

As Introduced

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H. B. No. 425

Representative Wiggam

**Cosponsors: Representatives Kick, Antani, Lang, Merrin, Becker, Riedel, Vitale,
Manchester, Powell, Koehler, Scherer, Romanchuk**

A BILL

To amend sections 2923.12, 2923.126, 2923.128, and 1
2923.16 of the Revised Code to modify the 2
requirement that a concealed handgun licensee 3
must notify a law enforcement officer that the 4
licensee is authorized to carry a concealed 5
handgun and is carrying a concealed handgun when 6
stopped. 7

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

Section 1. That sections 2923.12, 2923.126, 2923.128, and 8
2923.16 of the Revised Code be amended to read as follows: 9

Sec. 2923.12. (A) No person shall knowingly carry or have, 10
concealed on the person's person or concealed ready at hand, any 11
of the following: 12

(1) A deadly weapon other than a handgun; 13

(2) A handgun other than a dangerous ordnance; 14

(3) A dangerous ordnance. 15

(B) No person who has been issued a concealed handgun 16

license shall do any of the following: 17

(1) If the person is stopped for a law enforcement purpose 18
and is carrying a concealed handgun, before or at the time a law 19
enforcement officer requests the person's driver's license or 20
state identification card, fail to promptly do all of the 21
following: 22

(a) Display the person's concealed handgun license or 23
orally inform any the law enforcement officer who approaches the 24
person after the person has been stopped that the person has 25
been issued a concealed handgun license and; 26

(b) Display the person's driver's license or state 27
identification card; 28

(c) Disclose that the person then is carrying a concealed 29
handgun. 30

(2) If the person is stopped for a law enforcement purpose 31
and is carrying a concealed handgun, knowingly fail to keep the 32
person's hands in plain sight at any time after any law 33
enforcement officer begins approaching the person while stopped 34
and before the law enforcement officer leaves, unless the 35
failure is pursuant to and in accordance with directions given 36
by a law enforcement officer; 37

(3) If the person is stopped for a law enforcement 38
purpose, if the person is carrying a concealed handgun, and if 39
the person is approached by any law enforcement officer while 40
stopped, knowingly remove or attempt to remove the loaded 41
handgun from the holster, pocket, or other place in which the 42
person is carrying it, knowingly grasp or hold the loaded 43
handgun, or knowingly have contact with the loaded handgun by 44
touching it with the person's hands or fingers at any time after 45

the law enforcement officer begins approaching and before the 46
law enforcement officer leaves, unless the person removes, 47
attempts to remove, grasps, holds, or has contact with the 48
loaded handgun pursuant to and in accordance with directions 49
given by the law enforcement officer; 50

(4) If the person is stopped for a law enforcement purpose 51
and is carrying a concealed handgun, knowingly disregard or fail 52
to comply with any lawful order of any law enforcement officer 53
given while the person is stopped, including, but not limited 54
to, a specific order to the person to keep the person's hands in 55
plain sight. 56

(C) (1) This section does not apply to any of the 57
following: 58

(a) An officer, agent, or employee of this or any other 59
state or the United States, or to a law enforcement officer, who 60
is authorized to carry concealed weapons or dangerous ordnance 61
or is authorized to carry handguns and is acting within the 62
scope of the officer's, agent's, or employee's duties; 63

(b) Any person who is employed in this state, who is 64
authorized to carry concealed weapons or dangerous ordnance or 65
is authorized to carry handguns, and who is subject to and in 66
compliance with the requirements of section 109.801 of the 67
Revised Code, unless the appointing authority of the person has 68
expressly specified that the exemption provided in division (C) 69
(1) (b) of this section does not apply to the person; 70

(c) A person's transportation or storage of a firearm, 71
other than a firearm described in divisions (G) to (M) of 72
section 2923.11 of the Revised Code, in a motor vehicle for any 73
lawful purpose if the firearm is not on the actor's person; 74

(d) A person's storage or possession of a firearm, other 75
than a firearm described in divisions (G) to (M) of section 76
2923.11 of the Revised Code, in the actor's own home for any 77
lawful purpose. 78

(2) Division (A)(2) of this section does not apply to any 79
person who, at the time of the alleged carrying or possession of 80
a handgun, either is carrying a valid concealed handgun license 81
or is an active duty member of the armed forces of the United 82
States and is carrying a valid military identification card and 83
documentation of successful completion of firearms training that 84
meets or exceeds the training requirements described in division 85
(G)(1) of section 2923.125 of the Revised Code, unless the 86
person knowingly is in a place described in division (B) of 87
section 2923.126 of the Revised Code. 88

(D) It is an affirmative defense to a charge under 89
division (A)(1) of this section of carrying or having control of 90
a weapon other than a handgun and other than a dangerous 91
ordnance that the actor was not otherwise prohibited by law from 92
having the weapon and that any of the following applies: 93

(1) The weapon was carried or kept ready at hand by the 94
actor for defensive purposes while the actor was engaged in or 95
was going to or from the actor's lawful business or occupation, 96
which business or occupation was of a character or was 97
necessarily carried on in a manner or at a time or place as to 98
render the actor particularly susceptible to criminal attack, 99
such as would justify a prudent person in going armed. 100

(2) The weapon was carried or kept ready at hand by the 101
actor for defensive purposes while the actor was engaged in a 102
lawful activity and had reasonable cause to fear a criminal 103
attack upon the actor, a member of the actor's family, or the 104

actor's home, such as would justify a prudent person in going 105
armed. 106

(3) The weapon was carried or kept ready at hand by the 107
actor for any lawful purpose and while in the actor's own home. 108

(E) No person who is charged with a violation of this 109
section shall be required to obtain a concealed handgun license 110
as a condition for the dismissal of the charge. 111

(F) (1) Whoever violates this section is guilty of carrying 112
concealed weapons. Except as otherwise provided in this division 113
or divisions (F) (2), (6), and (7) of this section, carrying 114
concealed weapons in violation of division (A) of this section 115
is a misdemeanor of the first degree. Except as otherwise 116
provided in this division or divisions (F) (2), (6), and (7) of 117
this section, if the offender previously has been convicted of a 118
violation of this section or of any offense of violence, if the 119
weapon involved is a firearm that is either loaded or for which 120
the offender has ammunition ready at hand, or if the weapon 121
involved is dangerous ordnance, carrying concealed weapons in 122
violation of division (A) of this section is a felony of the 123
fourth degree. Except as otherwise provided in divisions (F) (2) 124
and (6) of this section, if the offense is committed aboard an 125
aircraft, or with purpose to carry a concealed weapon aboard an 126
aircraft, regardless of the weapon involved, carrying concealed 127
weapons in violation of division (A) of this section is a felony 128
of the third degree. 129

(2) Except as provided in division (F) (6) of this section, 130
if a person being arrested for a violation of division (A) (2) of 131
this section promptly produces a valid concealed handgun 132
license, and if at the time of the violation the person was not 133
knowingly in a place described in division (B) of section 134

2923.126 of the Revised Code, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:

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

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

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

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

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

(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.

