

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 138**

**Senator Williams**

**Cosponsors: Senators Kunze, Yuko, Antonio, Craig, Thomas, Maharath, Fedor**



**A BILL**

To amend sections 109.57, 2923.125, 2923.128, 1  
2923.1213, and 2923.13 and to enact sections 2  
2923.26, 2923.27, 2923.28, 2923.29, 2923.30, and 3  
2923.99 of the Revised Code to enact the Extreme 4  
Risk Protection Order Act. 5

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

**Section 1.** That sections 109.57, 2923.125, 2923.128, 6  
2923.1213, and 2923.13 be amended and sections 2923.26, 2923.27, 7  
2923.28, 2923.29, 2923.30, and 2923.99 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 10  
criminal identification and investigation shall procure from 11  
wherever procurable and file for record photographs, pictures, 12  
descriptions, fingerprints, measurements, and other information 13  
that may be pertinent of all persons who have been convicted of 14  
committing within this state a felony, any crime constituting a 15  
misdemeanor on the first offense and a felony on subsequent 16  
offenses, or any misdemeanor described in division (A) (1) (a), 17  
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 18

of all children under eighteen years of age who have been 19  
adjudicated delinquent children for committing within this state 20  
an act that would be a felony or an offense of violence if 21  
committed by an adult or who have been convicted of or pleaded 22  
guilty to committing within this state a felony or an offense of 23  
violence, and of all well-known and habitual criminals. The 24  
person in charge of any county, multicounty, municipal, 25  
municipal-county, or multicounty-municipal jail or workhouse, 26  
community-based correctional facility, halfway house, 27  
alternative residential facility, or state correctional 28  
institution and the person in charge of any state institution 29  
having custody of a person suspected of having committed a 30  
felony, any crime constituting a misdemeanor on the first 31  
offense and a felony on subsequent offenses, or any misdemeanor 32  
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 33  
section 109.572 of the Revised Code or having custody of a child 34  
under eighteen years of age with respect to whom there is 35  
probable cause to believe that the child may have committed an 36  
act that would be a felony or an offense of violence if 37  
committed by an adult shall furnish such material to the 38  
superintendent of the bureau. Fingerprints, photographs, or 39  
other descriptive information of a child who is under eighteen 40  
years of age, has not been arrested or otherwise taken into 41  
custody for committing an act that would be a felony or an 42  
offense of violence who is not in any other category of child 43  
specified in this division, if committed by an adult, has not 44  
been adjudicated a delinquent child for committing an act that 45  
would be a felony or an offense of violence if committed by an 46  
adult, has not been convicted of or pleaded guilty to committing 47  
a felony or an offense of violence, and is not a child with 48  
respect to whom there is probable cause to believe that the 49  
child may have committed an act that would be a felony or an 50

offense of violence if committed by an adult shall not be 51  
procured by the superintendent or furnished by any person in 52  
charge of any county, multicounty, municipal, municipal-county, 53  
or multicounty-municipal jail or workhouse, community-based 54  
correctional facility, halfway house, alternative residential 55  
facility, or state correctional institution, except as 56  
authorized in section 2151.313 of the Revised Code. 57

(2) Every clerk of a court of record in this state, other 58  
than the supreme court or a court of appeals, shall send to the 59  
superintendent of the bureau a weekly report containing a 60  
summary of each case involving a felony, involving any crime 61  
constituting a misdemeanor on the first offense and a felony on 62  
subsequent offenses, involving a misdemeanor described in 63  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 64  
of the Revised Code, or involving an adjudication in a case in 65  
which a child under eighteen years of age was alleged to be a 66  
delinquent child for committing an act that would be a felony or 67  
an offense of violence if committed by an adult. The clerk of 68  
the court of common pleas shall include in the report and 69  
summary the clerk sends under this division all information 70  
described in divisions (A) (2) (a) to (f) of this section 71  
regarding a case before the court of appeals that is served by 72  
that clerk. The summary shall be written on the standard forms 73  
furnished by the superintendent pursuant to division (B) of this 74  
section and shall include the following information: 75

(a) The incident tracking number contained on the standard 76  
forms furnished by the superintendent pursuant to division (B) 77  
of this section; 78

(b) The style and number of the case; 79

(c) The date of arrest, offense, summons, or arraignment; 80

(d) The date that the person was convicted of or pleaded 81  
guilty to the offense, adjudicated a delinquent child for 82  
committing the act that would be a felony or an offense of 83  
violence if committed by an adult, found not guilty of the 84  
offense, or found not to be a delinquent child for committing an 85  
act that would be a felony or an offense of violence if 86  
committed by an adult, the date of an entry dismissing the 87  
charge, an entry declaring a mistrial of the offense in which 88  
the person is discharged, an entry finding that the person or 89  
child is not competent to stand trial, or an entry of a nolle 90  
prosequi, or the date of any other determination that 91  
constitutes final resolution of the case; 92

(e) A statement of the original charge with the section of 93  
the Revised Code that was alleged to be violated; 94

(f) If the person or child was convicted, pleaded guilty, 95  
or was adjudicated a delinquent child, the sentence or terms of 96  
probation imposed or any other disposition of the offender or 97  
the delinquent child. 98

If the offense involved the disarming of a law enforcement 99  
officer or an attempt to disarm a law enforcement officer, the 100  
clerk shall clearly state that fact in the summary, and the 101  
superintendent shall ensure that a clear statement of that fact 102  
is placed in the bureau's records. 103

(3) The superintendent shall cooperate with and assist 104  
sheriffs, chiefs of police, and other law enforcement officers 105  
in the establishment of a complete system of criminal 106  
identification and in obtaining fingerprints and other means of 107  
identification of all persons arrested on a charge of a felony, 108  
any crime constituting a misdemeanor on the first offense and a 109  
felony on subsequent offenses, or a misdemeanor described in 110

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 111  
of the Revised Code and of all children under eighteen years of 112  
age arrested or otherwise taken into custody for committing an 113  
act that would be a felony or an offense of violence if 114  
committed by an adult. The superintendent also shall file for 115  
record the fingerprint impressions of all persons confined in a 116  
county, multicounty, municipal, municipal-county, or 117  
multicounty-municipal jail or workhouse, community-based 118  
correctional facility, halfway house, alternative residential 119  
facility, or state correctional institution for the violation of 120  
state laws and of all children under eighteen years of age who 121  
are confined in a county, multicounty, municipal, municipal- 122  
county, or multicounty-municipal jail or workhouse, community- 123  
based correctional facility, halfway house, alternative 124  
residential facility, or state correctional institution or in 125  
any facility for delinquent children for committing an act that 126  
would be a felony or an offense of violence if committed by an 127  
adult, and any other information that the superintendent may 128  
receive from law enforcement officials of the state and its 129  
political subdivisions. 130

(4) The superintendent shall carry out Chapter 2950. of 131  
the Revised Code with respect to the registration of persons who 132  
are convicted of or plead guilty to a sexually oriented offense 133  
or a child-victim oriented offense and with respect to all other 134  
duties imposed on the bureau under that chapter. 135

(5) The bureau shall perform centralized recordkeeping 136  
functions for criminal history records and services in this 137  
state for purposes of the national crime prevention and privacy 138  
compact set forth in section 109.571 of the Revised Code and is 139  
the criminal history record repository as defined in that 140  
section for purposes of that compact. The superintendent or the 141

superintendent's designee is the compact officer for purposes of 142  
that compact and shall carry out the responsibilities of the 143  
compact officer specified in that compact. 144

(6) The superintendent shall, upon request, assist a 145  
county coroner in the identification of a deceased person 146  
through the use of fingerprint impressions obtained pursuant to 147  
division (A)(1) of this section or collected pursuant to section 148  
109.572 or 311.41 of the Revised Code. 149

(B) The superintendent shall prepare and furnish to every 150  
county, multicounty, municipal, municipal-county, or 151  
multicounty-municipal jail or workhouse, community-based 152  
correctional facility, halfway house, alternative residential 153  
facility, or state correctional institution and to every clerk 154  
of a court in this state specified in division (A)(2) of this 155  
section standard forms for reporting the information required 156  
under division (A) of this section. The standard forms that the 157  
superintendent prepares pursuant to this division may be in a 158  
tangible format, in an electronic format, or in both tangible 159  
formats and electronic formats. 160

(C)(1) The superintendent may operate a center for 161  
electronic, automated, or other data processing for the storage 162  
and retrieval of information, data, and statistics pertaining to 163  
criminals and to children under eighteen years of age who are 164  
adjudicated delinquent children for committing an act that would 165  
be a felony or an offense of violence if committed by an adult, 166  
criminal activity, crime prevention, law enforcement, and 167  
criminal justice, and may establish and operate a statewide 168  
communications network to be known as the Ohio law enforcement 169  
gateway to gather and disseminate information, data, and 170  
statistics for the use of law enforcement agencies and for other 171

uses specified in this division. The superintendent may gather, 172  
store, retrieve, and disseminate information, data, and 173  
statistics that pertain to children who are under eighteen years 174  
of age and that are gathered pursuant to sections 109.57 to 175  
109.61 of the Revised Code together with information, data, and 176  
statistics that pertain to adults and that are gathered pursuant 177  
to those sections. 178

(2) The superintendent or the superintendent's designee 179  
shall gather information of the nature described in division (C) 180  
(1) of this section that pertains to the offense and delinquency 181  
history of a person who has been convicted of, pleaded guilty 182  
to, or been adjudicated a delinquent child for committing a 183  
sexually oriented offense or a child-victim oriented offense for 184  
inclusion in the state registry of sex offenders and child- 185  
victim offenders maintained pursuant to division (A) (1) of 186  
section 2950.13 of the Revised Code and in the internet database 187  
operated pursuant to division (A) (13) of that section and for 188  
possible inclusion in the internet database operated pursuant to 189  
division (A) (11) of that section. 190

(3) In addition to any other authorized use of 191  
information, data, and statistics of the nature described in 192  
division (C) (1) of this section, the superintendent or the 193  
superintendent's designee may provide and exchange the 194  
information, data, and statistics pursuant to the national crime 195  
prevention and privacy compact as described in division (A) (5) 196  
of this section. 197

(4) The Ohio law enforcement gateway shall contain the 198  
name, confidential address, and telephone number of program 199  
participants in the address confidentiality program established 200  
under sections 111.41 to 111.47 of the Revised Code. 201

(5) The attorney general may adopt rules under Chapter 202  
119. of the Revised Code establishing guidelines for the 203  
operation of and participation in the Ohio law enforcement 204  
gateway. The rules may include criteria for granting and 205  
restricting access to information gathered and disseminated 206  
through the Ohio law enforcement gateway. The attorney general 207  
shall adopt rules under Chapter 119. of the Revised Code that 208  
grant access to information in the gateway regarding an address 209  
confidentiality program participant under sections 111.41 to 210  
111.47 of the Revised Code to only chiefs of police, village 211  
marshals, county sheriffs, county prosecuting attorneys, and a 212  
designee of each of these individuals. The attorney general 213  
shall permit the state medical board and board of nursing to 214  
access and view, but not alter, information gathered and 215  
disseminated through the Ohio law enforcement gateway. 216

The attorney general may appoint a steering committee to 217  
advise the attorney general in the operation of the Ohio law 218  
enforcement gateway that is comprised of persons who are 219  
representatives of the criminal justice agencies in this state 220  
that use the Ohio law enforcement gateway and is chaired by the 221  
superintendent or the superintendent's designee. 222

(D) (1) The following are not public records under section 223  
149.43 of the Revised Code: 224

(a) Information and materials furnished to the 225  
superintendent pursuant to division (A) of this section; 226

(b) Information, data, and statistics gathered or 227  
disseminated through the Ohio law enforcement gateway pursuant 228  
to division (C) (1) of this section; 229

(c) Information and materials furnished to any board or 230



person under division (F) or (G) of this section.	231
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C) (2) of this section.	232 233 234 235 236 237 238
(E) (1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E) (2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A) (1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	239 240 241 242 243 244 245 246 247 248 249 250
(2) Except as otherwise provided in this division or division (E) (3) or (4) of this section, a rule adopted under division (E) (1) of this section may provide only for the release of information gathered pursuant to division (A) of this section that relates to the conviction of a person, or a person's plea of guilty to, a criminal offense or to the arrest of a person as provided in division (E) (3) of this section. The superintendent shall not release, and the attorney general shall not adopt any rule under division (E) (1) of this section that permits the release of, any information gathered pursuant to division (A) of	251 252 253 254 255 256 257 258 259 260

this section that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B) (2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, unless either of the following applies with respect to the adjudication or conviction:

(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed pursuant to section 2952.32 of the Revised Code.

(3) A rule adopted under division (E) (1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to the arrest of a person who is eighteen years of age or older when the person has not been convicted as a result of that arrest if any of the following applies:

(a) The arrest was made outside of this state.

