

Sub. S.B. 208
As Passed by the Senate

Topic: Carry by off-duty officers and investigators to be authorized by agency or bureau policy and agency and bureau liability to be the same for off-duty officers and investigators

_____ moved to amend as follows:

- In line 1 of the title, delete the first "and" and insert
","; after "2923.126" insert ", and 2923.129" 1 2
- In line 3 of the title, after "officer" insert ", peace
officer," 3 4
- In line 4 of the title, delete "who" and insert "to carry a
firearm off duty if the officer or investigator" 5 6
- In line 5 of the title, after "identification" insert "and is
authorized to carry by a policy of the agency or bureau"; delete
"whether on or off duty, to carry" 7 8 9
- In line 6 of the title, delete "a weapon on" and insert "to
provide that the agency or bureau has the same liability for an
off-duty officer or investigator as for an on-duty officer or
investigator, to restrict" 10 11 12 13
- In line 7 of the title, before "and" insert "from prohibiting
an officer or investigator from carrying a weapon onto the
premises," 14 15 16
- In line 11, delete the first "and" and insert ", "; after 17

"2923.126" insert ", and 2923.129" 18

In line 25, delete "A" and insert "An off-duty"; delete "who is" 19
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Delete line 26 21

In line 27, delete "of the officer's or investigator's duties,"; delete "both" and insert "all" 22
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In line 29, delete "is not consuming beer or" 24

Delete line 30 25

In line 31, delete "of abuse and" 26

In line 32, after "(ii)" insert "The officer or investigator is authorized to carry firearms while in the course of the officer's or investigator's official duties." 27
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(iii) The officer or investigator is authorized by a policy of the law enforcement agency or the bureau of criminal identification and investigation to carry firearms while off duty. 30
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(iv) The officer or investigator is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse. 33
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(v)" 36

After line 39, insert: 37

"Notwithstanding section 9.86 and Chapters 2743. and 2744. of the Revised Code that otherwise govern the liability of the state, state officers or employees, and political subdivisions, a law enforcement agency or the bureau of criminal identification and investigation has the same liability for an off-duty law enforcement officer or investigator as for an on-duty law enforcement officer or investigator under this section. A law 38
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enforcement agency or bureau of criminal identification and 45
investigation may not waive the agency's or bureau's liability." 46

Delete lines 131 through 499 47

After line 499, insert: 48

"**Sec. 2923.126.** (A) A concealed handgun license that is 49
issued under section 2923.125 of the Revised Code shall expire 50
five years after the date of issuance. A licensee who has been 51
issued a license under that section shall be granted a grace 52
period of thirty days after the licensee's license expires during 53
which the licensee's license remains valid. Except as provided in 54
divisions (B) and (C) of this section, a licensee who has been 55
issued a concealed handgun license under section 2923.125 or 56
2923.1213 of the Revised Code may carry a concealed handgun 57
anywhere in this state if the licensee also carries a valid 58
license and valid identification when the licensee is in actual 59
possession of a concealed handgun. The licensee shall give notice 60
of any change in the licensee's residence address to the sheriff 61
who issued the license within forty-five days after that change. 62

If a licensee is the driver or an occupant of a motor vehicle 63
that is stopped as the result of a traffic stop or a stop for 64
another law enforcement purpose and if the licensee is 65
transporting or has a loaded handgun in the motor vehicle at that 66
time, the licensee shall promptly inform any law enforcement 67
officer who approaches the vehicle while stopped that the licensee 68
has been issued a concealed handgun license and that the licensee 69
currently possesses or has a loaded handgun; the licensee shall 70
not knowingly disregard or fail to comply with lawful orders of a 71
law enforcement officer given while the motor vehicle is stopped, 72
knowingly fail to remain in the motor vehicle while stopped, or 73
knowingly fail to keep the licensee's hands in plain sight after 74