(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. 164

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 165
section do not apply, the offender shall be punished under 166
division (F) (1) or (7) of this section. 167

(3) ~~Except as otherwise provided in this division,~~ 168
~~carrying concealed weapons in violation of division (B) (1) of~~ 169
~~this section is a misdemeanor of the first degree, and, in~~ 170
~~addition to any other penalty or sanction imposed for a~~ 171
~~violation of division (B) (1) of this section, the offender's~~ 172
~~concealed handgun license shall be suspended pursuant to~~ 173
~~division (A) (2) of section 2923.128 of the Revised Code. If, at~~ 174
~~the time of the stop of the offender for a law enforcement~~ 175
~~purpose that was the basis of the violation, any law enforcement~~ 176
~~officer involved with the stop had actual knowledge that the~~ 177
~~offender has been issued a concealed handgun license, carrying~~ 178
Carrying concealed weapons in violation of division (B) (1) of 179
this section is a minor unclassified misdemeanor, and the 180
offender's concealed handgun license shall not be suspended 181
pursuant to division (A) (2) of section 2923.128 of the Revised 182
Code and the offender may be subject to a fine of not more than 183
twenty-five dollars. 184

(4) Carrying concealed weapons in violation of division 185
(B) (2) or (4) of this section is a misdemeanor of the first 186
degree or, if the offender previously has been convicted of or 187
pleaded guilty to a violation of division (B) (2) or (4) of this 188
section, a felony of the fifth degree. In addition to any other 189
penalty or sanction imposed for a misdemeanor violation of 190
division (B) (2) or (4) of this section, the offender's concealed 191
handgun license shall be suspended pursuant to division (A) (2) 192
of section 2923.128 of the Revised Code. 193

(5) Carrying concealed weapons in violation of division 194
(B) (3) of this section is a felony of the fifth degree. 195

(6) If a person being arrested for a violation of division 196
(A) (2) of this section is an active duty member of the armed 197
forces of the United States and is carrying a valid military 198
identification card and documentation of successful completion 199
of firearms training that meets or exceeds the training 200
requirements described in division (G) (1) of section 2923.125 of 201
the Revised Code, and if at the time of the violation the person 202
was not knowingly in a place described in division (B) of 203
section 2923.126 of the Revised Code, the officer shall not 204
arrest the person for a violation of that division. If the 205
person is not able to promptly produce a valid military 206
identification card and documentation of successful completion 207
of firearms training that meets or exceeds the training 208
requirements described in division (G) (1) of section 2923.125 of 209
the Revised Code and if the person is not in a place described 210
in division (B) of section 2923.126 of the Revised Code, the 211
officer shall issue a citation and the offender shall be 212
assessed a civil penalty of not more than five hundred dollars. 213
The citation shall be automatically dismissed and the civil 214
penalty shall not be assessed if both of the following apply: 215

(a) Within ten days after the issuance of the citation, 216
the offender presents a valid military identification card and 217
documentation of successful completion of firearms training that 218
meets or exceeds the training requirements described in division 219
(G) (1) of section 2923.125 of the Revised Code, which were both 220
valid at the time of the issuance of the citation to the law 221
enforcement agency that employs the citing officer. 222

(b) At the time of the citation, the offender was not 223

| | |
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| knowingly in a place described in division (B) of section | 224 |
| 2923.126 of the Revised Code. | 225 |
| (7) If a person being arrested for a violation of division | 226 |
| (A) (2) of this section is knowingly in a place described in | 227 |
| division (B) (5) of section 2923.126 of the Revised Code and is | 228 |
| not authorized to carry a handgun or have a handgun concealed on | 229 |
| the person's person or concealed ready at hand under that | 230 |
| division, the penalty shall be as follows: | 231 |
| (a) Except as otherwise provided in this division, if the | 232 |
| person produces a valid concealed handgun license within ten | 233 |
| days after the arrest and has not previously been convicted or | 234 |
| pleaded guilty to a violation of division (A) (2) of this | 235 |
| section, the person is guilty of a minor misdemeanor; | 236 |
| (b) Except as otherwise provided in this division, if the | 237 |
| person has previously been convicted of or pleaded guilty to a | 238 |
| violation of division (A) (2) of this section, the person is | 239 |
| guilty of a misdemeanor of the fourth degree; | 240 |
| (c) Except as otherwise provided in this division, if the | 241 |
| person has previously been convicted of or pleaded guilty to two | 242 |
| violations of division (A) (2) of this section, the person is | 243 |
| guilty of a misdemeanor of the third degree; | 244 |
| (d) Except as otherwise provided in this division, if the | 245 |
| person has previously been convicted of or pleaded guilty to | 246 |
| three or more violations of division (A) (2) of this section, or | 247 |
| convicted of or pleaded guilty to any offense of violence, if | 248 |
| the weapon involved is a firearm that is either loaded or for | 249 |
| which the offender has ammunition ready at hand, or if the | 250 |
| weapon involved is a dangerous ordnance, the person is guilty of | 251 |
| a misdemeanor of the second degree. | 252 |

(G) If a law enforcement officer stops a person to 253
question the person regarding a possible violation of this 254
section, for a traffic stop, or for any other law enforcement 255
purpose, if the person surrenders a firearm to the officer, 256
either voluntarily or pursuant to a request or demand of the 257
officer, and if the officer does not charge the person with a 258
violation of this section or arrest the person for any offense, 259
the person is not otherwise prohibited by law from possessing 260
the firearm, and the firearm is not contraband, the officer 261
shall return the firearm to the person at the termination of the 262
stop. If a court orders a law enforcement officer to return a 263
firearm to a person pursuant to the requirement set forth in 264
this division, division (B) of section 2923.163 of the Revised 265
Code applies. 266

Sec. 2923.126. (A) (1) A concealed handgun license that is 267
issued under section 2923.125 of the Revised Code shall expire 268
five years after the date of issuance. A licensee who has been 269
issued a license under that section shall be granted a grace 270
period of thirty days after the licensee's license expires 271
during which the licensee's license remains valid. Except as 272
provided in divisions (B) and (C) of this section, a licensee 273
who has been issued a concealed handgun license under section 274
2923.125 or 2923.1213 of the Revised Code may carry a concealed 275
handgun anywhere in this state if the licensee also carries a 276
valid license when the licensee is in actual possession of a 277
concealed handgun. The licensee shall give notice of any change 278
in the licensee's residence address to the sheriff who issued 279
the license within forty-five days after that change. 280

(2) If a licensee is the driver or an occupant of a motor 281
vehicle that is stopped as the result of a traffic stop or a 282
stop for another law enforcement purpose and if the licensee is 283

transporting or has a loaded handgun in the motor vehicle at 284
that time, before or at the time a law enforcement officer 285
requests the licensee's driver's license or state identification 286
card, the licensee shall ~~promptly display the licensee's~~ 287
concealed handgun license or orally inform any the law 288
enforcement officer ~~who approaches the vehicle while stopped~~ 289
that the licensee has been issued a concealed handgun license, 290
display the licensee's driver's license or state identification 291
card, and disclose that the licensee currently possesses or has 292
a loaded handgun; the licensee shall not knowingly disregard or 293
fail to comply with lawful orders of a law enforcement officer 294
given while the motor vehicle is stopped, knowingly fail to 295
remain in the motor vehicle while stopped, or knowingly fail to 296
keep the licensee's hands in plain sight after any law 297
enforcement officer begins approaching the licensee while 298
stopped and before the officer leaves, unless directed otherwise 299
by a law enforcement officer; and the licensee shall not 300
knowingly have contact with the loaded handgun by touching it 301
with the licensee's hands or fingers, in any manner in violation 302
of division (E) of section 2923.16 of the Revised Code, after 303
any law enforcement officer begins approaching the licensee 304
while stopped and before the officer leaves. ~~Additionally, if~~ 305