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records

check is performed. 290

(c) The bureau cannot reasonably determine whether a 291  
criminal action resulting from the arrest is pending, and not 292  
more than one year has elapsed since the date of the arrest. 293

(4) A rule adopted under division (E)(1) of this section 294  
may provide for the release of information gathered pursuant to 295  
division (A) of this section that relates to an adjudication of 296  
a child as a delinquent child if not more than five years have 297  
elapsed since the date of the adjudication, the adjudication was 298  
for an act that would have been a felony if committed by an 299  
adult, the records of the adjudication have not been sealed or 300  
expunged pursuant to sections 2151.355 to 2151.358 of the 301  
Revised Code, and the request for information is made under 302  
division (F) of this section or under section 109.572 of the 303  
Revised Code. In the case of an adjudication for a violation of 304  
the terms of community control or supervised release, the five- 305  
year period shall be calculated from the date of the 306  
adjudication to which the community control or supervised 307  
release pertains. 308

(F)(1) As used in division (F)(2) of this section, "head 309  
start agency" means an entity in this state that has been 310  
approved to be an agency for purposes of subchapter II of the 311  
"Community Economic Development Act," 95 Stat. 489 (1981), 42 312  
U.S.C.A. 9831, as amended. 313

(2)(a) In addition to or in conjunction with any request 314  
that is required to be made under section 109.572, 2151.86, 315  
3301.32, 3301.541, division (C) of section 3310.58, or section 316  
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 317  
5153.111 of the Revised Code or that is made under section 318  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 319

board of education of any school district; the director of 320  
developmental disabilities; any county board of developmental 321  
disabilities; any provider or subcontractor as defined in 322  
section 5123.081 of the Revised Code; the chief administrator of 323  
any chartered nonpublic school; the chief administrator of a 324  
registered private provider that is not also a chartered 325  
nonpublic school; the chief administrator of any home health 326  
agency; the chief administrator of or person operating any child 327  
day-care center, type A family day-care home, or type B family 328  
day-care home licensed under Chapter 5104. of the Revised Code; 329  
the chief administrator of any head start agency; the executive 330  
director of a public children services agency; a private company 331  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 332  
the Revised Code; or an employer described in division (J) (2) of 333  
section 3327.10 of the Revised Code may request that the 334  
superintendent of the bureau investigate and determine, with 335  
respect to any individual who has applied for employment in any 336  
position after October 2, 1989, or any individual wishing to 337  
apply for employment with a board of education may request, with 338  
regard to the individual, whether the bureau has any information 339  
gathered under division (A) of this section that pertains to 340  
that individual. On receipt of the request, subject to division 341  
(E) (2) of this section, the superintendent shall determine 342  
whether that information exists and, upon request of the person, 343  
board, or entity requesting information, also shall request from 344  
the federal bureau of investigation any criminal records it has 345  
pertaining to that individual. The superintendent or the 346  
superintendent's designee also may request criminal history 347  
records from other states or the federal government pursuant to 348  
the national crime prevention and privacy compact set forth in 349  
section 109.571 of the Revised Code. Within thirty days of the 350  
date that the superintendent receives a request, subject to 351

division (E) (2) of this section, the superintendent shall send 352  
to the board, entity, or person a report of any information that 353  
the superintendent determines exists, including information 354  
contained in records that have been sealed under section 2953.32 355  
of the Revised Code, and, within thirty days of its receipt, 356  
subject to division (E) (2) of this section, shall send the 357  
board, entity, or person a report of any information received 358  
from the federal bureau of investigation, other than information 359  
the dissemination of which is prohibited by federal law. 360

(b) When a board of education or a registered private 361  
provider is required to receive information under this section 362  
as a prerequisite to employment of an individual pursuant to 363  
division (C) of section 3310.58 or section 3319.39 of the 364  
Revised Code, it may accept a certified copy of records that 365  
were issued by the bureau of criminal identification and 366  
investigation and that are presented by an individual applying 367  
for employment with the district in lieu of requesting that 368  
information itself. In such a case, the board shall accept the 369  
certified copy issued by the bureau in order to make a photocopy 370  
of it for that individual's employment application documents and 371  
shall return the certified copy to the individual. In a case of 372  
that nature, a district or provider only shall accept a 373  
certified copy of records of that nature within one year after 374  
the date of their issuance by the bureau. 375

(c) Notwithstanding division (F) (2) (a) of this section, in 376  
the case of a request under section 3319.39, 3319.391, or 377  
3327.10 of the Revised Code only for criminal records maintained 378  
by the federal bureau of investigation, the superintendent shall 379  
not determine whether any information gathered under division 380  
(A) of this section exists on the person for whom the request is 381  
made. 382

(3) The state board of education may request, with respect 383  
to any individual who has applied for employment after October 384  
2, 1989, in any position with the state board or the department 385  
of education, any information that a school district board of 386  
education is authorized to request under division (F) (2) of this 387  
section, and the superintendent of the bureau shall proceed as 388  
if the request has been received from a school district board of 389  
education under division (F) (2) of this section. 390

(4) When the superintendent of the bureau receives a 391  
request for information under section 3319.291 of the Revised 392  
Code, the superintendent shall proceed as if the request has 393  
been received from a school district board of education and 394  
shall comply with divisions (F) (2) (a) and (c) of this section. 395

(G) In addition to or in conjunction with any request that 396  
is required to be made under section 3701.881, 3712.09, or 397  
3721.121 of the Revised Code with respect to an individual who 398  
has applied for employment in a position that involves providing 399  
direct care to an older adult or adult resident, the chief 400  
administrator of a home health agency, hospice care program, 401  
home licensed under Chapter 3721. of the Revised Code, or adult 402  
day-care program operated pursuant to rules adopted under 403  
section 3721.04 of the Revised Code may request that the 404  
superintendent of the bureau investigate and determine, with 405  
respect to any individual who has applied after January 27, 406  
1997, for employment in a position that does not involve 407  
providing direct care to an older adult or adult resident, 408  
whether the bureau has any information gathered under division 409  
(A) of this section that pertains to that individual. 410

In addition to or in conjunction with any request that is 411  
required to be made under section 173.27 of the Revised Code 412

with respect to an individual who has applied for employment in 413  
a position that involves providing ombudsman services to 414  
residents of long-term care facilities or recipients of 415  
community-based long-term care services, the state long-term 416  
care ombudsman, the director of aging, a regional long-term care 417  
ombudsman program, or the designee of the ombudsman, director, 418  
or program may request that the superintendent investigate and 419  
determine, with respect to any individual who has applied for 420  
employment in a position that does not involve providing such 421  
ombudsman services, whether the bureau has any information 422  
gathered under division (A) of this section that pertains to 423  
that applicant. 424

In addition to or in conjunction with any request that is 425  
required to be made under section 173.38 of the Revised Code 426  
with respect to an individual who has applied for employment in 427  
a direct-care position, the chief administrator of a provider, 428  
as defined in section 173.39 of the Revised Code, may request 429  
that the superintendent investigate and determine, with respect 430  
to any individual who has applied for employment in a position 431  
that is not a direct-care position, whether the bureau has any 432  
information gathered under division (A) of this section that 433  
pertains to that applicant. 434

In addition to or in conjunction with any request that is 435  
required to be made under section 3712.09 of the Revised Code 436  
with respect to an individual who has applied for employment in 437  
a position that involves providing direct care to a pediatric 438  
respite care patient, the chief administrator of a pediatric 439  
respite care program may request that the superintendent of the 440  
bureau investigate and determine, with respect to any individual 441  
who has applied for employment in a position that does not 442  
involve providing direct care to a pediatric respite care 443

patient, whether the bureau has any information gathered under 444  
division (A) of this section that pertains to that individual. 445

On receipt of a request under this division, the 446  
superintendent shall determine whether that information exists 447  
and, on request of the individual requesting information, shall 448  
also request from the federal bureau of investigation any 449  
criminal records it has pertaining to the applicant. The 450  
superintendent or the superintendent's designee also may request 451  
criminal history records from other states or the federal 452  
government pursuant to the national crime prevention and privacy 453  
compact set forth in section 109.571 of the Revised Code. Within 454  
thirty days of the date a request is received, subject to 455  
division (E)(2) of this section, the superintendent shall send 456  
to the requester a report of any information determined to 457  
exist, including information contained in records that have been 458  
sealed under section 2953.32 of the Revised Code, and, within 459  
thirty days of its receipt, shall send the requester a report of 460  
any information received from the federal bureau of 461  
investigation, other than information the dissemination of which 462  
is prohibited by federal law. 463

(H) Information obtained by a government entity or person 464  
under this section is confidential and shall not be released or 465  
disseminated. 466

(I) The superintendent may charge a reasonable fee for 467  
providing information or criminal records under division (F)(2) 468  
or (G) of this section. 469

~~(J)~~ (J)(1) The superintendent shall develop and prepare 470  
instructions and informational brochures, standard petitions, 471  
extreme risk protection order forms, and a court staff handbook 472  
on the extreme risk protection order process. The standard 473



petitions and order forms shall be prepared and available for 474  
use not later than six months after the effective date of this 475  
amendment, for all petitions filed and orders issued under 476  
sections 2923.26 to 2923.30 of the Revised Code. The 477  
instructions, brochures, forms, and handbook shall be prepared 478  
in consultation with interested parties, including 479  
representatives of gun violence prevention groups, judges, and 480  
law enforcement personnel. Materials shall be based on best 481  
practices and shall be made available online to the public. 482

(2) The instructions shall be designed to assist 483  
petitioners in completing the petition, and shall include a 484  
sample of a standard petition and extreme risk protection order 485  
form. 486

(3) The instructions and standard petition shall include a 487  
means for the petitioner to identify, without special knowledge, 488  
the firearms the respondent may own, possess, receive, or have 489  
in the respondent's custody or control. The instructions shall 490  
provide pictures of types of firearms that the petitioner may 491  
choose from to identify the relevant firearms, or an equivalent 492  
means to allow petitioners to identify firearms without 493  
requiring specific or technical knowledge regarding the 494  
firearms. 495

(4) The informational brochure shall describe the use of 496  
and the process for obtaining, modifying, and terminating an 497  
extreme risk protection order under sections 2923.26 to 2923.30 498  
of the Revised Code and provide relevant forms. 499

(5) The extreme risk protection order form shall include, 500  
in a conspicuous location, notice of criminal penalties 501  
resulting from a violation of the order, and the following 502  
statement: 503

"You have the sole responsibility to avoid or refrain from 504  
violating this order's provisions. Only the court can change the 505  
order and only upon written application." 506

(6) The court staff handbook shall allow for a clerk of 507  
court to add to the handbook a community resource list. 508

(7) The superintendent shall distribute a master copy of 509  
the petition and order forms, instructions, and informational 510  
brochures to every clerk of court and shall distribute a master 511  
copy of the petition and order forms to all county courts, 512  
municipal courts, and courts of common pleas. 513

(8) The superintendent shall distribute all documents in 514  
an electronic format or formats accessible to all courts and 515  
clerks of court in the state and may additionally distribute the 516  
documents in other formats. 517

(9) The superintendent shall determine the significant 518  
non-English-speaking or limited English-speaking populations in 519  
the state and arrange for translation of the instructions and 520  
informational brochures required by this section into the 521  
languages spoken by those populations. The translated 522  
instructions and informational brochures shall contain a sample 523  
of the standard petition and order for protection forms. The 524  
superintendent shall distribute a master copy of the translated 525  
instructions and informational brochures to every clerk of court 526  
not later than one year after the effective date of this 527  
amendment. 528

(10) The superintendent shall update the instructions, 529  
brochures, standard petitions, extreme risk protection order 530  
forms, and court staff handbook as necessary, including when 531  
changes in the law make an update necessary. 532

(11) Any assistance or information provided by a clerk of court under division (J) of this section does not constitute the practice of law. 533  
534  
535

(K) In addition to informational brochures and materials made available by the superintendent under division (J) of this section, each clerk of court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. 536  
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(L) As used in this section: 542

(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code. 543  
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(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 546  
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(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 549  
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(4) "Extreme risk protection order" has the same meaning as in section 2923.26 of the Revised Code. 555  
556

**Sec. 2923.125.** It is the intent of the general assembly that Ohio concealed handgun license law be compliant with the national instant criminal background check system, that the bureau of alcohol, tobacco, firearms, and explosives is able to determine that Ohio law is compliant with the national instant 557  
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561

criminal background check system, and that no person shall be 562  
eligible to receive a concealed handgun license permit under 563  
section 2923.125 or 2923.1213 of the Revised Code unless the 564  
person is eligible lawfully to receive or possess a firearm in 565  
the United States. 566

(A) This section applies with respect to the application 567  
for and issuance by this state of concealed handgun licenses 568  
other than concealed handgun licenses on a temporary emergency 569  
basis that are issued under section 2923.1213 of the Revised 570  
Code. Upon the request of a person who wishes to obtain a 571  
concealed handgun license with respect to which this section 572  
applies or to renew a concealed handgun license with respect to 573  
which this section applies, a sheriff, as provided in division 574  
(I) of this section, shall provide to the person free of charge 575  
an application form and the web site address at which a 576  
printable version of the application form that can be downloaded 577  
and the pamphlet described in division (B) of section 109.731 of 578  
the Revised Code may be found. A sheriff shall accept a 579  
completed application form and the fee, items, materials, and 580  
information specified in divisions (B) (1) to (5) of this section 581  
at the times and in the manners described in division (I) of 582  
this section. 583

(B) An applicant for a concealed handgun license who is a 584  
resident of this state shall submit a completed application form 585  
and all of the material and information described in divisions 586  
(B) (1) to (6) of this section to the sheriff of the county in 587  
which the applicant resides or to the sheriff of any county 588  
adjacent to the county in which the applicant resides. An 589  
applicant for a license who resides in another state shall 590  
submit a completed application form and all of the material and 591  
information described in divisions (B) (1) to (7) of this section 592

to the sheriff of the county in which the applicant is employed 593  
or to the sheriff of any county adjacent to the county in which 594  
the applicant is employed: 595

(1) (a) A nonrefundable license fee as described in either 596  
of the following: 597

(i) For an applicant who has been a resident of this state 598  
for five or more years, a fee of sixty-seven dollars; 599

(ii) For an applicant who has been a resident of this 600  
state for less than five years or who is not a resident of this 601  
state, but who is employed in this state, a fee of sixty-seven 602  
dollars plus the actual cost of having a background check 603  
performed by the federal bureau of investigation. 604

