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132nd General Assembly
Regular Session
2017-2018

Sub. H. B. No. 228

A BILL

To amend sections 9.68, 307.932, 2307.601, 2901.05, 1
2901.09, 2923.12, 2923.126, 2923.16, 2953.37, 2
5321.01, and 5321.13 and to repeal section 3
2923.1212 of the Revised Code to modify the 4
state preemption of local firearm regulations 5
and related remedies; to assign to the 6
prosecution the burden of disproving a self- 7
defense or related claim; to expand the 8
locations at which a person has no duty to 9
retreat before using force under both civil and 10
criminal law; to modify the Concealed Handgun 11
Licensing Law regarding the carrying of 12
additional identification and a licensee's duty 13
to keep the licensee's hands in plain sight; to 14
modify penalties for illegally carrying a 15
concealed firearm or improperly handling 16
firearms in a motor vehicle; to repeal the 17
required posting of warning signs regarding the 18
possession of weapons on specified premises; to 19
provide an affirmative defense to improperly 20
handling firearms in a motor vehicle for 21
handguns in the vehicle without the defendant's 22
knowledge; and to generally bar any subsidized 23



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residential premises lease from requiring a 24
tenant to agree to a restriction on a lawful 25
firearm, a firearm component, or ammunition 26
within the tenant's rental dwelling unit. 27

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

Section 1. That sections 9.68, 307.932, 2307.601, 2901.05, 28
2901.09, 2923.12, 2923.126, 2923.16, 2953.37, 5321.01, and 29
5321.13 of the Revised Code be amended to read as follows: 30

Sec. 9.68. (A) The individual right to keep and bear arms, 31
being a fundamental individual right that predates the United 32
States Constitution and Ohio Constitution, and being a 33
constitutionally protected right in every part of Ohio, the 34
general assembly finds the need to provide uniform laws 35
throughout the state regulating the ownership, possession, 36
purchase, other acquisition, transport, storage, carrying, sale, 37
~~or other transfer, manufacture, taxation, keeping, and reporting~~ 38
of loss or theft of firearms, their components, and their 39
ammunition. The general assembly also finds and declares that it 40
is proper for law-abiding people to protect themselves, their 41
families, and others from intruders and attackers without fear 42
of prosecution or civil action for acting in defense of 43
themselves or others. Except as specifically provided by the 44
United States Constitution, Ohio Constitution, state law, or 45
federal law, a person, without further license, permission, 46
restriction, delay, or process, including by any ordinance, 47
rule, regulation, resolution, practice, or other action or any 48
threat of citation, prosecution, or other legal process, may 49
own, possess, purchase, sell, ~~transfer~~ acquire, transport, 50

store, carry, sell, transfer, manufacture, or keep any firearm, 51
part of a firearm, its components, and its ammunition. Any such 52
further license, permission, restriction, delay, or process 53
interferes with the fundamental individual right described in 54
this division and unduly inhibits law-abiding people from 55
protecting themselves, their families, and others from intruders 56
and attackers and from other legitimate uses of constitutionally 57
protected firearms, including hunting and sporting activities, 58
and the state by this section preempts, supersedes, and declares 59
null and void any such further license, permission, restriction, 60
delay, or process. 61

(B) A person, group, or entity adversely affected by any 62
manner of ordinance, rule, regulation, resolution, practice, or 63
other action enacted or enforced by a political subdivision in 64
conflict with division (A) of this section may bring a civil 65
action against the political subdivision seeking damages from 66
the political subdivision, declaratory relief, injunctive 67
relief, or a combination of those remedies. Any damages awarded 68
shall be awarded against, and paid by, the political 69
subdivision. In addition to any actual damages awarded against 70
the political subdivision and other relief provided with respect 71
to such an action, the court shall award ~~costs and~~ reasonable 72
attorney fees ~~expenses~~ to any person, group, or entity that 73
brings the action, to be paid by the political subdivision, if 74
either of the following applies: 75

(1) The person, group, or entity prevails in a challenge 76
to ~~an~~ the ordinance, rule, ~~or~~ regulation, resolution, practice, 77
or action as being in conflict with division (A) of this 78
section. 79

(2) The ordinance, rule, regulation, resolution, practice, 80

or action or the manner of its enforcement is repealed or 81
rescinded after the civil action was filed but prior to a final 82
court determination of the action. 83

(C) As used in this section: 84

(1) The possession, transporting, or carrying of firearms, 85
their components, or their ammunition include, but are not 86
limited to, the possession, transporting, or carrying, openly or 87
concealed on a person's person or concealed ready at hand, of 88
firearms, their components, or their ammunition. 89

(2) "Firearm" has the same meaning as in section 2923.11 90
of the Revised Code. 91

(3) "Person, group, or entity adversely affected" means 92
any of the following: 93