(3) If a licensee is the driver or an occupant of a 306
commercial motor vehicle that is stopped by an employee of the 307
motor carrier enforcement unit for the purposes defined in 308
section 5503.34 of the Revised Code and the licensee is 309
transporting or has a loaded handgun in the commercial motor 310
vehicle at that time, before or at the time an employee of the 311
motor carrier enforcement unit requests the licensee's driver's 312
license or state identification card, the licensee shall 313
~~promptly display the licensee's concealed handgun license or~~ 314

~~orally~~ inform the employee of the unit ~~who approaches the~~ 315
~~vehicle while stopped~~ that the licensee has been issued a 316
concealed handgun license, display the licensee's driver's 317
license or state identification card, and disclose that the 318
licensee currently possesses or has a loaded handgun. 319

(4) If a licensee is stopped for a law enforcement purpose 320
and if the licensee is carrying a concealed handgun at the time 321
the officer approaches, before or at the time a law enforcement 322
officer requests the licensee's driver's license or state 323
identification card, the licensee shall ~~promptly display the~~ 324
licensee's concealed handgun license or orally inform any the 325
law enforcement officer ~~who approaches the licensee while~~ 326
~~stopped~~ that the licensee has been issued a concealed handgun 327
license, display the licensee's driver's license or state 328
identification card, and disclose that the licensee currently is 329
carrying a concealed handgun; the licensee shall not knowingly 330
disregard or fail to comply with lawful orders of a law 331
enforcement officer given while the licensee is stopped, or 332
knowingly fail to keep the licensee's hands in plain sight after 333
any law enforcement officer begins approaching the licensee 334
while stopped and before the officer leaves, unless directed 335
otherwise by a law enforcement officer; and the licensee shall 336
not knowingly remove, attempt to remove, grasp, or hold the 337
loaded handgun or knowingly have contact with the loaded handgun 338
by touching it with the licensee's hands or fingers, in any 339
manner in violation of division (B) of section 2923.12 of the 340
Revised Code, after any law enforcement officer begins 341
approaching the licensee while stopped and before the officer 342
leaves. 343

(B) A valid concealed handgun license does not authorize 344
the licensee to carry a concealed handgun in any manner 345

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

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

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

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

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

(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 375
handgun pursuant to a written policy, rule, or other 376
authorization that is adopted by the institution's board of 377
trustees or other governing body and that authorizes specific 378
individuals or classes of individuals to carry a concealed 379
handgun on the premises; 380

(6) Any church, synagogue, mosque, or other place of 381
worship, unless the church, synagogue, mosque, or other place of 382
worship posts or permits otherwise; 383

(7) Any building that is a government facility of this 384
state or a political subdivision of this state and that is not a 385
building that is used primarily as a shelter, restroom, parking 386
facility for motor vehicles, or rest facility and is not a 387
courthouse or other building or structure in which a courtroom 388
is located that is subject to division (B)(3) of this section, 389
unless the governing body with authority over the building has 390
enacted a statute, ordinance, or policy that permits a licensee 391
to carry a concealed handgun into the building; 392

(8) A place in which federal law prohibits the carrying of 393
handguns. 394

(C)(1) Nothing in this section shall negate or restrict a 395
rule, policy, or practice of a private employer that is not a 396
private college, university, or other institution of higher 397
education concerning or prohibiting the presence of firearms on 398
the private employer's premises or property, including motor 399
vehicles owned by the private employer. Nothing in this section 400
shall require a private employer of that nature to adopt a rule, 401
policy, or practice concerning or prohibiting the presence of 402
firearms on the private employer's premises or property, 403
including motor vehicles owned by the private employer. 404

(2) (a) A private employer shall be immune from liability 405
in a civil action for any injury, death, or loss to person or 406
property that allegedly was caused by or related to a licensee 407
bringing a handgun onto the premises or property of the private 408
employer, including motor vehicles owned by the private 409
employer, unless the private employer acted with malicious 410
purpose. A private employer is immune from liability in a civil 411
action for any injury, death, or loss to person or property that 412
allegedly was caused by or related to the private employer's 413
decision to permit a licensee to bring, or prohibit a licensee 414
from bringing, a handgun onto the premises or property of the 415
private employer. 416

(b) A political subdivision shall be immune from liability 417
in a civil action, to the extent and in the manner provided in 418
Chapter 2744. of the Revised Code, for any injury, death, or 419
loss to person or property that allegedly was caused by or 420
related to a licensee bringing a handgun onto any premises or 421
property owned, leased, or otherwise under the control of the 422
political subdivision. As used in this division, "political 423
subdivision" has the same meaning as in section 2744.01 of the 424
Revised Code. 425

(c) An institution of higher education shall be immune 426
from liability in a civil action for any injury, death, or loss 427
to person or property that allegedly was caused by or related to 428
a licensee bringing a handgun onto the premises of the 429
institution, including motor vehicles owned by the institution, 430
unless the institution acted with malicious purpose. An 431
institution of higher education is immune from liability in a 432
civil action for any injury, death, or loss to person or 433
property that allegedly was caused by or related to the 434
institution's decision to permit a licensee or class of 435

licensees to bring a handgun onto the premises of the 436
institution. 437

(3) (a) Except as provided in division (C) (3) (b) of this 438
section and section 2923.1214 of the Revised Code, the owner or 439
person in control of private land or premises, and a private 440
person or entity leasing land or premises owned by the state, 441
the United States, or a political subdivision of the state or 442
the United States, may post a sign in a conspicuous location on 443
that land or on those premises prohibiting persons from carrying 444
firearms or concealed firearms on or onto that land or those 445
premises. Except as otherwise provided in this division, a 446
person who knowingly violates a posted prohibition of that 447
nature is guilty of criminal trespass in violation of division 448
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 449
misdemeanor of the fourth degree. If a person knowingly violates 450
a posted prohibition of that nature and the posted land or 451
premises primarily was a parking lot or other parking facility, 452
the person is not guilty of criminal trespass under section 453
2911.21 of the Revised Code or under any other criminal law of 454
this state or criminal law, ordinance, or resolution of a 455
political subdivision of this state, and instead is subject only 456
to a civil cause of action for trespass based on the violation. 457

If a person knowingly violates a posted prohibition of the 458
nature described in this division and the posted land or 459
premises is a child day-care center, type A family day-care 460
home, or type B family day-care home, unless the person is a 461
licensee who resides in a type A family day-care home or type B 462
family day-care home, the person is guilty of aggravated 463
trespass in violation of section 2911.211 of the Revised Code. 464
Except as otherwise provided in this division, the offender is 465
guilty of a misdemeanor of the first degree. If the person 466

previously has been convicted of a violation of this division or 467
of any offense of violence, if the weapon involved is a firearm 468
that is either loaded or for which the offender has ammunition 469
ready at hand, or if the weapon involved is dangerous ordnance, 470
the offender is guilty of a felony of the fourth degree. 471