(b) No sheriff shall require an applicant to pay for the 605  
cost of a background check performed by the bureau of criminal 606  
identification and investigation. 607

(c) A sheriff shall waive the payment of the license fee 608  
described in division (B) (1) (a) of this section in connection 609  
with an initial or renewal application for a license that is 610  
submitted by an applicant who is an active or reserve member of 611  
the armed forces of the United States or has retired from or was 612  
honorably discharged from military service in the active or 613  
reserve armed forces of the United States, a retired peace 614  
officer, a retired person described in division (B) (1) (b) of 615  
section 109.77 of the Revised Code, or a retired federal law 616  
enforcement officer who, prior to retirement, was authorized 617  
under federal law to carry a firearm in the course of duty, 618  
unless the retired peace officer, person, or federal law 619  
enforcement officer retired as the result of a mental 620  
disability. 621

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

(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application;

(3) One or more of the following competency certifications, each of which shall reflect that, regarding a certification described in division (B) (3) (a), (b), (c), (e), or (f) of this section, within the three years immediately preceding the application the applicant has performed that to which the competency certification relates and that, regarding a certification described in division (B) (3) (d) of this section, the applicant currently is an active or reserve member of the armed forces of the United States, the applicant has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, or within the ten years immediately preceding the application the retirement of the peace officer, person described in division (B) (1) (b) of section 109.77 of the Revised Code, or federal law enforcement officer to which the competency certification relates occurred:

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

(b) An original or photocopy of a certificate of 652  
completion of a firearms safety, training, or requalification or 653  
firearms safety instructor course, class, or program that 654  
satisfies all of the following criteria: 655

(i) It was open to members of the general public. 656

(ii) It utilized qualified instructors who were certified 657  
by a national gun advocacy organization, the executive director 658  
of the Ohio peace officer training commission pursuant to 659  
section 109.75 or 109.78 of the Revised Code, or a governmental 660  
official or entity of another state. 661

(iii) It was offered by or under the auspices of a law 662  
enforcement agency of this or another state or the United 663  
States, a public or private college, university, or other 664  
similar postsecondary educational institution located in this or 665  
another state, a firearms training school located in this or 666  
another state, or another type of public or private entity or 667  
organization located in this or another state. 668

(iv) It complies with the requirements set forth in 669  
division (G) of this section. 670

(c) An original or photocopy of a certificate of 671  
completion of a state, county, municipal, or department of 672  
natural resources peace officer training school that is approved 673  
by the executive director of the Ohio peace officer training 674  
commission pursuant to section 109.75 of the Revised Code and 675  
that complies with the requirements set forth in division (G) of 676  
this section, or the applicant has satisfactorily completed and 677  
been issued a certificate of completion of a basic firearms 678  
training program, a firearms requalification training program, 679  
or another basic training program described in section 109.78 or 680

109.801 of the Revised Code that complies with the requirements 681  
set forth in division (G) of this section; 682

(d) A document that evidences both of the following: 683

(i) That the applicant is an active or reserve member of 684  
the armed forces of the United States, has retired from or was 685  
honorably discharged from military service in the active or 686  
reserve armed forces of the United States, is a retired trooper 687  
of the state highway patrol, or is a retired peace officer or 688  
federal law enforcement officer described in division (B) (1) of 689  
this section or a retired person described in division (B) (1) (b) 690  
of section 109.77 of the Revised Code and division (B) (1) of 691  
this section; 692

(ii) That, through participation in the military service 693  
or through the former employment described in division (B) (3) (d) 694  
(i) of this section, the applicant acquired experience with 695  
handling handguns or other firearms, and the experience so 696  
acquired was equivalent to training that the applicant could 697  
have acquired in a course, class, or program described in 698  
division (B) (3) (a), (b), or (c) of this section. 699

(e) A certificate or another similar document that 700  
evidences satisfactory completion of a firearms training, 701  
safety, or requalification or firearms safety instructor course, 702  
class, or program that is not otherwise described in division 703  
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 704  
by an instructor who was certified by an official or entity of 705  
the government of this or another state or the United States or 706  
by a national gun advocacy organization, and that complies with 707  
the requirements set forth in division (G) of this section; 708

(f) An affidavit that attests to the applicant's 709



satisfactory completion of a course, class, or program described 710  
in division (B) (3) (a), (b), (c), or (e) of this section and that 711  
is subscribed by the applicant's instructor or an authorized 712  
representative of the entity that offered the course, class, or 713  
program or under whose auspices the course, class, or program 714  
was offered; 715

(g) A document that evidences that the applicant has 716  
successfully completed the Ohio peace officer training program 717  
described in section 109.79 of the Revised Code. 718

(4) A certification by the applicant that the applicant 719  
has read the pamphlet prepared by the Ohio peace officer 720  
training commission pursuant to section 109.731 of the Revised 721  
Code that reviews firearms, dispute resolution, and use of 722  
deadly force matters. 723

(5) A set of fingerprints of the applicant provided as 724  
described in section 311.41 of the Revised Code through use of 725  
an electronic fingerprint reading device or, if the sheriff to 726  
whom the application is submitted does not possess and does not 727  
have ready access to the use of such a reading device, on a 728  
standard impression sheet prescribed pursuant to division (C) (2) 729  
of section 109.572 of the Revised Code. 730

(6) If the applicant is not a citizen or national of the 731  
United States, the name of the applicant's country of 732  
citizenship and the applicant's alien registration number issued 733  
by the United States citizenship and immigration services 734  
agency. 735

(7) If the applicant resides in another state, adequate 736  
proof of employment in Ohio. 737

(C) Upon receipt of the completed application form, 738

supporting documentation, and, if not waived, license fee of an 739  
applicant under this section, a sheriff, in the manner specified 740  
in section 311.41 of the Revised Code, shall conduct or cause to 741  
be conducted the criminal records check and the incompetency 742  
records check described in section 311.41 of the Revised Code. 743

(D) (1) Except as provided in division (D) (3) of this 744  
section, within forty-five days after a sheriff's receipt of an 745  
applicant's completed application form for a concealed handgun 746  
license under this section, the supporting documentation, and, 747  
if not waived, the license fee, the sheriff shall make available 748  
through the law enforcement automated data system in accordance 749  
with division (H) of this section the information described in 750  
that division and, upon making the information available through 751  
the system, shall issue to the applicant a concealed handgun 752  
license that shall expire as described in division (D) (2) (a) of 753  
this section if all of the following apply: 754

(a) The applicant is legally living in the United States. 755  
For purposes of division (D) (1) (a) of this section, if a person 756  
is absent from the United States in compliance with military or 757  
naval orders as an active or reserve member of the armed forces 758  
of the United States and if prior to leaving the United States 759  
the person was legally living in the United States, the person, 760  
solely by reason of that absence, shall not be considered to 761  
have lost the person's status as living in the United States. 762

(b) The applicant is at least twenty-one years of age. 763

(c) The applicant is not a fugitive from justice. 764

(d) The applicant is not under indictment for or otherwise 765  
charged with a felony; an offense under Chapter 2925., 3719., or 766  
4729. of the Revised Code that involves the illegal possession, 767

use, sale, administration, or distribution of or trafficking in 768  
a drug of abuse; a misdemeanor offense of violence; or a 769  
violation of section 2903.14 or 2923.1211 of the Revised Code. 770

(e) Except as otherwise provided in division (D) (4) or (5) 771  
of this section, the applicant has not been convicted of or 772  
pleaded guilty to a felony or an offense under Chapter 2925., 773  
3719., or 4729. of the Revised Code that involves the illegal 774  
possession, use, sale, administration, or distribution of or 775  
trafficking in a drug of abuse; has not been adjudicated a 776  
delinquent child for committing an act that if committed by an 777  
adult would be a felony or would be an offense under Chapter 778  
2925., 3719., or 4729. of the Revised Code that involves the 779  
illegal possession, use, sale, administration, or distribution 780  
of or trafficking in a drug of abuse; has not been convicted of, 781  
pleaded guilty to, or adjudicated a delinquent child for 782  
committing a violation of section 2903.13 of the Revised Code 783  
when the victim of the violation is a peace officer, regardless 784  
of whether the applicant was sentenced under division (C) (4) of 785  
that section; and has not been convicted of, pleaded guilty to, 786  
or adjudicated a delinquent child for committing any other 787  
offense that is not previously described in this division that 788  
is a misdemeanor punishable by imprisonment for a term exceeding 789  
one year. 790

(f) Except as otherwise provided in division (D) (4) or (5) 791  
of this section, the applicant, within three years of the date 792  
of the application, has not been convicted of or pleaded guilty 793  
to a misdemeanor offense of violence other than a misdemeanor 794  
violation of section 2921.33 of the Revised Code or a violation 795  
of section 2903.13 of the Revised Code when the victim of the 796  
violation is a peace officer, or a misdemeanor violation of 797  
section 2923.1211 of the Revised Code; and has not been 798

adjudicated a delinquent child for committing an act that if 799  
committed by an adult would be a misdemeanor offense of violence 800  
other than a misdemeanor violation of section 2921.33 of the 801  
Revised Code or a violation of section 2903.13 of the Revised 802  
Code when the victim of the violation is a peace officer or for 803  
committing an act that if committed by an adult would be a 804  
misdemeanor violation of section 2923.1211 of the Revised Code. 805

(g) Except as otherwise provided in division (D) (1) (e) of 806  
this section, the applicant, within five years of the date of 807  
the application, has not been convicted of, pleaded guilty to, 808  
or adjudicated a delinquent child for committing two or more 809  
violations of section 2903.13 or 2903.14 of the Revised Code. 810

(h) Except as otherwise provided in division (D) (4) or (5) 811  
of this section, the applicant, within ten years of the date of 812  
the application, has not been convicted of, pleaded guilty to, 813  
or adjudicated a delinquent child for committing a violation of 814  
section 2921.33 of the Revised Code. 815

(i) The applicant has not been adjudicated as a mental 816  
defective, has not been committed to any mental institution, is 817  
not under adjudication of mental incompetence, has not been 818  
found by a court to be a mentally ill person subject to court 819  
order, and is not an involuntary patient other than one who is a 820  
patient only for purposes of observation. As used in this 821  
division, "mentally ill person subject to court order" and 822  
"patient" have the same meanings as in section 5122.01 of the 823  
Revised Code. 824

(j) The applicant is not currently subject to a civil 825  
protection order, a temporary protection order, an extreme risk 826  
protection order issued under sections 2923.26 to 2923.30 of the 827  
Revised Code, or a protection order issued by a court of another 828

state. 829

(k) The applicant certifies that the applicant desires a 830  
legal means to carry a concealed handgun for defense of the 831  
applicant or a member of the applicant's family while engaged in 832  
lawful activity. 833

(l) The applicant submits a competency certification of 834  
the type described in division (B) (3) of this section and 835  
submits a certification of the type described in division (B) (4) 836  
of this section regarding the applicant's reading of the 837  
pamphlet prepared by the Ohio peace officer training commission 838  
pursuant to section 109.731 of the Revised Code. 839

(m) The applicant currently is not subject to a suspension 840  
imposed under division (A) (2) of section 2923.128 of the Revised 841  
Code of a concealed handgun license that previously was issued 842  
to the applicant under this section or section 2923.1213 of the 843  
Revised Code or a similar suspension imposed by another state 844  
regarding a concealed handgun license issued by that state. 845

(n) If the applicant resides in another state, the 846  
applicant is employed in this state. 847

(o) The applicant certifies that the applicant is not an 848  
unlawful user of or addicted to any controlled substance as 849  
defined in 21 U.S.C. 802. 850

(p) If the applicant is not a United States citizen, the 851  
applicant is an alien and has not been admitted to the United 852  
States under a nonimmigrant visa, as defined in the "Immigration 853  
and Nationality Act," 8 U.S.C. 1101(a) (26). 854

(q) The applicant has not been discharged from the armed 855  
forces of the United States under dishonorable conditions. 856

(r) The applicant certifies that the applicant has not 857  
renounced the applicant's United States citizenship, if 858  
applicable. 859

(s) The applicant has not been convicted of, pleaded 860  
guilty to, or adjudicated a delinquent child for committing a 861  
violation of section 2919.25 of the Revised Code or a similar 862  
violation in another state. 863

(2) (a) A concealed handgun license that a sheriff issues 864  
under division (D) (1) of this section shall expire five years 865  
after the date of issuance. 866

If a sheriff issues a license under this section, the 867  
sheriff shall place on the license a unique combination of 868  
letters and numbers identifying the license in accordance with 869  
the procedure prescribed by the Ohio peace officer training 870  
commission pursuant to section 109.731 of the Revised Code. 871

(b) If a sheriff denies an application under this section 872  
because the applicant does not satisfy the criteria described in 873  
division (D) (1) of this section, the sheriff shall specify the 874  
grounds for the denial in a written notice to the applicant. The 875  
applicant may appeal the denial pursuant to section 119.12 of 876  
the Revised Code in the county served by the sheriff who denied 877  
the application. If the denial was as a result of the criminal 878  
records check conducted pursuant to section 311.41 of the 879  
Revised Code and if, pursuant to section 2923.127 of the Revised 880  
Code, the applicant challenges the criminal records check 881  
results using the appropriate challenge and review procedure 882  
specified in that section, the time for filing the appeal 883  
pursuant to section 119.12 of the Revised Code and this division 884  
is tolled during the pendency of the request or the challenge 885  
and review. 886

