

I\_132\_0595-10

132nd General Assembly  
Regular Session  
2017-2018

Sub. H. B. No. 228

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**A BILL**

To amend sections 9.68, 307.932, 2307.601, 2901.05, 1  
2901.09, 2923.11, 2923.12, 2923.126, 2923.16, 2  
2923.18, 2923.20, 2953.37, 5321.01, and 5321.13 3  
and to repeal section 2923.1212 of the Revised 4  
Code to modify the state preemption of local 5  
firearm regulations and related remedies; to 6  
assign to the prosecution the burden of 7  
disproving a self-defense or related claim; to 8  
expand the locations at which a person has no 9  
duty to retreat before using force under both 10  
civil and criminal law; to limit the use of the 11  
affirmative defense of self-defense, defense of 12  
another, or defense of a person's residence 13  
under both civil and criminal law; to modify the 14  
Concealed Handgun Licensing Law regarding the 15  
carrying of additional identification and a 16  
licensee's duty to keep the licensee's hands in 17  
plain sight; to modify penalties for illegally 18  
carrying a concealed firearm or improperly 19  
handling firearms in a motor vehicle; to expand 20  
the offense and penalties for unlawful 21  
transactions in weapons; to repeal the required 22  
posting of warning signs regarding the 23



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possession of weapons on specified premises; to 24  
provide an affirmative defense to improperly 25  
handling firearms in a motor vehicle for 26  
handguns in the vehicle without the defendant's 27  
knowledge; to generally bar any subsidized 28  
residential premises lease from requiring a 29  
tenant to agree to a restriction on a lawful 30  
firearm, a firearm component, or ammunition 31  
within the tenant's rental dwelling unit; and to 32  
exclude certain firearms from the definitions of 33  
sawed-off firearm and dangerous ordnance. 34

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

**Section 1.** That sections 9.68, 307.932, 2307.601, 2901.05, 35  
2901.09, 2923.11, 2923.12, 2923.126, 2923.16, 2923.18, 2923.20, 36  
2953.37, 5321.01, and 5321.13 of the Revised Code be amended to 37  
read as follows: 38

**Sec. 9.68.** (A) The individual right to keep and bear arms, 39  
being a fundamental individual right that predates the United 40  
States Constitution and Ohio Constitution, and being a 41  
constitutionally protected right in every part of Ohio, the 42  
general assembly finds the need to provide uniform laws 43  
throughout the state regulating the ownership, possession, 44  
purchase, other acquisition, transport, storage, carrying, sale, 45  
~~or other transfer, manufacture, taxation, keeping, and reporting~~ 46  
of loss or theft of firearms, their components, and their 47  
ammunition. The general assembly also finds and declares that it 48  
is proper for law-abiding people to protect themselves, their 49  
families, and others from intruders and attackers without fear 50

of prosecution or civil action for acting in defense of 51  
themselves or others. Except as specifically provided by the 52  
United States Constitution, Ohio Constitution, state law, or 53  
federal law, a person, without further license, permission, 54  
restriction, delay, or process, including by any ordinance, 55  
rule, regulation, resolution, practice, or other action or any 56  
threat of citation, prosecution, or other legal process, may 57  
own, possess, purchase, sell, ~~transfer~~ acquire, transport, 58  
store, carry, sell, transfer, manufacture, or keep any firearm, 59  
part of a firearm, its components, and its ammunition. Any such 60  
further license, permission, restriction, delay, or process 61  
interferes with the fundamental individual right described in 62  
this division and unduly inhibits law-abiding people from 63  
protecting themselves, their families, and others from intruders 64  
and attackers and from other legitimate uses of constitutionally 65  
protected firearms, including hunting and sporting activities, 66  
and the state by this section preempts, supersedes, and declares 67  
null and void any such further license, permission, restriction, 68  
delay, or process. 69

(B) A person, group, or entity adversely affected by any 70  
manner of ordinance, rule, regulation, resolution, practice, or 71  
other action enacted or enforced by a political subdivision in 72  
conflict with division (A) of this section may bring a civil 73  
action against the political subdivision seeking damages from 74  
the political subdivision, declaratory relief, injunctive 75  
relief, or a combination of those remedies. Any damages awarded 76  
shall be awarded against, and paid by, the political 77  
subdivision. In addition to any actual damages awarded against 78  
the political subdivision and other relief provided with respect 79  
to such an action, the court shall award ~~costs and~~ reasonable 80  
attorney fees ~~expenses~~ to any person, group, or entity that 81

brings the action, to be paid by the political subdivision, if 82  
either of the following applies: 83

(1) The person, group, or entity prevails in a challenge 84  
to an the ordinance, rule, or regulation, resolution, practice, 85  
or action as being in conflict with division (A) of this 86  
section. 87

(2) The ordinance, rule, regulation, resolution, practice, 88  
or action or the manner of its enforcement is repealed or 89  
rescinded after the civil action was filed but prior to a final 90  
court determination of the action. 91

(C) As used in this section: 92

(1) The possession, transporting, or carrying of firearms, 93  
their components, or their ammunition include, but are not 94  
limited to, the possession, transporting, or carrying, openly or 95  
concealed on a person's person or concealed ready at hand, of 96  
firearms, their components, or their ammunition. 97

(2) "Firearm" has the same meaning as in section 2923.11 98  
of the Revised Code. 99

(3) "Person, group, or entity adversely affected" means 100  
any of the following: 101

(a) A person who has standing under the law of this state 102  
to bring a civil action under division (B) of this section; 103

(b) A resident of this state who may legally possess a 104  
firearm under the law of this state and the United States; 105

(c) A membership organization, group, or entity, the 106  
members of which include one or more persons described in 107  
division (C) (3) (a) or (b) of this section. 108

(4) "Reasonable expenses" include, but are not limited to, 109  
reasonable attorney's fees, court costs, expert witness fees, 110  
and compensation for loss of income. 111

(D) This section does not apply to either of the 112  
following: 113

(1) A zoning ordinance that regulates or prohibits the 114  
commercial sale of firearms, firearm components, or ammunition 115  
for firearms in areas zoned for residential or agricultural 116  
uses; 117

(2) A zoning ordinance that specifies the hours of 118  
operation or the geographic areas where the commercial sale of 119  
firearms, firearm components, or ammunition for firearms may 120  
occur, provided that the zoning ordinance is consistent with 121  
zoning ordinances for other retail establishments in the same 122  
geographic area and does not result in a de facto prohibition of 123  
the commercial sale of firearms, firearm components, or 124  
ammunition for firearms in areas zoned for commercial, retail, 125  
or industrial uses. 126

**Sec. 307.932.** (A) As used in this section: 127

(1) "Division of parole and community services" means the 128  
division of parole and community services of the department of 129  
rehabilitation and correction. 130

(2) "Eligible offender" means, in relation to a particular 131  
community alternative sentencing center or district community 132  
alternative sentencing center established and operated under 133  
this section, an offender who has been convicted of or pleaded 134  
guilty to a qualifying misdemeanor offense, for whom no 135  
provision of the Revised Code or ordinance of a municipal 136  
corporation other than section 4511.19 of the Revised Code, both 137

sections 4510.14 and 4511.19 of the Revised Code, or an 138  
ordinance or ordinances of a municipal corporation that provide 139  
the penalties for a municipal OVI offense or for both a 140  
municipal OVI ordinance and a municipal DUS ordinance of the 141  
municipal corporation requires the imposition of a mandatory 142  
jail term for that qualifying misdemeanor offense, and who is 143  
eligible to be sentenced directly to that center and admitted to 144  
it under rules adopted under division (G) of this section by the 145  
board of county commissioners, affiliated group of boards of 146  
county commissioners, or municipal corporation that established 147  
and operates that center. 148

(3) "Municipal OVI offense" has the same meaning as in 149  
section 4511.181 of the Revised Code. 150

(4) "OVI term of confinement" means a term of confinement 151  
imposed for a violation of section 4511.19 of the Revised Code 152  
or for a municipal OVI offense, including any mandatory jail 153  
term or mandatory term of local incarceration imposed for that 154  
violation or offense. 155

(5) "Community residential sanction" means a community 156  
residential sanction imposed under section 2929.26 of the 157  
Revised Code for a misdemeanor violation of a section of the 158  
Revised Code or a term of confinement imposed for a misdemeanor 159  
violation of a municipal ordinance that is not a jail term. 160

(6) "Qualifying misdemeanor offense" means a violation of 161  
any section of the Revised Code that is a misdemeanor or a 162  
violation of any ordinance of a municipal corporation located in 163  
the county that is a misdemeanor. 164

(7) "Municipal DUS offense" means a violation of a 165  
municipal ordinance that is substantially equivalent to section 166

4510.14 of the Revised Code. 167

(B) (1) The board of county commissioners of any county, in 168  
consultation with the sheriff of the county, may establish a 169  
community alternative sentencing center that, upon 170  
implementation by the county or being subcontracted to or 171  
operated by a nonprofit organization, shall be used for the 172  
confinement of eligible offenders sentenced directly to the 173  
center by a court located in any county pursuant to a community 174  
residential sanction of not more than ninety days or pursuant to 175  
an OVI term of confinement of not more than ninety days, and for 176  
the purpose of closely monitoring those eligible offenders' 177  
adjustment to community supervision. A board that establishes a 178  
center pursuant to this division shall do so by resolution. 179

(2) The boards of county commissioners of two or more 180  
adjoining or neighboring counties, in consultation with the 181  
sheriffs of each of those counties, may affiliate and establish 182  
by resolution adopted by each of them a district community 183  
alternative sentencing center that, upon implementation by the 184  
counties or being subcontracted to or operated by a nonprofit 185  
organization, shall be used for the confinement of eligible 186  
offenders sentenced directly to the center by a court located in 187  
any county pursuant to a community residential sanction of not 188  
more than ninety days or pursuant to an OVI term of confinement 189  
of not more than ninety days, and for the purpose of closely 190  
monitoring those eligible offenders' adjustment to community 191  
supervision. Each board that affiliates with one or more other 192  
boards to establish a center pursuant to this division shall do 193  
so by resolution. 194

(3) A municipal corporation may establish a community 195  
alternative sentencing center that, upon implementation by the 196

municipal corporation or being subcontracted to or operated by a 197  
nonprofit organization, shall be used for the confinement of 198  
eligible offenders sentenced directly to the center by a court 199  
located in any county pursuant to a community residential 200  
sanction of not more than ninety days or pursuant to an OVI term 201  
of confinement of not more than ninety days, and for the purpose 202  
of closely monitoring those eligible offenders' adjustment to 203  
community supervision. A municipal corporation that establishes 204  
a center pursuant to this division shall do so by resolution. 205

(C) Each resolution establishing a community alternative 206  
sentencing center or a district community alternative sentencing 207  
center under division (B) of this section shall include 208  
provisions for operation of the center and for criteria to 209  
define which offenders are eligible to be sentenced directly to 210  
the center and admitted to it. At a minimum, the criteria that 211  
define which offenders are eligible to be sentenced directly to 212  
the center and admitted to it shall provide that an offender is 213  
eligible to be sentenced directly to the center and admitted to 214  
it if the offender has been convicted of or pleaded guilty to a 215  
qualifying misdemeanor offense and is sentenced directly to the 216  
center for the qualifying misdemeanor offense pursuant to a 217  
community residential sanction of not more than ninety days or 218  
pursuant to an OVI term of confinement of not more than ninety 219  
days by a court that is located in any county. 220

(D) If a community alternative sentencing center or a 221  
district community alternative sentencing center that is 222  
established under division (B) of this section contemplates the 223  
use of an existing facility, or a part of an existing facility, 224  
as the center, nothing in this section limits, restricts, or 225  
precludes the use of the facility, the part of the facility, or 226  
any other part of the facility for any purpose other than as a 227

community alternative sentencing center or district community 228  
alternative sentencing center. 229

(E) If a board of county commissioners, an affiliated 230  
group of boards of county commissioners, or municipal 231  
corporation establishes and operates or subcontracts with a 232  
nonprofit organization for the operation of a community 233  
alternative sentencing center or district community alternative 234  
sentencing center under this division, except as otherwise 235  
provided in this division, the center is not a minimum security 236  
jail under section 341.14, section 753.21, or any other 237  
provision of the Revised Code, is not a jail or alternative 238  
residential facility as defined in section 2929.01 of the 239  
Revised Code, is not required to satisfy or comply with minimum 240  
standards for minimum security jails or other jails that are 241  
promulgated under division (A) of section 5120.10 of the Revised 242  
Code, is not a local detention facility as defined in section 243  
2929.36 of the Revised Code, and is not a residential unit as 244  
defined in section 2950.01 of the Revised Code. The center is a 245  
detention facility as defined in sections 2921.01 and 2923.124 246  
of the Revised Code, and an eligible offender confined in the 247  
center is under detention as defined in section 2921.01 of the 248  
Revised Code. Regarding persons sentenced directly to the center 249  
under an OVI term of confinement or under both an OVI term of 250  
confinement and confinement for a violation of section 4510.14 251  
of the Revised Code or a municipal DUS offense, the center shall 252  
be considered a "jail" or "local correctional facility" for 253  
purposes of any provision in section 4510.14 or 4511.19 of the 254  
Revised Code or in an ordinance of a municipal corporation that 255  
requires a mandatory jail term or mandatory term of local 256  
incarceration for the violation of section 4511.19 of the 257  
Revised Code, the violation of both ~~section~~ sections 4510.14 and 258

4511.19 of the Revised Code, the municipal OVI offense, or the 259  
municipal OVI offense and the municipal DUS offense, and a 260  
direct sentence of a person to the center under an OVI term of 261  
confinement or under both an OVI term of confinement and 262  
confinement for a violation of section 4510.14 of the Revised 263  
Code or a municipal DUS offense shall be considered to be a 264  
sentence to a "jail" or "local correctional facility" for 265  
purposes of any such provision in section 4510.14 or 4511.19 of 266  
the Revised Code or in an ordinance of a municipal corporation. 267