(b) A landlord may not prohibit or restrict a tenant who 472
is a licensee and who on or after September 9, 2008, enters into 473
a rental agreement with the landlord for the use of residential 474
premises, and the tenant's guest while the tenant is present, 475
from lawfully carrying or possessing a handgun on those 476
residential premises. 477

(c) As used in division (C) (3) of this section: 478

(i) "Residential premises" has the same meaning as in 479
section 5321.01 of the Revised Code, except "residential 480
premises" does not include a dwelling unit that is owned or 481
operated by a college or university. 482

(ii) "Landlord," "tenant," and "rental agreement" have the 483
same meanings as in section 5321.01 of the Revised Code. 484

(D) A person who holds a valid concealed handgun license 485
issued by another state that is recognized by the attorney 486
general pursuant to a reciprocity agreement entered into 487
pursuant to section 109.69 of the Revised Code or a person who 488
holds a valid concealed handgun license under the circumstances 489
described in division (B) of section 109.69 of the Revised Code 490
has the same right to carry a concealed handgun in this state as 491
a person who was issued a concealed handgun license under 492
section 2923.125 of the Revised Code and is subject to the same 493
restrictions that apply to a person who carries a license issued 494
under that section. 495

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

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

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

(F) (1) A qualified retired peace officer who possesses a
retired peace officer identification card issued pursuant to
division (F) (2) of this section and a valid firearms
requalification certification issued pursuant to division (F) (3)
of this section has the same right to carry a concealed handgun
in this state as a person who was issued a concealed handgun
license under section 2923.125 of the Revised Code and is
subject to the same restrictions that apply to a person who

carries a license issued under that section. For purposes of 526
reciprocity with other states, a qualified retired peace officer 527
who possesses a retired peace officer identification card issued 528
pursuant to division (F) (2) of this section and a valid firearms 529
requalification certification issued pursuant to division (F) (3) 530
of this section shall be considered to be a licensee in this 531
state. 532

(2) (a) Each public agency of this state or of a political 533
subdivision of this state that is served by one or more peace 534
officers shall issue a retired peace officer identification card 535
to any person who retired from service as a peace officer with 536
that agency, if the issuance is in accordance with the agency's 537
policies and procedures and if the person, with respect to the 538
person's service with that agency, satisfies all of the 539
following: 540

(i) The person retired in good standing from service as a 541
peace officer with the public agency, and the retirement was not 542
for reasons of mental instability. 543

(ii) Before retiring from service as a peace officer with 544
that agency, the person was authorized to engage in or supervise 545
the prevention, detection, investigation, or prosecution of, or 546
the incarceration of any person for, any violation of law and 547
the person had statutory powers of arrest. 548

(iii) At the time of the person's retirement as a peace 549
officer with that agency, the person was trained and qualified 550
to carry firearms in the performance of the peace officer's 551
duties. 552

(iv) Before retiring from service as a peace officer with 553
that agency, the person was regularly employed as a peace 554

officer for an aggregate of fifteen years or more, or, in the 555
alternative, the person retired from service as a peace officer 556
with that agency, after completing any applicable probationary 557
period of that service, due to a service-connected disability, 558
as determined by the agency. 559

(b) A retired peace officer identification card issued to 560
a person under division (F) (2) (a) of this section shall identify 561
the person by name, contain a photograph of the person, identify 562
the public agency of this state or of the political subdivision 563
of this state from which the person retired as a peace officer 564
and that is issuing the identification card, and specify that 565
the person retired in good standing from service as a peace 566
officer with the issuing public agency and satisfies the 567
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 568
section. In addition to the required content specified in this 569
division, a retired peace officer identification card issued to 570
a person under division (F) (2) (a) of this section may include 571
the firearms requalification certification described in division 572
(F) (3) of this section, and if the identification card includes 573
that certification, the identification card shall serve as the 574
firearms requalification certification for the retired peace 575
officer. If the issuing public agency issues credentials to 576
active law enforcement officers who serve the agency, the agency 577
may comply with division (F) (2) (a) of this section by issuing 578
the same credentials to persons who retired from service as a 579
peace officer with the agency and who satisfy the criteria set 580
forth in divisions (F) (2) (a) (i) to (iv) of this section, 581
provided that the credentials so issued to retired peace 582
officers are stamped with the word "RETIRED." 583

(c) A public agency of this state or of a political 584
subdivision of this state may charge persons who retired from 585

service as a peace officer with the agency a reasonable fee for 586
issuing to the person a retired peace officer identification 587
card pursuant to division (F) (2) (a) of this section. 588

(3) If a person retired from service as a peace officer 589
with a public agency of this state or of a political subdivision 590
of this state and the person satisfies the criteria set forth in 591
divisions (F) (2) (a) (i) to (iv) of this section, the public 592
agency may provide the retired peace officer with the 593
opportunity to attend a firearms requalification program that is 594
approved for purposes of firearms requalification required under 595
section 109.801 of the Revised Code. The retired peace officer 596
may be required to pay the cost of the course. 597

If a retired peace officer who satisfies the criteria set 598
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 599
a firearms requalification program that is approved for purposes 600
of firearms requalification required under section 109.801 of 601
the Revised Code, the retired peace officer's successful 602
completion of the firearms requalification program requalifies 603
the retired peace officer for purposes of division (F) of this 604
section for five years from the date on which the program was 605
successfully completed, and the requalification is valid during 606
that five-year period. If a retired peace officer who satisfies 607
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 608
section satisfactorily completes such a firearms requalification 609
program, the retired peace officer shall be issued a firearms 610
requalification certification that identifies the retired peace 611
officer by name, identifies the entity that taught the program, 612
specifies that the retired peace officer successfully completed 613
the program, specifies the date on which the course was 614
successfully completed, and specifies that the requalification 615
is valid for five years from that date of successful completion. 616

The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F) (2) of this section.

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

(G) As used in this section:

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

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

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

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

(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 645
Chapter 4503. of the Revised Code that is used to perform deputy 646
registrar functions. 647

(4) "Governing body" has the same meaning as in section 648
154.01 of the Revised Code. 649

(5) "Tactical medical professional" has the same meaning 650
as in section 109.71 of the Revised Code. 651

(6) "Validating identification" means photographic 652
identification issued by the agency for which an individual 653
serves as a peace officer that identifies the individual as a 654
peace officer of the agency. 655

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 656
concealed handgun license is arrested for or otherwise charged 657
with an offense described in division (D) (1) (d) of section 658
2923.125 of the Revised Code or with a violation of section 659
2923.15 of the Revised Code or becomes subject to a temporary 660
protection order or to a protection order issued by a court of 661
another state that is substantially equivalent to a temporary 662
protection order, the sheriff who issued the license shall 663
suspend it and shall comply with division (A) (3) of this section 664
upon becoming aware of the arrest, charge, or protection order. 665
Upon suspending the license, the sheriff also shall comply with 666
division (H) of section 2923.125 of the Revised Code. 667

(b) A suspension under division (A) (1) (a) of this section 668
shall be considered as beginning on the date that the licensee 669
is arrested for or otherwise charged with an offense described 670
in that division or on the date the appropriate court issued the 671
protection order described in that division, irrespective of 672
when the sheriff notifies the licensee under division (A) (3) of 673

this section. The suspension shall end on the date on which the charges are dismissed or the licensee is found not guilty of the offense described in division (A) (1) (a) of this section or, subject to division (B) of this section, on the date the appropriate court terminates the protection order described in that division. If the suspension so ends, the sheriff shall return the license or temporary emergency license to the licensee.