any law enforcement officer begins approaching the licensee while 75
stopped and before the officer leaves, unless directed otherwise 76
by a law enforcement officer; and the licensee shall not knowingly 77
have contact with the loaded handgun by touching it with the 78
licensee's hands or fingers, in any manner in violation of 79
division (E) of section 2923.16 of the Revised Code, after any law 80
enforcement officer begins approaching the licensee while stopped 81
and before the officer leaves. Additionally, if a licensee is the 82
driver or an occupant of a commercial motor vehicle that is 83
stopped by an employee of the motor carrier enforcement unit for 84
the purposes defined in section 5503.34 of the Revised Code and if 85
the licensee is transporting or has a loaded handgun in the 86
commercial motor vehicle at that time, the licensee shall promptly 87
inform the employee of the unit who approaches the vehicle while 88
stopped that the licensee has been issued a concealed handgun 89
license and that the licensee currently possesses or has a loaded 90
handgun. 91

If a licensee is stopped for a law enforcement purpose and if 92
the licensee is carrying a concealed handgun at the time the 93
officer approaches, the licensee shall promptly inform any law 94
enforcement officer who approaches the licensee while stopped that 95
the licensee has been issued a concealed handgun license and that 96
the licensee currently is carrying a concealed handgun; the 97
licensee shall not knowingly disregard or fail to comply with 98
lawful orders of a law enforcement officer given while the 99
licensee is stopped or knowingly fail to keep the licensee's hands 100
in plain sight after any law enforcement officer begins 101
approaching the licensee while stopped and before the officer 102
leaves, unless directed otherwise by a law enforcement officer; 103
and the licensee shall not knowingly remove, attempt to remove, 104
grasp, or hold the loaded handgun or knowingly have contact with 105

the loaded handgun by touching it with the licensee's hands or
fingers, in any manner in violation of division (B) of section
2923.12 of the Revised Code, after any law enforcement officer
begins approaching the licensee while stopped and before the
officer leaves.

(B) A valid concealed handgun license does not authorize the
licensee to carry a concealed handgun in any manner prohibited
under division (B) of section 2923.12 of the Revised Code or in
any manner prohibited under section 2923.16 of the Revised Code. A
valid license does not authorize the licensee to carry a concealed
handgun into any of the following places:

(1) A police station, sheriff's office, or state highway
patrol station, premises controlled by the bureau of criminal
identification and investigation; a state correctional
institution, jail, workhouse, or other detention facility; any
area of an airport passenger terminal that is beyond a passenger
or property screening checkpoint or to which access is restricted
through security measures by the airport authority or a public
agency; or an institution that is maintained, operated, managed,
and governed pursuant to division (A) of section 5119.14 of the
Revised Code or division (A)(1) of section 5123.03 of the Revised
Code;

(2) A school safety zone if the licensee's carrying the
concealed handgun is in violation of section 2923.122 of the
Revised Code;

(3) A courthouse or another building or structure in which a
courtroom is located, in violation of section 2923.123 of the
Revised Code;

(4) Any premises or open air arena for which a D permit has
been issued under Chapter 4303. of the Revised Code if the

licensee's carrying the concealed handgun is in violation of 136
 section 2923.121 of the Revised Code; 137

(5) Any premises owned or leased by any public or private 138
 college, university, or other institution of higher education, 139
 unless the handgun is in a locked motor vehicle or the licensee is 140
 in the immediate process of placing the handgun in a locked motor 141
 vehicle or unless the licensee is carrying the concealed handgun 142
 pursuant to a written policy, rule, or other authorization that is 143
 adopted by the institution's board of trustees or other governing 144
 body and that authorizes specific individuals or classes of 145
 individuals to carry a concealed handgun on the premises; 146

(6) Any church, synagogue, mosque, or other place of worship, 147
 unless the church, synagogue, mosque, or other place of worship 148
 posts or permits otherwise; 149