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

(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 918  
adjudication in making a determination under division (D)(1) or 919  
(F) of this section or, in relation to an application for a 920  
concealed handgun license on a temporary emergency basis 921  
submitted under section 2923.1213 of the Revised Code, in making 922  
a determination under division (B)(2) of that section. 923

(5) If an applicant has been convicted of or pleaded 924  
guilty to a minor misdemeanor offense or has been adjudicated a 925  
delinquent child for committing an act or violation that is a 926  
minor misdemeanor offense, the sheriff with whom the application 927  
was submitted shall not consider the conviction, guilty plea, or 928  
adjudication in making a determination under division (D)(1) or 929  
(F) of this section or, in relation to an application for a 930  
concealed handgun license on a temporary basis submitted under 931  
section 2923.1213 of the Revised Code, in making a determination 932  
under division (B)(2) of that section. 933

(E) If a concealed handgun license issued under this 934  
section is lost or is destroyed, the licensee may obtain from 935  
the sheriff who issued that license a duplicate license upon the 936  
payment of a fee of fifteen dollars and the submission of an 937  
affidavit attesting to the loss or destruction of the license. 938  
The sheriff, in accordance with the procedures prescribed in 939  
section 109.731 of the Revised Code, shall place on the 940  
replacement license a combination of identifying numbers 941  
different from the combination on the license that is being 942  
replaced. 943

(F)(1)(a) Except as provided in division (F)(1)(b) of this 944  
section, a licensee who wishes to renew a concealed handgun 945  
license issued under this section may do so at any time before 946  
the expiration date of the license or at any time after the 947



expiration date of the license by filing with the sheriff of the 948  
county in which the applicant resides or with the sheriff of an 949  
adjacent county, or in the case of an applicant who resides in 950  
another state with the sheriff of the county that issued the 951  
applicant's previous concealed handgun license an application 952  
for renewal of the license obtained pursuant to division (D) of 953  
this section, a certification by the applicant that, subsequent 954  
to the issuance of the license, the applicant has reread the 955  
pamphlet prepared by the Ohio peace officer training commission 956  
pursuant to section 109.731 of the Revised Code that reviews 957  
firearms, dispute resolution, and use of deadly force matters, 958  
and a nonrefundable license renewal fee in an amount determined 959  
pursuant to division (F) (4) of this section unless the fee is 960  
waived. 961

(b) A person on active duty in the armed forces of the 962  
United States or in service with the peace corps, volunteers in 963  
service to America, or the foreign service of the United States 964  
is exempt from the license requirements of this section for the 965  
period of the person's active duty or service and for six months 966  
thereafter, provided the person was a licensee under this 967  
section at the time the person commenced the person's active 968  
duty or service or had obtained a license while on active duty 969  
or service. The spouse or a dependent of any such person on 970  
active duty or in service also is exempt from the license 971  
requirements of this section for the period of the person's 972  
active duty or service and for six months thereafter, provided 973  
the spouse or dependent was a licensee under this section at the 974  
time the person commenced the active duty or service or had 975  
obtained a license while the person was on active duty or 976  
service, and provided further that the person's active duty or 977  
service resulted in the spouse or dependent relocating outside 978

of this state during the period of the active duty or service. 979  
This division does not prevent such a person or the person's 980  
spouse or dependent from making an application for the renewal 981  
of a concealed handgun license during the period of the person's 982  
active duty or service. 983

(2) A sheriff shall accept a completed renewal 984  
application, the license renewal fee, and the information 985  
specified in division (F)(1) of this section at the times and in 986  
the manners described in division (I) of this section. Upon 987  
receipt of a completed renewal application, of certification 988  
that the applicant has reread the specified pamphlet prepared by 989  
the Ohio peace officer training commission, and of a license 990  
renewal fee unless the fee is waived, a sheriff, in the manner 991  
specified in section 311.41 of the Revised Code shall conduct or 992  
cause to be conducted the criminal records check and the 993  
incompetency records check described in section 311.41 of the 994  
Revised Code. The sheriff shall renew the license if the sheriff 995  
determines that the applicant continues to satisfy the 996  
requirements described in division (D)(1) of this section, 997  
except that the applicant is not required to meet the 998  
requirements of division (D)(1)(1) of this section. A renewed 999  
license shall expire five years after the date of issuance. A 1000  
renewed license is subject to division (E) of this section and 1001  
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1002  
shall comply with divisions (D)(2) and (3) of this section when 1003  
the circumstances described in those divisions apply to a 1004  
requested license renewal. If a sheriff denies the renewal of a 1005  
concealed handgun license, the applicant may appeal the denial, 1006  
or challenge the criminal record check results that were the 1007  
basis of the denial if applicable, in the same manner as 1008  
specified in division (D)(2)(b) of this section and in section 1009

2923.127 of the Revised Code, regarding the denial of a license 1010  
under this section. 1011

(3) A renewal application submitted pursuant to division 1012  
(F) of this section shall only require the licensee to list on 1013  
the application form information and matters occurring since the 1014  
date of the licensee's last application for a license pursuant 1015  
to division (B) or (F) of this section. A sheriff conducting the 1016  
criminal records check and the incompetency records check 1017  
described in section 311.41 of the Revised Code shall conduct 1018  
the check only from the date of the licensee's last application 1019  
for a license pursuant to division (B) or (F) of this section 1020  
through the date of the renewal application submitted pursuant 1021  
to division (F) of this section. 1022

(4) An applicant for a renewal concealed handgun license 1023  
under this section shall submit to the sheriff of the county in 1024  
which the applicant resides or to the sheriff of any county 1025  
adjacent to the county in which the applicant resides, or in the 1026  
case of an applicant who resides in another state to the sheriff 1027  
of the county that issued the applicant's previous concealed 1028  
handgun license, a nonrefundable license fee as described in 1029  
either of the following: 1030

(a) For an applicant who has been a resident of this state 1031  
for five or more years, a fee of fifty dollars; 1032

(b) For an applicant who has been a resident of this state 1033  
for less than five years or who is not a resident of this state 1034  
but who is employed in this state, a fee of fifty dollars plus 1035  
the actual cost of having a background check performed by the 1036  
federal bureau of investigation. 1037

(5) The concealed handgun license of a licensee who is no 1038

longer a resident of this state or no longer employed in this 1039  
state, as applicable, is valid until the date of expiration on 1040  
the license, and the licensee is prohibited from renewing the 1041  
concealed handgun license. 1042

(G) (1) Each course, class, or program described in 1043  
division (B) (3) (a), (b), (c), or (e) of this section shall 1044  
provide to each person who takes the course, class, or program 1045  
the web site address at which the pamphlet prepared by the Ohio 1046  
peace officer training commission pursuant to section 109.731 of 1047  
the Revised Code that reviews firearms, dispute resolution, and 1048  
use of deadly force matters may be found. Each such course, 1049  
class, or program described in one of those divisions shall 1050  
include at least eight hours of training in the safe handling 1051  
and use of a firearm that shall include training, provided as 1052  
described in division (G) (3) of this section, on all of the 1053  
following: 1054

(a) The ability to name, explain, and demonstrate the 1055  
rules for safe handling of a handgun and proper storage 1056  
practices for handguns and ammunition; 1057

(b) The ability to demonstrate and explain how to handle 1058  
ammunition in a safe manner; 1059

(c) The ability to demonstrate the knowledge, skills, and 1060  
attitude necessary to shoot a handgun in a safe manner; 1061

(d) Gun handling training; 1062

(e) A minimum of two hours of in-person training that 1063  
consists of range time and live-fire training. 1064

(2) To satisfactorily complete the course, class, or 1065  
program described in division (B) (3) (a), (b), (c), or (e) of 1066  
this section, the applicant shall pass a competency examination 1067

that shall include both of the following: 1068

(a) A written section, provided as described in division 1069  
(G) (3) of this section, on the ability to name and explain the 1070  
rules for the safe handling of a handgun and proper storage 1071  
practices for handguns and ammunition; 1072

(b) An in-person physical demonstration of competence in 1073  
the use of a handgun and in the rules for safe handling and 1074  
storage of a handgun and a physical demonstration of the 1075  
attitude necessary to shoot a handgun in a safe manner. 1076

(3) (a) Except as otherwise provided in this division, the 1077  
training specified in division (G) (1) (a) of this section shall 1078  
be provided to the person receiving the training in person by an 1079  
instructor. If the training specified in division (G) (1) (a) of 1080  
this section is provided by a course, class, or program 1081  
described in division (B) (3) (a) of this section, or it is 1082  
provided by a course, class, or program described in division 1083  
(B) (3) (b), (c), or (e) of this section and the instructor is a 1084  
qualified instructor certified by a national gun advocacy 1085  
organization, the training so specified, other than the training 1086  
that requires the person receiving the training to demonstrate 1087  
handling abilities, may be provided online or as a combination 1088  
of in-person and online training, as long as the online training 1089  
includes an interactive component that regularly engages the 1090  
person. 1091

(b) Except as otherwise provided in this division, the 1092  
written section of the competency examination specified in 1093  
division (G) (2) (a) of this section shall be administered to the 1094  
person taking the competency examination in person by an 1095  
instructor. If the training specified in division (G) (1) (a) of 1096  
this section is provided to the person receiving the training by 1097

a course, class, or program described in division (B) (3) (a) of 1098  
this section, or it is provided by a course, class, or program 1099  
described in division (B) (3) (b), (c), or (e) of this section and 1100  
the instructor is a qualified instructor certified by a national 1101  
gun advocacy organization, the written section of the competency 1102  
examination specified in division (G) (2) (a) of this section may 1103  
be administered online, as long as the online training includes 1104  
an interactive component that regularly engages the person. 1105

(4) The competency certification described in division (B) 1106  
(3) (a), (b), (c), or (e) of this section shall be dated and 1107  
shall attest that the course, class, or program the applicant 1108  
successfully completed met the requirements described in 1109  
division (G) (1) of this section and that the applicant passed 1110  
the competency examination described in division (G) (2) of this 1111  
section. 1112

(H) Upon deciding to issue a concealed handgun license, 1113  
deciding to issue a replacement concealed handgun license, or 1114  
deciding to renew a concealed handgun license pursuant to this 1115  
section, and before actually issuing or renewing the license, 1116  
the sheriff shall make available through the law enforcement 1117  
automated data system all information contained on the license. 1118  
If the license subsequently is suspended under division (A) (1) 1119  
or (2) of section 2923.128 of the Revised Code, revoked pursuant 1120  
to division (B) (1) of section 2923.128 of the Revised Code, or 1121  
lost or destroyed, the sheriff also shall make available through 1122  
the law enforcement automated data system a notation of that 1123  
fact. The superintendent of the state highway patrol shall 1124  
ensure that the law enforcement automated data system is so 1125  
configured as to permit the transmission through the system of 1126  
the information specified in this division. 1127

(I) (1) A sheriff shall accept a completed application form 1128  
or renewal application, and the fee, items, materials, and 1129  
information specified in divisions (B) (1) to (5) or division (F) 1130  
of this section, whichever is applicable, and shall provide an 1131  
application form or renewal application to any person during at 1132  
least fifteen hours a week and shall provide the web site 1133  
address at which a printable version of the application form 1134  
that can be downloaded and the pamphlet described in division 1135  
(B) of section 109.731 of the Revised Code may be found at any 1136  
time, upon request. The sheriff shall post notice of the hours 1137  
during which the sheriff is available to accept or provide the 1138  
information described in this division. 1139

(2) A sheriff shall transmit a notice to the attorney 1140  
general, in a manner determined by the attorney general, every 1141  
time a license is issued that waived payment under division (B) 1142  
(1) (c) of this section for an applicant who is an active or 1143  
reserve member of the armed forces of the United States or has 1144  
retired from or was honorably discharged from military service 1145  
in the active or reserve armed forces of the United States. The 1146  
attorney general shall monitor and inform sheriffs issuing 1147  
licenses under this section when the amount of license fee 1148  
payments waived and transmitted to the attorney general reach 1149  
one million five hundred thousand dollars each year. Once a 1150  
sheriff is informed that the payments waived reached one million 1151  
five hundred thousand dollars in any year, a sheriff shall no 1152  
longer waive payment of a license fee for an applicant who is an 1153  
active or reserve member of the armed forces of the United 1154  
States or has retired from or was honorably discharged from 1155  
military service in the active or reserve armed forces of the 1156  
United States for the remainder of that year. 1157

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 1158

concealed handgun license is arrested for or otherwise charged 1159  
with an offense described in division (D) (1) (d) of section 1160  
2923.125 of the Revised Code or with a violation of section 1161  
2923.15 of the Revised Code or becomes subject to a temporary 1162  
protection order or to a protection order issued by a court of 1163  
another state that is substantially equivalent to a temporary 1164  
protection order, the sheriff who issued the license shall 1165  
suspend it and shall comply with division (A) (3) of this section 1166  
upon becoming aware of the arrest, charge, or protection order. 1167  
Upon suspending the license, the sheriff also shall comply with 1168  
division (H) of section 2923.125 of the Revised Code. 1169

(b) A suspension under division (A) (1) (a) of this section 1170  
shall be considered as beginning on the date that the licensee 1171  
is arrested for or otherwise charged with an offense described 1172  
in that division or on the date the appropriate court issued the 1173  
protection order described in that division, irrespective of 1174  
when the sheriff notifies the licensee under division (A) (3) of 1175  
this section. The suspension shall end on the date on which the 1176  
charges are dismissed or the licensee is found not guilty of the 1177  
offense described in division (A) (1) (a) of this section or, 1178  
subject to division (B) of this section, on the date the 1179  
appropriate court terminates the protection order described in 1180  
that division. If the suspension so ends, the sheriff shall 1181  
return the license or temporary emergency license to the 1182  
licensee. 1183