(2) (a) If a licensee holding a valid concealed handgun license is convicted of or pleads guilty to a misdemeanor violation of division (B) ~~(1),~~ (2) or (4) of section 2923.12 of the Revised Code or of division (E) ~~(1), (2),~~ (3) or (5) of section 2923.16 of the Revised Code, ~~except as provided in division (A) (2) (c) of this section and~~ subject to division (C) of this section, the sheriff who issued the license shall suspend it and shall comply with division (A) (3) of this section upon becoming aware of the conviction or guilty plea. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A) (2) (a) of this section shall be considered as beginning on the date that the licensee is convicted of or pleads guilty to the offense described in that division, irrespective of when the sheriff notifies the licensee under division (A) (3) of this section. If the suspension is imposed for a misdemeanor violation of division (B) ~~(1) or~~ (2) of section 2923.12 of the Revised Code or of division (E) ~~(1), (2), or~~ (3) of section 2923.16 of the Revised Code, it shall end on the date that is one year after the date that the licensee is convicted of or pleads guilty to that violation. If the suspension is imposed for a misdemeanor violation of division (B) (4) of section 2923.12 of the Revised

Code or of division (E) (5) of section 2923.16 of the Revised 705
Code, it shall end on the date that is two years after the date 706
that the licensee is convicted of or pleads guilty to that 707
violation. If the licensee's license was issued under section 708
2923.125 of the Revised Code and the license remains valid after 709
the suspension ends as described in this division, when the 710
suspension ends, the sheriff shall return the license to the 711
licensee. If the licensee's license was issued under section 712
2923.125 of the Revised Code and the license expires before the 713
suspension ends as described in this division, or if the 714
licensee's license was issued under section 2923.1213 of the 715
Revised Code, the licensee is not eligible to apply for a new 716
license under section 2923.125 or 2923.1213 of the Revised Code 717
or to renew the license under section 2923.125 of the Revised 718
Code until after the suspension ends as described in this 719
division. 720

~~(c) The license of a licensee who is convicted of or 721
pleads guilty to a violation of division (B) (1) of section 722
2923.12 or division (E) (1) or (2) of section 2923.16 of the 723
Revised Code shall not be suspended pursuant to division (A) (2) 724
(a) of this section if, at the time of the stop of the licensee 725
for a law enforcement purpose, for a traffic stop, or for a 726
purpose defined in section 5503.34 of the Revised Code that was 727
the basis of the violation, any law enforcement officer involved 728
with the stop or the employee of the motor carrier enforcement 729
unit who made the stop had actual knowledge of the licensee's 730
status as a licensee. 731~~

(3) Upon becoming aware of an arrest, charge, or 732
protection order described in division (A) (1) (a) of this section 733
with respect to a licensee who was issued a concealed handgun 734
license, or a conviction of or plea of guilty to a misdemeanor 735

offense described in division (A) (2) (a) of this section with 736
respect to a licensee who was issued a concealed handgun license 737
~~and with respect to which division (A) (2) (c) of this section~~ 738
~~does not apply~~, subject to division (C) of this section, the 739
sheriff who issued the licensee's license shall notify the 740
licensee, by certified mail, return receipt requested, at the 741
licensee's last known residence address that the license has 742
been suspended and that the licensee is required to surrender 743
the license at the sheriff's office within ten days of the date 744
on which the notice was mailed. If the suspension is pursuant to 745
division (A) (2) of this section, the notice shall identify the 746
date on which the suspension ends. 747

(B) (1) A sheriff who issues a concealed handgun license to 748
a licensee shall revoke the license in accordance with division 749
(B) (2) of this section upon becoming aware that the licensee 750
satisfies any of the following: 751

(a) The licensee is under twenty-one years of age. 752

(b) Subject to division (C) of this section, at the time 753
of the issuance of the license, the licensee did not satisfy the 754
eligibility requirements of division (D) (1) (c), (d), (e), (f), 755
(g), or (h) of section 2923.125 of the Revised Code. 756

(c) Subject to division (C) of this section, on or after 757
the date on which the license was issued, the licensee is 758
convicted of or pleads guilty to a violation of section 2923.15 759
of the Revised Code or an offense described in division (D) (1) 760
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 761

(d) On or after the date on which the license was issued, 762
the licensee becomes subject to a civil protection order or to a 763
protection order issued by a court of another state that is 764

substantially equivalent to a civil protection order. 765

(e) The licensee knowingly carries a concealed handgun 766
into a place that the licensee knows is an unauthorized place 767
specified in division (B) of section 2923.126 of the Revised 768
Code. 769

(f) On or after the date on which the license was issued, 770
the licensee is adjudicated as a mental defective or is 771
committed to a mental institution. 772

(g) At the time of the issuance of the license, the 773
licensee did not meet the residency requirements described in 774
division (D)(1) of section 2923.125 of the Revised Code and 775
currently does not meet the residency requirements described in 776
that division. 777

(h) Regarding a license issued under section 2923.125 of 778
the Revised Code, the competency certificate the licensee 779
submitted was forged or otherwise was fraudulent. 780

(2) Upon becoming aware of any circumstance listed in 781
division (B)(1) of this section that applies to a particular 782
licensee who was issued a concealed handgun license, subject to 783
division (C) of this section, the sheriff who issued the license 784
to the licensee shall notify the licensee, by certified mail, 785
return receipt requested, at the licensee's last known residence 786
address that the license is subject to revocation and that the 787
licensee may come to the sheriff's office and contest the 788
sheriff's proposed revocation within fourteen days of the date 789
on which the notice was mailed. After the fourteen-day period 790
and after consideration of any information that the licensee 791
provides during that period, if the sheriff determines on the 792
basis of the information of which the sheriff is aware that the 793

licensee is described in division (B)(1) of this section and no 794
longer satisfies the requirements described in division (D)(1) 795
of section 2923.125 of the Revised Code that are applicable to 796
the licensee's type of license, the sheriff shall revoke the 797
license, notify the licensee of that fact, and require the 798
licensee to surrender the license. Upon revoking the license, 799
the sheriff also shall comply with division (H) of section 800
2923.125 of the Revised Code. 801