(a) A person who has standing under the law of this state 94
to bring a civil action under division (B) of this section; 95

(b) A resident of this state who may legally possess a 96
firearm under the law of this state and the United States; 97

(c) A membership organization, group, or entity, the 98
members of which include one or more persons described in 99
division (C) (3) (a) or (b) of this section. 100

(4) "Reasonable expenses" include, but are not limited to, 101
reasonable attorney's fees, court costs, expert witness fees, 102
and compensation for loss of income. 103

(D) This section does not apply to either of the 104
following: 105

(1) A zoning ordinance that regulates or prohibits the 106
commercial sale of firearms, firearm components, or ammunition 107

for firearms in areas zoned for residential or agricultural 108
uses; 109

(2) A zoning ordinance that specifies the hours of 110
operation or the geographic areas where the commercial sale of 111
firearms, firearm components, or ammunition for firearms may 112
occur, provided that the zoning ordinance is consistent with 113
zoning ordinances for other retail establishments in the same 114
geographic area and does not result in a de facto prohibition of 115
the commercial sale of firearms, firearm components, or 116
ammunition for firearms in areas zoned for commercial, retail, 117
or industrial uses. 118

Sec. 307.932. (A) As used in this section: 119

(1) "Division of parole and community services" means the 120
division of parole and community services of the department of 121
rehabilitation and correction. 122

(2) "Eligible offender" means, in relation to a particular 123
community alternative sentencing center or district community 124
alternative sentencing center established and operated under 125
this section, an offender who has been convicted of or pleaded 126
guilty to a qualifying misdemeanor offense, for whom no 127
provision of the Revised Code or ordinance of a municipal 128
corporation other than section 4511.19 of the Revised Code, both 129
sections 4510.14 and 4511.19 of the Revised Code, or an 130
ordinance or ordinances of a municipal corporation that provide 131
the penalties for a municipal OVI offense or for both a 132
municipal OVI ordinance and a municipal DUS ordinance of the 133
municipal corporation requires the imposition of a mandatory 134
jail term for that qualifying misdemeanor offense, and who is 135
eligible to be sentenced directly to that center and admitted to 136
it under rules adopted under division (G) of this section by the 137

board of county commissioners, affiliated group of boards of 138
county commissioners, or municipal corporation that established 139
and operates that center. 140

(3) "Municipal OVI offense" has the same meaning as in 141
section 4511.181 of the Revised Code. 142

(4) "OVI term of confinement" means a term of confinement 143
imposed for a violation of section 4511.19 of the Revised Code 144
or for a municipal OVI offense, including any mandatory jail 145
term or mandatory term of local incarceration imposed for that 146
violation or offense. 147

(5) "Community residential sanction" means a community 148
residential sanction imposed under section 2929.26 of the 149
Revised Code for a misdemeanor violation of a section of the 150
Revised Code or a term of confinement imposed for a misdemeanor 151
violation of a municipal ordinance that is not a jail term. 152

(6) "Qualifying misdemeanor offense" means a violation of 153
any section of the Revised Code that is a misdemeanor or a 154
violation of any ordinance of a municipal corporation located in 155
the county that is a misdemeanor. 156

(7) "Municipal DUS offense" means a violation of a 157
municipal ordinance that is substantially equivalent to section 158
4510.14 of the Revised Code. 159

(B)(1) The board of county commissioners of any county, in 160
consultation with the sheriff of the county, may establish a 161
community alternative sentencing center that, upon 162
implementation by the county or being subcontracted to or 163
operated by a nonprofit organization, shall be used for the 164
confinement of eligible offenders sentenced directly to the 165
center by a court located in any county pursuant to a community 166

residential sanction of not more than ninety days or pursuant to 167
an OVI term of confinement of not more than ninety days, and for 168
the purpose of closely monitoring those eligible offenders' 169
adjustment to community supervision. A board that establishes a 170
center pursuant to this division shall do so by resolution. 171

(2) The boards of county commissioners of two or more 172
adjoining or neighboring counties, in consultation with the 173
sheriffs of each of those counties, may affiliate and establish 174
by resolution adopted by each of them a district community 175
alternative sentencing center that, upon implementation by the 176
counties or being subcontracted to or operated by a nonprofit 177
organization, shall be used for the confinement of eligible 178
offenders sentenced directly to the center by a court located in 179
any county pursuant to a community residential sanction of not 180
more than ninety days or pursuant to an OVI term of confinement 181
of not more than ninety days, and for the purpose of closely 182
monitoring those eligible offenders' adjustment to community 183
supervision. Each board that affiliates with one or more other 184
boards to establish a center pursuant to this division shall do 185
so by resolution. 186