(7) Any building that is a government facility of this state 150
 or a political subdivision of this state and that is not a 151
 building that is used primarily as a shelter, restroom, parking 152
 facility for motor vehicles, or rest facility and is not a 153
 courthouse or other building or structure in which a courtroom is 154
 located that is subject to division (B)(3) of this section, unless 155
 the governing body with authority over the building has enacted a 156
 statute, ordinance, or policy that permits a licensee to carry a 157
 concealed handgun into the building; 158

(8) A place in which federal law prohibits the carrying of 159
 handguns. 160

(C)(1) Nothing in this section shall negate or restrict a 161
 rule, policy, or practice of a private employer that is not a 162
 private college, university, or other institution of higher 163
 education concerning or prohibiting the presence of firearms on 164
 the private employer's premises or property, including motor 165

vehicles owned by the private employer. Nothing in this section 166
shall require a private employer of that nature to adopt a rule, 167
policy, or practice concerning or prohibiting the presence of 168
firearms on the private employer's premises or property, including 169
motor vehicles owned by the private employer. 170

(2)(a) A private employer shall be immune from liability in a 171
civil action for any injury, death, or loss to person or property 172
that allegedly was caused by or related to a licensee bringing a 173
handgun onto the premises or property of the private employer, 174
including motor vehicles owned by the private employer, unless the 175
private employer acted with malicious purpose. A private employer 176
is immune from liability in a civil action for any injury, death, 177
or loss to person or property that allegedly was caused by or 178
related to the private employer's decision to permit a licensee to 179
bring, or prohibit a licensee from bringing, a handgun onto the 180
premises or property of the private employer. 181

(b) A political subdivision shall be immune from liability in 182
a civil action, to the extent and in the manner provided in 183
Chapter 2744. of the Revised Code, for any injury, death, or loss 184
to person or property that allegedly was caused by or related to a 185
licensee bringing a handgun onto any premises or property owned, 186
leased, or otherwise under the control of the political 187
subdivision. As used in this division, "political subdivision" has 188
the same meaning as in section 2744.01 of the Revised Code. 189

(c) An institution of higher education shall be immune from 190
liability in a civil action for any injury, death, or loss to 191
person or property that allegedly was caused by or related to a 192
licensee bringing a handgun onto the premises of the institution, 193
including motor vehicles owned by the institution, unless the 194
institution acted with malicious purpose. An institution of higher 195

education is immune from liability in a civil action for any 196
injury, death, or loss to person or property that allegedly was 197
caused by or related to the institution's decision to permit a 198
licensee or class of licensees to bring a handgun onto the 199
premises of the institution. 200

(3)(a) Except as provided in division (C)(3)(b) of this 201
section and section 2923.1214 of the Revised Code, the owner or 202
person in control of private land or premises, and a private 203
person or entity leasing land or premises owned by the state, the 204
United States, or a political subdivision of the state or the 205
United States, may post a sign in a conspicuous location on that 206
land or on those premises prohibiting persons from carrying 207
firearms or concealed firearms on or onto that land or those 208
premises. Except as otherwise provided in this division, a person 209
who knowingly violates a posted prohibition of that nature is 210
guilty of criminal trespass in violation of division (A)(4) of 211
section 2911.21 of the Revised Code and is guilty of a misdemeanor 212
of the fourth degree. If a person knowingly violates a posted 213
prohibition of that nature and the posted land or premises 214
primarily was a parking lot or other parking facility, the person 215
is not guilty of criminal trespass under section 2911.21 of the 216
Revised Code or under any other criminal law of this state or 217
criminal law, ordinance, or resolution of a political subdivision 218
of this state, and instead is subject only to a civil cause of 219
action for trespass based on the violation. 220

If a person knowingly violates a posted prohibition of the 221
nature described in this division and the posted land or premises 222
is a child day-care center, type A family day-care home, or type B 223
family day-care home, unless the person is a licensee who resides 224
in a type A family day-care home or type B family day-care home, 225
the person is guilty of aggravated trespass in violation of 226

section 2911.211 of the Revised Code. Except as otherwise provided
 in this division, the offender is guilty of a misdemeanor of the
 first degree. If the person previously has been convicted of a
 violation of this division or of any offense of violence, if the
 weapon involved is a firearm that is either loaded or for which
 the offender has ammunition ready at hand, or if the weapon
 involved is dangerous ordnance, the offender is guilty of a felony
 of the fourth degree.