(C) If a sheriff who issues a concealed handgun license to 802
a licensee becomes aware that at the time of the issuance of the 803
license the licensee had been convicted of or pleaded guilty to 804
an offense identified in division (D)(1)(e), (f), or (h) of 805
section 2923.125 of the Revised Code or had been adjudicated a 806
delinquent child for committing an act or violation identified 807
in any of those divisions or becomes aware that on or after the 808
date on which the license was issued the licensee has been 809
convicted of or pleaded guilty to an offense identified in 810
division (A)(2)(a) or (B)(1)(c) of this section, the sheriff 811
shall not consider that conviction, guilty plea, or adjudication 812
as having occurred for purposes of divisions (A)(2), (A)(3), (B) 813
(1), and (B)(2) of this section if a court has ordered the 814
sealing or expungement of the records of that conviction, guilty 815
plea, or adjudication pursuant to sections 2151.355 to 2151.358 816
or sections 2953.31 to 2953.36 of the Revised Code or the 817
licensee has been relieved under operation of law or legal 818
process from the disability imposed pursuant to section 2923.13 819
of the Revised Code relative to that conviction, guilty plea, or 820
adjudication. 821

(D) As used in this section, "motor carrier enforcement 822
unit" has the same meaning as in section 2923.16 of the Revised 823
Code. 824

Sec. 2923.16. (A) No person shall knowingly discharge a 825
firearm while in or on a motor vehicle. 826

(B) No person shall knowingly transport or have a loaded 827
firearm in a motor vehicle in such a manner that the firearm is 828
accessible to the operator or any passenger without leaving the 829
vehicle. 830

(C) No person shall knowingly transport or have a firearm 831
in a motor vehicle, unless the person may lawfully possess that 832
firearm under applicable law of this state or the United States, 833
the firearm is unloaded, and the firearm is carried in one of 834
the following ways: 835

(1) In a closed package, box, or case; 836

(2) In a compartment that can be reached only by leaving 837
the vehicle; 838

(3) In plain sight and secured in a rack or holder made 839
for the purpose; 840

(4) If the firearm is at least twenty-four inches in 841
overall length as measured from the muzzle to the part of the 842
stock furthest from the muzzle and if the barrel is at least 843
eighteen inches in length, either in plain sight with the action 844
open or the weapon stripped, or, if the firearm is of a type on 845
which the action will not stay open or which cannot easily be 846
stripped, in plain sight. 847

(D) No person shall knowingly transport or have a loaded 848
handgun in a motor vehicle if, at the time of that 849
transportation or possession, any of the following applies: 850

(1) The person is under the influence of alcohol, a drug 851
of abuse, or a combination of them. 852

(2) The person's whole blood, blood serum or plasma, 853
breath, or urine contains a concentration of alcohol, a listed 854
controlled substance, or a listed metabolite of a controlled 855
substance prohibited for persons operating a vehicle, as 856
specified in division (A) of section 4511.19 of the Revised 857
Code, regardless of whether the person at the time of the 858
transportation or possession as described in this division is 859
the operator of or a passenger in the motor vehicle. 860

(E) No person who has been issued a concealed handgun 861
license or who is an active duty member of the armed forces of 862
the United States and is carrying a valid military 863
identification card and documentation of successful completion 864
of firearms training that meets or exceeds the training 865
requirements described in division (G)(1) of section 2923.125 of 866
the Revised Code, who is the driver or an occupant of a motor 867
vehicle that is stopped as a result of a traffic stop or a stop 868
for another law enforcement purpose or is the driver or an 869
occupant of a commercial motor vehicle that is stopped by an 870
employee of the motor carrier enforcement unit for the purposes 871
defined in section 5503.34 of the Revised Code, and who is 872
transporting or has a loaded handgun in the motor vehicle or 873
commercial motor vehicle in any manner, shall do any of the 874
following: 875

(1) Fail to promptly ~~Before or at the time a law~~ 876
enforcement officer requests the person's driver's license or 877
state identification card, fail to do all of the following: 878

(a) Display the person's concealed handgun license or 879
military identification card and documentation of successful 880
completion of firearms training that meets or exceeds the 881
training requirements described in division (G)(1) of section 882

2923.125 of the Revised Code or orally inform any the law 883
enforcement officer who approaches the vehicle while stopped 884
that the person has been issued a concealed handgun license or 885
is authorized to carry a concealed handgun as an active duty 886
member of the armed forces of the United States and; 887

(b) Display the person's driver's license or state 888
identification card; 889

(c) Disclose that the person then possesses or has a 890
loaded handgun in the motor vehicle. 891

(2) Fail to promptly Before or at the time an employee of 892
the motor carrier enforcement unit requests the person's 893
driver's license or state identification card, fail to do all of 894
the following: 895

(a) Display the person's concealed handgun license or 896
military identification card and documentation of successful 897
completion of firearms training that meets or exceeds the 898
training requirements described in division (G)(1) of section 899
2923.125 of the Revised Code or orally inform the employee of 900
the unit who approaches the vehicle while stopped that the 901
person has been issued a concealed handgun license or is 902
authorized to carry a concealed handgun as an active duty member 903
of the armed forces of the United States and; 904

(b) Display the person's driver's license or state 905
identification card; 906

(c) Disclose that the person then possesses or has a 907
loaded handgun in the commercial motor vehicle. 908

(3) Knowingly fail to remain in the motor vehicle while 909
stopped or knowingly fail to keep the person's hands in plain 910
sight at any time after any law enforcement officer begins 911

approaching the person while stopped and before the law 912
enforcement officer leaves, unless the failure is pursuant to 913
and in accordance with directions given by a law enforcement 914
officer; 915

(4) Knowingly have contact with the loaded handgun by 916
touching it with the person's hands or fingers in the motor 917
vehicle at any time after the law enforcement officer begins 918
approaching and before the law enforcement officer leaves, 919
unless the person has contact with the loaded handgun pursuant 920
to and in accordance with directions given by the law 921
enforcement officer; 922

(5) Knowingly disregard or fail to comply with any lawful 923
order of any law enforcement officer given while the motor 924
vehicle is stopped, including, but not limited to, a specific 925
order to the person to keep the person's hands in plain sight. 926

(F) (1) Divisions (A), (B), (C), and (E) of this section do 927
not apply to any of the following: 928

(a) An officer, agent, or employee of this or any other 929
state or the United States, or a law enforcement officer, when 930
authorized to carry or have loaded or accessible firearms in 931
motor vehicles and acting within the scope of the officer's, 932
agent's, or employee's duties; 933

(b) Any person who is employed in this state, who is 934
authorized to carry or have loaded or accessible firearms in 935
motor vehicles, and who is subject to and in compliance with the 936
requirements of section 109.801 of the Revised Code, unless the 937
appointing authority of the person has expressly specified that 938
the exemption provided in division (F) (1) (b) of this section 939
does not apply to the person. 940

| | |
|--|--|
| (2) Division (A) of this section does not apply to a person if all of the following circumstances apply: | 941 942 |
| (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. | 943 944 945 946 947 948 |
| (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. | 949 950 951 952 |
| (c) The person owns the real property described in division (F) (2) (b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property. | 953 954 955 956 957 958 |
| (d) The person does not discharge the firearm in any of the following manners: | 959 960 |
| (i) While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse; | 961 962 |
| (ii) In the direction of a street, highway, or other public or private property used by the public for vehicular traffic or parking; | 963 964 965 |
| (iii) At or into an occupied structure that is a permanent or temporary habitation; | 966 967 |
| (iv) In the commission of any violation of law, including, | 968 |

but not limited to, a felony that includes, as an essential 969
element, purposely or knowingly causing or attempting to cause 970
the death of or physical harm to another and that was committed 971
by discharging a firearm from a motor vehicle. 972