(3) A municipal corporation may establish a community 187
alternative sentencing center that, upon implementation by the 188
municipal corporation or being subcontracted to or operated by a 189
nonprofit organization, shall be used for the confinement of 190
eligible offenders sentenced directly to the center by a court 191
located in any county pursuant to a community residential 192
sanction of not more than ninety days or pursuant to an OVI term 193
of confinement of not more than ninety days, and for the purpose 194
of closely monitoring those eligible offenders' adjustment to 195
community supervision. A municipal corporation that establishes 196
a center pursuant to this division shall do so by resolution. 197

(C) Each resolution establishing a community alternative 198
sentencing center or a district community alternative sentencing 199
center under division (B) of this section shall include 200
provisions for operation of the center and for criteria to 201
define which offenders are eligible to be sentenced directly to 202
the center and admitted to it. At a minimum, the criteria that 203
define which offenders are eligible to be sentenced directly to 204
the center and admitted to it shall provide that an offender is 205
eligible to be sentenced directly to the center and admitted to 206
it if the offender has been convicted of or pleaded guilty to a 207
qualifying misdemeanor offense and is sentenced directly to the 208
center for the qualifying misdemeanor offense pursuant to a 209
community residential sanction of not more than ninety days or 210
pursuant to an OVI term of confinement of not more than ninety 211
days by a court that is located in any county. 212

(D) If a community alternative sentencing center or a 213
district community alternative sentencing center that is 214
established under division (B) of this section contemplates the 215
use of an existing facility, or a part of an existing facility, 216
as the center, nothing in this section limits, restricts, or 217
precludes the use of the facility, the part of the facility, or 218
any other part of the facility for any purpose other than as a 219
community alternative sentencing center or district community 220
alternative sentencing center. 221

(E) If a board of county commissioners, an affiliated 222
group of boards of county commissioners, or municipal 223
corporation establishes and operates or subcontracts with a 224
nonprofit organization for the operation of a community 225
alternative sentencing center or district community alternative 226
sentencing center under this division, except as otherwise 227
provided in this division, the center is not a minimum security 228

jail under section 341.14, section 753.21, or any other 229
provision of the Revised Code, is not a jail or alternative 230
residential facility as defined in section 2929.01 of the 231
Revised Code, is not required to satisfy or comply with minimum 232
standards for minimum security jails or other jails that are 233
promulgated under division (A) of section 5120.10 of the Revised 234
Code, is not a local detention facility as defined in section 235
2929.36 of the Revised Code, and is not a residential unit as 236
defined in section 2950.01 of the Revised Code. The center is a 237
detention facility as defined in sections 2921.01 and 2923.124 238
of the Revised Code, and an eligible offender confined in the 239
center is under detention as defined in section 2921.01 of the 240
Revised Code. Regarding persons sentenced directly to the center 241
under an OVI term of confinement or under both an OVI term of 242
confinement and confinement for a violation of section 4510.14 243
of the Revised Code or a municipal DUS offense, the center shall 244
be considered a "jail" or "local correctional facility" for 245
purposes of any provision in section 4510.14 or 4511.19 of the 246
Revised Code or in an ordinance of a municipal corporation that 247
requires a mandatory jail term or mandatory term of local 248
incarceration for the violation of section 4511.19 of the 249
Revised Code, the violation of both ~~section~~ sections 4510.14 and 250
4511.19 of the Revised Code, the municipal OVI offense, or the 251
municipal OVI offense and the municipal DUS offense, and a 252
direct sentence of a person to the center under an OVI term of 253
confinement or under both an OVI term of confinement and 254
confinement for a violation of section 4510.14 of the Revised 255
Code or a municipal DUS offense shall be considered to be a 256
sentence to a "jail" or "local correctional facility" for 257
purposes of any such provision in section 4510.14 or 4511.19 of 258
the Revised Code or in an ordinance of a municipal corporation. 259

(F) (1) If the board of county commissioners of a county 260
that is being served by a community alternative sentencing 261
center established pursuant to this section determines that it 262
no longer wants to be served by the center, the board may 263
dissolve the center by adopting a resolution evidencing the 264
determination to dissolve the center. 265

(2) If the boards of county commissioners of all of the 266
counties served by any district community alternative sentencing 267
center established pursuant to this section determine that they 268
no longer want to be served by the center, the boards may 269
dissolve the center by adopting in each county a resolution 270
evidencing the determination to dissolve the center. 271

(3) If at least one, but not all, of the boards of county 272
commissioners of the counties being served by any district 273
community alternative sentencing center established pursuant to 274
this section determines that it no longer wants to be served by 275
the center, the board may terminate its involvement with the 276
center by adopting a resolution evidencing the determination to 277
terminate its involvement with the center. If at least one, but 278
not all, of the boards of county commissioners of the counties 279
being served by any community alternative sentencing center 280
terminates its involvement with the center in accordance with 281
this division, the other boards of county commissioners of the 282
counties being served by the center may continue to be served by 283
the center. 284

