

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 156**

**Representative Schaffer**

**Cosponsors: Representatives Becker, Lang, Hood, Ginter, Seitz**

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**A BILL**

To amend section 2923.126 of the Revised Code to grant civil immunity to nonprofit corporations and persons associated with them for certain injuries, deaths, or losses resulting from the carrying of handguns.

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

**Section 1.** That section 2923.126 of the Revised Code be amended to read as follows:

**Sec. 2923.126.** (A) A concealed handgun license that is issued under section 2923.125 of the Revised Code shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B) and (C) of this section, a licensee who has been issued a concealed handgun license under section 2923.125 or 2923.1213 of the Revised Code may carry a concealed handgun anywhere in this state if the licensee also carries a valid license when the licensee is in actual possession of a

concealed handgun. The licensee shall give notice of any change 19  
in the licensee's residence address to the sheriff who issued 20  
the license within forty-five days after that change. 21

If a licensee is the driver or an occupant of a motor 22  
vehicle that is stopped as the result of a traffic stop or a 23  
stop for another law enforcement purpose and if the licensee is 24  
transporting or has a loaded handgun in the motor vehicle at 25  
that time, the licensee shall promptly inform any law 26  
enforcement officer who approaches the vehicle while stopped 27  
that the licensee has been issued a concealed handgun license 28  
and that the licensee currently possesses or has a loaded 29  
handgun; the licensee shall not knowingly disregard or fail to 30  
comply with lawful orders of a law enforcement officer given 31  
while the motor vehicle is stopped, knowingly fail to remain in 32  
the motor vehicle while stopped, or knowingly fail to keep the 33  
licensee's hands in plain sight after any law enforcement 34  
officer begins approaching the licensee while stopped and before 35  
the officer leaves, unless directed otherwise by a law 36  
enforcement officer; and the licensee shall not knowingly have 37  
contact with the loaded handgun by touching it with the 38  
licensee's hands or fingers, in any manner in violation of 39  
division (E) of section 2923.16 of the Revised Code, after any 40  
law enforcement officer begins approaching the licensee while 41  
stopped and before the officer leaves. Additionally, if a 42  
licensee is the driver or an occupant of a commercial motor 43  
vehicle that is stopped by an employee of the motor carrier 44  
enforcement unit for the purposes defined in section 5503.34 of 45  
the Revised Code and the licensee is transporting or has a 46  
loaded handgun in the commercial motor vehicle at that time, the 47  
licensee shall promptly inform the employee of the unit who 48  
approaches the vehicle while stopped that the licensee has been 49

issued a concealed handgun license and that the licensee 50  
currently possesses or has a loaded handgun. 51

If a licensee is stopped for a law enforcement purpose and 52  
if the licensee is carrying a concealed handgun at the time the 53  
officer approaches, the licensee shall promptly inform any law 54  
enforcement officer who approaches the licensee while stopped 55  
that the licensee has been issued a concealed handgun license 56  
and that the licensee currently is carrying a concealed handgun; 57  
the licensee shall not knowingly disregard or fail to comply 58  
with lawful orders of a law enforcement officer given while the 59  
licensee is stopped, or knowingly fail to keep the licensee's 60  
hands in plain sight after any law enforcement officer begins 61  
approaching the licensee while stopped and before the officer 62  
leaves, unless directed otherwise by a law enforcement officer; 63  
and the licensee shall not knowingly remove, attempt to remove, 64  
grasp, or hold the loaded handgun or knowingly have contact with 65  
the loaded handgun by touching it with the licensee's hands or 66  
fingers, in any manner in violation of division (B) of section 67  
2923.12 of the Revised Code, after any law enforcement officer 68  
begins approaching the licensee while stopped and before the 69  
officer leaves. 70

(B) A valid concealed handgun license does not authorize 71  
the licensee to carry a concealed handgun in any manner 72  
prohibited under division (B) of section 2923.12 of the Revised 73  
Code or in any manner prohibited under section 2923.16 of the 74  
Revised Code. A valid license does not authorize the licensee to 75  
carry a concealed handgun into any of the following places: 76