(2) (a) If a licensee holding a valid concealed handgun 1184  
license is convicted of or pleads guilty to a misdemeanor 1185  
violation of division (B) (1), (2), or (4) of section 2923.12 of 1186  
the Revised Code or of division (E) (1), (2), (3), or (5) of 1187  
section 2923.16 of the Revised Code, except as provided in 1188  
division (A) (2) (c) of this section and subject to division (C) 1189



of this section, the sheriff who issued the license shall 1190  
suspend it and shall comply with division (A) (3) of this section 1191  
upon becoming aware of the conviction or guilty plea. Upon 1192  
suspending the license, the sheriff also shall comply with 1193  
division (H) of section 2923.125 of the Revised Code. 1194

(b) A suspension under division (A) (2) (a) of this section 1195  
shall be considered as beginning on the date that the licensee 1196  
is convicted of or pleads guilty to the offense described in 1197  
that division, irrespective of when the sheriff notifies the 1198  
licensee under division (A) (3) of this section. If the 1199  
suspension is imposed for a misdemeanor violation of division 1200  
(B) (1) or (2) of section 2923.12 of the Revised Code or of 1201  
division (E) (1), (2), or (3) of section 2923.16 of the Revised 1202  
Code, it shall end on the date that is one year after the date 1203  
that the licensee is convicted of or pleads guilty to that 1204  
violation. If the suspension is imposed for a misdemeanor 1205  
violation of division (B) (4) of section 2923.12 of the Revised 1206  
Code or of division (E) (5) of section 2923.16 of the Revised 1207  
Code, it shall end on the date that is two years after the date 1208  
that the licensee is convicted of or pleads guilty to that 1209  
violation. If the licensee's license was issued under section 1210  
2923.125 of the Revised Code and the license remains valid after 1211  
the suspension ends as described in this division, when the 1212  
suspension ends, the sheriff shall return the license to the 1213  
licensee. If the licensee's license was issued under section 1214  
2923.125 of the Revised Code and the license expires before the 1215  
suspension ends as described in this division, or if the 1216  
licensee's license was issued under section 2923.1213 of the 1217  
Revised Code, the licensee is not eligible to apply for a new 1218  
license under section 2923.125 or 2923.1213 of the Revised Code 1219  
or to renew the license under section 2923.125 of the Revised 1220

Code until after the suspension ends as described in this 1221  
division. 1222

(c) The license of a licensee who is convicted of or 1223  
pleads guilty to a violation of division (B)(1) of section 1224  
2923.12 or division (E)(1) or (2) of section 2923.16 of the 1225  
Revised Code shall not be suspended pursuant to division (A)(2) 1226  
(a) of this section if, at the time of the stop of the licensee 1227  
for a law enforcement purpose, for a traffic stop, or for a 1228  
purpose defined in section 5503.34 of the Revised Code that was 1229  
the basis of the violation, any law enforcement officer involved 1230  
with the stop or the employee of the motor carrier enforcement 1231  
unit who made the stop had actual knowledge of the licensee's 1232  
status as a licensee. 1233

(3) Upon becoming aware of an arrest, charge, or 1234  
protection order described in division (A)(1)(a) of this section 1235  
with respect to a licensee who was issued a concealed handgun 1236  
license, or a conviction of or plea of guilty to a misdemeanor 1237  
offense described in division (A)(2)(a) of this section with 1238  
respect to a licensee who was issued a concealed handgun license 1239  
and with respect to which division (A)(2)(c) of this section 1240  
does not apply, subject to division (C) of this section, the 1241  
sheriff who issued the licensee's license shall notify the 1242  
licensee, by certified mail, return receipt requested, at the 1243  
licensee's last known residence address that the license has 1244  
been suspended and that the licensee is required to surrender 1245  
the license at the sheriff's office within ten days of the date 1246  
on which the notice was mailed. If the suspension is pursuant to 1247  
division (A)(2) of this section, the notice shall identify the 1248  
date on which the suspension ends. 1249

(B)(1) A sheriff who issues a concealed handgun license to 1250

a licensee shall revoke the license in accordance with division 1251  
(B) (2) of this section upon becoming aware that the licensee 1252  
satisfies any of the following: 1253

(a) The licensee is under twenty-one years of age. 1254

(b) Subject to division (C) of this section, at the time 1255  
of the issuance of the license, the licensee did not satisfy the 1256  
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1257  
(g), or (h) of section 2923.125 of the Revised Code. 1258

(c) Subject to division (C) of this section, on or after 1259  
the date on which the license was issued, the licensee is 1260  
convicted of or pleads guilty to a violation of section 2923.15 1261  
of the Revised Code or an offense described in division (D) (1) 1262  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1263

(d) On or after the date on which the license was issued, 1264  
the licensee becomes subject to an extreme risk protection order 1265  
issued under sections 2923.26 to 2923.30 of the Revised Code, a 1266  
civil protection order, or to a protection order issued by a 1267  
court of another state that is substantially equivalent to a 1268  
civil protection order. 1269

(e) The licensee knowingly carries a concealed handgun 1270  
into a place that the licensee knows is an unauthorized place 1271  
specified in division (B) of section 2923.126 of the Revised 1272  
Code. 1273

(f) On or after the date on which the license was issued, 1274  
the licensee is adjudicated as a mental defective or is 1275  
committed to a mental institution. 1276

(g) At the time of the issuance of the license, the 1277  
licensee did not meet the residency requirements described in 1278  
division (D) (1) of section 2923.125 of the Revised Code and 1279

currently does not meet the residency requirements described in 1280  
that division. 1281

(h) Regarding a license issued under section 2923.125 of 1282  
the Revised Code, the competency certificate the licensee 1283  
submitted was forged or otherwise was fraudulent. 1284

(2) Upon becoming aware of any circumstance listed in 1285  
division (B) (1) of this section that applies to a particular 1286  
licensee who was issued a concealed handgun license, subject to 1287  
division (C) of this section, the sheriff who issued the license 1288  
to the licensee shall notify the licensee, by certified mail, 1289  
return receipt requested, at the licensee's last known residence 1290  
address that the license is subject to revocation and that the 1291  
licensee may come to the sheriff's office and contest the 1292  
sheriff's proposed revocation within fourteen days of the date 1293  
on which the notice was mailed. After the fourteen-day period 1294  
and after consideration of any information that the licensee 1295  
provides during that period, if the sheriff determines on the 1296  
basis of the information of which the sheriff is aware that the 1297  
licensee is described in division (B) (1) of this section and no 1298  
longer satisfies the requirements described in division (D) (1) 1299  
of section 2923.125 of the Revised Code that are applicable to 1300  
the licensee's type of license, the sheriff shall revoke the 1301  
license, notify the licensee of that fact, and require the 1302  
licensee to surrender the license. Upon revoking the license, 1303  
the sheriff also shall comply with division (H) of section 1304  
2923.125 of the Revised Code. 1305

(C) If a sheriff who issues a concealed handgun license to 1306  
a licensee becomes aware that at the time of the issuance of the 1307  
license the licensee had been convicted of or pleaded guilty to 1308  
an offense identified in division (D) (1) (e), (f), or (h) of 1309

section 2923.125 of the Revised Code or had been adjudicated a delinquent child for committing an act or violation identified in any of those divisions or becomes aware that on or after the date on which the license was issued the licensee has been convicted of or pleaded guilty to an offense identified in division (A)(2)(a) or (B)(1)(c) of this section, the sheriff shall not consider that conviction, guilty plea, or adjudication as having occurred for purposes of divisions (A)(2), (A)(3), (B)(1), and (B)(2) of this section 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 or sections 2953.31 to 2953.36 of the Revised Code or the licensee 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.

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

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

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

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

(b) A written document prepared by a governmental entity or public official describing the facts that give the person

seeking to carry a concealed handgun reasonable cause to fear a 1339  
criminal attack upon the person or a member of the person's 1340  
family, such as would justify a prudent person in going armed. 1341  
Written documents of this nature include, but are not limited 1342  
to, any temporary protection order, civil protection order, 1343  
protection order issued by another state, or other court order, 1344  
any court report, and any report filed with or made by a law 1345  
enforcement agency or prosecutor. 1346

(2) "Prosecutor" has the same meaning as in section 1347  
2935.01 of the Revised Code. 1348

(B) (1) A person seeking a concealed handgun license on a 1349  
temporary emergency basis shall submit to the sheriff of the 1350  
county in which the person resides or, if the person usually 1351  
resides in another state, to the sheriff of the county in which 1352  
the person is temporarily staying, all of the following: 1353

(a) Evidence of imminent danger to the person or a member 1354  
of the person's family; 1355

(b) A sworn affidavit that contains all of the information 1356  
required to be on the license and attesting that the person is 1357  
legally living in the United States; is at least twenty-one 1358  
years of age; is not a fugitive from justice; is not under 1359  
indictment for or otherwise charged with an offense identified 1360  
in division (D) (1) (d) of section 2923.125 of the Revised Code; 1361  
has not been convicted of or pleaded guilty to an offense, and 1362  
has not been adjudicated a delinquent child for committing an 1363  
act, identified in division (D) (1) (e) of that section and to 1364  
which division (B) (3) of this section does not apply; within 1365  
three years of the date of the submission, has not been 1366  
convicted of or pleaded guilty to an offense, and has not been 1367  
adjudicated a delinquent child for committing an act, identified 1368

in division (D) (1) (f) of that section and to which division (B) 1369  
(3) of this section does not apply; within five years of the 1370  
date of the submission, has not been convicted of, pleaded 1371  
guilty, or adjudicated a delinquent child for committing two or 1372  
more violations identified in division (D) (1) (g) of that 1373  
section; within ten years of the date of the submission, has not 1374  
been convicted of, pleaded guilty, or adjudicated a delinquent 1375  
child for committing a violation identified in division (D) (1) 1376  
(h) of that section and to which division (B) (3) of this section 1377  
does not apply; has not been adjudicated as a mental defective, 1378  
has not been committed to any mental institution, is not under 1379  
adjudication of mental incompetence, has not been found by a 1380  
court to be a mentally ill person subject to court order, and is 1381  
not an involuntary patient other than one who is a patient only 1382  
for purposes of observation, as described in division (D) (1) (i) 1383  
of that section; is not currently subject to a civil protection 1384  
order, a temporary protection order, an extreme risk protection 1385  
order issued under sections 2923.26 to 2923.30 of the Revised 1386  
Code, or a protection order issued by a court of another state, 1387  
as described in division (D) (1) (j) of that section; is not 1388  
currently subject to a suspension imposed under division (A) (2) 1389  
of section 2923.128 of the Revised Code of a concealed handgun 1390  
license that previously was issued to the person or a similar 1391  
suspension imposed by another state regarding a concealed 1392  
handgun license issued by that state; is not an unlawful user of 1393  
or addicted to any controlled substance as defined in 21 U.S.C. 1394  
802; if applicable, is an alien and has not been admitted to the 1395  
United States under a nonimmigrant visa, as defined in the 1396  
"Immigration and Nationality Act," 8 U.S.C. 1101(a) (26); has not 1397  
been discharged from the armed forces of the United States under 1398  
dishonorable conditions; if applicable, has not renounced the 1399  
applicant's United States citizenship; and has not been 1400

convicted of, pleaded guilty to, or been adjudicated a 1401  
delinquent child for committing a violation identified in 1402  
division (D) (1) (s) of section 2923.125 of the Revised Code; 1403

(c) A nonrefundable temporary emergency license fee as 1404  
described in either of the following: 1405

(i) For an applicant who has been a resident of this state 1406  
for five or more years, a fee of fifteen dollars plus the actual 1407  
cost of having a background check performed by the bureau of 1408  
criminal identification and investigation pursuant to section 1409  
311.41 of the Revised Code; 1410

(ii) For an applicant who has been a resident of this 1411  
state for less than five years or who is not a resident of this 1412  
state, but is temporarily staying in this state, a fee of 1413  
fifteen dollars plus the actual cost of having background checks 1414  
performed by the federal bureau of investigation and the bureau 1415  
of criminal identification and investigation pursuant to section 1416  
311.41 of the Revised Code. 1417

(d) A set of fingerprints of the applicant provided as 1418  
described in section 311.41 of the Revised Code through use of 1419  
an electronic fingerprint reading device or, if the sheriff to 1420  
whom the application is submitted does not possess and does not 1421  
have ready access to the use of an electronic fingerprint 1422  
reading device, on a standard impression sheet prescribed 1423  
pursuant to division (C) (2) of section 109.572 of the Revised 1424  
Code. If the fingerprints are provided on a standard impression 1425  
sheet, the person also shall provide the person's social 1426  
security number to the sheriff. 1427

(2) A sheriff shall accept the evidence of imminent 1428  
danger, the sworn affidavit, the fee, and the set of 1429



fingerprints required under division (B) (1) of this section at 1430  
the times and in the manners described in division (I) of this 1431  
section. Upon receipt of the evidence of imminent danger, the 1432  
sworn affidavit, the fee, and the set of fingerprints required 1433  
under division (B) (1) of this section, the sheriff, in the 1434  
manner specified in section 311.41 of the Revised Code, 1435  
immediately shall conduct or cause to be conducted the criminal 1436  
records check and the incompetency records check described in 1437  
section 311.41 of the Revised Code. Immediately upon receipt of 1438  
the results of the records checks, the sheriff shall review the 1439  
information and shall determine whether the criteria set forth 1440  
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 1441  
of the Revised Code apply regarding the person. If the sheriff 1442  
determines that all of the criteria set forth in divisions (D) 1443  
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 1444  
Code apply regarding the person, the sheriff shall immediately 1445  
make available through the law enforcement automated data system 1446  
all information that will be contained on the temporary 1447  
emergency license for the person if one is issued, and the 1448  
superintendent of the state highway patrol shall ensure that the 1449  
system is so configured as to permit the transmission through 1450  
the system of that information. Upon making that information 1451  
available through the law enforcement automated data system, the 1452  
sheriff shall immediately issue to the person a concealed 1453  
handgun license on a temporary emergency basis. 1454

