



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Nicholas A. Keller

H.B. 201

132nd General Assembly
(As Introduced)

Reps. Hood and Brinkman, Antani, Becker, Zeltwanger, Brenner, Goodman, Dean, Thompson, McColley, Vitale, Keller, Merrin, Blessing, Riedel, Wiggam, Lipps, Sprague, Johnson, Roegner, Householder, Schaffer, Faber, Koehler

BILL SUMMARY

- Allows a person who is 21 or older and who is not prohibited under federal law from having a firearm to carry a concealed firearm, other than a restricted firearm, without obtaining a concealed handgun license.
- Permits a person who has a concealed handgun license to carry concealed any firearm other than a restricted firearm, instead of only a handgun.
- Defines a "restricted firearm" as a firearm that is dangerous ordnance or that Ohio or federal law prohibits the person from having or carrying.
- Eliminates requirements that a concealed handgun licensee or qualified military member notify a law enforcement officer or employee of the motor carrier enforcement unit that the person is carrying a concealed handgun when stopped.
- Permits expungement of convictions based on failure to comply with the notification requirements described in the preceding dot point.
- Specifies that the mere fact that an otherwise law-abiding person carries or possesses a firearm, other than a restricted firearm, does not constitute grounds for any law enforcement officer or agent of the state or a local government to search, seize, or detain the person, no matter how temporarily.

CONTENT AND OPERATION

Elimination of concealed handgun license requirement

The bill permits a person who is 21 or older and who is not prohibited under federal law from having a firearm to carry a concealed firearm, other than a restricted firearm, without obtaining a concealed handgun license. (See "**Weapons that may be carried concealed**," below.) The bill specifies that a person who does so must be deemed to have a concealed handgun license, unless the context clearly indicates otherwise.¹

As a result, the bill allows the following categories of persons who are not eligible for a concealed handgun license to carry a concealed firearm:²

- A person who is currently being charged with a felony, a misdemeanor drug offense, a misdemeanor offense of violence, negligent assault, or falsification of a concealed handgun license;
- A person who has been convicted of a misdemeanor drug offense or misdemeanor assault of a peace officer;
- A person who, within the past ten years, has been convicted of misdemeanor resisting arrest;
- A person who, within the past five years, has been convicted of two or more counts of misdemeanor assault or negligent assault;
- A person who, within the past three years, has been convicted of falsification of a concealed handgun license or of any misdemeanor offense of violence other than resisting arrest, assault, or domestic violence;
- A person whose concealed handgun license is suspended because the person was convicted of a specified misdemeanor offense involving an interaction with law enforcement;
- A person who has not completed the required competency certification;
- A person who is not a resident of Ohio or employed in Ohio.

¹ R.C. 2923.11(N)(2), 2923.111, and 2923.12.

² R.C. 2923.125(D)(1) and 18 U.S.C. 922(g).



Under the bill, a person who carries a concealed firearm without a license is subject to the same restrictions that apply to a person who has a concealed handgun license, including the continuing list of locations in which a person may not carry a concealed firearm and the continuing requirements concerning the person's conduct with respect to a law enforcement officer while the person is carrying a concealed firearm.³

If the person later is banned by federal law from possessing or receiving a firearm, the person is no longer eligible to carry concealed in Ohio and the person is no longer deemed to have been issued a concealed handgun license.⁴

Concealed handgun licenses

Similarly, the bill allows a person who has a concealed handgun license to carry any concealed firearm other than a restricted firearm, instead of only a handgun. (See "**Weapons that may be carried concealed**," below.) The bill retains the name "concealed handgun license" to refer to the license.

The provisions of the bill apply to a standard concealed handgun license, a temporary emergency license, or a concealed handgun or firearm license issued by another state with which the Attorney General has entered into a reciprocity agreement, regardless of whether the license was issued before or after the bill's effective date.⁵

Weapons that may be carried concealed

Under the bill, a person who has a concealed handgun license or a person who qualifies to carry a concealed firearm without a license may carry any concealed firearm that is not a "restricted firearm."⁶ The bill defines a "restricted firearm" as a firearm that is dangerous ordnance or that Ohio or federal law prohibits the person from having or carrying.⁷

Continuing law defines "dangerous ordnance" to mean any of the following:⁸

- An automatic or sawed-off firearm, zip-gun, or ballistic knife;

³ R.C. 2923.11(N)(2), 2923.111, 2923.12, 2923.121, 2923.122, 2923.124(D), and 2923.126.

⁴ R.C. 2923.111(C)(2).

⁵ R.C. 109.69, 2923.126, and 2923.1213 and Section 6 of the bill.

⁶ R.C. 2923.126(A) and (B) and 2923.1213.