(1) A police station, sheriff's office, or state highway 77  
patrol station, premises controlled by the bureau of criminal 78  
identification and investigation; a state correctional 79

institution, jail, workhouse, or other detention facility; any 80  
area of an airport passenger terminal that is beyond a passenger 81  
or property screening checkpoint or to which access is 82  
restricted through security measures by the airport authority or 83  
a public agency; or an institution that is maintained, operated, 84  
managed, and governed pursuant to division (A) of section 85  
5119.14 of the Revised Code or division (A) (1) of section 86  
5123.03 of the Revised Code; 87

(2) A school safety zone if the licensee's carrying the 88  
concealed handgun is in violation of section 2923.122 of the 89  
Revised Code; 90

(3) A courthouse or another building or structure in which 91  
a courtroom is located if the licensee's carrying the concealed 92  
handgun is in violation of section 2923.123 of the Revised Code; 93

(4) Any premises or open air arena for which a D permit 94  
has been issued under Chapter 4303. of the Revised Code if the 95  
licensee's carrying the concealed handgun is in violation of 96  
section 2923.121 of the Revised Code; 97

(5) Any premises owned or leased by any public or private 98  
college, university, or other institution of higher education, 99  
unless the handgun is in a locked motor vehicle or the licensee 100  
is in the immediate process of placing the handgun in a locked 101  
motor vehicle or unless the licensee is carrying the concealed 102  
handgun pursuant to a written policy, rule, or other 103  
authorization that is adopted by the institution's board of 104  
trustees or other governing body and that authorizes specific 105  
individuals or classes of individuals to carry a concealed 106  
handgun on the premises; 107

(6) Any church, synagogue, mosque, or other place of 108

worship, unless the church, synagogue, mosque, or other place of 109  
worship posts or permits otherwise; 110

(7) Any building that is a government facility of this 111  
state or a political subdivision of this state and that is not a 112  
building that is used primarily as a shelter, restroom, parking 113  
facility for motor vehicles, or rest facility and is not a 114  
courthouse or other building or structure in which a courtroom 115  
is located that is subject to division (B) (3) of this section, 116  
unless the governing body with authority over the building has 117  
enacted a statute, ordinance, or policy that permits a licensee 118  
to carry a concealed handgun into the building; 119

(8) A place in which federal law prohibits the carrying of 120  
handguns. 121

(C) (1) Nothing in this section shall negate or restrict a 122  
rule, policy, or practice of a private employer that is not a 123  
private college, university, or other institution of higher 124  
education concerning or prohibiting the presence of firearms on 125  
the private employer's premises or property, including motor 126  
vehicles owned by the private employer. Nothing in this section 127  
shall require a private employer of that nature to adopt a rule, 128  
policy, or practice concerning or prohibiting the presence of 129  
firearms on the private employer's premises or property, 130  
including motor vehicles owned by the private employer. 131

(2) (a) A private employer shall be immune from liability 132  
in a civil action for any injury, death, or loss to person or 133  
property that allegedly was caused by or related to a licensee 134  
bringing a handgun onto the premises or property of the private 135  
employer, including motor vehicles owned by the private 136  
employer, unless the private employer acted with malicious 137  
purpose. A private employer is immune from liability in a civil 138

action for any injury, death, or loss to person or property that 139  
allegedly was caused by or related to the private employer's 140  
decision to permit a licensee to bring, or prohibit a licensee 141  
from bringing, a handgun onto the premises or property of the 142  
private employer. 143

(b) A political subdivision shall be immune from liability 144  
in a civil action, to the extent and in the manner provided in 145  
Chapter 2744. of the Revised Code, for any injury, death, or 146  
loss to person or property that allegedly was caused by or 147  
related to a licensee bringing a handgun onto any premises or 148  
property owned, leased, or otherwise under the control of the 149  
political subdivision. As used in this division, "political 150  
subdivision" has the same meaning as in section 2744.01 of the 151  
Revised Code. 152