(4) If a municipal corporation that is being served by a 285
community alternative sentencing center established pursuant to 286
this section determines that it no longer wants to be served by 287
the center, the municipal corporation may dissolve the center by 288
adopting a resolution evidencing the determination to dissolve 289

the center. 290

(G) Prior to operating a community alternative sentencing 291
center or a district community alternative sentencing center, 292
the board of county commissioners, the affiliated group of 293
boards of county commissioners, or municipal corporation that 294
established the center shall adopt rules for the operation of 295
the center. The rules shall include criteria that define which 296
offenders are eligible to be sentenced directly to the center 297
and admitted to it. 298

(H) If a board of county commissioners operates or 299
subcontracts with a nonprofit organization for the operation of 300
a community alternative sentencing center, an affiliated group 301
of boards of county commissioners operates or subcontracts with 302
a nonprofit organization for the operation of a district 303
community alternative sentencing center, or a municipal 304
corporation operates or subcontracts with a nonprofit 305
organization for the operation of a community alternative 306
sentencing center under this section, all of the following 307
apply: 308

(1) With the approval of the operator of the center, a 309
court located within any county may directly sentence eligible 310
offenders to a community alternative sentencing center or 311
district community alternative sentencing center pursuant to a 312
community residential sanction of not more than ninety days or 313
pursuant to an OVI term of confinement, a combination of an OVI 314
term of confinement and confinement for a violation of section 315
4510.14 of the Revised Code, or confinement for a municipal DUS 316
offense of not more than ninety days. 317

(2) Each eligible offender who is sentenced to the center 318
as described in division (H) (1) of this section and admitted to 319

it shall be offered during the eligible offender's confinement 320
at the center educational and vocational services and reentry 321
planning and may be offered any other treatment and 322
rehabilitative services that are available and that the court 323
that sentenced the particular eligible offender to the center 324
and the administrator of the center determine are appropriate 325
based upon the offense for which the eligible offender was 326
sentenced to the community residential sanction and the length 327
of the sanction. 328

(3) Before accepting an eligible offender sentenced to the 329
center by a court, the board, the affiliated group of boards, or 330
the municipal corporation shall enter into an agreement with a 331
political subdivision that operates that court that addresses 332
the cost and payment of medical treatment or services received 333
by eligible offenders sentenced by that court while they are 334
confined in the center. The agreement may provide for the 335
payment of the costs by the particular eligible offender who 336
receives the treatment or services, as described in division (I) 337
of this section. 338

(4) If an eligible offender a court sentences to the 339
center is admitted to the center, all of the following apply: 340

(a) The admission shall be under the terms and conditions 341
established by the court and the administrator of the center, 342
and the court and the administrator of the center shall provide 343
for the confinement of the eligible offender and supervise the 344
eligible offender as provided in divisions (H) (4) (b) to (f) of 345
this section. 346

(b) The eligible offender shall be confined in the center 347
during any period of time that the eligible offender is not 348
actually working at the eligible offender's approved work 349

release described in division (H) (4) (c) of this section, engaged 350
in community service activities described in division (H) (4) (d) 351
of this section, engaged in authorized vocational training or 352
another authorized educational program, engaged in another 353
program designated by the administrator of the center, or 354
engaged in other activities approved by the court and the 355
administrator of the center. 356

(c) If the court and the administrator of the center 357
determine that work release is appropriate based upon the 358
offense for which the eligible offender was sentenced to the 359
community residential sanction or OVI term of confinement and 360
the length of the sanction or term, the eligible offender may be 361
offered work release from confinement at the center and be 362
released from confinement while engaged in the work release. 363

(d) An eligible offender may not participate in community 364
service without the court's approval. If the administrator of 365
the center determines that community service is appropriate and 366
if the eligible offender will be confined for more than ten days 367
at the center, the eligible offender may be required to 368
participate in community service activities approved by the 369
court and by the political subdivision served by the court. 370
Community service activities that may be required under this 371
division may take place in facilities of the political 372
subdivision that operates the court, in the community, or in 373
both such locales. The eligible offender shall be released from 374
confinement while engaged in the community service activities. 375
Community service activities required under this division shall 376
be supervised by the court or an official designated by the 377
board of county commissioners or affiliated group of boards of 378
county commissioners that established and is operating the 379
center. Community service activities required under this 380

division shall not exceed in duration the period for which the 381
eligible offender will be confined at the center under the 382
community residential sanction or the OVI term of confinement. 383

(e) The confinement of the eligible offender in the center 384
shall be considered for purposes of this division and division 385
(H) (4) (f) of this section as including any period of time 386
described in division (H) (4) (b) of this section when the 387
eligible offender may be outside of the center and shall 388
continue until the expiration of the community residential 389
sanction, the OVI term of confinement, or the combination of the 390
OVI term of confinement and the confinement for the violation of 391
section 4510.14 of the Revised Code or the municipal DUS 392
ordinance that the eligible offender is serving upon admission 393
to the center. 394