(b) A landlord may not prohibit or restrict a tenant who is a
 licensee and who on or after September 9, 2008, enters into a
 rental agreement with the landlord for the use of residential
 premises, and the tenant's guest while the tenant is present, from
 lawfully carrying or possessing a handgun on those residential
 premises.

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

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

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

(D) A person who holds a valid concealed handgun license
 issued by another state that is recognized by the attorney general
 pursuant to a reciprocity agreement entered into pursuant to
 section 109.69 of the Revised Code or a person who holds a valid
 concealed handgun license under the circumstances described in
 division (B) of section 109.69 of the Revised Code has the same
 right to carry a concealed handgun in this state as a person who
 was issued a concealed handgun license under section 2923.125 of
 the Revised Code and is subject to the same restrictions that

apply to a person who carries a license issued under that section. 257

(E)(1) A (a) An on-duty peace officer has the same right to 258
 carry a concealed handgun in this state as a person who was issued 259
 a concealed handgun license under section 2923.125 of the Revised 260
 Code. 261

(b) An off-duty peace officer has the same right to carry a 262
concealed handgun in this state as a person who was issued a 263
concealed handgun license under section 2923.125 of the Revised 264
Code, if all of the following apply: 265

(i) The officer is carrying validating identification. 266

(ii) The officer is authorized to carry a concealed handgun 267
while in the course of the officer's official duties. 268

(iii) The officer is authorized by a policy of the law 269
enforcement agency to carry a concealed handgun while off duty. 270

Notwithstanding section 9.86 and Chapters 2743. and 2744. of 271
the Revised Code that otherwise govern the liability of the state, 272
state officers or employees, and political subdivisions, a law 273
enforcement agency has the same liability for an off-duty peace 274
officer as for an on-duty peace officer under this section. A law 275
enforcement agency may not waive the agency's liability. 276

(c) For purposes of reciprocity with other states, a peace 277
 officer shall be considered to be a licensee in this state. 278

(2) An active duty member of the armed forces of the United 279
 States who is carrying a valid military identification card and 280
 documentation of successful completion of firearms training that 281
 meets or exceeds the training requirements described in division 282
 (G)(1) of section 2923.125 of the Revised Code has the same right 283
 to carry a concealed handgun in this state as a person who was 284
 issued a concealed handgun license under section 2923.125 of the 285

Revised Code and is subject to the same restrictions as specified 286
in this section. 287

(3) A tactical medical professional who is qualified to carry 288
firearms while on duty under section 109.771 of the Revised Code 289
has the same right to carry a concealed handgun in this state as a 290
person who was issued a concealed handgun license under section 291
2923.125 of the Revised Code. 292

(F)(1) A qualified retired peace officer who possesses a 293
retired peace officer identification card issued pursuant to 294
division (F)(2) of this section and a valid firearms 295
requalification certification issued pursuant to division (F)(3) 296
of this section has the same right to carry a concealed handgun in 297
this state as a person who was issued a concealed handgun license 298
under section 2923.125 of the Revised Code and is subject to the 299
same restrictions that apply to a person who carries a license 300
issued under that section. For purposes of reciprocity with other 301
states, a qualified retired peace officer who possesses a retired 302
peace officer identification card issued pursuant to division 303
(F)(2) of this section and a valid firearms requalification 304
certification issued pursuant to division (F)(3) of this section 305
shall be considered to be a licensee in this state. 306

(2)(a) Each public agency of this state or of a political 307
subdivision of this state that is served by one or more peace 308
officers shall issue a retired peace officer identification card 309
to any person who retired from service as a peace officer with 310
that agency, if the issuance is in accordance with the agency's 311
policies and procedures and if the person, with respect to the 312
person's service with that agency, satisfies all of the following: 313