(c) An institution of higher education shall be immune 153  
from liability in a civil action for any injury, death, or loss 154  
to person or property that allegedly was caused by or related to 155  
a licensee bringing a handgun onto the premises of the 156  
institution, including motor vehicles owned by the institution, 157  
unless the institution acted with malicious purpose. An 158  
institution of higher education is immune from liability in a 159  
civil action for any injury, death, or loss to person or 160  
property that allegedly was caused by or related to the 161  
institution's decision to permit a licensee or class of 162  
licensees to bring a handgun onto the premises of the 163  
institution. 164

(d) A nonprofit corporation and its volunteers, members, 165  
officers, and independent contractors are immune from liability 166  
in a civil action for any injury, death, or loss to person or 167  
property that allegedly was caused by or related to a licensee 168

bringing a handgun onto the premises of the nonprofit 169  
corporation, including any motor vehicle owned by the nonprofit 170  
corporation, or to any event organized by the nonprofit 171  
corporation, unless the nonprofit corporation, volunteer, 172  
member, officer, or contractor acted with malicious purpose. A 173  
nonprofit corporation and its volunteers, members, officers, and 174  
independent contractors are immune from liability in a civil 175  
action for any injury, death, or loss to person or property that 176  
allegedly was caused by or related to the nonprofit 177  
corporation's decision to permit a licensee or class of 178  
licensees to bring a handgun onto the premises of the nonprofit 179  
corporation or to any event organized by the nonprofit 180  
corporation. 181

(3) (a) Except as provided in division (C) (3) (b) of this 182  
section and section 2923.1214 of the Revised Code, the owner or 183  
person in control of private land or premises, and a private 184  
person or entity leasing land or premises owned by the state, 185  
the United States, or a political subdivision of the state or 186  
the United States, may post a sign in a conspicuous location on 187  
that land or on those premises prohibiting persons from carrying 188  
firearms or concealed firearms on or onto that land or those 189  
premises. Except as otherwise provided in this division, a 190  
person who knowingly violates a posted prohibition of that 191  
nature is guilty of criminal trespass in violation of division 192  
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 193  
misdemeanor of the fourth degree. If a person knowingly violates 194  
a posted prohibition of that nature and the posted land or 195  
premises primarily was a parking lot or other parking facility, 196  
the person is not guilty of criminal trespass under section 197  
2911.21 of the Revised Code or under any other criminal law of 198  
this state or criminal law, ordinance, or resolution of a 199

political subdivision of this state, and instead is subject only 200  
to a civil cause of action for trespass based on the violation. 201

If a person knowingly violates a posted prohibition of the 202  
nature described in this division and the posted land or 203  
premises is a child day-care center, type A family day-care 204  
home, or type B family day-care home, unless the person is a 205  
licensee who resides in a type A family day-care home or type B 206  
family day-care home, the person is guilty of aggravated 207  
trespass in violation of section 2911.211 of the Revised Code. 208  
Except as otherwise provided in this division, the offender is 209  
guilty of a misdemeanor of the first degree. If the person 210  
previously has been convicted of a violation of this division or 211  
of any offense of violence, if the weapon involved is a firearm 212  
that is either loaded or for which the offender has ammunition 213  
ready at hand, or if the weapon involved is dangerous ordnance, 214  
the offender is guilty of a felony of the fourth degree. 215

(b) A landlord may not prohibit or restrict a tenant who 216  
is a licensee and who on or after September 9, 2008, enters into 217  
a rental agreement with the landlord for the use of residential 218  
premises, and the tenant's guest while the tenant is present, 219  
from lawfully carrying or possessing a handgun on those 220  
residential premises. 221

(c) As used in division (C) (3) of this section: 222

(i) "Residential premises" has the same meaning as in 223  
section 5321.01 of the Revised Code, except "residential 224  
premises" does not include a dwelling unit that is owned or 225  
operated by a college or university. 226

(ii) "Landlord," "tenant," and "rental agreement" have the 227  
same meanings as in section 5321.01 of the Revised Code. 228