(f) After the admission and until the expiration of the 395
community residential sanction or OVI term of confinement that 396
the eligible offender is serving upon admission to the center, 397
the eligible offender shall be considered for purposes of any 398
provision in Title XXIX of the Revised Code to be serving the 399
community residential sanction or OVI term of confinement. 400

~~(5) The administrator of the center, or the 401
administrator's designee, shall post a sign as described in 402
division (A) (4) of section 2923.1212 of the Revised Code in a 403
conspicuous location at the center. 404~~

(I) The board of county commissioners that establishes a 405
community alternative sentencing center under this section, the 406
affiliated group of boards of county commissioners that 407
establishes a district community alternative sentencing center 408
under this section, or the municipal corporation that 409
establishes a community alternative sentencing center under this 410

section, may require an eligible offender who is sentenced 411
directly to the center and admitted to it to pay to the county 412
served by the board, the counties served by the affiliated group 413
of boards, the municipal corporation, or the entity operating 414
the center the reasonable expenses incurred by the county, 415
counties, municipal corporation, or entity, whichever is 416
applicable, in supervising or confining the eligible offender 417
after being sentenced to the center and admitted. Inability to 418
pay those reasonable expenses shall not be grounds for refusing 419
to admit an otherwise eligible offender to the center. 420

(J) (1) If an eligible offender who is directly sentenced 421
to a community alternative sentencing center or district 422
community alternative sentencing center and admitted to the 423
center successfully completes the service of the community 424
residential sanction in the center, the administrator of the 425
center shall notify the court that imposed the sentence, and the 426
court shall enter into the journal that the eligible offender 427
successfully completed the service of the sanction. 428

(2) If an eligible offender who is directly sentenced to a 429
community alternative sentencing center or district community 430
alternative sentencing center and admitted to the center 431
violates any rule established under this section by the board of 432
county commissioners or the affiliated group of boards of county 433
commissioners that establishes the center, violates any 434
condition of the community residential sanction, the OVI term of 435
confinement, or the combination of the OVI term of confinement 436
and the confinement for the violation of section 4510.14 of the 437
Revised Code or the municipal OVI ordinance imposed by the 438
sentencing court, or otherwise does not successfully complete 439
the service of the community residential sanction or OVI term of 440
confinement in the center, the administrator of the center shall 441

report the violation or failure to successfully complete the 442
sanction or term directly to the court or to the probation 443
department or probation officer with general control and 444
supervision over the eligible offender. A failure to 445
successfully complete the service of the community residential 446
sanction, the OVI term of confinement, or the combination of the 447
OVI term of confinement and the confinement for the violation of 448
section 4510.14 of the Revised Code or the municipal OVI 449
ordinance in the center shall be considered a violation of a 450
condition of the community residential sanction or the OVI term 451
of confinement. If the administrator reports the violation to 452
the probation department or probation officer, the department or 453
officer shall report the violation to the court. Upon its 454
receipt under this division of a report of a violation or 455
failure to complete the sanction by a person sentenced to the 456
center under a community residential sanction, the court may 457
proceed as specified in division (C)(2) of section 2929.25 of 458
the Revised Code based on the violation or as provided by 459
ordinance of the municipal corporation based on the violation, 460
whichever is applicable. Upon its receipt under this division of 461
a report of a violation or failure to complete the term by a 462
person sentenced to the center under an OVI term of confinement, 463
the court shall determine the place at which the offender is to 464
serve the remainder of the term of confinement. The eligible 465
offender shall receive credit towards completing the eligible 466
offender's sentence for the time spent in the center after 467
admission to it. 468

Sec. 2307.601. (A) As used in this section:— 469

~~(1) "Residence" and "vehicle" have the same meanings as in 470
section 2901.05 of the Revised Code. 471~~

~~(2) "Tort", "tort action" has the same meaning as in~~ 472
section 2307.60 of the Revised Code. 473

(B) For purposes of determining the potential liability of 474
a person in a tort action related to the person's use of force 475
alleged to be in self-defense, defense of another, or defense of 476
the person's residence, ~~if the person lawfully is in that~~ 477
~~person's residence,~~ the person has no duty to retreat before 478
using force in self-defense, defense of another, or defense of 479
that person's residence, ~~and, if the person lawfully is an~~ 480
~~occupant of that person's vehicle or lawfully is an occupant in~~ 481
~~a vehicle owned by an immediate family member of the person, the~~ 482
~~person has no duty to retreat before using force in self-defense~~ 483
~~or defense of another if that person is in a place in which the~~ 484
person lawfully has a right to be. 485