(i) The person retired in good standing from service as a 314
peace officer with the public agency, and the retirement was not 315

for reasons of mental instability. 316

(ii) Before retiring from service as a peace officer with 317
that agency, the person was authorized to engage in or supervise 318
the prevention, detection, investigation, or prosecution of, or 319
the incarceration of any person for, any violation of law and the 320
person had statutory powers of arrest. 321

(iii) At the time of the person's retirement as a peace 322
officer with that agency, the person was trained and qualified to 323
carry firearms in the performance of the peace officer's duties. 324

(iv) Before retiring from service as a peace officer with 325
that agency, the person was regularly employed as a peace officer 326
for an aggregate of fifteen years or more, or, in the alternative, 327
the person retired from service as a peace officer with that 328
agency, after completing any applicable probationary period of 329
that service, due to a service-connected disability, as determined 330
by the agency. 331

(b) A retired peace officer identification card issued to a 332
person under division (F)(2)(a) of this section shall identify the 333
person by name, contain a photograph of the person, identify the 334
public agency of this state or of the political subdivision of 335
this state from which the person retired as a peace officer and 336
that is issuing the identification card, and specify that the 337
person retired in good standing from service as a peace officer 338
with the issuing public agency and satisfies the criteria set 339
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 340
addition to the required content specified in this division, a 341
retired peace officer identification card issued to a person under 342
division (F)(2)(a) of this section may include the firearms 343
requalification certification described in division (F)(3) of this 344
section, and if the identification card includes that 345

certification, the identification card shall serve as the firearms 346
 requalification certification for the retired peace officer. If 347
 the issuing public agency issues credentials to active law 348
 enforcement officers who serve the agency, the agency may comply 349
 with division (F)(2)(a) of this section by issuing the same 350
 credentials to persons who retired from service as a peace officer 351
 with the agency and who satisfy the criteria set forth in 352
 divisions (F)(2)(a)(i) to (iv) of this section, provided that the 353
 credentials so issued to retired peace officers are stamped with 354
 the word "RETIRED." 355

(c) A public agency of this state or of a political 356
 subdivision of this state may charge persons who retired from 357
 service as a peace officer with the agency a reasonable fee for 358
 issuing to the person a retired peace officer identification card 359
 pursuant to division (F)(2)(a) of this section. 360

(3) If a person retired from service as a peace officer with 361
 a public agency of this state or of a political subdivision of 362
 this state and the person satisfies the criteria set forth in 363
 divisions (F)(2)(a)(i) to (iv) of this section, the public agency 364
 may provide the retired peace officer with the opportunity to 365
 attend a firearms requalification program that is approved for 366
 purposes of firearms requalification required under section 367
 109.801 of the Revised Code. The retired peace officer may be 368
 required to pay the cost of the course. 369

If a retired peace officer who satisfies the criteria set 370
 forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 371
 firearms requalification program that is approved for purposes of 372
 firearms requalification required under section 109.801 of the 373
 Revised Code, the retired peace officer's successful completion of 374
 the firearms requalification program requalifies the retired peace 375

officer for purposes of division (F) of this section for five 376
years from the date on which the program was successfully 377
completed, and the requalification is valid during that five-year 378
period. If a retired peace officer who satisfies the criteria set 379
forth in divisions (F)(2)(a)(i) to (iv) of this section 380
satisfactorily completes such a firearms requalification program, 381
the retired peace officer shall be issued a firearms 382
requalification certification that identifies the retired peace 383
officer by name, identifies the entity that taught the program, 384
specifies that the retired peace officer successfully completed 385
the program, specifies the date on which the course was 386
successfully completed, and specifies that the requalification is 387
valid for five years from that date of successful completion. The 388
firearms requalification certification for a retired peace officer 389
may be included in the retired peace officer identification card 390
issued to the retired peace officer under division (F)(2) of this 391
section. 392

A retired peace officer who attends a firearms 393
requalification program that is approved for purposes of firearms 394
requalification required under section 109.801 of the Revised Code 395
may be required to pay the cost of the program. 396

(G) As used in this section: 397

(1) "Qualified retired peace officer" means a person who 398
satisfies all of the following: 399

(a) The person satisfies the criteria set forth in divisions 400
(F)(2)(a)(i) to (v) of this section. 401

(b) The person is not under the influence of alcohol or 402
another intoxicating or hallucinatory drug or substance. 403

(c) The person is not prohibited by federal law from 404

receiving firearms.