If the sheriff denies the issuance of a license on a 1455  
temporary emergency basis to the person, the sheriff shall 1456  
specify the grounds for the denial in a written notice to the 1457  
person. The person may appeal the denial, or challenge criminal 1458  
records check results that were the basis of the denial if 1459  
applicable, in the same manners specified in division (D) (2) of 1460

section 2923.125 and in section 2923.127 of the Revised Code, 1461  
regarding the denial of an application for a concealed handgun 1462  
license under that section. 1463

The license on a temporary emergency basis issued under 1464  
this division shall be in the form, and shall include all of the 1465  
information, described in divisions (A) (2) (a) and (d) of section 1466  
109.731 of the Revised Code, and also shall include a unique 1467  
combination of identifying letters and numbers in accordance 1468  
with division (A) (2) (c) of that section. 1469

The license on a temporary emergency basis issued under 1470  
this division is valid for ninety days and may not be renewed. A 1471  
person who has been issued a license on a temporary emergency 1472  
basis under this division shall not be issued another license on 1473  
a temporary emergency basis unless at least four years has 1474  
expired since the issuance of the prior license on a temporary 1475  
emergency basis. 1476

(3) If a person seeking a concealed handgun license on a 1477  
temporary emergency basis has been convicted of or pleaded 1478  
guilty to an offense identified in division (D) (1) (e), (f), or 1479  
(h) of section 2923.125 of the Revised Code or has been 1480  
adjudicated a delinquent child for committing an act or 1481  
violation identified in any of those divisions, and if a court 1482  
has ordered the sealing or expungement of the records of that 1483  
conviction, guilty plea, or adjudication pursuant to sections 1484  
2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the 1485  
Revised Code or the applicant has been relieved under operation 1486  
of law or legal process from the disability imposed pursuant to 1487  
section 2923.13 of the Revised Code relative to that conviction, 1488  
guilty plea, or adjudication, the conviction, guilty plea, or 1489  
adjudication shall not be relevant for purposes of the sworn 1490

affidavit described in division (B)(1)(b) of this section, and 1491  
the person may complete, and swear to the truth of, the 1492  
affidavit as if the conviction, guilty plea, or adjudication 1493  
never had occurred. 1494

(4) The sheriff shall waive the payment pursuant to 1495  
division (B)(1)(c) of this section of the license fee in 1496  
connection with an application that is submitted by an applicant 1497  
who is a retired peace officer, a retired person described in 1498  
division (B)(1)(b) of section 109.77 of the Revised Code, or a 1499  
retired federal law enforcement officer who, prior to 1500  
retirement, was authorized under federal law to carry a firearm 1501  
in the course of duty, unless the retired peace officer, person, 1502  
or federal law enforcement officer retired as the result of a 1503  
mental disability. 1504

The sheriff shall deposit all fees paid by an applicant 1505  
under division (B)(1)(c) of this section into the sheriff's 1506  
concealed handgun license issuance fund established pursuant to 1507  
section 311.42 of the Revised Code. 1508

(C) A person who holds a concealed handgun license on a 1509  
temporary emergency basis has the same right to carry a 1510  
concealed handgun as a person who was issued a concealed handgun 1511  
license under section 2923.125 of the Revised Code, and any 1512  
exceptions to the prohibitions contained in section 1547.69 and 1513  
sections 2923.12 to 2923.16 of the Revised Code for a licensee 1514  
under section 2923.125 of the Revised Code apply to a licensee 1515  
under this section. The person is subject to the same 1516  
restrictions, and to all other procedures, duties, and 1517  
sanctions, that apply to a person who carries a license issued 1518  
under section 2923.125 of the Revised Code, other than the 1519  
license renewal procedures set forth in that section. 1520

(D) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff shall suspend or revoke the license in accordance with section 2923.128 of the Revised Code. In addition to the suspension or revocation procedures set forth in section 2923.128 of the Revised Code, the sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license; if the sheriff revokes a license under this additional authority, the sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. Division (H) of section 2923.125 of the Revised Code applies regarding any suspension or revocation of a concealed handgun license on a temporary emergency basis.

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

(F) If a concealed handgun license on a temporary emergency basis issued under this section is lost or is

destroyed, the licensee may obtain from the sheriff who issued 1552  
that license a duplicate license upon the payment of a fee of 1553  
fifteen dollars and the submission of an affidavit attesting to 1554  
the loss or destruction of the license. The sheriff, in 1555  
accordance with the procedures prescribed in section 109.731 of 1556  
the Revised Code, shall place on the replacement license a 1557  
combination of identifying numbers different from the 1558  
combination on the license that is being replaced. 1559

(G) The attorney general shall prescribe, and shall make 1560  
available to sheriffs, a standard form to be used under division 1561  
(B) of this section by a person who applies for a concealed 1562  
handgun license on a temporary emergency basis on the basis of 1563  
imminent danger of a type described in division (A) (1) (a) of 1564  
this section. The attorney general shall design the form to 1565  
enable applicants to provide the information that is required by 1566  
law to be collected, and shall update the form as necessary. 1567  
Burdens or restrictions to obtaining a concealed handgun license 1568  
that are not expressly prescribed in law shall not be 1569  
incorporated into the form. The attorney general shall post a 1570  
printable version of the form on the web site of the attorney 1571  
general and shall provide the address of the web site to any 1572  
person who requests the form. 1573

(H) A sheriff who receives any fees paid by a person under 1574  
this section shall deposit all fees so paid into the sheriff's 1575  
concealed handgun license issuance expense fund established 1576  
under section 311.42 of the Revised Code. 1577

(I) A sheriff shall accept evidence of imminent danger, a 1578  
sworn affidavit, the fee, and the set of fingerprints specified 1579  
in division (B) (1) of this section at any time during normal 1580  
business hours. In no case shall a sheriff require an 1581

appointment, or designate a specific period of time, for the 1582  
submission or acceptance of evidence of imminent danger, a sworn 1583  
affidavit, the fee, and the set of fingerprints specified in 1584  
division (B) (1) of this section, or for the provision to any 1585  
person of a standard form to be used for a person to apply for a 1586  
concealed handgun license on a temporary emergency basis. 1587

**Sec. 2923.13.** (A) Unless relieved from disability under 1588  
operation of law or legal process, no person shall knowingly 1589  
acquire, have, carry, or use any firearm or dangerous ordnance, 1590  
if any of the following apply: 1591

(1) The person is a fugitive from justice. 1592

(2) The person is under indictment for or has been 1593  
convicted of any felony offense of violence or has been 1594  
adjudicated a delinquent child for the commission of an offense 1595  
that, if committed by an adult, would have been a felony offense 1596  
of violence. 1597

(3) The person is under indictment for or has been 1598  
convicted of any felony offense involving the illegal 1599  
possession, use, sale, administration, distribution, or 1600  
trafficking in any drug of abuse or has been adjudicated a 1601  
delinquent child for the commission of an offense that, if 1602  
committed by an adult, would have been a felony offense 1603  
involving the illegal possession, use, sale, administration, 1604  
distribution, or trafficking in any drug of abuse. 1605

(4) The person is drug dependent, in danger of drug 1606  
dependence, or a chronic alcoholic. 1607

(5) The person is under adjudication of mental 1608  
incompetence, has been adjudicated as a mental defective, has 1609  
been committed to a mental institution, has been found by a 1610

court to be a mentally ill person subject to court order, or is 1611  
an involuntary patient other than one who is a patient only for 1612  
purposes of observation. ~~As used in this division, "mentally ill-~~ 1613  
~~person subject to court order" and "patient" have the same-~~ 1614  
~~meanings as in section 5122.01 of the Revised Code.~~ 1615

(6) The person has been found guilty of having a firearm 1616  
while under extreme risk protection order disability, and is 1617  
prohibited from acquiring, having, carrying, or using a firearm 1618  
under section 2923.99 of the Revised Code. 1619

(B) Whoever violates this section is guilty of having 1620  
weapons while under disability, a felony of the third degree. 1621

(C) For the purposes of this section, ~~"under:~~ 1622

(1) "Under operation of law or legal process" shall not 1623  
itself include mere completion, termination, or expiration of a 1624  
sentence imposed as a result of a criminal conviction. 1625

(2) "Mentally ill person subject to court order" and 1626  
"patient" have the same meanings as in section 5122.01 of the 1627  
Revised Code. 1628

**Sec. 2923.26.** (A) As used in this section and sections 1629  
2923.27 to 2923.30 of the Revised Code: 1630

(1) "Extreme risk protection order" means a final order or 1631  
an ex parte temporary order granted under section 2923.26 or 1632  
2923.27 of the Revised Code, respectively. 1633

(2) "Family or household member" means, with respect to a 1634  
respondent, any of the following: 1635

(a) A person related by blood, marriage, or adoption to 1636  
the respondent; 1637

- (b) A person in a dating relationship with the respondent; 1638
- (c) A person who has a child in common with the 1639  
respondent, regardless of whether the person has been married to 1640  
the respondent or has lived together with the respondent at any 1641  
time; 1642
- (d) A person who resides with the respondent or who has 1643  
resided with the respondent within the past year; 1644
- (e) A person who has a biological or legal parent-child 1645  
relationship with the respondent, including a stepparent, 1646  
stepchild, grandparent, and grandchild of the respondent; 1647
- (f) A person who is acting or has acted as the 1648  
respondent's legal guardian. 1649
- (3) "Judicial day" means a day on which a court is open. 1650
- (4) "Law enforcement agency" means a municipal or township 1651  
police department, a county sheriff's office, or the state 1652  
highway patrol. 1653
- (5) "Law enforcement officer" means a sheriff, deputy 1654  
sheriff, constable, police officer of a township or joint police 1655  
district, municipal police officer, or state highway patrol 1656  
trooper. 1657
- (6) "Petitioner" means the person who petitions for an 1658  
extreme risk protection order. 1659
- (7) "Respondent" means the person who is identified as the 1660  
subject of a petition for an extreme risk protection order. 1661
- (B) Any of the following persons may seek relief under 1662  
sections 2923.26 to 2923.30 of the Revised Code by filing a 1663  
petition for an extreme risk protection order in the court of 1664



common pleas in the county where the petitioner resides or in 1665  
the county where the respondent resides: 1666

(1) A family or household member of the respondent; 1667

(2) A law enforcement officer or law enforcement agency. 1668

(C) A petition for an extreme risk protection order shall 1669  
include all of the following: 1670

(1) An allegation that the respondent poses a significant 1671  
danger of causing personal injury to self or others by having in 1672  
the respondent's custody or control, purchasing, possessing, or 1673  
receiving a firearm, accompanied by an affidavit made under oath 1674  
stating the specific statements, actions, or facts that give 1675  
rise to a reasonable fear of future dangerous acts by the 1676  
respondent; 1677

(2) An inventory list including the number, types, and 1678  
locations of every firearm the petitioner believes to be in the 1679  
respondent's ownership, possession, custody, or control; 1680

(3) A list of any protection order issued under section 1681  
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1682  
Code to which the respondent is subject and of which the 1683  
petitioner is aware; 1684

(4) A list of any pending lawsuit, complaint, petition, or 1685  
other legal action between the parties. 1686

(D) The court shall verify the terms of any existing order 1687  
governing the parties but shall not delay granting relief 1688  
because an action is pending between the parties. A petition for 1689  
an extreme risk protection order may be granted whether or not 1690  
an action between the parties is pending. 1691

(E) If the petitioner is a law enforcement officer or 1692

agency, the petitioner shall make a good faith effort to provide 1693  
notice to a family or household member or third party who may be 1694  
at risk of violence. The notice shall state that the petitioner 1695  
intends to petition the court for an extreme risk protection 1696  
order or that the petitioner has already done so, and include 1697  
referrals to appropriate resources, including mental health, 1698  
domestic violence, and counseling resources. The petitioner 1699  
shall attest in the petition to having provided this notice, or 1700  
attest to the steps that will be taken to provide the notice. 1701

(F) If the petition states that disclosure of the 1702  
petitioner's address would risk harm to the petitioner or any 1703  
member of the petitioner's family or household, the petitioner's 1704  
address may be omitted from all documents filed with the court. 1705  
If the petitioner has not disclosed an address under this 1706  
division, the petitioner shall designate an alternate address at 1707  
which the respondent may serve notice of any motions. If the 1708  
petitioner is a law enforcement officer or agency, the address 1709  
of record shall be the address of the law enforcement agency. 1710

(G) The court shall not charge a fee to a petitioner for 1711  
filing a petition under this section and shall not charge the 1712  
petitioner for service of process. The court shall provide the 1713  
necessary certified copies and forms and shall provide materials 1714  
explaining the process of filing a petition for an extreme risk 1715  
protection order to persons free of charge. 1716

(H) No petitioner for an extreme risk protection order 1717  
shall be required to post a bond to obtain relief under this 1718  
section or sections 2923.27 to 2923.30 of the Revised Code. 1719

(I) Upon receiving a petition for an extreme risk 1720  
protection order filed under this section, the court shall do 1721  
all of the following: 1722

(1) Order a hearing to be held not later than fourteen 1723  
days after the date the petition is filed; 1724