(F) (1) If the board of county commissioners of a county 268  
that is being served by a community alternative sentencing 269  
center established pursuant to this section determines that it 270  
no longer wants to be served by the center, the board may 271  
dissolve the center by adopting a resolution evidencing the 272  
determination to dissolve the center. 273

(2) If the boards of county commissioners of all of the 274  
counties served by any district community alternative sentencing 275  
center established pursuant to this section determine that they 276  
no longer want to be served by the center, the boards may 277  
dissolve the center by adopting in each county a resolution 278  
evidencing the determination to dissolve the center. 279

(3) If at least one, but not all, of the boards of county 280  
commissioners of the counties being served by any district 281  
community alternative sentencing center established pursuant to 282  
this section determines that it no longer wants to be served by 283  
the center, the board may terminate its involvement with the 284  
center by adopting a resolution evidencing the determination to 285  
terminate its involvement with the center. If at least one, but 286  
not all, of the boards of county commissioners of the counties 287  
being served by any community alternative sentencing center 288

terminates its involvement with the center in accordance with 289  
this division, the other boards of county commissioners of the 290  
counties being served by the center may continue to be served by 291  
the center. 292

(4) If a municipal corporation that is being served by a 293  
community alternative sentencing center established pursuant to 294  
this section determines that it no longer wants to be served by 295  
the center, the municipal corporation may dissolve the center by 296  
adopting a resolution evidencing the determination to dissolve 297  
the center. 298

(G) Prior to operating a community alternative sentencing 299  
center or a district community alternative sentencing center, 300  
the board of county commissioners, the affiliated group of 301  
boards of county commissioners, or municipal corporation that 302  
established the center shall adopt rules for the operation of 303  
the center. The rules shall include criteria that define which 304  
offenders are eligible to be sentenced directly to the center 305  
and admitted to it. 306

(H) If a board of county commissioners operates or 307  
subcontracts with a nonprofit organization for the operation of 308  
a community alternative sentencing center, an affiliated group 309  
of boards of county commissioners operates or subcontracts with 310  
a nonprofit organization for the operation of a district 311  
community alternative sentencing center, or a municipal 312  
corporation operates or subcontracts with a nonprofit 313  
organization for the operation of a community alternative 314  
sentencing center under this section, all of the following 315  
apply: 316

(1) With the approval of the operator of the center, a 317  
court located within any county may directly sentence eligible 318

offenders to a community alternative sentencing center or 319  
district community alternative sentencing center pursuant to a 320  
community residential sanction of not more than ninety days or 321  
pursuant to an OVI term of confinement, a combination of an OVI 322  
term of confinement and confinement for a violation of section 323  
4510.14 of the Revised Code, or confinement for a municipal DUS 324  
offense of not more than ninety days. 325

(2) Each eligible offender who is sentenced to the center 326  
as described in division (H)(1) of this section and admitted to 327  
it shall be offered during the eligible offender's confinement 328  
at the center educational and vocational services and reentry 329  
planning and may be offered any other treatment and 330  
rehabilitative services that are available and that the court 331  
that sentenced the particular eligible offender to the center 332  
and the administrator of the center determine are appropriate 333  
based upon the offense for which the eligible offender was 334  
sentenced to the community residential sanction and the length 335  
of the sanction. 336

(3) Before accepting an eligible offender sentenced to the 337  
center by a court, the board, the affiliated group of boards, or 338  
the municipal corporation shall enter into an agreement with a 339  
political subdivision that operates that court that addresses 340  
the cost and payment of medical treatment or services received 341  
by eligible offenders sentenced by that court while they are 342  
confined in the center. The agreement may provide for the 343  
payment of the costs by the particular eligible offender who 344  
receives the treatment or services, as described in division (I) 345  
of this section. 346

(4) If an eligible offender a court sentences to the 347  
center is admitted to the center, all of the following apply: 348

(a) The admission shall be under the terms and conditions 349  
established by the court and the administrator of the center, 350  
and the court and the administrator of the center shall provide 351  
for the confinement of the eligible offender and supervise the 352  
eligible offender as provided in divisions (H) (4) (b) to (f) of 353  
this section. 354

(b) The eligible offender shall be confined in the center 355  
during any period of time that the eligible offender is not 356  
actually working at the eligible offender's approved work 357  
release described in division (H) (4) (c) of this section, engaged 358  
in community service activities described in division (H) (4) (d) 359  
of this section, engaged in authorized vocational training or 360  
another authorized educational program, engaged in another 361  
program designated by the administrator of the center, or 362  
engaged in other activities approved by the court and the 363  
administrator of the center. 364

(c) If the court and the administrator of the center 365  
determine that work release is appropriate based upon the 366  
offense for which the eligible offender was sentenced to the 367  
community residential sanction or OVI term of confinement and 368  
the length of the sanction or term, the eligible offender may be 369  
offered work release from confinement at the center and be 370  
released from confinement while engaged in the work release. 371

(d) An eligible offender may not participate in community 372  
service without the court's approval. If the administrator of 373  
the center determines that community service is appropriate and 374  
if the eligible offender will be confined for more than ten days 375  
at the center, the eligible offender may be required to 376  
participate in community service activities approved by the 377  
court and by the political subdivision served by the court. 378

Community service activities that may be required under this 379  
division may take place in facilities of the political 380  
subdivision that operates the court, in the community, or in 381  
both such locales. The eligible offender shall be released from 382  
confinement while engaged in the community service activities. 383  
Community service activities required under this division shall 384  
be supervised by the court or an official designated by the 385  
board of county commissioners or affiliated group of boards of 386  
county commissioners that established and is operating the 387  
center. Community service activities required under this 388  
division shall not exceed in duration the period for which the 389  
eligible offender will be confined at the center under the 390  
community residential sanction or the OVI term of confinement. 391

(e) The confinement of the eligible offender in the center 392  
shall be considered for purposes of this division and division 393  
(H) (4) (f) of this section as including any period of time 394  
described in division (H) (4) (b) of this section when the 395  
eligible offender may be outside of the center and shall 396  
continue until the expiration of the community residential 397  
sanction, the OVI term of confinement, or the combination of the 398  
OVI term of confinement and the confinement for the violation of 399  
section 4510.14 of the Revised Code or the municipal DUS 400  
ordinance that the eligible offender is serving upon admission 401  
to the center. 402

(f) After the admission and until the expiration of the 403  
community residential sanction or OVI term of confinement that 404  
the eligible offender is serving upon admission to the center, 405  
the eligible offender shall be considered for purposes of any 406  
provision in Title XXIX of the Revised Code to be serving the 407  
community residential sanction or OVI term of confinement. 408

~~(5) The administrator of the center, or the administrator's designee, shall post a sign as described in division (A) (4) of section 2923.1212 of the Revised Code in a conspicuous location at the center.~~

(I) The board of county commissioners that establishes a community alternative sentencing center under this section, the affiliated group of boards of county commissioners that establishes a district community alternative sentencing center under this section, or the municipal corporation that establishes a community alternative sentencing center under this section, may require an eligible offender who is sentenced directly to the center and admitted to it to pay to the county served by the board, the counties served by the affiliated group of boards, the municipal corporation, or the entity operating the center the reasonable expenses incurred by the county, counties, municipal corporation, or entity, whichever is applicable, in supervising or confining the eligible offender after being sentenced to the center and admitted. Inability to pay those reasonable expenses shall not be grounds for refusing to admit an otherwise eligible offender to the center.

(J) (1) If an eligible offender who is directly sentenced to a community alternative sentencing center or district community alternative sentencing center and admitted to the center successfully completes the service of the community residential sanction in the center, the administrator of the center shall notify the court that imposed the sentence, and the court shall enter into the journal that the eligible offender successfully completed the service of the sanction.

(2) If an eligible offender who is directly sentenced to a community alternative sentencing center or district community

alternative sentencing center and admitted to the center 439  
violates any rule established under this section by the board of 440  
county commissioners or the affiliated group of boards of county 441  
commissioners that establishes the center, violates any 442  
condition of the community residential sanction, the OVI term of 443  
confinement, or the combination of the OVI term of confinement 444  
and the confinement for the violation of section 4510.14 of the 445  
Revised Code or the municipal OVI ordinance imposed by the 446  
sentencing court, or otherwise does not successfully complete 447  
the service of the community residential sanction or OVI term of 448  
confinement in the center, the administrator of the center shall 449  
report the violation or failure to successfully complete the 450  
sanction or term directly to the court or to the probation 451  
department or probation officer with general control and 452  
supervision over the eligible offender. A failure to 453  
successfully complete the service of the community residential 454  
sanction, the OVI term of confinement, or the combination of the 455  
OVI term of confinement and the confinement for the violation of 456  
section 4510.14 of the Revised Code or the municipal OVI 457  
ordinance in the center shall be considered a violation of a 458  
condition of the community residential sanction or the OVI term 459  
of confinement. If the administrator reports the violation to 460  
the probation department or probation officer, the department or 461  
officer shall report the violation to the court. Upon its 462  
receipt under this division of a report of a violation or 463  
failure to complete the sanction by a person sentenced to the 464  
center under a community residential sanction, the court may 465  
proceed as specified in division (C) (2) of section 2929.25 of 466  
the Revised Code based on the violation or as provided by 467  
ordinance of the municipal corporation based on the violation, 468  
whichever is applicable. Upon its receipt under this division of 469  
a report of a violation or failure to complete the term by a 470

person sentenced to the center under an OVI term of confinement, 471  
the court shall determine the place at which the offender is to 472  
serve the remainder of the term of confinement. The eligible 473  
offender shall receive credit towards completing the eligible 474  
offender's sentence for the time spent in the center after 475  
admission to it. 476

**Sec. 2307.601.** (A) As used in this section: 477

(1) ~~"Residence" and "vehicle" have~~ "Peace officer" has the 478  
same ~~meanings~~ meaning as in section ~~2901.05-2935.01~~ of the 479  
Revised Code. 480

(2) "Tort action" has the same meaning as in section 481  
2307.60 of the Revised Code. 482

(B) For purposes of determining the potential liability of 483  
a person in a tort action related to the person's use of force 484  
alleged to be in self-defense, defense of another, or defense of 485  
the person's residence, ~~if the person lawfully is in that~~ 486  
~~person's residence,~~ the person has no duty to retreat before 487  
using force in self-defense, defense of another, or defense of 488  
that person's residence, ~~and, if the person lawfully is an~~ 489  
~~occupant of that person's vehicle or lawfully is an occupant in~~ 490  
~~a vehicle owned by an immediate family member of the person, the~~ 491  
~~person has no duty to retreat before using force in self-defense~~ 492  
~~or defense of another if that person is in a place in which the~~ 493  
person lawfully has a right to be. 494

(C) A trier of fact shall not consider the possibility of 495  
retreat as a factor in determining whether or not a person who 496  
used force in self-defense, defense of another, or defense of 497  
that person's residence reasonably believed that the force was 498  
necessary to prevent injury, loss, or risk to life or safety. 499

(D) The affirmative defense of self-defense, defense of another, or defense of that person's residence is not available in a tort action to any of the following: 500  
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(1) A person who uses force during the person's attempted commission, commission, or escape after the commission or attempted commission of a felony offense of violence; 503  
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(2) A person who uses force against another, who is an aggressor, if the person initially provoked the aggressor to use force or threat of force against the person, unless either of the following apply: 506  
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(a) The use of force or threat of force by the aggressor is sufficient for the person's reasonable belief that the person is in imminent danger of death or great bodily harm, and the person exhausts all reasonable means of escape other than the use of force or threat of force that is likely to cause death or great bodily harm to the aggressor. 510  
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(b) The use of force or threat of force by the aggressor continues or resumes after the person, in good faith, withdraws from physical contact and clearly indicates the desire to withdraw and terminate the use of force or threat of force by the person or the aggressor. 516  
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(3) A person who uses force to resist an unlawful arrest, if the person uses the force against a peace officer and the person using the force knows the person making the arrest is a peace officer; 521  
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(4) A person who uses force to resist a lawful arrest, if the person uses the force against a person making the arrest or against a person assisting in making the arrest; 525  
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(5) A person who uses force against a peace officer, or a 528

person assisting a peace officer, if the peace officer is acting 529  
in the performance of the peace officer's official duties; 530

(6) A person who uses force while committing a violation 531  
of section 2923.13 of the Revised Code. 532

(E) The fact that an affirmative defense is not available 533  
to a person under division (D) of this section does not affect 534  
the person's right to bring any affirmative defense available to 535  
the person under the common law of this state prior to the 536  
effective date of this act. 537

**Sec. 2901.05.** (A) Every person accused of an offense is 538  
presumed innocent until proven guilty beyond a reasonable doubt, 539  
and the burden of proof for all elements of the offense is upon 540  
the prosecution. The burden of going forward with the evidence 541  
of an affirmative defense, and the burden of proof, by a 542  
preponderance of the evidence, for an affirmative defense other 543  
than self-defense, defense of another, or defense of the 544  
accused's residence as described in division (B)(1) of this 545  
section, is upon the accused. 546

(B)(1) Except as provided in division (D) of section 547  
2901.09 of the Revised Code, a person is allowed to act in self- 548  
defense, defense of another, or defense of that person's 549  
residence. If, at the trial of a person who is accused of an 550  
offense that involved the person's use of force against another, 551  
there is evidence presented upon which a factfinder could 552  
rationaly find, when viewed in the light most favorable to the 553  
accused, that the accused person used the force in self-defense, 554  
defense of another, or defense of that person's residence, the 555  
prosecution must prove beyond a reasonable doubt that the 556  
accused person did not use the force in self-defense, defense of 557  
another, or defense of that person's residence, as the case may 558

be. 559

(2) Subject to division (B) ~~(2)~~ (3) of this section, a 560  
person is presumed to have acted in self-defense or defense of 561  
another when using defensive force that is intended or likely to 562  
cause death or great bodily harm to another if the person 563  
against whom the defensive force is used is in the process of 564  
unlawfully and without privilege to do so entering, or has 565  
unlawfully and without privilege to do so entered, the residence 566  
or vehicle occupied by the person using the defensive force. 567