(D) A person who holds a valid concealed handgun license 229  
issued by another state that is recognized by the attorney 230  
general pursuant to a reciprocity agreement entered into 231  
pursuant to section 109.69 of the Revised Code or a person who 232  
holds a valid concealed handgun license under the circumstances 233  
described in division (B) of section 109.69 of the Revised Code 234  
has the same right to carry a concealed handgun in this state as 235  
a person who was issued a concealed handgun license under 236  
section 2923.125 of the Revised Code and is subject to the same 237  
restrictions that apply to a person who carries a license issued 238  
under that section. 239

(E) (1) A peace officer has the same right to carry a 240  
concealed handgun in this state as a person who was issued a 241  
concealed handgun license under section 2923.125 of the Revised 242  
Code, provided that the officer when carrying a concealed 243  
handgun under authority of this division is carrying validating 244  
identification. For purposes of reciprocity with other states, a 245  
peace officer shall be considered to be a licensee in this 246  
state. 247

(2) An active duty member of the armed forces of the 248  
United States who is carrying a valid military identification 249  
card and documentation of successful completion of firearms 250  
training that meets or exceeds the training requirements 251  
described in division (G) (1) of section 2923.125 of the Revised 252  
Code has the same right to carry a concealed handgun in this 253  
state as a person who was issued a concealed handgun license 254  
under section 2923.125 of the Revised Code and is subject to the 255  
same restrictions as specified in this section. 256

(3) A tactical medical professional who is qualified to 257  
carry firearms while on duty under section 109.771 of the 258

Revised Code has the same right to carry a concealed handgun in 259  
this state as a person who was issued a concealed handgun 260  
license under section 2923.125 of the Revised Code. 261

(F) (1) A qualified retired peace officer who possesses a 262  
retired peace officer identification card issued pursuant to 263  
division (F) (2) of this section and a valid firearms 264  
requalification certification issued pursuant to division (F) (3) 265  
of this section has the same right to carry a concealed handgun 266  
in this state as a person who was issued a concealed handgun 267  
license under section 2923.125 of the Revised Code and is 268  
subject to the same restrictions that apply to a person who 269  
carries a license issued under that section. For purposes of 270  
reciprocity with other states, a qualified retired peace officer 271  
who possesses a retired peace officer identification card issued 272  
pursuant to division (F) (2) of this section and a valid firearms 273  
requalification certification issued pursuant to division (F) (3) 274  
of this section shall be considered to be a licensee in this 275  
state. 276

(2) (a) Each public agency of this state or of a political 277  
subdivision of this state that is served by one or more peace 278  
officers shall issue a retired peace officer identification card 279  
to any person who retired from service as a peace officer with 280  
that agency, if the issuance is in accordance with the agency's 281  
policies and procedures and if the person, with respect to the 282  
person's service with that agency, satisfies all of the 283  
following: 284

(i) The person retired in good standing from service as a 285  
peace officer with the public agency, and the retirement was not 286  
for reasons of mental instability. 287

(ii) Before retiring from service as a peace officer with 288

that agency, the person was authorized to engage in or supervise 289  
the prevention, detection, investigation, or prosecution of, or 290  
the incarceration of any person for, any violation of law and 291  
the person had statutory powers of arrest. 292

(iii) At the time of the person's retirement as a peace 293  
officer with that agency, the person was trained and qualified 294  
to carry firearms in the performance of the peace officer's 295  
duties. 296

(iv) Before retiring from service as a peace officer with 297  
that agency, the person was regularly employed as a peace 298  
officer for an aggregate of fifteen years or more, or, in the 299  
alternative, the person retired from service as a peace officer 300  
with that agency, after completing any applicable probationary 301  
period of that service, due to a service-connected disability, 302  
as determined by the agency. 303