(2) Issue a notice of the hearing to the respondent named 1725  
in the petition; 1726

(3) Cause a copy of the notice of hearing and petition to 1727  
be forwarded on or before the next judicial day to a local law 1728  
enforcement agency for service on the respondent. 1729

(J) The court may do either of the following with respect 1730  
to a petition for an extreme risk protection order: 1731

(1) Subject to division (K) of this section, schedule a 1732  
hearing by telephone pursuant to local court rule, to reasonably 1733  
accommodate a disability, or, in exceptional circumstances, to 1734  
protect a petitioner from potential harm; 1735

(2) Issue an ex parte extreme risk protection order under 1736  
section 2923.27 of the Revised Code. 1737

(K) The court shall require assurances of the petitioner's 1738  
identity before conducting a telephonic hearing under division 1739  
(J) (1) of this section. 1740

(L) The local law enforcement agency shall personally 1741  
serve the petition and notice of the hearing on the respondent 1742  
not less than five judicial days prior to the hearing. If a 1743  
court has issued an ex parte extreme risk protection order under 1744  
section 2923.27 of the Revised Code, the local law enforcement 1745  
agency shall serve the ex parte order concurrently with the 1746  
notice of hearing and petition. Service issued under this 1747  
section shall take precedence over service of other documents, 1748  
unless those documents are also of an emergency nature. If the 1749  
local law enforcement agency cannot serve process under this 1750  
section within the time period specified, the court shall set a 1751

new hearing date and either require the local law enforcement 1752  
agency to attempt personal service again or shall permit service 1753  
by publication or mail as provided in division (H) of section 1754  
2923.28 of the Revised Code. The court shall not require more 1755  
than two attempts at obtaining personal service and shall permit 1756  
service by publication or mail after two attempts unless the 1757  
petitioner requests additional time to attempt personal service. 1758  
If the court issues an order that permits service by publication 1759  
or mail, the court shall set the hearing date not later than 1760  
twenty-four days after the date the order is issued. 1761

(M) Upon hearing a petition for an extreme risk protection 1762  
order, if the court finds by a preponderance of the evidence 1763  
that the respondent poses a significant danger of causing 1764  
personal injury to self or others by having custody or control 1765  
of a firearm or the ability to purchase, possess, or receive a 1766  
firearm, the court shall issue an extreme risk protection order 1767  
for a period of one year. 1768

(N) In determining whether grounds for an extreme risk 1769  
protection order exist, the court may do any of the following: 1770

(1) Consider any relevant evidence including any of the 1771  
following: 1772

(a) A recent act or threat of violence by the respondent 1773  
against the respondent or against another, whether or not the 1774  
violence or threat involves a firearm; 1775

(b) A pattern of acts or threats of violence by the 1776  
respondent within the past twelve months, including acts or 1777  
threats of violence by the respondent against the respondent or 1778  
against others; 1779

(c) Any dangerous mental health issues of the respondent; 1780

<u>(d) A violation by the respondent of any of the following:</u>	1781
<u>(i) A protection order issued or consent agreement</u>	1782
<u>approved pursuant to section 2919.26 or 3113.31 of the Revised</u>	1783
<u>Code;</u>	1784
<u>(ii) A protection order issued pursuant to section</u>	1785
<u>2151.34, 2903.213, or 2903.214 of the Revised Code;</u>	1786
<u>(iii) A protection order issued by a court of another</u>	1787
<u>state.</u>	1788
<u>(e) A previous or existing extreme risk protection order</u>	1789
<u>issued against the respondent;</u>	1790
<u>(f) A violation of a previous or existing extreme risk</u>	1791
<u>protection order issued against the respondent;</u>	1792
<u>(g) A conviction of the respondent for a violation of</u>	1793
<u>section 2919.25 of the Revised Code;</u>	1794
<u>(h) The respondent's ownership, access to, or intent to</u>	1795
<u>possess firearms;</u>	1796
<u>(i) The unlawful or reckless use, display, or brandishing</u>	1797
<u>of a firearm by the respondent;</u>	1798
<u>(j) The history of use, attempted use, or threatened use</u>	1799
<u>of physical force by the respondent against another person, or</u>	1800
<u>the respondent's history of stalking another person;</u>	1801
<u>(k) Any prior arrest of the respondent for a felony</u>	1802
<u>offense or violent crime;</u>	1803
<u>(l) Corroborated evidence of the abuse of controlled</u>	1804
<u>substances or alcohol by the respondent;</u>	1805
<u>(m) Evidence of recent acquisition of firearms by the</u>	1806
<u>respondent.</u>	1807

(2) Examine under oath the petitioner, the respondent, and 1808  
any witness called by the petitioner or respondent; 1809

(3) Ensure that a reasonable search has been conducted for 1810  
criminal history records related to the respondent. 1811

(O) During a hearing for an extreme risk protection order, 1812  
the court shall consider whether a mental health evaluation or 1813  
chemical dependency evaluation is appropriate and may order such 1814  
an evaluation if appropriate. 1815

(P) An extreme risk protection order issued under this 1816  
section shall include all of the following: 1817

(1) A statement of the grounds supporting the order; 1818

(2) The date and time that the order was issued; 1819

(3) The date and time the order expires; 1820

(4) Whether a mental health evaluation or chemical 1821  
dependency evaluation of the respondent is required; 1822

(5) The address of the court in which any responsive 1823  
pleading should be filed; 1824

(6) A description of the requirements for surrender of 1825  
firearms under section 2923.30 of the Revised Code; 1826

(7) The following statement: 1827

"To the subject of the protection order: 1828

This order will last until the date and time noted above. 1829  
If you have not done so already, you must surrender to the 1830  
(insert name of local law enforcement agency) all firearms in 1831  
your custody, control, or possession and any license to carry a 1832  
concealed handgun issued to you under section 2923.125 or 1833  
2923.1213 of the Revised Code. You may not have in your custody 1834

or control, purchase, possess, receive, or attempt to purchase 1835  
or receive, a firearm while this order is in effect. You have 1836  
the right to request one hearing to terminate this order every 1837  
twelve-month period that this order is in effect, starting from 1838  
the date of this order and continuing through any renewals. You 1839  
may seek the advice of an attorney as to any matter connected 1840  
with this order." 1841

(Q) When the court issues an extreme risk protection 1842  
order, the court shall inform the respondent that the respondent 1843  
is entitled to request termination of the order in the manner 1844  
prescribed in section 2923.29 of the Revised Code. 1845

(R) If the court declines to issue an extreme risk 1846  
protection order, the court shall state the particular reasons 1847  
for denial in the court's order. 1848

(S) Sections 2923.26 to 2923.30 of the Revised Code do not 1849  
affect the ability of a law enforcement officer to remove a 1850  
firearm or concealed handgun license from any person or conduct 1851  
any search and seizure for firearms pursuant to any other lawful 1852  
authority. 1853

**Sec. 2923.27.** (A) A petitioner, or any person authorized 1854  
to file a petition pursuant to division (B) of section 2923.26 1855  
of the Revised Code, may request that an ex parte extreme risk 1856  
protection order be issued before a hearing for an extreme risk 1857  
protection order, without notice to the respondent, by filing an 1858  
application for an ex parte extreme risk protection order in a 1859  
court of common pleas, county court, or municipal court, that 1860  
includes detailed allegations based on personal knowledge that 1861  
the respondent poses a significant danger of causing personal 1862  
injury to self or others in the near future by having custody or 1863  
control of a firearm or the ability to purchase, possess, or 1864

receive a firearm. The applicant may apply for the ex parte 1865  
order at the time the petition is filed, at any time prior to 1866  
the day of the hearing held pursuant to division (I) of section 1867  
2923.26 of the Revised Code, or prior to the filing of a 1868  
petition in accordance with division (E) (2) of this section. 1869

(B) In considering whether to issue an ex parte extreme 1870  
risk protection order under this section, the court that 1871  
receives the application shall consider all relevant evidence, 1872  
including the evidence described in division (N) (1) of section 1873  
2923.26 of the Revised Code. 1874

(C) If a court finds there is reasonable cause to believe 1875  
that the respondent poses a significant danger of causing 1876  
personal injury to self or others in the near future by having 1877  
custody or control of a firearm or the ability to purchase, 1878  
possess, or receive a firearm, the court shall issue an ex parte 1879  
extreme risk protection order. 1880

(D) The court shall hold an ex parte extreme risk 1881  
protection order hearing in person or by telephone on the day 1882  
the application is filed or on the judicial day immediately 1883  
following the day the application is filed. The court shall 1884  
promptly rule on the application. 1885

(E) (1) In accordance with division (I) (1) of section 1886  
2923.26 of the Revised Code, regardless of whether a court of 1887  
common pleas receives an application for an ex parte extreme 1888  
risk protection order at the same time or after it receives a 1889  
petition for an extreme risk protection order, it shall schedule 1890  
a hearing on the petition to be held within fourteen days after 1891  
the petition is filed. 1892

(2) A county court or municipal court that issues an ex 1893



parte extreme risk protection order shall transfer the case to 1894  
the court of common pleas. If the court of common pleas has not 1895  
scheduled a hearing on the petition in accordance with division 1896  
(I) (1) of section 2923.26 of the Revised Code, whether because 1897  
no petition for an extreme risk protection order was filed or 1898  
because a petition was filed but the court had not yet scheduled 1899  
the hearing on the petition, the court shall schedule the 1900  
hearing on the petition to be held: 1901

(a) If a petition was filed but no hearing had yet been 1902  
scheduled, within fourteen days after the filing of the 1903  
petition; 1904

(b) If no petition had been filed, within fourteen days 1905  
following receipt of the case. 1906

(3) If service according to division (L) of section 1907  
2923.26 of the Revised Code has not yet been made, upon the 1908  
issuance of the ex parte extreme risk protection order, the 1909  
local law enforcement agency shall personally serve the petition 1910  
and notice of the hearing and the ex parte extreme risk 1911  
protection order on the respondent not less than five judicial 1912  
days prior to the hearing. 1913

If service according to division (L) of section 2923.26 of 1914  
the Revised Code has already been made at the time the ex parte 1915  
order is issued, service shall be made the day the ex parte 1916  
extreme risk protection order is issued. 1917

(F) An ex parte extreme risk protection order shall 1918  
include all of the following: 1919

(1) A statement of the grounds asserted for the order; 1920

(2) The date and time the order was issued; 1921

(3) The date and time the order expires, which shall not 1922  
be later than the date and time of the hearing for the extreme 1923  
risk protection order; 1924

(4) The address of the court in which any responsive 1925  
pleading should be filed; 1926

(5) The date and time of the scheduled hearing; 1927

(6) A description of the requirements for surrender of 1928  
firearms under section 2923.30 of the Revised Code; 1929

(7) The following statement: 1930

"To the subject of this protection order: 1931

This order is valid until the date and time noted above. 1932  
You are required to surrender all firearms in your custody, 1933  
control, or possession. You may not have in your custody or 1934  
control, purchase, possess, receive, or attempt to purchase or 1935  
receive, a firearm while this order is in effect. You must 1936  
immediately surrender to the (insert name of local law 1937  
enforcement agency) all firearms in your custody, control, or 1938  
possession and any license to carry a concealed handgun issued 1939  
to you under section 2923.125 or 2923.1213 of the Revised Code 1940  
immediately. A hearing will be held on the date and at the time 1941  
noted above to determine if an extreme risk protection order 1942  
should be issued. Failure to appear at that hearing may result 1943  
in a court making an order against you that is valid for one 1944  
year. You may seek the advice of an attorney as to any matter 1945  
connected with this order." 1946

(G) Any ex parte extreme risk protection order issued 1947  
under this section expires upon the hearing on the extreme risk 1948  
protection order. 1949

(H) If the court of common pleas declines to issue an ex parte extreme risk protection order, the court shall state the particular reasons for the denial. 1950  
1951  
1952

**Sec. 2923.28.** (A) An extreme risk protection order issued under section 2923.26 of the Revised Code shall be personally served upon the respondent, except as otherwise provided in sections 2923.26 to 2923.30 of the Revised Code. 1953  
1954  
1955  
1956

(B) The law enforcement agency with jurisdiction over the area in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. 1957  
1958  
1959  
1960

(C) If service by the local law enforcement agency is to be used, the clerk of court shall cause a copy of the order issued under section 2923.26 of the Revised Code to be forwarded on or before the next judicial day to the local law enforcement agency specified in the order for service upon the respondent. 1961  
1962  
1963  
1964  
1965

(D) If the law enforcement agency is unable to complete service on the respondent within ten days, the law enforcement agency shall notify the petitioner. The petitioner shall provide any information necessary to allow the law enforcement agency to complete service on the respondent. 1966  
1967  
1968  
1969  
1970

(E) If an order entered by the court specifies that the respondent appeared in person before the court, further service is waived and proof of service is not necessary. 1971  
1972  
1973

(F) If the court previously entered an order allowing service of the notice and petition or an ex parte extreme risk protection order by publication or mail under division (H) of this section, or if the court finds there are now grounds to allow for that method of service, the court may permit service 1974  
1975  
1976  
1977  
1978

by publication or mail of the extreme risk protection order as 1979  
provided in that division. 1980

(G) Return of service under sections 2923.26 to 2923.30 of 1981  
the Revised Code shall be made in accordance with applicable 1982  
rules of court. 1983

(H) The court may order service by publication or service 1984  
by mail as provided by the Rules of Civil Procedure except that 1985  
any summons shall contain the name of the respondent and 1986  
petitioner, the date and time of the hearing, and any ex parte 1987  
extreme risk protection order that has been issued against the 1988  
respondent, and the following notice: 1989