~~(2)~~ (a) (3) The presumption set forth in division (B) ~~(1)~~ (2) 568  
of this section does not apply if either of the following is 569  
true: 570

(a) The person against whom the defensive force is used 571  
has a right to be in, or is a lawful resident of, the residence 572  
or vehicle. 573

~~(b)~~ The ~~presumption set forth in division (B) (1) of this~~ 574  
~~section does not apply if the person who uses the defensive~~ 575  
force uses it while in a residence or vehicle and the person is 576  
unlawfully, and without privilege to be, in that residence or 577  
vehicle. 578

~~(3)~~ (4) The presumption set forth in division (B) ~~(1)~~ (2) of 579  
this section is a rebuttable presumption and may be rebutted by 580  
a preponderance of the evidence, provided that the prosecution's 581  
burden of proof remains proof beyond a reasonable doubt as 582  
described in divisions (A) and (B) (1) of this section. 583

(C) As part of its charge to the jury in a criminal case, 584  
the court shall read the definitions of "reasonable doubt" and 585  
"proof beyond a reasonable doubt," contained in division (D) of 586  
this section. 587

(D) As used in this section:	588
(1) An "affirmative defense" is either of the following:	589
(a) A defense expressly designated as affirmative;	590
(b) A defense involving an excuse or justification peculiarly within the knowledge of the accused, on which the accused can fairly be required to adduce supporting evidence.	591 592 593
(2) "Dwelling" means a building or conveyance of any kind that has a roof over it and that is designed to be occupied by people lodging in the building or conveyance at night, regardless of whether the building or conveyance is temporary or permanent or is mobile or immobile. As used in this division, a building or conveyance includes, but is not limited to, an attached porch, and a building or conveyance with a roof over it includes, but is not limited to, a tent.	594 595 596 597 598 599 600 601
(3) "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as a guest.	602 603
(4) "Vehicle" means a conveyance of any kind, whether or not motorized, that is designed to transport people or property.	604 605
(E) "Reasonable doubt" is present when the jurors, after they have carefully considered and compared all the evidence, cannot say they are firmly convinced of the truth of the charge. It is a doubt based on reason and common sense. Reasonable doubt is not mere possible doubt, because everything relating to human affairs or depending on moral evidence is open to some possible or imaginary doubt. "Proof beyond a reasonable doubt" is proof of such character that an ordinary person would be willing to rely and act upon it in the most important of the person's own affairs.	606 607 608 609 610 611 612 613 614 615

**Sec. 2901.09.** (A) As used in this section, ~~"residence" and~~ 616  
~~"vehicle" have~~ "peace officer" has the same meanings meaning as 617  
in section ~~2901.05~~2935.01 of the Revised Code. 618

(B) For purposes of any section of the Revised Code that 619  
sets forth a criminal offense, a person ~~who lawfully is in that~~ 620  
~~person's residence~~ has no duty to retreat before using force in 621  
self-defense, defense of another, or defense of that person's 622  
residence, ~~and a person who lawfully is an occupant of that~~ 623  
~~person's vehicle or who lawfully is an occupant in a vehicle~~ 624  
~~owned by an immediate family member of the person has no duty to~~ 625  
~~retreat before using force in self-defense or defense of another~~ 626  
if that person is in a place in which the person lawfully has a 627  
right to be. 628

(C) A trier of fact shall not consider the possibility of 629  
retreat as a factor in determining whether or not a person who 630  
used force in self-defense, defense of another, or defense of 631  
that person's residence reasonably believed that the force was 632  
necessary to prevent injury, loss, or risk to life or safety. 633

(D) The affirmative defense of self-defense, defense of 634  
another, or defense of that person's residence is not available 635  
in a tort action to any of the following: 636

(1) A person who uses force during the person's attempted 637  
commission, commission, or escape after the commission or 638  
attempted commission of a felony offense of violence; 639

(2) A person who uses force against another, who is an 640  
aggressor, if the person initially provoked the aggressor to use 641  
force or threat of force against the person, unless either of 642  
the following apply: 643

(a) The use of force or threat of force by the aggressor 644

is sufficient for the person's reasonable belief that the person 645  
is in imminent danger of death or great bodily harm, and the 646  
person exhausts all reasonable means of escape other than the 647  
use of force or threat of force that is likely to cause death or 648  
great bodily harm to the aggressor. 649

(b) The use of force or threat of force by the aggressor 650  
continues or resumes after the person, in good faith, withdraws 651  
from physical contact and clearly indicates the desire to 652  
withdraw and terminate the use of force or threat of force by 653  
the person or the aggressor. 654

(3) A person who uses force to resist an unlawful arrest, 655  
if the person uses the force against a peace officer and the 656  
person using the force knows the person making the arrest is a 657  
peace officer; 658

(4) A person who uses force to resist a lawful arrest, if 659  
the person uses the force against a person making the arrest or 660  
against a person assisting in making the arrest; 661

(5) A person who uses force against a peace officer, or a 662  
person assisting a peace officer, if the peace officer is acting 663  
in the performance of the peace officer's official duties; 664

(6) A person who uses force while committing a violation 665  
of section 2923.13 of the Revised Code. 666

(E) The fact that an affirmative defense is not available 667  
to a person under division (D) of this section does not affect 668  
the person's right to bring any affirmative defense available to 669  
the person under the common law of this state prior to the 670  
effective date of this act. 671

**Sec. 2923.11.** As used in sections 2923.11 to 2923.24 of 672  
the Revised Code: 673

(A) "Deadly weapon" means any instrument, device, or thing 674  
capable of inflicting death, and designed or specially adapted 675  
for use as a weapon, or possessed, carried, or used as a weapon. 676

(B) (1) "Firearm" means any deadly weapon capable of 677  
expelling or propelling one or more projectiles by the action of 678  
an explosive or combustible propellant. "Firearm" includes an 679  
unloaded firearm, and any firearm that is inoperable but that 680  
can readily be rendered operable. 681

(2) When determining whether a firearm is capable of 682  
expelling or propelling one or more projectiles by the action of 683  
an explosive or combustible propellant, the trier of fact may 684  
rely upon circumstantial evidence, including, but not limited 685  
to, the representations and actions of the individual exercising 686  
control over the firearm. 687

(C) "Handgun" means any of the following: 688

(1) Any firearm that has a short stock and is designed to 689  
be held and fired by the use of a single hand; 690

(2) Any combination of parts from which a firearm of a 691  
type described in division (C) (1) of this section can be 692  
assembled. 693

(D) "Semi-automatic firearm" means any firearm designed or 694  
specially adapted to fire a single cartridge and automatically 695  
chamber a succeeding cartridge ready to fire, with a single 696  
function of the trigger. 697

(E) "Automatic firearm" means any firearm designed or 698  
specially adapted to fire a succession of cartridges with a 699  
single function of the trigger. 700

(F) "Sawed-off firearm" means a shotgun with a barrel less 701

than eighteen inches long, or a rifle with a barrel less than 702  
sixteen inches long, or a shotgun or rifle less than twenty-six 703  
inches long overall. "Sawed-off firearm" does not include any 704  
firearm with an overall length of at least twenty-six inches 705  
that is approved for sale by the federal bureau of alcohol, 706  
tobacco, firearms, and explosives under the "Gun Control Act of 707  
1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by 708  
the bureau not to be regulated under the "National Firearms 709  
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 710

(G) "Zip-gun" means any of the following: 711

(1) Any firearm of crude and extemporized manufacture; 712

(2) Any device, including without limitation a starter's 713  
pistol, that is not designed as a firearm, but that is specially 714  
adapted for use as a firearm; 715

(3) Any industrial tool, signalling device, or safety 716  
device, that is not designed as a firearm, but that as designed 717  
is capable of use as such, when possessed, carried, or used as a 718  
firearm. 719

(H) "Explosive device" means any device designed or 720  
specially adapted to cause physical harm to persons or property 721  
by means of an explosion, and consisting of an explosive 722  
substance or agency and a means to detonate it. "Explosive 723  
device" includes without limitation any bomb, any explosive 724  
demolition device, any blasting cap or detonator containing an 725  
explosive charge, and any pressure vessel that has been 726  
knowingly tampered with or arranged so as to explode. 727

(I) "Incendiary device" means any firebomb, and any device 728  
designed or specially adapted to cause physical harm to persons 729  
or property by means of fire, and consisting of an incendiary 730

substance or agency and a means to ignite it. 731

(J) "Ballistic knife" means a knife with a detachable 732  
blade that is propelled by a spring-operated mechanism. 733

(K) "Dangerous ordnance" means any of the following, 734  
except as provided in division (L) of this section: 735

(1) Any automatic or sawed-off firearm, zip-gun, or 736  
ballistic knife; 737

(2) Any explosive device or incendiary device; 738

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 739  
cyclonite, TNT, picric acid, and other high explosives; amatol, 740  
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 741  
high explosive compositions; plastic explosives; dynamite, 742  
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 743  
liquid-oxygen blasting explosives, blasting powder, and other 744  
blasting agents; and any other explosive substance having 745  
sufficient brisance or power to be particularly suitable for use 746  
as a military explosive, or for use in mining, quarrying, 747  
excavating, or demolitions; 748

(4) Any firearm, rocket launcher, mortar, artillery piece, 749  
grenade, mine, bomb, torpedo, or similar weapon, designed and 750  
manufactured for military purposes, and the ammunition for that 751  
weapon; 752

(5) Any firearm muffler or suppressor; 753

(6) Any combination of parts that is intended by the owner 754  
for use in converting any firearm or other device into a 755  
dangerous ordnance. 756

(L) "Dangerous ordnance" does not include any of the 757  
following: 758

- (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
- (2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;
- (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
- (4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
- (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece;
- (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that act;
- (7) Any firearm with an overall length of at least twenty-

six inches that is approved for sale by the federal bureau of 788  
alcohol, tobacco, firearms, and explosives under the "Gun 789  
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but 790  
that is found by the bureau not to be regulated under the 791  
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 792  
5845(a). 793

(M) "Explosive" means any chemical compound, mixture, or 794  
device, the primary or common purpose of which is to function by 795  
explosion. "Explosive" includes all materials that have been 796  
classified as division 1.1, division 1.2, division 1.3, or 797  
division 1.4 explosives by the United States department of 798  
transportation in its regulations and includes, but is not 799  
limited to, dynamite, black powder, pellet powders, initiating 800  
explosives, blasting caps, electric blasting caps, safety fuses, 801  
fuse igniters, squibs, cordeau detonant fuses, instantaneous 802  
fuses, and igniter cords and igniters. "Explosive" does not 803  
include "fireworks," as defined in section 3743.01 of the 804  
Revised Code, or any substance or material otherwise meeting the 805  
definition of explosive set forth in this section that is 806  
manufactured, sold, possessed, transported, stored, or used in 807  
any activity described in section 3743.80 of the Revised Code, 808  
provided the activity is conducted in accordance with all 809  
applicable laws, rules, and regulations, including, but not 810  
limited to, the provisions of section 3743.80 of the Revised 811  
Code and the rules of the fire marshal adopted pursuant to 812  
section 3737.82 of the Revised Code. 813

(N) (1) "Concealed handgun license" or "license to carry a 814  
concealed handgun" means, subject to division (N) (2) of this 815  
section, a license or temporary emergency license to carry a 816  
concealed handgun issued under section 2923.125 or 2923.1213 of 817  
the Revised Code or a license to carry a concealed handgun 818

issued by another state with which the attorney general has 819  
entered into a reciprocity agreement under section 109.69 of the 820  
Revised Code. 821

(2) A reference in any provision of the Revised Code to a 822  
concealed handgun license issued under section 2923.125 of the 823  
Revised Code or a license to carry a concealed handgun issued 824  
under section 2923.125 of the Revised Code means only a license 825  
of the type that is specified in that section. A reference in 826  
any provision of the Revised Code to a concealed handgun license 827  
issued under section 2923.1213 of the Revised Code, a license to 828  
carry a concealed handgun issued under section 2923.1213 of the 829  
Revised Code, or a license to carry a concealed handgun on a 830  
temporary emergency basis means only a license of the type that 831  
is specified in section 2923.1213 of the Revised Code. A 832  
reference in any provision of the Revised Code to a concealed 833  
handgun license issued by another state or a license to carry a 834  
concealed handgun issued by another state means only a license 835  
issued by another state with which the attorney general has 836  
entered into a reciprocity agreement under section 109.69 of the 837  
Revised Code. 838

(O) "Valid concealed handgun license" or "valid license to 839  
carry a concealed handgun" means a concealed handgun license 840  
that is currently valid, that is not under a suspension under 841  
division (A) (1) of section 2923.128 of the Revised Code, under 842  
section 2923.1213 of the Revised Code, or under a suspension 843  
provision of the state other than this state in which the 844  
license was issued, and that has not been revoked under division 845  
(B) (1) of section 2923.128 of the Revised Code, under section 846  
2923.1213 of the Revised Code, or under a revocation provision 847  
of the state other than this state in which the license was 848  
issued. 849

(P) "Misdemeanor punishable by imprisonment for a term 850  
exceeding one year" does not include any of the following: 851

(1) Any federal or state offense pertaining to antitrust 852  
violations, unfair trade practices, restraints of trade, or 853  
other similar offenses relating to the regulation of business 854  
practices; 855

(2) Any misdemeanor offense punishable by a term of 856  
imprisonment of two years or less. 857

(Q) "Alien registration number" means the number issued by 858  
the United States citizenship and immigration services agency 859  
that is located on the alien's permanent resident card and may 860  
also be commonly referred to as the "USCIS number" or the "alien 861  
number." 862

(R) "Active duty" has the same meaning as defined in 10 863  
U.S.C. 101. 864

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 865  
concealed on the person's person or concealed ready at hand, any 866  
of the following: 867

(1) A deadly weapon other than a handgun; 868

(2) A handgun other than a dangerous ordnance; 869

(3) A dangerous ordnance. 870

(B) No person who has been issued a concealed handgun 871  
license shall do any of the following: 872