(3) Division (A) of this section does not apply to a 973
person if all of the following apply: 974

(a) The person possesses a valid all-purpose vehicle 975
permit issued under section 1533.103 of the Revised Code by the 976
chief of the division of wildlife. 977

(b) The person discharges a firearm at a wild quadruped or 978
game bird as defined in section 1531.01 of the Revised Code 979
during the open hunting season for the applicable wild quadruped 980
or game bird. 981

(c) The person discharges a firearm from a stationary all- 982
purpose vehicle as defined in section 1531.01 of the Revised 983
Code from private or publicly owned lands or from a motor 984
vehicle that is parked on a road that is owned or administered 985
by the division of wildlife. 986

(d) The person does not discharge the firearm in any of 987
the following manners: 988

(i) While under the influence of alcohol, a drug of abuse, 989
or alcohol and a drug of abuse; 990

(ii) In the direction of a street, a highway, or other 991
public or private property that is used by the public for 992
vehicular traffic or parking; 993

(iii) At or into an occupied structure that is a permanent 994
or temporary habitation; 995

(iv) In the commission of any violation of law, including, 996

but not limited to, a felony that includes, as an essential 997
element, purposely or knowingly causing or attempting to cause 998
the death of or physical harm to another and that was committed 999
by discharging a firearm from a motor vehicle. 1000

(4) Divisions (B) and (C) of this section do not apply to 1001
a person if all of the following circumstances apply: 1002

(a) At the time of the alleged violation of either of 1003
those divisions, the person is the operator of or a passenger in 1004
a motor vehicle. 1005

(b) The motor vehicle is on real property that is located 1006
in an unincorporated area of a township and that either is zoned 1007
for agriculture or is used for agriculture. 1008

(c) The person owns the real property described in 1009
division (D) (4) (b) of this section, is the spouse or a child of 1010
another person who owns that real property, is a tenant of 1011
another person who owns that real property, or is the spouse or 1012
a child of a tenant of another person who owns that real 1013
property. 1014

(d) The person, prior to arriving at the real property 1015
described in division (D) (4) (b) of this section, did not 1016
transport or possess a firearm in the motor vehicle in a manner 1017
prohibited by division (B) or (C) of this section while the 1018
motor vehicle was being operated on a street, highway, or other 1019
public or private property used by the public for vehicular 1020
traffic or parking. 1021

(5) Divisions (B) and (C) of this section do not apply to 1022
a person who transports or possesses a handgun in a motor 1023
vehicle if, at the time of that transportation or possession, 1024
both of the following apply: 1025

(a) The person transporting or possessing the handgun is 1026
either carrying a valid concealed handgun license or is an 1027
active duty member of the armed forces of the United States and 1028
is carrying a valid military identification card and 1029
documentation of successful completion of firearms training that 1030
meets or exceeds the training requirements described in division 1031
(G) (1) of section 2923.125 of the Revised Code. 1032

(b) The person transporting or possessing the handgun is 1033
not knowingly in a place described in division (B) of section 1034
2923.126 of the Revised Code. 1035

(6) Divisions (B) and (C) of this section do not apply to 1036
a person if all of the following apply: 1037

(a) The person possesses a valid all-purpose vehicle 1038
permit issued under section 1533.103 of the Revised Code by the 1039
chief of the division of wildlife. 1040

(b) The person is on or in an all-purpose vehicle as 1041
defined in section 1531.01 of the Revised Code or a motor 1042
vehicle during the open hunting season for a wild quadruped or 1043
game bird. 1044

(c) The person is on or in an all-purpose vehicle as 1045
defined in section 1531.01 of the Revised Code on private or 1046
publicly owned lands or on or in a motor vehicle that is parked 1047
on a road that is owned or administered by the division of 1048
wildlife. 1049

(7) Nothing in this section prohibits or restricts a 1050
person from possessing, storing, or leaving a firearm in a 1051
locked motor vehicle that is parked in the state underground 1052
parking garage at the state capitol building or in the parking 1053
garage at the Riffe center for government and the arts in 1054

Columbus, if the person's transportation and possession of the 1055
firearm in the motor vehicle while traveling to the premises or 1056
facility was not in violation of division (A), (B), (C), (D), or 1057
(E) of this section or any other provision of the Revised Code. 1058

(G) (1) The affirmative defenses authorized in divisions 1059
(D) (1) and (2) of section 2923.12 of the Revised Code are 1060
affirmative defenses to a charge under division (B) or (C) of 1061
this section that involves a firearm other than a handgun. 1062

(2) It is an affirmative defense to a charge under 1063
division (B) or (C) of this section of improperly handling 1064
firearms in a motor vehicle that the actor transported or had 1065
the firearm in the motor vehicle for any lawful purpose and 1066
while the motor vehicle was on the actor's own property, 1067
provided that this affirmative defense is not available unless 1068
the person, immediately prior to arriving at the actor's own 1069
property, did not transport or possess the firearm in a motor 1070
vehicle in a manner prohibited by division (B) or (C) of this 1071
section while the motor vehicle was being operated on a street, 1072
highway, or other public or private property used by the public 1073
for vehicular traffic. 1074

(H) (1) No person who is charged with a violation of 1075
division (B), (C), or (D) of this section shall be required to 1076
obtain a concealed handgun license as a condition for the 1077
dismissal of the charge. 1078

(2) (a) If a person is convicted of, was convicted of, 1079
pleads guilty to, or has pleaded guilty to a violation of 1080
division (E) of this section as it existed prior to September 1081
30, 2011, and if the conduct that was the basis of the violation 1082
no longer would be a violation of division (E) of this section 1083
on or after September 30, 2011, the person may file an 1084

application under section 2953.37 of the Revised Code requesting 1085
the expungement of the record of conviction. 1086

If a person is convicted of, was convicted of, pleads 1087
guilty to, or has pleaded guilty to a violation of division (B) 1088
or (C) of this section as the division existed prior to 1089
September 30, 2011, and if the conduct that was the basis of the 1090
violation no longer would be a violation of division (B) or (C) 1091
of this section on or after September 30, 2011, due to the 1092
application of division (F)(5) of this section as it exists on 1093
and after September 30, 2011, the person may file an application 1094
under section 2953.37 of the Revised Code requesting the 1095
expungement of the record of conviction. 1096

(b) The attorney general shall develop a public media 1097
advisory that summarizes the expungement procedure established 1098
under section 2953.37 of the Revised Code and the offenders 1099
identified in division (H)(2)(a) of this section who are 1100
authorized to apply for the expungement. Within thirty days 1101
after September 30, 2011, the attorney general shall provide a 1102
copy of the advisory to each daily newspaper published in this 1103
state and each television station that broadcasts in this state. 1104
The attorney general may provide the advisory in a tangible 1105
form, an electronic form, or in both tangible and electronic 1106
forms. 1107