(C) A trier of fact shall not consider the possibility of 486
retreat as a factor in determining whether or not a person who 487
used force in self-defense, defense of another, or defense of 488
that person's residence reasonably believed that the force was 489
necessary to prevent injury, loss, or risk to life or safety. 490

Sec. 2901.05. (A) Every person accused of an offense is 491
presumed innocent until proven guilty beyond a reasonable doubt, 492
and the burden of proof for all elements of the offense is upon 493
the prosecution. The burden of going forward with the evidence 494
of an affirmative defense, and the burden of proof, by a 495
preponderance of the evidence, for an affirmative defense other 496
than self-defense, defense of another, or defense of the 497
accused's residence as described in division (B)(1) of this 498
section, is upon the accused. 499

(B) (1) A person is allowed to act in self-defense, defense 500
of another, or defense of that person's residence. If, at the 501

trial of a person who is accused of an offense that involved the 502
person's use of force against another, there is evidence 503
presented that tends to support that the accused person used the 504
force in self-defense, defense of another, or defense of that 505
person's residence, the prosecution must prove beyond a 506
reasonable doubt that the accused person did not use the force 507
in self-defense, defense of another, or defense of that person's 508
residence, as the case may be. 509

(2) Subject to division (B) ~~(2)~~ (3) of this section, a 510
person is presumed to have acted in self-defense or defense of 511
another when using defensive force that is intended or likely to 512
cause death or great bodily harm to another if the person 513
against whom the defensive force is used is in the process of 514
unlawfully and without privilege to do so entering, or has 515
unlawfully and without privilege to do so entered, the residence 516
or vehicle occupied by the person using the defensive force. 517

~~(2)~~ (a) (3) The presumption set forth in division (B) ~~(1)~~ (2) 518
of this section does not apply if either of the following is 519
true: 520

(a) The person against whom the defensive force is used 521
has a right to be in, or is a lawful resident of, the residence 522
or vehicle. 523

~~(b)~~ The ~~presumption set forth in division (B) (1) of this~~ 524
~~section does not apply if the person who uses the defensive~~ 525
force uses it while in a residence or vehicle and the person is 526
unlawfully, and without privilege to be, in that residence or 527
vehicle. 528

~~(3)~~ (4) The presumption set forth in division (B) ~~(1)~~ (2) of 529
this section is a rebuttable presumption and may be rebutted by 530

a preponderance of the evidence, provided that the prosecution's 531
burden of proof remains proof beyond a reasonable doubt as 532
described in divisions (A) and (B)(1) of this section. 533

(C) As part of its charge to the jury in a criminal case, 534
the court shall read the definitions of "reasonable doubt" and 535
"proof beyond a reasonable doubt," contained in division (D) of 536
this section. 537

(D) As used in this section: 538

(1) An "affirmative defense" is either of the following: 539

(a) A defense expressly designated as affirmative; 540

(b) A defense involving an excuse or justification 541
peculiarly within the knowledge of the accused, on which the 542
accused can fairly be required to adduce supporting evidence. 543

(2) "Dwelling" means a building or conveyance of any kind 544
that has a roof over it and that is designed to be occupied by 545
people lodging in the building or conveyance at night, 546
regardless of whether the building or conveyance is temporary or 547
permanent or is mobile or immobile. As used in this division, a 548
building or conveyance includes, but is not limited to, an 549
attached porch, and a building or conveyance with a roof over it 550
includes, but is not limited to, a tent. 551

(3) "Residence" means a dwelling in which a person resides 552
either temporarily or permanently or is visiting as a guest. 553

(4) "Vehicle" means a conveyance of any kind, whether or 554
not motorized, that is designed to transport people or property. 555

(E) "Reasonable doubt" is present when the jurors, after 556
they have carefully considered and compared all the evidence, 557
cannot say they are firmly convinced of the truth of the charge. 558

It is a doubt based on reason and common sense. Reasonable doubt 559
is not mere possible doubt, because everything relating to human 560
affairs or depending on moral evidence is open to some possible 561
or imaginary doubt. "Proof beyond a reasonable doubt" is proof 562
of such character that an ordinary person would be willing to 563
rely and act upon it in the most important of the person's own 564
affairs. 565

Sec. 2901.09. (A) ~~As used in this section, "residence" and~~ 566
~~"vehicle" have the same meanings as in section 2901.05 of the~~ 567
~~Revised Code.~~ 568

~~(B) For purposes of any section of the Revised Code that~~ 569
~~sets forth a criminal offense, a person who lawfully is in that~~ 570
~~person's residence has no duty to retreat before using force in~~ 571
~~self-defense, defense of another, or defense of that person's~~ 572
~~residence, and a person who lawfully is an occupant of that~~ 573
~~person's vehicle or who lawfully is an occupant in a vehicle~~ 574
~~owned by an immediate family member of the person has no duty to~~ 575
~~retreat before using force in self-defense or defense of another~~ 576
~~if that person is in a place in which the person lawfully has a~~ 577
~~right to be.~~ 578