(1) If the person is stopped for a law enforcement purpose 873  
and is carrying a concealed handgun, fail to promptly inform any 874  
law enforcement officer who approaches the person after the 875  
person has been stopped that the person has been issued a 876

concealed handgun license and that the person then is carrying a 877  
concealed handgun; 878

(2) If the person is stopped for a law enforcement purpose 879  
and is carrying a concealed handgun, knowingly fail to keep the 880  
person's hands in plain sight at any time after any law 881  
enforcement officer begins approaching the person while stopped 882  
and before the law enforcement officer leaves, unless it is 883  
impractical to keep the person's hands in plain sight in that 884  
manner or the failure is pursuant to and in accordance with 885  
directions given by a law enforcement officer; 886

(3) If the person is stopped for a law enforcement 887  
purpose, if the person is carrying a concealed handgun, and if 888  
the person is approached by any law enforcement officer while 889  
stopped, knowingly remove or attempt to remove the loaded 890  
handgun from the holster, pocket, or other place in which the 891  
person is carrying it, knowingly grasp or hold the loaded 892  
handgun, or knowingly have contact with the loaded handgun by 893  
touching it with the person's hands or fingers at any time after 894  
the law enforcement officer begins approaching and before the 895  
law enforcement officer leaves, unless the person removes, 896  
attempts to remove, grasps, holds, or has contact with the 897  
loaded handgun pursuant to and in accordance with directions 898  
given by the law enforcement officer; 899

(4) If the person is stopped for a law enforcement purpose 900  
and is carrying a concealed handgun, knowingly disregard or fail 901  
to comply with any lawful order of any law enforcement officer 902  
given while the person is stopped, including, but not limited 903  
to, a specific order to the person to keep the person's hands in 904  
plain sight. 905

(C) (1) This section does not apply to any of the 906

following: 907

(a) An officer, agent, or employee of this or any other 908  
state or the United States, or to a law enforcement officer, who 909  
is authorized to carry concealed weapons or dangerous ordnance 910  
or is authorized to carry handguns and is acting within the 911  
scope of the officer's, agent's, or employee's duties; 912

(b) Any person who is employed in this state, who is 913  
authorized to carry concealed weapons or dangerous ordnance or 914  
is authorized to carry handguns, and who is subject to and in 915  
compliance with the requirements of section 109.801 of the 916  
Revised Code, unless the appointing authority of the person has 917  
expressly specified that the exemption provided in division (C) 918  
(1) (b) of this section does not apply to the person; 919

(c) A person's transportation or storage of a firearm, 920  
other than a firearm described in divisions (G) to (M) of 921  
section 2923.11 of the Revised Code, in a motor vehicle for any 922  
lawful purpose if the firearm is not on the actor's person; 923

(d) A person's storage or possession of a firearm, other 924  
than a firearm described in divisions (G) to (M) of section 925  
2923.11 of the Revised Code, in the actor's own home for any 926  
lawful purpose. 927

(2) Division (A) (2) of this section does not apply to any 928  
person who, at the time of the alleged carrying or possession of 929  
a handgun, either is carrying a valid concealed handgun license 930  
or is an active duty member of the armed forces of the United 931  
States and is carrying a valid military identification card and 932  
documentation of successful completion of firearms training that 933  
meets or exceeds the training requirements described in division 934  
(G) (1) of section 2923.125 of the Revised Code, unless the 935

person knowingly is in a place described in division (B) of 936  
section 2923.126 of the Revised Code. 937

(D) It is an affirmative defense to a charge under 938  
division (A)(1) of this section of carrying or having control of 939  
a weapon other than a handgun and other than a dangerous 940  
ordnance that the actor was not otherwise prohibited by law from 941  
having the weapon and that any of the following applies: 942

(1) The weapon was carried or kept ready at hand by the 943  
actor for defensive purposes while the actor was engaged in or 944  
was going to or from the actor's lawful business or occupation, 945  
which business or occupation was of a character or was 946  
necessarily carried on in a manner or at a time or place as to 947  
render the actor particularly susceptible to criminal attack, 948  
such as would justify a prudent person in going armed. 949

(2) The weapon was carried or kept ready at hand by the 950  
actor for defensive purposes while the actor was engaged in a 951  
lawful activity and had reasonable cause to fear a criminal 952  
attack upon the actor, a member of the actor's family, or the 953  
actor's home, such as would justify a prudent person in going 954  
armed. 955

(3) The weapon was carried or kept ready at hand by the 956  
actor for any lawful purpose and while in the actor's own home. 957

(E) No person who is charged with a violation of this 958  
section shall be required to obtain a concealed handgun license 959  
as a condition for the dismissal of the charge. 960

(F) (1) Whoever violates this section is guilty of carrying 961  
concealed weapons. Except as otherwise provided in this division 962  
or divisions (F) (2), (6), and (7) of this section, carrying 963  
concealed weapons in violation of division (A) (1) of this 964

section is a misdemeanor of the first degree. Except as 965  
otherwise provided in this division or divisions (F) (2), (6), 966  
and (7) of this section, if the offender previously has been 967  
convicted of a violation of this section or of any offense of 968  
violence, or if the weapon involved is a firearm that is either 969  
loaded or for which the offender has ammunition ready at hand, 970  
~~or if the weapon involved is dangerous ordnance,~~ carrying 971  
concealed weapons in violation of division (A) (1) of this 972  
section is a felony of the fourth degree. ~~Except—~~ 973

Except as otherwise provided in this division or divisions 974  
(F) (2), (6), and (7) of this section, carrying concealed weapons 975  
in violation of division (A) (2) of this section is a minor 976  
misdemeanor. Except as otherwise provided in this division or 977  
divisions (F) (2), (6), and (7) of this section, carrying 978  
concealed weapons in violation of division (A) (2) of this 979  
section committed in circumstances in which the offender 980  
committed any other offense while carrying concealed the handgun 981  
is a misdemeanor of the first degree. Except as otherwise 982  
provided in this division or divisions (F) (2), (6), and (7) of 983  
this section, if the offender committed any other offense while 984  
carrying the concealed handgun and the offender previously has 985  
been convicted of a violation of this section or of any offense 986  
of violence or if the handgun involved is either loaded or is a 987  
handgun for which the offender has ammunition ready at hand, 988  
carrying concealed weapons in violation of division (A) (2) of 989  
this section is a felony of the fourth degree. 990

Except as otherwise provided in this division or divisions 991  
(F) (2), (6), and (7) of this section, carrying concealed weapons 992  
in violation of division (A) (3) of this section is a felony of 993  
the fourth degree. 994

Except as otherwise provided in divisions (F) (2) and (6) 995  
of this section, if the offense is committed aboard an aircraft, 996  
or with purpose to carry a concealed weapon aboard an aircraft, 997  
regardless of the weapon involved, carrying concealed weapons in 998  
violation of division (A) (1), (2), or (3) of this section is a 999  
felony of the third degree. 1000

(2) Except as provided in division (F) (6) of this section, 1001  
if a person being arrested for a violation of division (A) (2) of 1002  
this section promptly produces a valid concealed handgun 1003  
license, and if at the time of the violation the person was not 1004  
knowingly in a place described in division (B) of section 1005  
2923.126 of the Revised Code, the officer shall not arrest the 1006  
person for a violation of that division. If the person is not 1007  
able to promptly produce any concealed handgun license and if 1008  
the person is not in a place described in that section, the 1009  
officer may arrest the person for a violation of that division, 1010  
and the offender shall be punished ~~as follows:~~ 1011

~~(a) The offender shall be guilty of a minor misdemeanor if~~ 1012  
~~both of the following apply:~~ 1013

~~(i) Within ten days after the arrest, the offender~~ 1014  
~~presents a concealed handgun license, which license was valid at~~ 1015  
~~the time of the arrest to the law enforcement agency that~~ 1016  
~~employs the arresting officer.~~ 1017

~~(ii) At the time of the arrest, the offender was not~~ 1018  
~~knowingly in a place described in division (B) of section~~ 1019  
~~2923.126 of the Revised Code.~~ 1020

~~(b) The offender shall be guilty of a misdemeanor and~~ 1021  
~~shall be fined five hundred dollars if all of the following~~ 1022  
~~apply:~~ 1023

~~(i) The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.~~ 1024  
1025  
1026

~~(ii) Within forty five days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in section 2945.71 of the Revised Code.~~ 1027  
1028  
1029  
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1031  
1032

~~(iii) At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code.~~ 1033  
1034  
1035

~~(c) If divisions (F) (2) (a) and (b) and (F) (6) of this section do not apply, the offender shall be punished under division (F) (1) or (7) of this section.~~ 1036  
1037  
1038

(3) Except as otherwise provided in this division, 1039  
carrying concealed weapons in violation of division (B) (1) of 1040  
this section is a misdemeanor of the first degree, and, in 1041  
addition to any other penalty or sanction imposed for a 1042  
violation of division (B) (1) of this section, the offender's 1043  
concealed handgun license shall be suspended pursuant to 1044  
division (A) (2) of section 2923.128 of the Revised Code. If, at 1045  
the time of the stop of the offender for a law enforcement 1046  
purpose that was the basis of the violation, any law enforcement 1047  
officer involved with the stop had actual knowledge that the 1048  
offender has been issued a concealed handgun license, carrying 1049  
concealed weapons in violation of division (B) (1) of this 1050  
section is a minor misdemeanor, and the offender's concealed 1051  
handgun license shall not be suspended pursuant to division (A) 1052  
(2) of section 2923.128 of the Revised Code. 1053

(4) Carrying concealed weapons in violation of division 1054  
(B) (2) or (4) of this section is a misdemeanor of the first 1055  
degree or, if the offender previously has been convicted of or 1056  
pleaded guilty to a violation of division (B) (2) or (4) of this 1057  
section, a felony of the fifth degree. In addition to any other 1058  
penalty or sanction imposed for a misdemeanor violation of 1059  
division (B) (2) or (4) of this section, the offender's concealed 1060  
handgun license shall be suspended pursuant to division (A) (2) 1061  
of section 2923.128 of the Revised Code. 1062

(5) Carrying concealed weapons in violation of division 1063  
(B) (3) of this section is a felony of the fifth degree. 1064

(6) If a person being arrested for a violation of division 1065  
(A) (2) of this section is an active duty member of the armed 1066  
forces of the United States and is carrying a valid military 1067  
identification card and documentation of successful completion 1068  
of firearms training that meets or exceeds the training 1069  
requirements described in division (G) (1) of section 2923.125 of 1070  
the Revised Code, and if at the time of the violation the person 1071  
was not knowingly in a place described in division (B) of 1072  
section 2923.126 of the Revised Code, the officer shall not 1073  
arrest the person for a violation of that division. If the 1074  
person is not able to promptly produce a valid military 1075  
identification card and documentation of successful completion 1076  
of firearms training that meets or exceeds the training 1077  
requirements described in division (G) (1) of section 2923.125 of 1078  
the Revised Code and if the person is not in a place described 1079  
in division (B) of section 2923.126 of the Revised Code, the 1080  
officer shall issue a citation and the offender shall be 1081  
assessed a civil penalty of not more than ~~five~~one hundred fifty 1082  
dollars. The citation shall be automatically dismissed and the 1083  
civil penalty shall not be assessed if both of the following 1084

apply: 1085

(a) Within ten days after the issuance of the citation, 1086  
the offender presents a valid military identification card and 1087  
documentation of successful completion of firearms training that 1088  
meets or exceeds the training requirements described in division 1089  
(G) (1) of section 2923.125 of the Revised Code, which were both 1090  
valid at the time of the issuance of the citation to the law 1091  
enforcement agency that employs the citing officer. 1092

(b) At the time of the citation, the offender was not 1093  
knowingly in a place described in division (B) of section 1094  
2923.126 of the Revised Code. 1095

(7) If a person being arrested for a violation of division 1096  
(A) (2) of this section is knowingly in a place described in 1097  
division (B) (5) of section 2923.126 of the Revised Code and is 1098  
not authorized to carry a handgun or have a handgun concealed on 1099  
the person's person or concealed ready at hand under that 1100  
division, the penalty shall be as follows: 1101

(a) Except as otherwise provided in ~~this division (F) (7)~~ 1102  
~~(b), (c), or (d) of this section, if the person produces a valid~~ 1103  
~~concealed handgun license within ten days after the arrest and~~ 1104  
~~has not previously been convicted or pleaded guilty to a~~ 1105  
~~violation of division (A) (2) of this section, the person is~~ 1106  
guilty of a minor misdemeanor; 1107

(b) Except as otherwise provided in ~~this division (F) (7)~~ 1108  
~~(d) of this section~~, if the person has previously been convicted 1109  
of or pleaded guilty to ~~a one~~ violation of division (A) (2) of 1110  
this section, the person is guilty of a misdemeanor of the 1111  
fourth degree; 1112

(c) Except as otherwise provided in ~~this division (F) (7)~~ 1113

(d) of this section, if the person has previously been convicted 1114  
of or pleaded guilty to two violations of division (A) (2) of 1115  
this section, the person is guilty of a misdemeanor of the third 1116  
degree; 1117

~~(d) Except as otherwise provided in this division, if~~ 1118  
~~the person has previously been convicted of or pleaded guilty to~~ 1119  
~~three or more violations of division (A) (2) of this section,~~ or 1120  
~~convicted of or pleaded guilty to~~ of any offense of violence, if 1121  
the weapon involved is a firearm that is either loaded or for 1122  
which the offender has ammunition ready at hand, or if the 1123  
weapon involved is a dangerous ordnance, the person is guilty of 1124  
a misdemeanor of the second degree. 1125

(G) If a law enforcement officer stops a person to 1126  
question the person regarding a possible violation of this 1127  
section, for a traffic stop, or for any other law enforcement 1128  
purpose, if the person surrenders a firearm to the officer, 1129  
either voluntarily or pursuant to a request or demand of the 1130  
officer, and if the officer does not charge the person with a 1131  
violation of this section or arrest the person for any offense, 1132  
the person is not otherwise prohibited by law from possessing 1133  
the firearm, and the firearm is not contraband, the officer 1134  
shall return the firearm to the person at the termination of the 1135  
stop. If a court orders a law enforcement officer to return a 1136  
firearm to a person pursuant to the requirement set forth in 1137  
this division, division (B) of section 2923.163 of the Revised 1138  
Code applies. 1139