⁷ R.C. 2923.11(R).

⁸ R.C. 2923.11(K).



- Any explosive device or incendiary device;
- Any of a list of specified explosives;
- Specified military-type weapons such as rocket launchers, mortars, grenades, or torpedoes, and ammunition for those weapons;
- A firearm muffler or suppressor;
- Any combination of parts intended by the owner for use in converting a firearm or other device into dangerous ordnance.

"Dangerous ordnance" does not include any of the following:⁹

- A firearm that employs an obsolete ignition system or that may be used only with black powder;
- A pistol, rifle, or shotgun, other than an automatic or sawed-off firearm, that is designed or suitable for sporting purposes, and its ammunition;
- Any pre-1887 style artillery piece that meets specified criteria and items used to fire it in certain circumstances;
- Smokeless and black powder, primers, and percussion caps used as a propellant or ignition device in small-arms or small-arms ammunition;
- Inoperable or inert dangerous ordnance that satisfies specified criteria;
- Any device expressly excepted from the definition of a destructive device pursuant to the federal Gun Control Act of 1968.

Elimination of certain concealed handgun notification requirements

The bill eliminates the requirement that a concealed handgun licensee or active duty military member who is qualified to carry a concealed handgun must promptly notify a law enforcement officer when stopped that the person is authorized to carry a concealed handgun and is then carrying a concealed handgun.¹⁰ The bill eliminates a similar requirement that a licensee or qualified military member notify an officer of a loaded handgun in a motor vehicle when stopped for a traffic violation or other law

⁹ R.C. 2923.11(L).

¹⁰ R.C. 2923.12(B)(1) and 2923.126(A) and (E)(2).

enforcement purpose.¹¹ Additionally, the bill eliminates the requirement that a driver or occupant of a commercial motor vehicle who is also a concealed handgun licensee notify an employee of the motor carrier enforcement unit when stopped that the person is a licensee and has a loaded handgun in the vehicle.¹² In eliminating the notification requirements described above, the bill also removes the criminal penalties associated with failure to follow those requirements. Under current law, a violation of the notification requirements is generally a first degree misdemeanor and results in suspension of the licensee's concealed handgun license unless the law enforcement officer had actual knowledge that the person was a licensee, in which case the violation is a minor misdemeanor and the license is not suspended.¹³

Under the bill, a person who has been convicted of or pleaded guilty to a violation of the notification requirements as they existed prior to the bill's effective date may request that records related to that conviction be expunged. Under continuing law, the person seeking expungement must apply to the sentencing court for the expungement of the record of conviction.¹⁴

Search, seizure, or detention of a person carrying a firearm

The bill specifies that the mere fact that an otherwise law-abiding person carries or possesses a firearm, other than a restricted firearm, does not constitute grounds for any law enforcement officer or agent of the state or a local government to search, seize, or detain the person, no matter how temporarily. This provision applies to a person who has a concealed handgun license or to a person who is exempt under the bill from being required to obtain a license.¹⁵

Conforming and related changes

Numerous provisions of law, which the bill does not change, restrict the places and manner in which a person may possess a firearm. The bill modifies those provisions to refer to persons who may carry a concealed firearm without obtaining a license and to refer to the expanded types of weapons that may be carried concealed.¹⁶

¹¹ R.C. 2923.126(A) and 2923.16(E)(1).

¹² R.C. 2923.126(A) and 2923.16(E)(2).

¹³ R.C. 2923.12(F)(3), 2923.128, and 2923.16(I).

¹⁴ R.C. 2923.16(H)(2) and 2953.37.

¹⁵ R.C. 2923.111(B).

¹⁶ R.C. 109.69, 109.731, 1547.69, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1210, 2923.1213, 2923.16, and 4749.10.



For example, the bill modifies the following continuing provisions of law to correspond to the elimination of the concealed handgun license requirement and the expansion of the categories of firearms that may be carried concealed:

- The requirements that apply to a person who is carrying a concealed firearm when the person is stopped for a law enforcement purpose, such as the requirements to keep the person's hands in plain sight and to refrain from touching the firearm;¹⁷
- The ability of a person to have a firearm in a school safety zone, provided that the person follows certain continuing requirements, such as not entering the school building or premises;¹⁸
- The law that permits a person to bring a firearm into a courthouse, so long as the person leaves the firearm with the officer in charge of the building;¹⁹
- The requirement that a landlord permit a tenant and the tenant's guests to have firearms on the premises.²⁰

HISTORY

ACTION	DATE
Introduced	05-03-17

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¹⁷ R.C. 2923.12 and 2923.16.

¹⁸ R.C. 2923.122.

¹⁹ R.C. 2923.123.

²⁰ R.C. 2923.126(C)(3).