(B) A trier of fact shall not consider the possibility of 579
retreat as a factor in determining whether or not a person who 580
used force in self-defense, defense of another, or defense of 581
that person's residence reasonably believed that the force was 582
necessary to prevent injury, loss, or risk to life or safety. 583

Sec. 2923.12. (A) No person shall knowingly carry or have, 584
concealed on the person's person or concealed ready at hand, any 585
of the following: 586

(1) A deadly weapon other than a handgun; 587

- (2) A handgun other than a dangerous ordnance; 588
- (3) A dangerous ordnance. 589
- (B) No person who has been issued a concealed handgun license shall do any of the following: 590
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- (1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun; 592
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- (2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless it is impractical to keep the person's hands in plain sight in that manner or the failure is pursuant to and in accordance with directions given by a law enforcement officer; 598
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- (3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the 606
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loaded handgun pursuant to and in accordance with directions 617
given by the law enforcement officer; 618

(4) If the person is stopped for a law enforcement purpose 619
and is carrying a concealed handgun, knowingly disregard or fail 620
to comply with any lawful order of any law enforcement officer 621
given while the person is stopped, including, but not limited 622
to, a specific order to the person to keep the person's hands in 623
plain sight. 624

(C) (1) This section does not apply to any of the 625
following: 626

(a) An officer, agent, or employee of this or any other 627
state or the United States, or to a law enforcement officer, who 628
is authorized to carry concealed weapons or dangerous ordnance 629
or is authorized to carry handguns and is acting within the 630
scope of the officer's, agent's, or employee's duties; 631

(b) Any person who is employed in this state, who is 632
authorized to carry concealed weapons or dangerous ordnance or 633
is authorized to carry handguns, and who is subject to and in 634
compliance with the requirements of section 109.801 of the 635
Revised Code, unless the appointing authority of the person has 636
expressly specified that the exemption provided in division (C) 637
(1) (b) of this section does not apply to the person; 638

(c) A person's transportation or storage of a firearm, 639
other than a firearm described in divisions (G) to (M) of 640
section 2923.11 of the Revised Code, in a motor vehicle for any 641
lawful purpose if the firearm is not on the actor's person; 642

(d) A person's storage or possession of a firearm, other 643
than a firearm described in divisions (G) to (M) of section 644
2923.11 of the Revised Code, in the actor's own home for any 645

lawful purpose. 646

(2) Division (A)(2) of this section does not apply to any 647
person who, at the time of the alleged carrying or possession of 648
a handgun, either is carrying a valid concealed handgun license 649
or is an active duty member of the armed forces of the United 650
States and is carrying a valid military identification card and 651
documentation of successful completion of firearms training that 652
meets or exceeds the training requirements described in division 653
(G)(1) of section 2923.125 of the Revised Code, unless the 654
person knowingly is in a place described in division (B) of 655
section 2923.126 of the Revised Code. 656

(D) It is an affirmative defense to a charge under 657
division (A)(1) of this section of carrying or having control of 658
a weapon other than a handgun and other than a dangerous 659
ordnance that the actor was not otherwise prohibited by law from 660
having the weapon and that any of the following applies: 661

(1) The weapon was carried or kept ready at hand by the 662
actor for defensive purposes while the actor was engaged in or 663
was going to or from the actor's lawful business or occupation, 664
which business or occupation was of a character or was 665
necessarily carried on in a manner or at a time or place as to 666
render the actor particularly susceptible to criminal attack, 667
such as would justify a prudent person in going armed. 668

(2) The weapon was carried or kept ready at hand by the 669
actor for defensive purposes while the actor was engaged in a 670
lawful activity and had reasonable cause to fear a criminal 671
attack upon the actor, a member of the actor's family, or the 672
actor's home, such as would justify a prudent person in going 673
armed. 674

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

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

(F) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or divisions (F) (2), (6), and (7) of this section, carrying concealed weapons in violation of division (A) (1) or (3) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or divisions (F) (2), (6), and (7) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) (1) or (3) of this section is a felony of the fourth degree. ~~Except~~

Except as otherwise provided in this division or divisions (F) (2), (6), and (7) of this section, carrying concealed weapons in violation of division (A) (2) of this section is a minor misdemeanor. Except as otherwise provided in this division or divisions (F) (2), (6), and (7) of this section, carrying concealed weapons in violation of division (A) (2) of this section committed in circumstances in which the offender committed any other offense while carrying concealed the handgun is a misdemeanor of the first degree. Except as otherwise provided in this division or divisions (F) (2), (6), and (7) of this section, if the offender committed any other offense while carrying the concealed handgun and the offender previously has

been convicted of a violation of this section or of any offense 705
of violence or if the handgun involved is either loaded or is a 706
handgun for which the offender has ammunition ready at hand, 707
carrying concealed weapons in violation of division (A) (2) of 708
this section is a felony of the fourth degree. 709