**Sec. 2923.126.** (A) A concealed handgun license that is 1140  
issued under section 2923.125 of the Revised Code shall expire 1141  
five years after the date of issuance. A licensee who has been 1142  
issued a license under that section shall be granted a grace 1143

period of thirty days after the licensee's license expires 1144  
during which the licensee's license remains valid. Except as 1145  
provided in divisions (B) and (C) of this section, a licensee 1146  
who has been issued a concealed handgun license under section 1147  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 1148  
handgun anywhere in this state if the licensee also carries a 1149  
valid license ~~and valid identification~~ when the licensee is in 1150  
actual possession of a concealed handgun. The licensee shall 1151  
give notice of any change in the licensee's residence address to 1152  
the sheriff who issued the license within forty-five days after 1153  
that change. 1154

If a licensee is the driver or an occupant of a motor 1155  
vehicle that is stopped as the result of a traffic stop or a 1156  
stop for another law enforcement purpose and if the licensee is 1157  
transporting or has a loaded handgun in the motor vehicle at 1158  
that time, the licensee shall promptly inform any law 1159  
enforcement officer who approaches the vehicle while stopped 1160  
that the licensee has been issued a concealed handgun license 1161  
and that the licensee currently possesses or has a loaded 1162  
handgun; the licensee shall not knowingly disregard or fail to 1163  
comply with lawful orders of a law enforcement officer given 1164  
while the motor vehicle is stopped, knowingly fail to remain in 1165  
the motor vehicle while stopped unless directed otherwise by a 1166  
law enforcement officer, or knowingly fail to keep the 1167  
licensee's hands in plain sight after any law enforcement 1168  
officer begins approaching the licensee while stopped and before 1169  
the officer leaves, unless it is impractical to keep the 1170  
licensee's hands in plain sight in that manner or the licensee 1171  
is directed otherwise by a law enforcement officer; and the 1172  
licensee shall not knowingly have contact with the loaded 1173  
handgun by touching it with the licensee's hands or fingers, in 1174

any manner in violation of division (E) of section 2923.16 of 1175  
the Revised Code, after any law enforcement officer begins 1176  
approaching the licensee while stopped and before the officer 1177  
leaves. Additionally, if a licensee is the driver or an occupant 1178  
of a commercial motor vehicle that is stopped by an employee of 1179  
the motor carrier enforcement unit for the purposes defined in 1180  
section 5503.34 of the Revised Code and ~~if~~ the licensee is 1181  
transporting or has a loaded handgun in the commercial motor 1182  
vehicle at that time, the licensee shall promptly inform the 1183  
employee of the unit who approaches the vehicle while stopped 1184  
that the licensee has been issued a concealed handgun license 1185  
and that the licensee currently possesses or has a loaded 1186  
handgun. 1187

If a licensee is stopped for a law enforcement purpose and 1188  
if the licensee is carrying a concealed handgun at the time the 1189  
officer approaches, the licensee shall promptly inform any law 1190  
enforcement officer who approaches the licensee while stopped 1191  
that the licensee has been issued a concealed handgun license 1192  
and that the licensee currently is carrying a concealed handgun; 1193  
the licensee shall not knowingly disregard or fail to comply 1194  
with lawful orders of a law enforcement officer given while the 1195  
licensee is stopped, or knowingly fail to keep the licensee's 1196  
hands in plain sight after any law enforcement officer begins 1197  
approaching the licensee while stopped and before the officer 1198  
leaves, unless it is impractical to keep the licensee's hands in 1199  
plain sight in that manner or the licensee is directed otherwise 1200  
by a law enforcement officer; and the licensee shall not 1201  
knowingly remove, attempt to remove, grasp, or hold the loaded 1202  
handgun or knowingly have contact with the loaded handgun by 1203  
touching it with the licensee's hands or fingers, in any manner 1204  
in violation of division (B) of section 2923.12 of the Revised 1205

Code, after any law enforcement officer begins approaching the 1206  
licensee while stopped and before the officer leaves. 1207

(B) A valid concealed handgun license does not authorize 1208  
the licensee to carry a concealed handgun in any manner 1209  
prohibited under division (B) of section 2923.12 of the Revised 1210  
Code or in any manner prohibited under section 2923.16 of the 1211  
Revised Code. A valid license does not authorize the licensee to 1212  
carry a concealed handgun into any of the following places: 1213

(1) A police station, sheriff's office, or state highway 1214  
patrol station, premises controlled by the bureau of criminal 1215  
identification and investigation; a state correctional 1216  
institution, jail, workhouse, or other detention facility; any 1217  
area of an airport passenger terminal that is beyond a passenger 1218  
or property screening checkpoint or to which access is 1219  
restricted through security measures by the airport authority or 1220  
a public agency; or an institution that is maintained, operated, 1221  
managed, and governed pursuant to division (A) of section 1222  
5119.14 of the Revised Code or division (A) (1) of section 1223  
5123.03 of the Revised Code; 1224

(2) A school safety zone if the licensee's carrying the 1225  
concealed handgun is in violation of section 2923.122 of the 1226  
Revised Code; 1227

(3) A courthouse or another building or structure in which 1228  
a courtroom is located, if the licensee's carrying the concealed 1229  
handgun is in violation of section 2923.123 of the Revised Code; 1230

(4) Any premises or open air arena for which a D permit 1231  
has been issued under Chapter 4303. of the Revised Code if the 1232  
licensee's carrying the concealed handgun is in violation of 1233  
section 2923.121 of the Revised Code; 1234

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

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

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

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

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

shall require a private employer of that nature to adopt a rule, 1265  
policy, or practice concerning or prohibiting the presence of 1266  
firearms on the private employer's premises or property, 1267  
including motor vehicles owned by the private employer. 1268

(2) (a) A private employer shall be immune from liability 1269  
in a civil action for any injury, death, or loss to person or 1270  
property that allegedly was caused by or related to a licensee 1271  
bringing a handgun onto the premises or property of the private 1272  
employer, including motor vehicles owned by the private 1273  
employer, unless the private employer acted with malicious 1274  
purpose. A private employer is immune from liability in a civil 1275  
action for any injury, death, or loss to person or property that 1276  
allegedly was caused by or related to the private employer's 1277  
decision to permit a licensee to bring, or prohibit a licensee 1278  
from bringing, a handgun onto the premises or property of the 1279  
private employer. 1280

(b) A political subdivision shall be immune from liability 1281  
in a civil action, to the extent and in the manner provided in 1282  
Chapter 2744. of the Revised Code, for any injury, death, or 1283  
loss to person or property that allegedly was caused by or 1284  
related to a licensee bringing a handgun onto any premises or 1285  
property owned, leased, or otherwise under the control of the 1286  
political subdivision. As used in this division, "political 1287  
subdivision" has the same meaning as in section 2744.01 of the 1288  
Revised Code. 1289

(c) An institution of higher education shall be immune 1290  
from liability in a civil action for any injury, death, or loss 1291  
to person or property that allegedly was caused by or related to 1292  
a licensee bringing a handgun onto the premises of the 1293  
institution, including motor vehicles owned by the institution, 1294

unless the institution acted with malicious purpose. An 1295  
institution of higher education is immune from liability in a 1296  
civil action for any injury, death, or loss to person or 1297  
property that allegedly was caused by or related to the 1298  
institution's decision to permit a licensee or class of 1299  
licensees to bring a handgun onto the premises of the 1300  
institution. 1301

(3) (a) Except as provided in division (C) (3) (b) of this 1302  
section, the owner or person in control of private land or 1303  
premises, and a private person or entity leasing land or 1304  
premises owned by the state, the United States, or a political 1305  
subdivision of the state or the United States, may post a sign 1306  
in a conspicuous location on that land or on those premises 1307  
prohibiting persons from carrying firearms or concealed firearms 1308  
on or onto that land or those premises. Except as otherwise 1309  
provided in this division, a person who knowingly violates a 1310  
posted prohibition of that nature is guilty of criminal trespass 1311  
in violation of division (A) (4) of section 2911.21 of the 1312  
Revised Code and is guilty of a misdemeanor of the fourth 1313  
degree. If a person knowingly violates a posted prohibition of 1314  
that nature and the posted land or premises primarily was a 1315  
parking lot or other parking facility, the person is not guilty 1316  
of criminal trespass under section 2911.21 of the Revised Code 1317  
or under any other criminal law of this state or criminal law, 1318  
ordinance, or resolution of a political subdivision of this 1319  
state, and instead is subject only to a civil cause of action 1320  
for trespass based on the violation. 1321

If a person knowingly violates a posted prohibition of the 1322  
nature described in this division and the posted land or 1323  
premises is a child day-care center, type A family day-care 1324  
home, or type B family day-care home, unless the person is a 1325

licensee who resides in a type A family day-care home or type B 1326  
family day-care home, the person is guilty of aggravated 1327  
trespass in violation of section 2911.211 of the Revised Code. 1328  
Except as otherwise provided in this division, the offender is 1329  
guilty of a misdemeanor of the first degree. If the person 1330  
previously has been convicted of a violation of this division or 1331  
of any offense of violence, if the weapon involved is a firearm 1332  
that is either loaded or for which the offender has ammunition 1333  
ready at hand, or if the weapon involved is dangerous ordnance, 1334  
the offender is guilty of a felony of the fourth degree. 1335

(b) A landlord may not prohibit or restrict a tenant who 1336  
is a licensee and who on or after September 9, 2008, enters into 1337  
a rental agreement with the landlord for the use of residential 1338  
premises, and the tenant's guest while the tenant is present, 1339  
from lawfully carrying or possessing a handgun on those 1340  
residential premises. 1341

(c) As used in division (C) (3) of this section: 1342

(i) "Residential premises" has the same meaning as in 1343  
section 5321.01 of the Revised Code, except "residential 1344  
premises" does not include a dwelling unit that is owned or 1345  
operated by a college or university. 1346

(ii) "Landlord," "tenant," and "rental agreement" have the 1347  
same meanings as in section 5321.01 of the Revised Code. 1348

(D) A person who holds a valid concealed handgun license 1349  
issued by another state that is recognized by the attorney 1350  
general pursuant to a reciprocity agreement entered into 1351  
pursuant to section 109.69 of the Revised Code or a person who 1352  
holds a valid concealed handgun license under the circumstances 1353  
described in division (B) of section 109.69 of the Revised Code 1354

has the same right to carry a concealed handgun in this state as 1355  
a person who was issued a concealed handgun license under 1356  
section 2923.125 of the Revised Code and is subject to the same 1357  
restrictions that apply to a person who carries a license issued 1358  
under that section. 1359

(E) (1) A peace officer has the same right to carry a 1360  
concealed handgun in this state as a person who was issued a 1361  
concealed handgun license under section 2923.125 of the Revised 1362  
Code. For purposes of reciprocity with other states, a peace 1363  
officer shall be considered to be a licensee in this state. 1364

(2) An active duty member of the armed forces of the 1365  
United States who is carrying a valid military identification 1366  
card and documentation of successful completion of firearms 1367  
training that meets or exceeds the training requirements 1368  
described in division (G) (1) of section 2923.125 of the Revised 1369  
Code has the same right to carry a concealed handgun in this 1370  
state as a person who was issued a concealed handgun license 1371  
under section 2923.125 of the Revised Code and is subject to the 1372  
same restrictions as specified in this section. 1373

(3) A tactical medical professional who is qualified to 1374  
carry firearms while on duty under section 109.771 of the 1375  
Revised Code has the same right to carry a concealed handgun in 1376  
this state as a person who was issued a concealed handgun 1377  
license under section 2923.125 of the Revised Code. 1378

(F) (1) A qualified retired peace officer who possesses a 1379  
retired peace officer identification card issued pursuant to 1380  
division (F) (2) of this section and a valid firearms 1381  
requalification certification issued pursuant to division (F) (3) 1382  
of this section has the same right to carry a concealed handgun 1383  
in this state as a person who was issued a concealed handgun 1384

license under section 2923.125 of the Revised Code and is 1385  
subject to the same restrictions that apply to a person who 1386  
carries a license issued under that section. For purposes of 1387  
reciprocity with other states, a qualified retired peace officer 1388  
who possesses a retired peace officer identification card issued 1389  
pursuant to division (F)(2) of this section and a valid firearms 1390  
requalification certification issued pursuant to division (F)(3) 1391  
of this section shall be considered to be a licensee in this 1392  
state. 1393

(2) (a) Each public agency of this state or of a political 1394  
subdivision of this state that is served by one or more peace 1395  
officers shall issue a retired peace officer identification card 1396  
to any person who retired from service as a peace officer with 1397  
that agency, if the issuance is in accordance with the agency's 1398  
policies and procedures and if the person, with respect to the 1399  
person's service with that agency, satisfies all of the 1400  
following: 1401

(i) The person retired in good standing from service as a 1402  
peace officer with the public agency, and the retirement was not 1403  
for reasons of mental instability. 1404

(ii) Before retiring from service as a peace officer with 1405  
that agency, the person was authorized to engage in or supervise 1406  
the prevention, detection, investigation, or prosecution of, or 1407  
the incarceration of any person for, any violation of law and 1408  
the person had statutory powers of arrest. 1409

(iii) At the time of the person's retirement as a peace 1410  
officer with that agency, the person was trained and qualified 1411  
to carry firearms in the performance of the peace officer's 1412  
duties. 1413

(iv) Before retiring from service as a peace officer with 1414  
that agency, the person was regularly employed as a peace 1415  
officer for an aggregate of fifteen years or more, or, in the 1416  
alternative, the person retired from service as a peace officer 1417  
with that agency, after completing any applicable probationary 1418  
period of that service, due to a service-connected disability, 1419  
as determined by the agency. 1420