"If you fail to respond, an extreme risk protection order 1990  
may be issued against you pursuant to sections 2923.26 to 1991  
2923.30 of the Revised Code for one year from the date you are 1992  
required to appear." 1993

(I) If the court orders service by publication or mail for 1994  
notice of an extreme risk protection order hearing, it shall 1995  
also reissue the ex parte extreme risk protection order, if 1996  
issued, to expire on the date of the extreme risk protection 1997  
order hearing. 1998

(J) Following completion of service by publication or by 1999  
mail for notice of an extreme risk protection order hearing, if 2000  
the respondent fails to appear at the hearing, the court may 2001  
issue an extreme risk protection order as provided in section 2002  
2923.26 of the Revised Code. 2003

(K) The clerk of the court shall enter any extreme risk 2004  
protection order or ex parte extreme risk protection order 2005  
issued under sections 2923.26 to 2923.30 of the Revised Code 2006  
into a statewide judicial information system on the same day 2007

such order is issued. 2008

(L) The clerk of the court shall forward a copy of an 2009  
order issued under sections 2923.26 to 2923.30 of the Revised 2010  
Code the same day the order is issued to the appropriate law 2011  
enforcement agency specified in the order. Upon receipt of the 2012  
copy of the order, the law enforcement agency shall enter the 2013  
order into the national instant criminal background check 2014  
system, any other federal or state computer-based systems used 2015  
by law enforcement or others to identify prohibited purchasers 2016  
of firearms, and any computer-based criminal intelligence 2017  
information system available in this state used by law 2018  
enforcement agencies to list outstanding warrants. The order 2019  
shall remain in each system for the period stated in the order, 2020  
and the law enforcement agency shall only remove orders from the 2021  
systems that have expired or terminated. Entry into the 2022  
computer-based criminal intelligence information system 2023  
constitutes notice to all law enforcement agencies of the 2024  
existence of the order. The order is fully enforceable in any 2025  
county in the state. 2026

(M) (1) The issuing court shall, within three judicial days 2027  
after issuance of an extreme risk protection order or ex parte 2028  
extreme risk protection order, forward a copy of the 2029  
respondent's driver's license or state identification card, or 2030  
comparable information, along with the date of the order's 2031  
issuance, to the sheriff that has issued a concealed handgun 2032  
license to the respondent. Upon receipt of the information, the 2033  
sheriff shall immediately revoke the respondent's license in 2034  
accordance with division (B) of section 2923.128 of the Revised 2035  
Code. 2036

(2) The court, if necessary, may apply for access to the 2037

law enforcement automated data system to identify a sheriff that 2038  
has issued a concealed handgun license to a respondent. For 2039  
purposes of this inquiry, the court is a criminal justice 2040  
agency. 2041

(N) If an extreme risk protection order is terminated 2042  
before its expiration date, the clerk of the court shall forward 2043  
the same day a copy of the termination order to the appropriate 2044  
law enforcement agency specified in the termination order. Upon 2045  
receipt of the order, the law enforcement agency shall promptly 2046  
remove the order from any computer-based system in which it was 2047  
entered pursuant to division (L) of this section. 2048

**Sec. 2923.29.** (A) The respondent may submit one written 2049  
request for a hearing to terminate an extreme risk protection 2050  
order issued under sections 2923.26 to 2923.30 of the Revised 2051  
Code every twelve-month period that the order is in effect, 2052  
starting from the date of the order and continuing through any 2053  
renewals. 2054

(1) Upon receipt of the request for a hearing to terminate 2055  
an extreme risk protection order, the court shall set a date for 2056  
a hearing. Notice of the request shall be served on the 2057  
petitioner in accordance with the Rules of Civil Procedure. The 2058  
hearing shall occur not sooner than fourteen days and not later 2059  
than thirty days after the date the petitioner is served with 2060  
the request. 2061

(2) The respondent shall have the burden of proving by a 2062  
preponderance of the evidence that the respondent does not pose 2063  
a significant danger of causing personal injury to self or 2064  
others by having custody or control of a firearm or the ability 2065  
to purchase, possess, or receive a firearm. The court may 2066  
consider any relevant evidence, including evidence of the 2067

considerations listed in division (N)(1) of section 2923.26 of 2068  
the Revised Code. 2069

(3) If the court finds after the hearing that the 2070  
respondent has met the respondent's burden, the court shall 2071  
terminate the order. 2072

(B) The court shall notify the petitioner of the impending 2073  
expiration of an extreme risk protection order. Notice shall be 2074  
received by the petitioner one hundred five calendar days before 2075  
the date the order expires. 2076

(C) A family or household member of a respondent or a law 2077  
enforcement officer or agency may by motion request a renewal of 2078  
an extreme risk protection not sooner than one hundred five 2079  
calendar days before the expiration of the order. 2080

(D) Upon receipt of a motion to renew, the court shall 2081  
order that a hearing be held not later than fourteen days from 2082  
the date of the motion. The court may schedule a hearing by 2083  
telephone in the manner prescribed by division (J)(1) of section 2084  
2923.26 of the Revised Code. The respondent shall be personally 2085  
served in the same manner prescribed by divisions (I)(3) and (L) 2086  
of section 2923.26 of the Revised Code. 2087

(E) In determining whether to renew an extreme risk 2088  
protection order under this section, the court shall consider 2089  
all relevant evidence presented by the petitioner and follow the 2090  
same procedure as provided in section 2923.26 of the Revised 2091  
Code. 2092

If the court finds by a preponderance of the evidence that 2093  
the requirements for issuance of an extreme risk protection 2094  
order as provided in section 2923.26 of the Revised Code 2095  
continue to be met, the court shall renew the order. However, 2096

if, after notice, the motion for renewal is uncontested and the 2097  
petitioner seeks no modification of the order, the order may be 2098  
renewed on the basis of the petitioner's motion or affidavit 2099  
stating that there has been no material change in relevant 2100  
circumstances since entry of the order and stating the reason 2101  
for the requested renewal. 2102

(F) The renewal of an extreme risk protection order has a 2103  
duration of one year, subject to termination as provided in 2104  
division (A) of this section or further renewal by order of the 2105  
court. 2106

**Sec. 2923.30.** (A) Upon issuance of any extreme risk 2107  
protection order under this chapter, including an ex parte 2108  
extreme risk protection order, the court shall order the 2109  
respondent to surrender to the local law enforcement agency all 2110  
firearms in the respondent's custody, control, or possession and 2111  
any license to carry a concealed handgun issued to the 2112  
respondent under section 2923.125 or 2923.1213 of the Revised 2113  
Code. 2114

(B) The law enforcement officer serving any extreme risk 2115  
protection order under sections 2923.26 to 2923.30 of the 2116  
Revised Code, including an ex parte extreme risk protection 2117  
order, shall request that the respondent immediately surrender 2118  
all firearms in the respondent's custody, control, or possession 2119  
and any license to carry a concealed handgun issued to the 2120  
respondent under section 2923.125 or 2923.1213 of the Revised 2121  
Code, and conduct any search permitted by law for such firearms. 2122

(C) The law enforcement officer shall take possession of 2123  
all firearms belonging to the respondent that are surrendered, 2124  
in plain sight, or discovered pursuant to a lawful search. 2125  
Alternatively, if personal service by a law enforcement officer 2126



is not possible, or not required because the respondent was 2127  
present at the extreme risk protection order hearing, the 2128  
respondent shall surrender the firearms in a safe manner to the 2129  
control of the local law enforcement agency within forty-eight 2130  
hours of being served with the order by alternate service or 2131  
within forty-eight hours of the hearing at which the respondent 2132  
was present. 2133

(D) At the time of surrender, a law enforcement officer 2134  
taking possession of a firearm or concealed handgun license 2135  
shall issue a receipt identifying all firearms that have been 2136  
surrendered and provide a copy of the receipt to the respondent. 2137  
Within seventy-two hours after service of the order, the officer 2138  
-serving the order shall file the original receipt with the court 2139  
and shall ensure that the officer's law enforcement agency 2140  
retains a copy of the receipt. 2141

(E) Upon the sworn statement or testimony of the 2142  
petitioner or of any law enforcement officer alleging that the 2143  
respondent has failed to comply with the surrender of firearms 2144  
as required by an order issued under sections 2923.26 to 2923.30 2145  
of the Revised Code, the court shall determine whether probable 2146  
cause exists to believe that the respondent has failed to 2147  
surrender all firearms in the respondent's possession, custody, 2148  
or control. If probable cause exists, the court shall issue a 2149  
warrant describing the firearms and authorizing a search of the 2150  
locations where the firearms are reasonably believed to be and 2151  
the seizure of any firearms discovered pursuant to such search. 2152

(F) If a person other than the respondent claims title to 2153  
any firearm surrendered pursuant to this section, and the other 2154  
person is determined by the law enforcement agency to be the 2155  
lawful owner of the firearm, the firearm shall be returned to 2156

the other person, provided that both of the following apply: 2157

(1) The firearm is removed from the respondent's custody, 2158  
control, or possession and the lawful owner agrees to store the 2159  
firearm in a manner such that the respondent does not have 2160  
access to or control of the firearm. 2161

(2) The lawful owner is not prohibited from possessing the 2162  
firearm under state or federal law. 2163

(G) Upon the issuance of an extreme risk protection order, 2164  
the court shall order a new hearing date and require the 2165  
respondent to appear not later than three judicial days from the 2166  
date it issues the order requiring the hearing. The court shall 2167  
require a showing that the respondent has surrendered any 2168  
firearms in the respondent's custody, control, or possession. 2169  
The court may dismiss the hearing upon a satisfactory showing 2170  
that the respondent is in compliance with the order. 2171

(H) All law enforcement agencies shall develop policies 2172  
and procedures not later than six months after the effective 2173  
date of this section regarding the acceptance, storage, and 2174  
return of firearms required to be surrendered under sections 2175  
2923.26 to 2923.30 of the Revised Code. 2176

(I) If an extreme risk protection order is terminated or 2177  
expires without renewal, a law enforcement agency holding any 2178  
firearm that has been surrendered pursuant to sections 2923.26 2179  
to 2923.30 of the Revised Code shall return any surrendered 2180  
firearm requested by a respondent only after confirming, through 2181  
a background check, that the respondent is currently eligible to 2182  
own or possess firearms under federal and state law and after 2183  
confirming with the court that the extreme risk protection order 2184  
has terminated or has expired without renewal. 2185

(J) A law enforcement agency shall, if requested by a family or household member of the respondent, provide prior notice of the return of a firearm to a respondent to that family or household member. 2186  
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(K) Any firearm surrendered by a respondent pursuant to this section that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody. 2190  
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**Sec. 2923.99.** (A) Except as provided in this section, sections 2923.26 to 2923.30 of the Revised Code do not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining an extreme risk protection order or ex parte extreme risk protection order including for reporting, declining to report, investigating, declining to investigate, filing, or declining to file a petition under those sections. 2195  
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(B) (1) No person shall file a petition under sections 2923.26 to 2923.30 of the Revised Code knowing the information in the petition is materially false or with intent to harass the respondent. 2203  
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(2) A person who violates division (B) (1) of this section is guilty of unlawful petition for an extreme risk protection order, a misdemeanor of the third degree. 2207  
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(C) (1) No person shall acquire, have, carry, or use any firearm with knowledge that the person is prohibited from doing so by an order issued under this section or sections 2923.26 to 2923.30 of the Revised Code. 2210  
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(2) A person who violates division (C) (1) of this section 2214

is guilty of having a firearm while under extreme risk 2215  
protection order disability. Except as provided in division (C) 2216  
(3) of this section, having a firearm while under extreme risk 2217  
protection order disability is a misdemeanor of the third 2218  
degree. 2219

(3) If a person found guilty of having a firearm while 2220  
under extreme risk protection order disability has two or more 2221  
previous convictions for such an offense, having a firearm while 2222  
under extreme risk protection order disability is a felony of 2223  
the fifth degree. 2224

(D) In addition to the penalties prescribed in division 2225  
(C) of this section, no person found guilty of having a firearm 2226  
while under extreme risk protection order disability shall 2227  
knowingly acquire, have, carry, or use any firearm or dangerous 2228  
ordnance for a period of five years after the date the 2229  
underlying extreme risk protection order expires. 2230

**Section 2.** That existing sections 109.57, 2923.125, 2231  
2923.128, 2923.1213, and 2923.13 of the Revised Code are hereby 2232  
repealed. 2233

**Section 3.** Sections 2923.26 to 2923.30 and 2923.99 of the 2234  
Revised Code, as enacted by this act, shall be known as the 2235  
"Extreme Risk Protection Order Act." 2236

**Section 4.** Section 2923.13 of the Revised Code is 2237  
presented in this act as a composite of the section as amended 2238  
by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th 2239  
General Assembly. The General Assembly, applying the principle 2240  
stated in division (B) of section 1.52 of the Revised Code that 2241  
amendments are to be harmonized if reasonably capable of 2242  
simultaneous operation, finds that the composite is the 2243

resulting version of the section in effect prior to the	2244
effective date of the section as presented in this act.	2245
<b>Section 5.</b> Section 2923.1213 of the Revised Code is	2246
presented in this act as a composite of the section as amended	2247
by both H.B. 234 and S.B. 43 of the 130th General Assembly. The	2248
General Assembly, applying the principle stated in division (B)	2249
of section 1.52 of the Revised Code that amendments are to be	2250
harmonized if reasonably capable of simultaneous operation,	2251
finds that the composite is the resulting version of the section	2252
in effect prior to the effective date of the section as	2253
presented in this act.	2254