(b) A retired peace officer identification card issued to 304  
a person under division (F) (2) (a) of this section shall identify 305  
the person by name, contain a photograph of the person, identify 306  
the public agency of this state or of the political subdivision 307  
of this state from which the person retired as a peace officer 308  
and that is issuing the identification card, and specify that 309  
the person retired in good standing from service as a peace 310  
officer with the issuing public agency and satisfies the 311  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 312  
section. In addition to the required content specified in this 313  
division, a retired peace officer identification card issued to 314  
a person under division (F) (2) (a) of this section may include 315  
the firearms requalification certification described in division 316  
(F) (3) of this section, and if the identification card includes 317  
that certification, the identification card shall serve as the 318

firearms requalification certification for the retired peace 319  
officer. If the issuing public agency issues credentials to 320  
active law enforcement officers who serve the agency, the agency 321  
may comply with division (F)(2)(a) of this section by issuing 322  
the same credentials to persons who retired from service as a 323  
peace officer with the agency and who satisfy the criteria set 324  
forth in divisions (F)(2)(a)(i) to (iv) of this section, 325  
provided that the credentials so issued to retired peace 326  
officers are stamped with the word "RETIRED." 327

(c) A public agency of this state or of a political 328  
subdivision of this state may charge persons who retired from 329  
service as a peace officer with the agency a reasonable fee for 330  
issuing to the person a retired peace officer identification 331  
card pursuant to division (F)(2)(a) of this section. 332

(3) If a person retired from service as a peace officer 333  
with a public agency of this state or of a political subdivision 334  
of this state and the person satisfies the criteria set forth in 335  
divisions (F)(2)(a)(i) to (iv) of this section, the public 336  
agency may provide the retired peace officer with the 337  
opportunity to attend a firearms requalification program that is 338  
approved for purposes of firearms requalification required under 339  
section 109.801 of the Revised Code. The retired peace officer 340  
may be required to pay the cost of the course. 341

If a retired peace officer who satisfies the criteria set 342  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 343  
a firearms requalification program that is approved for purposes 344  
of firearms requalification required under section 109.801 of 345  
the Revised Code, the retired peace officer's successful 346  
completion of the firearms requalification program requalifies 347  
the retired peace officer for purposes of division (F) of this 348

section for five years from the date on which the program was 349  
successfully completed, and the requalification is valid during 350  
that five-year period. If a retired peace officer who satisfies 351  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 352  
section satisfactorily completes such a firearms requalification 353  
program, the retired peace officer shall be issued a firearms 354  
requalification certification that identifies the retired peace 355  
officer by name, identifies the entity that taught the program, 356  
specifies that the retired peace officer successfully completed 357  
the program, specifies the date on which the course was 358  
successfully completed, and specifies that the requalification 359  
is valid for five years from that date of successful completion. 360  
The firearms requalification certification for a retired peace 361  
officer may be included in the retired peace officer 362  
identification card issued to the retired peace officer under 363  
division (F) (2) of this section. 364

A retired peace officer who attends a firearms 365  
requalification program that is approved for purposes of 366  
firearms requalification required under section 109.801 of the 367  
Revised Code may be required to pay the cost of the program. 368

(G) As used in this section: 369

(1) "Qualified retired peace officer" means a person who 370  
satisfies all of the following: 371

(a) The person satisfies the criteria set forth in 372  
divisions (F) (2) (a) (i) to (v) of this section. 373

(b) The person is not under the influence of alcohol or 374  
another intoxicating or hallucinatory drug or substance. 375

(c) The person is not prohibited by federal law from 376  
receiving firearms. 377

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

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

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

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

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

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

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

(7) "Nonprofit corporation" means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

**Section 2.** That existing section 2923.126 of the Revised Code is hereby repealed.

**Section 3.** Section 2923.126 of the Revised Code is 406  
presented in this act as a composite of the section as amended 407  
by both Am. Sub. H.B. 79 and Am. Sub. H.B. 228 of the 132nd 408  
General Assembly. The General Assembly, applying the principle 409  
stated in division (B) of section 1.52 of the Revised Code that 410  
amendments are to be harmonized if reasonably capable of 411  
simultaneous operation, finds that the composite is the 412  
resulting version of the section in effect prior to the 413  
effective date of the section as presented in this act. 414