(b) A retired peace officer identification card issued to 1421  
a person under division (F)(2)(a) of this section shall identify 1422  
the person by name, contain a photograph of the person, identify 1423  
the public agency of this state or of the political subdivision 1424  
of this state from which the person retired as a peace officer 1425  
and that is issuing the identification card, and specify that 1426  
the person retired in good standing from service as a peace 1427  
officer with the issuing public agency and satisfies the 1428  
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 1429  
section. In addition to the required content specified in this 1430  
division, a retired peace officer identification card issued to 1431  
a person under division (F)(2)(a) of this section may include 1432  
the firearms requalification certification described in division 1433  
(F)(3) of this section, and if the identification card includes 1434  
that certification, the identification card shall serve as the 1435  
firearms requalification certification for the retired peace 1436  
officer. If the issuing public agency issues credentials to 1437  
active law enforcement officers who serve the agency, the agency 1438  
may comply with division (F)(2)(a) of this section by issuing 1439  
the same credentials to persons who retired from service as a 1440  
peace officer with the agency and who satisfy the criteria set 1441  
forth in divisions (F)(2)(a)(i) to (iv) of this section, 1442  
provided that the credentials so issued to retired peace 1443  
officers are stamped with the word "RETIRED." 1444

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

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

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was

successfully completed, and specifies that the requalification 1476  
is valid for five years from that date of successful completion. 1477  
The firearms requalification certification for a retired peace 1478  
officer may be included in the retired peace officer 1479  
identification card issued to the retired peace officer under 1480  
division (F) (2) of this section. 1481

A retired peace officer who attends a firearms 1482  
requalification program that is approved for purposes of 1483  
firearms requalification required under section 109.801 of the 1484  
Revised Code may be required to pay the cost of the program. 1485

(G) As used in this section: 1486

(1) "Qualified retired peace officer" means a person who 1487  
satisfies all of the following: 1488

(a) The person satisfies the criteria set forth in 1489  
divisions (F) (2) (a) (i) to (v) of this section. 1490

(b) The person is not under the influence of alcohol or 1491  
another intoxicating or hallucinatory drug or substance. 1492

(c) The person is not prohibited by federal law from 1493  
receiving firearms. 1494

(2) "Retired peace officer identification card" means an 1495  
identification card that is issued pursuant to division (F) (2) 1496  
of this section to a person who is a retired peace officer. 1497

(3) "Government facility of this state or a political 1498  
subdivision of this state" means any of the following: 1499

(a) A building or part of a building that is owned or 1500  
leased by the government of this state or a political 1501  
subdivision of this state and where employees of the government 1502  
of this state or the political subdivision regularly are present 1503

for the purpose of performing their official duties as employees 1504  
of the state or political subdivision; 1505

(b) The office of a deputy registrar serving pursuant to 1506  
Chapter 4503. of the Revised Code that is used to perform deputy 1507  
registrar functions. 1508

(4) "Governing body" has the same meaning as in section 1509  
154.01 of the Revised Code. 1510

(5) "Tactical medical professional" has the same meaning 1511  
as in section 109.71 of the Revised Code. 1512

**Sec. 2923.16.** (A) No person shall knowingly discharge a 1513  
firearm while in or on a motor vehicle. 1514

(B) No person shall knowingly transport or have a loaded 1515  
firearm in a motor vehicle in such a manner that the firearm is 1516  
accessible to the operator or any passenger without leaving the 1517  
vehicle. 1518

(C) No person shall knowingly transport or have a firearm 1519  
in a motor vehicle, unless the person may lawfully possess that 1520  
firearm under applicable law of this state or the United States, 1521  
the firearm is unloaded, and the firearm is carried in one of 1522  
the following ways: 1523

(1) In a closed package, box, or case; 1524

(2) In a compartment that can be reached only by leaving 1525  
the vehicle; 1526

(3) In plain sight and secured in a rack or holder made 1527  
for the purpose; 1528

(4) If the firearm is at least twenty-four inches in 1529  
overall length as measured from the muzzle to the part of the 1530

stock furthest from the muzzle and if the barrel is at least 1531  
eighteen inches in length, either in plain sight with the action 1532  
open or the weapon stripped, or, if the firearm is of a type on 1533  
which the action will not stay open or which cannot easily be 1534  
stripped, in plain sight. 1535

(D) No person shall knowingly transport or have a loaded 1536  
handgun in a motor vehicle if, at the time of that 1537  
transportation or possession, any of the following applies: 1538

(1) The person is under the influence of alcohol, a drug 1539  
of abuse, or a combination of them. 1540

(2) The person's whole blood, blood serum or plasma, 1541  
breath, or urine contains a concentration of alcohol, a listed 1542  
controlled substance, or a listed metabolite of a controlled 1543  
substance prohibited for persons operating a vehicle, as 1544  
specified in division (A) of section 4511.19 of the Revised 1545  
Code, regardless of whether the person at the time of the 1546  
transportation or possession as described in this division is 1547  
the operator of or a passenger in the motor vehicle. 1548

(E) No person who has been issued a concealed handgun 1549  
license or who is an active duty member of the armed forces of 1550  
the United States and is carrying a valid military 1551  
identification card and documentation of successful completion 1552  
of firearms training that meets or exceeds the training 1553  
requirements described in division (G) (1) of section 2923.125 of 1554  
the Revised Code, who is the driver or an occupant of a motor 1555  
vehicle that is stopped as a result of a traffic stop or a stop 1556  
for another law enforcement purpose or is the driver or an 1557  
occupant of a commercial motor vehicle that is stopped by an 1558  
employee of the motor carrier enforcement unit for the purposes 1559  
defined in section 5503.34 of the Revised Code, and who is 1560

transporting or has a loaded handgun in the motor vehicle or 1561  
commercial motor vehicle in any manner, shall do any of the 1562  
following: 1563

(1) Fail to promptly inform any law enforcement officer 1564  
who approaches the vehicle while stopped that the person has 1565  
been issued a concealed handgun license or is authorized to 1566  
carry a concealed handgun as an active duty member of the armed 1567  
forces of the United States and that the person then possesses 1568  
or has a loaded handgun in the motor vehicle; 1569

(2) Fail to promptly inform the employee of the motor 1570  
carrier enforcement unit who approaches the vehicle while 1571  
stopped that the person has been issued a concealed handgun 1572  
license or is authorized to carry a concealed handgun as an 1573  
active duty member of the armed forces of the United States and 1574  
that the person then possesses or has a loaded handgun in the 1575  
commercial motor vehicle; 1576

(3) Knowingly fail to remain in the motor vehicle while 1577  
~~stopped or knowingly fail to keep the person's hands in plain~~ 1578  
~~sight at any time after any law enforcement officer begins~~ 1579  
~~approaching the person while stopped and before the law~~ 1580  
~~enforcement officer leaves,~~ unless the failure is pursuant to 1581  
and in accordance with directions given by a law enforcement 1582  
officer; 1583

(4) Knowingly have contact with the loaded handgun by 1584  
touching it with the person's hands or fingers in the motor 1585  
vehicle at any time after the law enforcement officer begins 1586  
approaching and before the law enforcement officer leaves, 1587  
unless the person has contact with the loaded handgun pursuant 1588  
to and in accordance with directions given by the law 1589  
enforcement officer; 1590

(5) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(F) (1) Divisions (A), (B), (C), and (E) of this section do not apply to any of the following:

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

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

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

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

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

is used for agriculture. 1620

(c) The person owns the real property described in 1621  
division (F)(2)(b) of this section, is the spouse or a child of 1622  
another person who owns that real property, is a tenant of 1623  
another person who owns that real property, or is the spouse or 1624  
a child of a tenant of another person who owns that real 1625  
property. 1626

(d) The person does not discharge the firearm in any of 1627  
the following manners: 1628

(i) While under the influence of alcohol, a drug of abuse, 1629  
or alcohol and a drug of abuse; 1630

(ii) In the direction of a street, highway, or other 1631  
public or private property used by the public for vehicular 1632  
traffic or parking; 1633

(iii) At or into an occupied structure that is a permanent 1634  
or temporary habitation; 1635

(iv) In the commission of any violation of law, including, 1636  
but not limited to, a felony that includes, as an essential 1637  
element, purposely or knowingly causing or attempting to cause 1638  
the death of or physical harm to another and that was committed 1639  
by discharging a firearm from a motor vehicle. 1640

(3) Division (A) of this section does not apply to a 1641  
person if all of the following apply: 1642

(a) The person possesses a valid electric-powered all- 1643  
purpose vehicle permit issued under section 1533.103 of the 1644  
Revised Code by the chief of the division of wildlife. 1645

(b) The person discharges a firearm at a wild quadruped or 1646  
game bird as defined in section 1531.01 of the Revised Code 1647

during the open hunting season for the applicable wild quadruped 1648  
or game bird. 1649

(c) The person discharges a firearm from a stationary 1650  
electric-powered all-purpose vehicle as defined in section 1651  
1531.01 of the Revised Code or a motor vehicle that is parked on 1652  
a road that is owned or administered by the division of 1653  
wildlife, provided that the road is identified by an electric- 1654  
powered all-purpose vehicle sign. 1655

(d) The person does not discharge the firearm in any of 1656  
the following manners: 1657

(i) While under the influence of alcohol, a drug of abuse, 1658  
or alcohol and a drug of abuse; 1659

(ii) In the direction of a street, a highway, or other 1660  
public or private property that is used by the public for 1661  
vehicular traffic or parking; 1662

(iii) At or into an occupied structure that is a permanent 1663  
or temporary habitation; 1664

(iv) In the commission of any violation of law, including, 1665  
but not limited to, a felony that includes, as an essential 1666  
element, purposely or knowingly causing or attempting to cause 1667  
the death of or physical harm to another and that was committed 1668  
by discharging a firearm from a motor vehicle. 1669

(4) Divisions (B) and (C) of this section do not apply to 1670  
a person if all of the following circumstances apply: 1671

(a) At the time of the alleged violation of either of 1672  
those divisions, the person is the operator of or a passenger in 1673  
a motor vehicle. 1674

(b) The motor vehicle is on real property that is located 1675

in an unincorporated area of a township and that either is zoned 1676  
for agriculture or is used for agriculture. 1677

(c) The person owns the real property described in 1678  
division (D) (4) (b) of this section, is the spouse or a child of 1679  
another person who owns that real property, is a tenant of 1680  
another person who owns that real property, or is the spouse or 1681  
a child of a tenant of another person who owns that real 1682  
property. 1683

(d) The person, prior to arriving at the real property 1684  
described in division (D) (4) (b) of this section, did not 1685  
transport or possess a firearm in the motor vehicle in a manner 1686  
prohibited by division (B) or (C) of this section while the 1687  
motor vehicle was being operated on a street, highway, or other 1688  
public or private property used by the public for vehicular 1689  
traffic or parking. 1690

(5) Divisions (B) and (C) of this section do not apply to 1691  
a person who transports or possesses a handgun in a motor 1692  
vehicle if, at the time of that transportation or possession, 1693  
both of the following apply: 1694

(a) The person transporting or possessing the handgun is 1695  
either carrying a valid concealed handgun license or is an 1696  
active duty member of the armed forces of the United States and 1697  
is carrying a valid military identification card and 1698  
documentation of successful completion of firearms training that 1699  
meets or exceeds the training requirements described in division 1700  
(G) (1) of section 2923.125 of the Revised Code. 1701

(b) The person transporting or possessing the handgun is 1702  
not knowingly in a place described in division (B) of section 1703  
2923.126 of the Revised Code. 1704

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

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

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

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

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

(G) (1) The affirmative defenses authorized in divisions (D) (1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (B) or (C) of this section that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling

firearms in a motor vehicle that the actor transported or had 1734  
the firearm in the motor vehicle for any lawful purpose and 1735  
while the motor vehicle was on the actor's own property, 1736  
provided that this affirmative defense is not available unless 1737  
the person, immediately prior to arriving at the actor's own 1738  
property, did not transport or possess the firearm in a motor 1739  
vehicle in a manner prohibited by division (B) or (C) of this 1740  
section while the motor vehicle was being operated on a street, 1741  
highway, or other public or private property used by the public 1742  
for vehicular traffic. 1743

(3) It is an affirmative defense to a charge under 1744  
division (B), (C), or (D) of this section of improperly handling 1745  
firearms in a motor vehicle that the firearm was a handgun, that 1746  
the handgun had been placed in the motor vehicle by a person 1747  
other than the person charged, and that the person charged did 1748  
not know or have reasonable cause to believe that the handgun 1749  
was in the motor vehicle at the time of the person's conduct 1750  
charged under division (B), (C), or (D) of this section. 1751

(H) (1) No person who is charged with a violation of 1752  
division (B), (C), or (D) of this section shall be required to 1753  
obtain a concealed handgun license as a condition for the 1754  
dismissal of the charge. 1755

(2) (a) If a person is convicted of, was convicted of, 1756  
pleads guilty to, or has pleaded guilty to a violation of 1757  
division (E) of this section as it existed prior to September 1758  
30, 2011, and if the conduct that was the basis of the violation 1759  
no longer would be a violation of division (E) of this section 1760  
on or after September 30, 2011, the person may file an 1761  
application under section 2953.37 of the Revised Code requesting 1762  
the expungement of the record of conviction. 1763

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B) or (C) of this section as the division existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of division (B) or (C) of this section on or after September 30, 2011, due to the application of division (F)(5) of this section as it exists on and after September 30, 2011, the person may file an application under section 2953.37 of the Revised Code requesting the expungement of the record of conviction.

(b) The attorney general shall develop a public media advisory that summarizes the expungement procedure established under section 2953.37 of the Revised Code and the offenders identified in division (H)(2)(a) of this section who are authorized to apply for the expungement. Within thirty days after September 30, 2011, the attorney general shall provide a copy of the advisory to each daily newspaper published in this state and each television station that broadcasts in this state. The attorney general may provide the advisory in a tangible form, an electronic form, or in both tangible and electronic forms.

(I) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle-

Violation and shall be punished as described in division (I)(1), (2), (3), (4), or (5) of this section:

(1) A violation of division (A) of this section is a felony of the fourth degree.