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(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer.

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(3) "Government facility of this state or a political subdivision of this state" means any of the following:

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(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

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(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.

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

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(5) "Tactical medical professional" has the same meaning as in section 109.71 of the Revised Code.

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(6) "Validating identification" means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.

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

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bureau's employees, the commission, or the commission's employees 433
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 434
Revised Code, in addition to the personal immunity provided by 435
section 9.86 of the Revised Code or division (A)(6) of section 436
2744.03 of the Revised Code and the governmental immunity of 437
sections 2744.02 and 2744.03 of the Revised Code and in addition 438
to any other immunity possessed by the bureau, the commission, and 439
their employees, the sheriff, the sheriff's office, the county in 440
which the sheriff has jurisdiction, the bureau, the superintendent 441
of the bureau, the bureau's employees, the commission, and the 442
commission's employees are immune from liability in a civil action 443
for injury, death, or loss to person or property that allegedly 444
was caused by or related to any of the following: 445

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(a) The issuance, renewal, suspension, or revocation of a 447
concealed handgun license; 448

(b) The failure to issue, renew, suspend, or revoke a 449
concealed handgun license; 450

(c) Any action or misconduct with a handgun committed by a 451
licensee. 452

(2) Any action of a sheriff relating to the issuance, 453
renewal, suspension, or revocation of a concealed handgun license 454
shall be considered to be a governmental function for purposes of 455
Chapter 2744. of the Revised Code. 456

(3) An entity that or instructor who provides a competency 457
certification of a type described in division (B)(3) of section 458
2923.125 of the Revised Code is immune from civil liability that 459
might otherwise be incurred or imposed for any death or any injury 460
or loss to person or property that is caused by or related to a 461

person to whom the entity or instructor has issued the competency certificate if all of the following apply: 462
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(a) The alleged liability of the entity or instructor relates to the training provided in the course, class, or program covered by the competency certificate. 464
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(b) The entity or instructor makes a good faith effort in determining whether the person has satisfactorily completed the course, class, or program and makes a good faith effort in assessing the person in the competency examination conducted pursuant to division (G)(2) of section 2923.125 of the Revised Code. 467
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(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner. 473
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(4) An entity that or instructor who, prior to March 27, 2013, provides a renewed competency certification of a type described in division (G)(4) of section 2923.125 of the Revised Code as it existed prior to March 27, 2013, is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the renewed competency certificate if all of the following apply: 476
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(a) The entity or instructor makes a good faith effort in assessing the person in the physical demonstrations or the competency examination conducted pursuant to division (G)(4) of section 2923.125 of the Revised Code as it existed prior to March 27, 2013. 485
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(b) The entity or instructor did not issue the renewed 490

competency certificate with malicious purpose, in bad faith, or in 491
a wanton or reckless manner. 492

(5) A Unless a policy of the law enforcement agency 493
authorizes a peace officer to carry a concealed handgun while off 494
duty, a law enforcement agency that employs a peace officer is 495
immune from liability in a civil action to recover damages for 496
injury, death, or loss to person or property allegedly caused by 497
any act of that peace officer if the act occurred while the peace 498
officer carried a concealed handgun and was off duty and if the 499
act allegedly involved the peace officer's use of the concealed 500
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 501
Code apply to any civil action involving a peace officer's use of 502
a concealed handgun in the performance of the peace officer's 503
official duties while the peace officer is off duty. 504