(I) Whoever violates this section is guilty of improperly 1108
handling firearms in a motor vehicle. Violation of division (A) 1109
of this section is a felony of the fourth degree. Violation of 1110
division (C) of this section is a misdemeanor of the fourth 1111
degree. A violation of division (D) of this section is a felony 1112
of the fifth degree or, if the loaded handgun is concealed on 1113
the person's person, a felony of the fourth degree. ~~Except as~~ 1114

~~otherwise provided in this division, a~~ A violation of division 1115
(E) (1) or (2) of this section is ~~a~~ an unclassified misdemeanor 1116
~~of the first degree, and, in addition to any other penalty or~~ 1117
~~sanction imposed for the violation, the offender's concealed~~ 1118
~~handgun license shall be suspended pursuant to division (A) (2)~~ 1119
~~of section 2923.128 of the Revised Code. If at the time of the~~ 1120
~~stop of the offender for a traffic stop, for another law~~ 1121
~~enforcement purpose, or for a purpose defined in section 5503.34~~ 1122
~~of the Revised Code that was the basis of the violation any law~~ 1123
~~enforcement officer involved with the stop or the employee of~~ 1124
~~the motor carrier enforcement unit who made the stop had actual~~ 1125
~~knowledge of the offender's status as a licensee, a violation of~~ 1126
~~division (E) (1) or (2) of this section is a minor misdemeanor,~~ 1127
~~and the offender's concealed handgun license shall not be~~ 1128
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1129
~~Revised Code and the offender may be subject to a fine of not~~ 1130
more than twenty-five dollars. A violation of division (E) (4) of 1131
this section is a felony of the fifth degree. A violation of 1132
division (E) (3) or (5) of this section is a misdemeanor of the 1133
first degree or, if the offender previously has been convicted 1134
of or pleaded guilty to a violation of division (E) (3) or (5) of 1135
this section, a felony of the fifth degree. In addition to any 1136
other penalty or sanction imposed for a misdemeanor violation of 1137
division (E) (3) or (5) of this section, the offender's concealed 1138
handgun license shall be suspended pursuant to division (A) (2) 1139
of section 2923.128 of the Revised Code. A violation of division 1140
(B) of this section is a felony of the fourth degree. 1141

(J) If a law enforcement officer stops a motor vehicle for 1142
a traffic stop or any other purpose, if any person in the motor 1143
vehicle surrenders a firearm to the officer, either voluntarily 1144
or pursuant to a request or demand of the officer, and if the 1145

officer does not charge the person with a violation of this 1146
section or arrest the person for any offense, the person is not 1147
otherwise prohibited by law from possessing the firearm, and the 1148
firearm is not contraband, the officer shall return the firearm 1149
to the person at the termination of the stop. If a court orders 1150
a law enforcement officer to return a firearm to a person 1151
pursuant to the requirement set forth in this division, division 1152
(B) of section 2923.163 of the Revised Code applies. 1153

(K) As used in this section: 1154

(1) "Motor vehicle," "street," and "highway" have the same 1155
meanings as in section 4511.01 of the Revised Code. 1156

(2) "Occupied structure" has the same meaning as in 1157
section 2909.01 of the Revised Code. 1158

(3) "Agriculture" has the same meaning as in section 1159
519.01 of the Revised Code. 1160

(4) "Tenant" has the same meaning as in section 1531.01 of 1161
the Revised Code. 1162

(5) (a) "Unloaded" means, with respect to a firearm other 1163
than a firearm described in division (K) (6) of this section, 1164
that no ammunition is in the firearm in question, no magazine or 1165
speed loader containing ammunition is inserted into the firearm 1166
in question, and one of the following applies: 1167

(i) There is no ammunition in a magazine or speed loader 1168
that is in the vehicle in question and that may be used with the 1169
firearm in question. 1170

(ii) Any magazine or speed loader that contains ammunition 1171
and that may be used with the firearm in question is stored in a 1172
compartment within the vehicle in question that cannot be 1173

accessed without leaving the vehicle or is stored in a container 1174
that provides complete and separate enclosure. 1175

(b) For the purposes of division (K) (5) (a) (ii) of this 1176
section, a "container that provides complete and separate 1177
enclosure" includes, but is not limited to, any of the 1178
following: 1179

(i) A package, box, or case with multiple compartments, as 1180
long as the loaded magazine or speed loader and the firearm in 1181
question either are in separate compartments within the package, 1182
box, or case, or, if they are in the same compartment, the 1183
magazine or speed loader is contained within a separate 1184
enclosure in that compartment that does not contain the firearm 1185
and that closes using a snap, button, buckle, zipper, hook and 1186
loop closing mechanism, or other fastener that must be opened to 1187
access the contents or the firearm is contained within a 1188
separate enclosure of that nature in that compartment that does 1189
not contain the magazine or speed loader; 1190

(ii) A pocket or other enclosure on the person of the 1191
person in question that closes using a snap, button, buckle, 1192
zipper, hook and loop closing mechanism, or other fastener that 1193
must be opened to access the contents. 1194

(c) For the purposes of divisions (K) (5) (a) and (b) of 1195
this section, ammunition held in stripper-clips or in en-bloc 1196
clips is not considered ammunition that is loaded into a 1197
magazine or speed loader. 1198

(6) "Unloaded" means, with respect to a firearm employing 1199
a percussion cap, flintlock, or other obsolete ignition system, 1200
when the weapon is uncapped or when the priming charge is 1201
removed from the pan. 1202

(7) "Commercial motor vehicle" has the same meaning as in 1203
division (A) of section 4506.25 of the Revised Code. 1204

(8) "Motor carrier enforcement unit" means the motor 1205
carrier enforcement unit in the department of public safety, 1206
division of state highway patrol, that is created by section 1207
5503.34 of the Revised Code. 1208

(L) Divisions (K) (5) (a) and (b) of this section do not 1209
affect the authority of a person who is carrying a valid 1210
concealed handgun license to have one or more magazines or speed 1211
loaders containing ammunition anywhere in a vehicle, without 1212
being transported as described in those divisions, as long as no 1213
ammunition is in a firearm, other than a handgun, in the vehicle 1214
other than as permitted under any other provision of this 1215
chapter. A person who is carrying a valid concealed handgun 1216
license may have one or more magazines or speed loaders 1217
containing ammunition anywhere in a vehicle without further 1218
restriction, as long as no ammunition is in a firearm, other 1219
than a handgun, in the vehicle other than as permitted under any 1220
provision of this chapter. 1221

Section 2. That existing sections 2923.12, 2923.126, 1222
2923.128, and 2923.16 of the Revised Code are hereby repealed. 1223

Section 3. Section 2923.126 of the Revised Code is 1224
presented in this act as a composite of the section as amended 1225
by both Am. Sub. H.B. 79 and Am. Sub. H.B. 228 of the 132nd 1226
General Assembly. The General Assembly, applying the principle 1227
stated in division (B) of section 1.52 of the Revised Code that 1228
amendments are to be harmonized if reasonably capable of 1229
simultaneous operation, finds that the composite is the 1230
resulting version of the section in effect prior to the 1231
effective date of the section as presented in this act. 1232