees or employees who 3489
are authorized to carry a firearm under section 4749.10 of the 3490
Revised Code shall award a certificate of satisfactory 3491

requalification to each class A, B, or C licensee or registered 3492
employee of a class A, B, or C licensee who satisfactorily 3493
requalifies in firearms training. The certificate shall identify 3494
the licensee or employee and indicate the date of the 3495
requalification. A licensee or employee who receives such a 3496
certificate shall submit a copy of it to the director of public 3497
safety. A licensee shall submit the copy of the requalification 3498
certificate at the same time that the licensee makes application 3499
for renewal of the licensee's class A, B, or C license. The 3500
director shall keep a record of all copies of requalification 3501
certificates the director receives under this division and shall 3502
establish a procedure for the updating of identification cards 3503
to provide evidence of compliance with the annual 3504
requalification requirement. The procedure for the updating of 3505
identification cards may provide for the issuance of a new card 3506
containing the evidence, the entry of a new notation containing 3507
the evidence on the existing card, the issuance of a separate 3508
card or paper containing the evidence, or any other procedure 3509
determined by the director to be reasonable. Each person who is 3510
issued a requalification certificate under this division 3511
promptly shall pay to the Ohio peace officer training commission 3512
established by section 109.71 of the Revised Code a fee the 3513
director determines, not to exceed fifteen dollars, which fee 3514
shall be transmitted to the treasurer of state for deposit in 3515
the peace officer private security fund established by section 3516
109.78 of the Revised Code. 3517

(C) Nothing in this section prohibits a private 3518
investigator or a security guard provider from carrying a 3519
concealed ~~handgun~~ firearm that is not a restricted firearm if 3520
the private investigator or security guard provider complies 3521
with sections 2923.124 to 2923.1213 of the Revised Code. 3522

Section 2. That existing sections 109.69, 109.731, 3523
1547.69, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 3524
2923.124, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1210, 3525
2923.1213, 2923.16, 2953.37, and 4749.10 of the Revised Code are 3526
hereby repealed. 3527

Section 3. The General Assembly, applying the principle 3528
stated in division (B) of section 1.52 of the Revised Code that 3529
amendments are to be harmonized if reasonably capable of 3530
simultaneous operation, finds that the following sections, 3531
presented in this act as composites of the sections as amended 3532
by the acts indicated, are the resulting versions of the 3533
sections in effect prior to the effective date of the sections 3534
as presented in this act: 3535

Section 2923.125 of the Revised Code as amended by both 3536
Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General 3537
Assembly. 3538

Section 2923.1213 of the Revised Code as amended by both 3539
Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General 3540
Assembly. 3541