H.B. 178  
As Introduced

Topic: State preemption; concealed carry not prohibited by law; posting signs

--------- moved to amend as follows:

In line 1 of the title, after "sections" insert "9.68,"

In line 12 of the title, after "law," insert "expanding state preemption of firearms regulation to include all deadly weapons,"

In line 17 of the title, delete "federal"

In line 20 of the title, after "licensee" insert ", and to amend the version of section 9.68 of the Revised Code that is scheduled to take effect on December 28, 2019, to continue the provisions of this act on and after that effective date"

In line 21, after "sections" insert "9.68,"

After line 26, insert:

"Sec. 9.68. (A) The individual right to keep and bear arms, being a fundamental individual right that predates the United States Constitution and Ohio Constitution, and being a constitutionally protected right in every part of Ohio, the general assembly finds the need to provide uniform laws throughout the state regulating the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, or other transfer of deadly weapons, including firearms, and their components,
accessories, attachments, and their ammunition. Except as specifically provided by the United States Constitution, Ohio Constitution, state law, or federal law, a person, without further license, permission, restriction, delay, or process, may own, possess, purchase, sell, transfer, transport, store, or keep any deadly weapon, including any firearm, part of a firearm, and its components, accessories, attachments, and its ammunition.

(B) In addition to any other relief provided, the court shall award costs and reasonable attorney fees to any person, group, or entity that prevails in a challenge to an ordinance, rule, or regulation as being in conflict with this section.

(C) As used in this section:

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

(2) "Firearm" has and "deadly weapon" have the same meaning as in section 2923.11 of the Revised Code.

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

(1) A zoning ordinance that regulates or prohibits the commercial sale of deadly weapons, including firearms, firearm components, or ammunition for firearms in areas zoned for residential or agricultural uses;

(2) A zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of deadly weapons, including firearms, firearm components, or ammunition for firearms may occur, provided that the zoning ordinance is
consistent with zoning ordinances for other retail establishments in the same geographic area and does not result in a de facto prohibition of the commercial sale of deadly weapons, including firearms, firearm components, or ammunition for firearms, in areas zoned for commercial, retail, or industrial uses."

In line 932, delete "18"

In line 933, delete "U.S.C. 922(g)(1) to (9)" and insert "any law of this state or the United States"

In line 943, delete "18 U.S.C. 922(g)(1) to (9)" and insert "any law of this state or the United States"

In line 979, delete "specified in 18"

Delete line 980

In line 981, delete "under the applicable provision"

In line 982, after "firearm" insert "under any law of this state or the United States"

In line 3163, strike through "Each" and insert "(A) Except as provided in division (B) of this section, each"

After line 3174, insert:

"(B) If a person, board, or entity that owns or controls any place or premises identified in division (B)(6) or (7) of section 2923.126 of the Revised Code as a place that may permit the licensee to carry a concealed deadly weapon, or a designee of such a person, board, or entity, does not post a sign as provided in division (A) of this section, it shall be presumed that the person, board, or entity that owns or controls the place or premises permits the licensee to carry a concealed deadly weapon on the premises."

In line 4104, after "sections" insert "9.68,"
"Section 3. That the version of section 9.68 of the Revised Code that is scheduled to take effect on December 28, 2019, be amended to read as follows:

Sec. 9.68. (A) The individual right to keep and bear arms, being a fundamental individual right that predates the United States Constitution and Ohio Constitution, and being a constitutionally protected right in every part of Ohio, the general assembly finds the need to provide uniform laws throughout the state regulating the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of deadly weapons, including firearms, and their components, accessories, attachments, and their ammunition. The general assembly also finds and declares that it is proper for law-abiding people to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves or others. Except as specifically provided by the United States Constitution, Ohio Constitution, state law, or federal law, a person, without further license, permission, restriction, delay, or process, including by any ordinance, rule, regulation, resolution, practice, or other action or any threat of citation, prosecution, or other legal process, may own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, or keep any deadly weapon, including any firearm, part of a firearm, and its components, accessories, attachments, and its ammunition. Any such further license, permission, restriction, delay, or process interferes with the fundamental individual right described in this division and unduly inhibits law-abiding people from protecting themselves, their families, and others from intruders and attackers and from
other legitimate uses of constitutionally protected deadly weapons, including firearms, such as hunting and sporting activities, and the. The state by this section preempts, supersedes, and declares null and void any such further license, permission, restriction, delay, or process.

(B) A person, group, or entity adversely affected by any manner of ordinance, rule, regulation, resolution, practice, or other action enacted or enforced by a political subdivision in conflict with division (A) of this section may bring a civil action against the political subdivision seeking damages from the political subdivision, declaratory relief, injunctive relief, or a combination of those remedies. Any damages awarded shall be awarded against, and paid by, the political subdivision. In addition to any actual damages awarded against the political subdivision and other relief provided with respect to such an action, the court shall award reasonable expenses to any person, group, or entity that brings the action, to be paid by the political subdivision, if either of the following applies:

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

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

(C) As used in this section:

(1) The possession, transporting, or carrying of deadly weapons, including firearms, their components, or their ammunition, include, but are not limited to, the possession, transporting, or carrying, openly or concealed on a person's
person or concealed ready at hand, of **deadly weapons**, including firearms, their components, or their ammunition.

(2) "Firearm" has and "deadly weapon" have the same meaning as in section 2923.11 of the Revised Code.

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

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

(1) A zoning ordinance that regulates or prohibits the commercial sale of **deadly weapons**, including firearms, firearm components, or ammunition for firearms, in areas zoned for residential or agricultural uses;

(2) A zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of **deadly weapons**, including firearms, firearm components, or ammunition for firearms, may occur, provided that the zoning ordinance is consistent with zoning ordinances for other retail establishments in the same geographic area and does not result in a de facto prohibition of the commercial sale of **deadly weapons**, including firearms, firearm components, or ammunition for firearms, in areas zoned for commercial, retail, or industrial uses.

**Section 4.** That the version of existing section 9.68 of the Revised Code that is scheduled to take effect on December 28, 2019, is hereby repealed.

**Section 5.** Sections 3 and 4 of this act take effect on December 28, 2019.

**Section 6.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of
simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:


Section 2953.37 of the Revised Code as amended by both Am. Sub. H.B. 228 and Sub. H.B. 425 of the 132nd General Assembly."

Delete lines 4110 through 4126

The motion was __________ agreed to.