(B) Notwithstanding section 149.43 of the Revised Code, the 505
records that a sheriff keeps relative to the issuance, renewal, 506
suspension, or revocation of a concealed handgun license, 507
including, but not limited to, completed applications for the 508
issuance or renewal of a license, completed affidavits submitted 509
regarding an application for a license on a temporary emergency 510
basis, reports of criminal records checks and incompetency records 511
checks under section 311.41 of the Revised Code, and applicants' 512
social security numbers and fingerprints that are obtained under 513
division (A) of section 311.41 of the Revised Code, are 514
confidential and are not public records. No person shall release 515
or otherwise disseminate records that are confidential under this 516
division unless required to do so pursuant to a court order. 517

(C) Each sheriff shall report to the Ohio peace officer 518
training commission the number of concealed handgun licenses that 519
the sheriff issued, renewed, suspended, revoked, or denied under 520

section 2923.125 of the Revised Code during the previous quarter 521
 of the calendar year, the number of applications for those 522
 licenses for which processing was suspended in accordance with 523
 division (D)(3) of section 2923.125 of the Revised Code during the 524
 previous quarter of the calendar year, and the number of concealed 525
 handgun licenses on a temporary emergency basis that the sheriff 526
 issued, suspended, revoked, or denied under section 2923.1213 of 527
 the Revised Code during the previous quarter of the calendar year. 528
 The sheriff shall not include in the report the name or any other 529
 identifying information of an applicant or licensee. The sheriff 530
 shall report that information in a manner that permits the 531
 commission to maintain the statistics described in division (C) of 532
 section 109.731 of the Revised Code and to timely prepare the 533
 statistical report described in that division. The information 534
 that is received by the commission under this division is a public 535
 record kept by the commission for the purposes of section 149.43 536
 of the Revised Code. 537

(D) Law enforcement agencies may use the information a 538
 sheriff makes available through the use of the law enforcement 539
 automated data system pursuant to division (H) of section 2923.125 540
 or division (B)(2) or (D) of section 2923.1213 of the Revised Code 541
 for law enforcement purposes only. The information is confidential 542
 and is not a public record. Except as provided in section 5503.101 543
 of the Revised Code, a person who releases or otherwise 544
 disseminates this information obtained through the law enforcement 545
 automated data system in a manner not described in this division 546
 is guilty of a violation of section 2913.04 of the Revised Code. 547

(E) Whoever violates division (B) of this section is guilty 548
 of illegal release of confidential concealed handgun license 549
 records, a felony of the fifth degree. In addition to any 550
 penalties imposed under Chapter 2929. of the Revised Code for a 551

violation of division (B) of this section or a violation of 552
 section 2913.04 of the Revised Code described in division (D) of 553
 this section, if the offender is a sheriff, an employee of a 554
 sheriff, or any other public officer or employee, and if the 555
 violation was willful and deliberate, the offender shall be 556
 subject to a civil fine of one thousand dollars. Any person who is 557
 harmed by a violation of division (B) or (C) of this section or a 558
 violation of section 2913.04 of the Revised Code described in 559
 division (D) of this section has a private cause of action against 560
 the offender for any injury, death, or loss to person or property 561
 that is a proximate result of the violation and may recover court 562
 costs and attorney's fees related to the action." 563

In line 501, after "officer" insert ", peace officer," 564

In line 538, delete "has the same meaning as in" 565

In line 539, delete "section 2923.121 of the Revised Code" 566
 and insert "means one of the following:" 567

(a) Photographic identification issued by the law enforcement 568
agency for which an individual serves as a law enforcement officer 569
that identifies the individual as a law enforcement officer of the 570
agency; 571

(b) Photographic identification issued by the bureau of 572
criminal identification and investigation that identifies an 573
individual as an investigator of the bureau; 574

(c) Photographic identification issued by the agency for 575
which an individual serves as a peace officer that identifies the 576
individual as a peace officer of the agency" 577

In line 540, delete the first "and" and insert ", "; after 578
 "2923.126" insert ", and 2923.129" 579

The motion was _____ agreed to.