Violation (2) Except as otherwise provided in this division, a violation of division (C) of this section is a minor

misdemeanor. A violation of division (C) of this section 1793  
committed in circumstances in which the offender committed any 1794  
other offense while transporting or having the firearm in the 1795  
motor vehicle is a misdemeanor of the fourth degree. 1796

(3) A violation of division (D) of this section is a 1797  
felony of the fifth degree or, if the loaded handgun is 1798  
concealed on the person's person, a felony of the fourth degree. 1799  
~~Except~~ 1800

(4) Except as otherwise provided in this division, a 1801  
violation of division (E) (1), (2), (3), (4), or (5) of this 1802  
section is a minor misdemeanor. Except as otherwise provided in 1803  
this division, a violation of division (E) (1) or (2) of this 1804  
section committed in circumstances in which the offender 1805  
committed any other offense while transporting or having the 1806  
loaded handgun in the motor vehicle is a misdemeanor of the 1807  
first degree, and, in addition to any other penalty or sanction 1808  
imposed for the violation, the offender's concealed handgun 1809  
license shall be suspended pursuant to division (A) (2) of 1810  
section 2923.128 of the Revised Code. ~~If~~ Regardless of the 1811  
circumstances of the offender's conduct, if at the time of the 1812  
stop of the offender for a traffic stop, for another law 1813  
enforcement purpose, or for a purpose defined in section 5503.34 1814  
of the Revised Code that was the basis of the violation any law 1815  
enforcement officer involved with the stop or the employee of 1816  
the motor carrier enforcement unit who made the stop had actual 1817  
knowledge of the offender's status as a licensee, a violation of 1818  
division (E) (1) or (2) of this section is a minor misdemeanor, 1819  
and the offender's concealed handgun license shall not be 1820  
suspended pursuant to division (A) (2) of section 2923.128 of the 1821  
Revised Code. A violation of division (E) (4) of this section 1822  
committed in circumstances in which the offender committed any 1823

other offense while transporting or having the loaded handgun in 1824  
the motor vehicle is a felony of the fifth degree. A violation 1825  
of division (E) (3) or (5) of this section committed in 1826  
circumstances in which the offender committed any other offense 1827  
while transporting or having the loaded handgun in the motor 1828  
vehicle is a misdemeanor of the first degree or, if the offender 1829  
previously has been convicted of or pleaded guilty to a 1830  
violation of division (E) (3) or (5) of this section, a felony of 1831  
the fifth degree. In addition to any other penalty or sanction 1832  
imposed for a misdemeanor violation of division (E) (3) or (5) of 1833  
this section, the offender's concealed handgun license shall be 1834  
suspended pursuant to division (A) (2) of section 2923.128 of the 1835  
Revised Code. ~~A~~ 1836

(5) Except as otherwise provided in this division, a 1837  
violation of division (B) of this section is a minor 1838  
misdemeanor. A violation of division (B) of this section 1839  
committed in circumstances in which the offender committed any 1840  
other offense while transporting or having the loaded firearm in 1841  
the motor vehicle is a felony of the fourth degree. 1842

(J) If a law enforcement officer stops a motor vehicle for 1843  
a traffic stop or any other purpose, if any person in the motor 1844  
vehicle surrenders a firearm to the officer, either voluntarily 1845  
or pursuant to a request or demand of the officer, and if the 1846  
officer does not charge the person with a violation of this 1847  
section or arrest the person for any offense, the person is not 1848  
otherwise prohibited by law from possessing the firearm, and the 1849  
firearm is not contraband, the officer shall return the firearm 1850  
to the person at the termination of the stop. If a court orders 1851  
a law enforcement officer to return a firearm to a person 1852  
pursuant to the requirement set forth in this division, division 1853  
(B) of section 2923.163 of the Revised Code applies. 1854

(K) As used in this section: 1855

(1) "Motor vehicle," "street," and "highway" have the same 1856  
meanings as in section 4511.01 of the Revised Code. 1857

(2) "Occupied structure" has the same meaning as in 1858  
section 2909.01 of the Revised Code. 1859

(3) "Agriculture" has the same meaning as in section 1860  
519.01 of the Revised Code. 1861

(4) "Tenant" has the same meaning as in section 1531.01 of 1862  
the Revised Code. 1863

(5) (a) "Unloaded" means, with respect to a firearm other 1864  
than a firearm described in division (K) (6) of this section, 1865  
that no ammunition is in the firearm in question, no magazine or 1866  
speed loader containing ammunition is inserted into the firearm 1867  
in question, and one of the following applies: 1868

(i) There is no ammunition in a magazine or speed loader 1869  
that is in the vehicle in question and that may be used with the 1870  
firearm in question. 1871

(ii) Any magazine or speed loader that contains ammunition 1872  
and that may be used with the firearm in question is stored in a 1873  
compartment within the vehicle in question that cannot be 1874  
accessed without leaving the vehicle or is stored in a container 1875  
that provides complete and separate enclosure. 1876

(b) For the purposes of division (K) (5) (a) (ii) of this 1877  
section, a "container that provides complete and separate 1878  
enclosure" includes, but is not limited to, any of the 1879  
following: 1880

(i) A package, box, or case with multiple compartments, as 1881  
long as the loaded magazine or speed loader and the firearm in 1882

question either are in separate compartments within the package, 1883  
box, or case, or, if they are in the same compartment, the 1884  
magazine or speed loader is contained within a separate 1885  
enclosure in that compartment that does not contain the firearm 1886  
and that closes using a snap, button, buckle, zipper, hook and 1887  
loop closing mechanism, or other fastener that must be opened to 1888  
access the contents or the firearm is contained within a 1889  
separate enclosure of that nature in that compartment that does 1890  
not contain the magazine or speed loader; 1891

(ii) A pocket or other enclosure on the person of the 1892  
person in question that closes using a snap, button, buckle, 1893  
zipper, hook and loop closing mechanism, or other fastener that 1894  
must be opened to access the contents. 1895

(c) For the purposes of divisions (K) (5) (a) and (b) of 1896  
this section, ammunition held in stripper-clips or in en-bloc 1897  
clips is not considered ammunition that is loaded into a 1898  
magazine or speed loader. 1899

(6) "Unloaded" means, with respect to a firearm employing 1900  
a percussion cap, flintlock, or other obsolete ignition system, 1901  
when the weapon is uncapped or when the priming charge is 1902  
removed from the pan. 1903

(7) "Commercial motor vehicle" has the same meaning as in 1904  
division (A) of section 4506.25 of the Revised Code. 1905

(8) "Motor carrier enforcement unit" means the motor 1906  
carrier enforcement unit in the department of public safety, 1907  
division of state highway patrol, that is created by section 1908  
5503.34 of the Revised Code. 1909

(L) Divisions (K) (5) (a) and (b) of this section do not 1910  
affect the authority of a person who is carrying a valid 1911

concealed handgun license to have one or more magazines or speed 1912  
loaders containing ammunition anywhere in a vehicle, without 1913  
being transported as described in those divisions, as long as no 1914  
ammunition is in a firearm, other than a handgun, in the vehicle 1915  
other than as permitted under any other provision of this 1916  
chapter. A person who is carrying a valid concealed handgun 1917  
license may have one or more magazines or speed loaders 1918  
containing ammunition anywhere in a vehicle without further 1919  
restriction, as long as no ammunition is in a firearm, other 1920  
than a handgun, in the vehicle other than as permitted under any 1921  
provision of this chapter. 1922

**Sec. 2923.18.** (A) Upon application to the sheriff of the 1923  
county or safety director or police chief of the municipality 1924  
where the applicant resides or has ~~his~~ the applicant's principal 1925  
place of business, and upon payment of the fee specified in 1926  
division (B) of this section, a license or temporary permit 1927  
shall be issued to qualified applicants to acquire, possess, 1928  
carry, or use dangerous ordnance, for the following purposes: 1929

(1) Contractors, wreckers, ~~quarrymen~~ quarriers, mine 1930  
operators, and other persons regularly employing explosives in 1931  
the course of a legitimate business, with respect to explosives 1932  
and explosive devices acquired, possessed, carried, or used in 1933  
the course of such business; 1934

(2) Farmers, with respect to explosives and explosive 1935  
devices acquired, possessed, carried, or used for agricultural 1936  
purposes on lands farmed by them; 1937

(3) Scientists, engineers, and instructors, with respect 1938  
to dangerous ordnance acquired, possessed, carried, or used in 1939  
the course of bona fide research or instruction; 1940

(4) Financial institution and armored car company guards, 1941  
with respect to automatic firearms lawfully acquired, possessed, 1942  
carried, or used by any such person while acting within the 1943  
scope of ~~his~~ the person's duties; 1944

(5) In the discretion of the issuing authority, any 1945  
responsible person, with respect to dangerous ordnance lawfully 1946  
acquired, possessed, carried, or used for a legitimate research, 1947  
scientific, educational, industrial, or other proper purpose. 1948

(B) Application for a license or temporary permit under 1949  
this section shall be in writing under oath to the sheriff of 1950  
the county or safety director or police chief of the 1951  
municipality where the applicant resides or has ~~his~~ the 1952  
applicant's principal place of business. The application shall 1953  
be accompanied by an application fee of fifty dollars when the 1954  
application is for a license, and an application fee of five 1955  
dollars when the application is for a temporary permit. The fees 1956  
shall be paid into the general revenue fund of the county or 1957  
municipality. The application shall contain the following 1958  
information: 1959

(1) The name, age, address, occupation, and business 1960  
address of the applicant, if ~~he~~ the applicant is a natural 1961  
person, or the name, address, and principal place of business of 1962  
the applicant, if the applicant is a corporation; 1963

(2) A description of the dangerous ordnance for which a 1964  
permit is requested; 1965

(3) A description of the place or places where and the 1966  
manner in which the dangerous ordnance is to be kept, carried, 1967  
and used; 1968

(4) A statement of the purposes for which the dangerous 1969

ordnance is to be acquired, possessed, carried, or used; 1970

(5) Such other information, as the issuing authority may 1971  
require in giving effect to this section. 1972

(C) Upon investigation, the issuing authority shall issue 1973  
a license or temporary permit only if all of the following 1974  
apply: 1975

(1) The applicant is not otherwise prohibited by law from 1976  
acquiring, having, carrying or using dangerous ordnance; 1977

(2) The applicant is age twenty-one or over, if ~~he~~ the 1978  
applicant is a natural person; 1979

(3) It appears that the applicant has sufficient 1980  
competence to safely acquire, possess, carry, or use the 1981  
dangerous ordnance, and that proper precautions will be taken to 1982  
protect the security of the dangerous ordnance and ensure the 1983  
safety of persons and property; 1984

(4) It appears that the dangerous ordnance will be 1985  
lawfully acquired, possessed, carried, and used by the applicant 1986  
for a legitimate purpose. 1987

(D) The license or temporary permit shall identify the 1988  
person to whom it is issued, identify the dangerous ordnance 1989  
involved and state the purposes for which the license or 1990  
temporary permit is issued, state the expiration date, if any, 1991  
and list such restrictions on the acquisition, possession, 1992  
carriage, or use of the dangerous ordnance as the issuing 1993  
authority considers advisable to protect the security of the 1994  
dangerous ordnance and ensure the safety of persons and 1995  
property. 1996

(E) A temporary permit shall be issued for the casual use 1997

of explosives and explosive devices, and other consumable 1998  
dangerous ordnance, and shall expire within thirty days of its 1999  
issuance. A license shall be issued for the regular use of 2000  
consumable dangerous ordnance, or for any ~~nonconsumable~~ 2001  
nonconsumable dangerous ordnance, which license need not specify 2002  
an expiration date, but the issuing authority may specify such 2003  
expiration date, not earlier than one year from the date of 2004  
issuance, as it considers advisable in view of the nature of the 2005  
dangerous ordnance and the purposes for which the license is 2006  
issued. 2007

(F) The dangerous ordnance specified in a license or 2008  
temporary permit may be obtained by the holder anywhere in the 2009  
state. The holder of a license may use such dangerous ordnance 2010  
anywhere in the state. The holder of a temporary permit may use 2011  
such dangerous ordnance only within the territorial jurisdiction 2012  
of the issuing authority. 2013

(G) The issuing authority shall forward to the state fire 2014  
marshal a copy of each license or temporary permit issued 2015  
pursuant to this section, and a copy of each record of a 2016  
transaction in dangerous ordnance and of each report of lost or 2017  
stolen dangerous ordnance, given to the local law enforcement 2018  
authority as required by divisions (A) ~~(4)-(7)~~ and ~~(5)-(8)~~ of 2019  
section 2923.20 of the Revised Code. The state fire marshal 2020  
shall keep a permanent file of all licenses and temporary 2021  
permits issued pursuant to this section, and of all records of 2022  
transactions in, and losses or thefts of dangerous ordnance 2023  
forwarded by local law enforcement authorities pursuant to this 2024  
section. 2025

**Sec. 2923.20.** (A) No person shall do any of the following: 2026

(1) Recklessly sell, lend, give, or furnish any firearm to 2027

any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section;

(3) Except as otherwise provided in division (B) of this section, knowingly solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law;

(4) Except as otherwise provided in division (B) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;

(5) Except as otherwise provided in division (B) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (A) (3) or (4) of this section;

(6) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

~~(4)~~ (7) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing ~~him~~ the transferee to be authorized to acquire dangerous ordnance

pursuant to section 2923.17 of the Revised Code, or negligently 2057  
fail to take a complete record of the transaction and forthwith 2058  
forward a copy of that record to the sheriff of the county or 2059  
safety director or police chief of the municipality where the 2060  
transaction takes place; 2061

~~(5)-(8)~~ Knowingly fail to report to law enforcement 2062  
authorities forthwith the loss or theft of any firearm or 2063  
dangerous ordnance in the person's possession or under the 2064  
person's control. 2065

(B) Divisions (A) (3), (4), and (5) of this section do not 2066  
apply to any of the following: 2067

(1) A law enforcement officer who is acting within the 2068  
scope of the officer's duties; 2069

(2) A person who is acting in accordance with directions 2070  
given by a law enforcement officer described in division (B) (1) 2071  
of this section. 2072

(C) Whoever violates this section is guilty of unlawful 2073  
transactions in weapons. A violation of division (A) (1) or (2) 2074  
of this section is a felony of the fourth degree. A violation of 2075  
division (A) (3), (4), or (5) of this section is a felony of the 2076  
third degree. A violation of division (A) ~~(3)-(6)~~ or ~~(4)-(7)~~ of 2077  
this section is a misdemeanor of the second degree. A violation 2078  
of division (A) ~~(5)-(8)~~ of this section is a misdemeanor of the 2079  
fourth degree. 2080

(D) As used in this section: 2081

(1) "Ammunition" has the same meaning as in section 2082  
2305.401 of the Revised Code. 2083

(2) "Federally licensed firearms dealer" has the same 2084

meaning as in section 5502.63 of the Revised Code. 2085

(3) "Materially false information" means information 2086  
regarding the transfer of a firearm or ammunition that portrays 2087  
an illegal transaction as legal or a legal transaction as 2088  
illegal. 2089

(4) "Private seller" means a person who sells, offers for 2090  
sale, or transfers a firearm or ammunition and who is not a 2091  
federally licensed firearms dealer. 2092

**Sec. 2953.37.** (A) As used in this section: 2093

(1) "Expunge" means to destroy, delete, and erase a record 2094  
as appropriate for the record's physical or electronic form or 2095  
characteristic so that the record is permanently irretrievable. 2096

(2) "Official records" has the same meaning as in section 2097  
2953.51 of the Revised Code. 2098

(3) "Prosecutor" has the same meaning as in section 2099  
2953.31 of the Revised Code. 2100

(4) "Record of conviction" means the record related to a 2101  
conviction of or plea of guilty to an offense. 2102

(B) Any person who is convicted of, was convicted of, 2103  
pleads guilty to, or has pleaded guilty to a violation of 2104  
division (B), (C), or (E) of section 2923.16 of the Revised Code 2105  
as the division existed prior to September 30, 2011, and who is 2106  
authorized by division (H) (2) (a) of that section to file an 2107  
application under this section for the expungement of the 2108  
conviction record may apply to the sentencing court for the 2109  
expungement of the record of conviction. The person may file the 2110  
application at any time on or after September 30, 2011. The 2111  
application shall do all of the following: 2112

(1) Identify the applicant, the offense for which the  
expungement is sought, the date of the conviction of or plea of  
guilty to that offense, and the court in which the conviction  
occurred or the plea of guilty was entered;

(2) Include evidence that the offense was a violation of  
division (B), (C), or (E) of section 2923.16 of the Revised Code  
as the division existed prior to September 30, 2011, and that  
the applicant is authorized by division (H) (2) (a) of that  
section to file an application under this section;

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

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

(D) (1) At the hearing held under division (C) of this  
section, the court shall do each of the following:

(a) Determine whether the applicant has been convicted of  
or pleaded guilty to a violation of division (E) of section

2923.16 of the Revised Code as the division existed prior to 2142  
September 30, 2011, and whether the conduct that was the basis 2143  
of the violation no longer would be a violation of that division 2144  
on or after September 30, 2011; 2145

(b) Determine whether the applicant has been convicted of 2146  
or pleaded guilty to a violation of division (B) or (C) of 2147  
section 2923.16 of the Revised Code as the division existed 2148  
prior to September 30, 2011, and whether the conduct that was 2149  
the basis of the violation no longer would be a violation of 2150  
that division on or after September 30, 2011, due to the 2151  
application of division (F)(5) of that section as it exists on 2152  
and after September 30, 2011; 2153

(c) If the prosecutor has filed an objection in accordance 2154  
with division (C) of this section, consider the reasons against 2155  
granting the application specified by the prosecutor in the 2156  
objection; 2157

(d) Weigh the interests of the applicant in having the 2158  
records pertaining to the applicant's conviction or guilty plea 2159  
expunged against the legitimate needs, if any, of the government 2160  
to maintain those records. 2161

(2) (a) The court may order the expungement of all official 2162  
records pertaining to the case and the deletion of all index 2163  
references to the case and, if it does order the expungement, 2164  
shall send notice of the order to each public office or agency 2165  
that the court has reason to believe may have an official record 2166  
pertaining to the case if the court, after complying with 2167  
division (D)(1) of this section, determines both of the 2168  
following: 2169

(i) That the applicant has been convicted of or pleaded 2170

guilty to a violation of division (E) of section 2923.16 of the Revised Code as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, or that the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F) (5) of that section as it exists on and after September 30, 2011;

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

(b) The proceedings in the case that is the subject of an order issued under division (D) (2) (a) of this section shall be considered not to have occurred and the conviction or guilty plea of the person who is the subject of the proceedings shall be expunged. The record of the conviction shall not be used for any purpose, including, but not limited to, a criminal records check under section 109.572 of the Revised Code or a determination under section 2923.125 or ~~2923.1212~~ 2923.1213 of the Revised Code of eligibility for a concealed handgun license. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter.

(3) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the

state treasury and shall pay twenty dollars of the fee into the 2201  
county general revenue fund. 2202

(4) At the time an applicant files an application under 2203  
division (B) of this section, the following shall apply: 2204

(a) The clerk of court shall notify the applicant in 2205  
writing that the court will send notice of any order under 2206  
division (D) (2) (a) of this section to the qualified third party 2207  
selected by the attorney general under section 109.38 of the 2208  
Revised Code and shall inform the applicant of the procedures 2209  
under section 109.381 of the Revised Code. 2210

(b) The applicant shall then notify the clerk if the 2211  
applicant wishes to opt out of receiving the benefits of having 2212  
the court send notice of its order under division (D) (2) (a) of 2213  
this section to the qualified third party and having the 2214  
procedures under section 109.381 of the Revised Code apply to 2215  
the records that are subject to the order. 2216

(c) If the applicant does not opt out under division (D) 2217  
(4) (b) of this section, the applicant shall pay to the clerk of 2218  
court the fee provided in the contract between the attorney 2219  
general and the qualified third party under division (D) (2) (b) 2220  
of section 109.38 of the Revised Code. 2221

(5) (a) Upon issuance of an order under division (D) (2) (a) 2222  
of this section, and unless the applicant opts out under 2223  
division (D) (4) (b) of this section, the clerk shall remit the 2224  
fee paid by the applicant under division (D) (4) (c) of this 2225  
section to the qualified third party. The court shall send 2226  
notice of the order under division (D) (2) (a) of this section to 2227  
the qualified third party. 2228

(b) If the applicant's application under division (B) of 2229

this section is denied for any reason or if the applicant 2230  
informs the clerk of court in writing, before the issuance of 2231  
the order under division (D)(2)(a) of this section, that the 2232  
applicant wishes to opt out of having the court send notice of 2233  
its order under division (D)(2)(a) of this section to the 2234  
qualified third party, the clerk shall remit the fee paid by the 2235  
applicant under division (D)(4)(c) of this section that is 2236  
intended for the qualified third party back to the applicant. 2237

**Sec. 5321.01.** As used in this chapter: 2238

(A) "Tenant" means a person entitled under a rental 2239  
agreement to the use and occupancy of residential premises to 2240  
the exclusion of others. 2241

(B) "Landlord" means the owner, lessor, or sublessor of 2242  
residential premises, the agent of the owner, lessor, or 2243  
sublessor, or any person authorized by the owner, lessor, or 2244  
sublessor to manage the premises or to receive rent from a 2245  
tenant under a rental agreement. 2246

(C) "Residential premises" means a dwelling unit for 2247  
residential use and occupancy and the structure of which it is a 2248  
part, the facilities and appurtenances in it, and the grounds, 2249  
areas, and facilities for the use of tenants generally or the 2250  
use of which is promised the tenant. "Residential premises" 2251  
includes a dwelling unit that is owned or operated by a college 2252  
or university. "Residential premises" does not include any of 2253  
the following: 2254

(1) Prisons, jails, workhouses, and other places of 2255  
incarceration or correction, including, but not limited to, 2256  
halfway houses or residential arrangements that are used or 2257  
occupied as a requirement of a community control sanction, a 2258

post-release control sanction, or parole;	2259
(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;	2260 2261 2262
(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;	2263 2264 2265 2266
(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;	2267 2268 2269
(5) Orphanages and similar institutions;	2270
(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;	2271 2272 2273
(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	2274 2275
(8) Occupancy by an owner of a condominium unit;	2276
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	2277 2278 2279 2280 2281 2282 2283
(a) The occupancy is for a period of less than sixty days.	2284
(b) The occupancy is for participation in a program	2285

operated by the facility, or by a public entity or private 2286  
charitable organization pursuant to a contract with the 2287  
facility, to provide either of the following: 2288

(i) Services licensed, certified, registered, or approved 2289  
by a governmental agency or private accrediting organization for 2290  
the rehabilitation of mentally ill persons, persons with 2291  
developmental disabilities, adults or juveniles convicted of 2292  
criminal offenses, or persons suffering from substance abuse; 2293

(ii) Shelter for juvenile runaways, victims of domestic 2294  
violence, or homeless persons. 2295

(10) Emergency shelters operated by organizations exempt 2296  
from federal income taxation under section 501(c)(3) of the 2297  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2298  
501, as amended, for persons whose circumstances indicate a 2299  
transient occupancy, including homeless people, victims of 2300  
domestic violence, and juvenile runaways. 2301

(D) "Rental agreement" means any agreement or lease, 2302  
written or oral, which establishes or modifies the terms, 2303  
conditions, rules, or any other provisions concerning the use 2304  
and occupancy of residential premises by one of the parties. 2305

(E) "Security deposit" means any deposit of money or 2306  
property to secure performance by the tenant under a rental 2307  
agreement. 2308

(F) "Dwelling unit" means a structure or the part of a 2309  
structure that is used as a home, residence, or sleeping place 2310  
by one person who maintains a household or by two or more 2311  
persons who maintain a common household. 2312

(G) "Controlled substance" has the same meaning as in 2313  
section 3719.01 of the Revised Code. 2314

(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.

(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3729.01 of the Revised Code.

(J) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(K) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(L) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(N) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.

(O) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(P) "Subsidized residential premises" means residential premises for which the landlord receives rental assistance payments under a rental assistance agreement administered by the United States department of agriculture under the multifamily housing rental assistance program under Title V of the federal housing act of 1949 or receives housing assistance payments under a housing assistance payment contract administered by the United States department of housing and urban development under

the housing choice voucher program, the new construction 2343  
program, the substantial rehabilitation program or the moderate 2344  
rehabilitation program under section 8 of the United States 2345  
housing act of 1937. "Subsidized residential premises" does not 2346  
include owner-occupied residential premises of two or fewer 2347  
dwelling units. 2348

**Sec. 5321.13.** (A) No provision of this chapter may be 2349  
modified or waived by any oral or written agreement except as 2350  
provided in division (F) of this section. 2351

(B) No warrant of attorney to confess judgment shall be 2352  
recognized in any rental agreement or in any other agreement 2353  
between a landlord and tenant for the recovery of rent or 2354  
damages to the residential premises. 2355

(C) No agreement to pay the landlord's or tenant's 2356  
attorney's fees shall be recognized in any rental agreement for 2357  
residential premises or in any other agreement between a 2358  
landlord and tenant. 2359

(D) No agreement by a tenant to the exculpation or 2360  
limitation of any liability of the landlord arising under law or 2361  
to indemnify the landlord for that liability or its related 2362  
costs shall be recognized in any rental agreement or in any 2363  
other agreement between a landlord and tenant. 2364

(E) A rental agreement, or the assignment, conveyance, 2365  
trust deed, or security instrument of the landlord's interest in 2366  
the rental agreement may not permit the receipt of rent free of 2367  
the obligation to comply with section 5321.04 of the Revised 2368  
Code. 2369

(F) The landlord may agree to assume responsibility for 2370  
fulfilling any duty or obligation imposed on a tenant by section 2371

5321.05 of the Revised Code, other than the obligation specified 2372  
in division (A) (9) of that section. 2373

(G) (1) A rental agreement for subsidized residential 2374  
premises may not contain a provision or impose a rule that 2375  
requires a person to agree, as a condition of tenancy in the 2376  
residential premises, to a prohibition or restriction on the 2377  
lawful ownership, use, or possession of a firearm, a firearm 2378  
component, or ammunition within the tenant's specific rental 2379  
dwelling unit. A landlord may impose reasonable restrictions 2380  
related to the possession, use, or transport of a firearm, a 2381  
firearm component, or ammunition within common areas as long as 2382  
those restrictions do not circumvent the purpose of this 2383  
division. A tenant shall exercise reasonable care in the storage 2384  
of a firearm, a firearm component, or ammunition. The 2385  
restriction set forth in this division is separate from, and in 2386  
addition to, the restriction set forth in division (C) (3) (b) of 2387  
section 2923.126 of the Revised Code. 2388

(2) If a landlord brings an action to enforce a provision 2389  
or rule prohibited under division (G) (1) of this section, a 2390  
tenant, tenant's household member, or tenant's guest who is or 2391  
would be affected by the enforcement may recover actual damages 2392  
sustained by that tenant, tenant's household member, or tenant's 2393  
guest and, in addition to the actual damages, court costs, and 2394  
reasonable attorney's fees. 2395

(3) Except in cases of willful, wanton, or reckless 2396  
misconduct or grossly negligent conduct of the landlord, a 2397  
landlord is not liable in a civil action for injury, death, or 2398  
loss to person or property or other damages resulting from or 2399  
arising out of an occurrence involving a firearm, a firearm 2400  
component, or ammunition that the landlord is required to allow 2401

on the property under division (G)(1) of this section. 2402

(4) Divisions (G)(1) to (3) of this section do not apply 2403  
with respect to, limit, or affect any prohibition or restriction 2404  
that is required by any law, rule, or regulation of this state 2405  
or the United States. 2406

**Section 2.** That existing sections 9.68, 307.932, 2307.601, 2407  
2901.05, 2901.09, 2923.11, 2923.12, 2923.126, 2923.16, 2923.18, 2408  
2923.20, 2953.37, 5321.01, and 5321.13 and section 2923.1212 of 2409  
the Revised Code are hereby repealed. 2410