Except as otherwise provided in divisions (F) (2) and (6) 710
of this section, if the offense is committed aboard an aircraft, 711
or with purpose to carry a concealed weapon aboard an aircraft, 712
regardless of the weapon involved, carrying concealed weapons in 713
violation of division (A) (1), (2), or (3) of this section is a 714
felony of the third degree. 715

(2) Except as provided in division (F) (6) of this section, 716
if a person being arrested for a violation of division (A) (2) of 717
this section promptly produces a valid concealed handgun 718
license, and if at the time of the violation the person was not 719
knowingly in a place described in division (B) of section 720
2923.126 of the Revised Code, the officer shall not arrest the 721
person for a violation of that division. If the person is not 722
able to promptly produce any concealed handgun license and if 723
the person is not in a place described in that section, the 724
officer may arrest the person for a violation of that division, 725
and the offender shall be punished ~~as follows:~~ 726

~~(a) The offender shall be guilty of a minor misdemeanor if~~ 727
~~both of the following apply:~~ 728

~~(i) Within ten days after the arrest, the offender~~ 729
~~presents a concealed handgun license, which license was valid at~~ 730
~~the time of the arrest to the law enforcement agency that~~ 731
~~employs the arresting officer.~~ 732

~~(ii) At the time of the arrest, the offender was not~~ 733

~~knowingly in a place described in division (B) of section
2923.126 of the Revised Code.~~ 734
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~~(b) The offender shall be guilty of a misdemeanor and
shall be fined five hundred dollars if all of the following
apply:~~ 736
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~~(i) The offender previously had been issued a concealed
handgun license, and that license expired within the two years
immediately preceding the arrest.~~ 739
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~~(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.~~ 742
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~~(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.~~ 748
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~~(c) If divisions (F) (2) (a) and (b) and (F) (6) of this
section do not apply, the offender shall be punished under
division (F) (1) or (7) of this section.~~ 751
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(3) Except as otherwise provided in this division, 754
carrying concealed weapons in violation of division (B) (1) of 755
this section is a misdemeanor of the first degree, and, in 756
addition to any other penalty or sanction imposed for a 757
violation of division (B) (1) of this section, the offender's 758
concealed handgun license shall be suspended pursuant to 759
division (A) (2) of section 2923.128 of the Revised Code. If, at 760
the time of the stop of the offender for a law enforcement 761
purpose that was the basis of the violation, any law enforcement 762

officer involved with the stop had actual knowledge that the 763
offender has been issued a concealed handgun license, carrying 764
concealed weapons in violation of division (B) (1) of this 765
section is a minor misdemeanor, and the offender's concealed 766
handgun license shall not be suspended pursuant to division (A) 767
(2) of section 2923.128 of the Revised Code. 768

(4) Carrying concealed weapons in violation of division 769
(B) (2) or (4) of this section is a misdemeanor of the first 770
degree or, if the offender previously has been convicted of or 771
pleaded guilty to a violation of division (B) (2) or (4) of this 772
section, a felony of the fifth degree. In addition to any other 773
penalty or sanction imposed for a misdemeanor violation of 774
division (B) (2) or (4) of this section, the offender's concealed 775
handgun license shall be suspended pursuant to division (A) (2) 776
of section 2923.128 of the Revised Code. 777

(5) Carrying concealed weapons in violation of division 778
(B) (3) of this section is a felony of the fifth degree. 779

(6) If a person being arrested for a violation of division 780
(A) (2) of this section is an active duty member of the armed 781
forces of the United States and is carrying a valid military 782
identification card and documentation of successful completion 783
of firearms training that meets or exceeds the training 784
requirements described in division (G) (1) of section 2923.125 of 785
the Revised Code, and if at the time of the violation the person 786
was not knowingly in a place described in division (B) of 787
section 2923.126 of the Revised Code, the officer shall not 788
arrest the person for a violation of that division. If the 789
person is not able to promptly produce a valid military 790
identification card and documentation of successful completion 791
of firearms training that meets or exceeds the training 792

requirements described in division (G) (1) of section 2923.125 of 793
the Revised Code and if the person is not in a place described 794
in division (B) of section 2923.126 of the Revised Code, the 795
officer shall issue a citation and the offender shall be 796
assessed a civil penalty of not more than ~~five~~one hundred fifty 797
dollars. The citation shall be automatically dismissed and the 798
civil penalty shall not be assessed if both of the following 799
apply: 800

(a) Within ten days after the issuance of the citation, 801
the offender presents a valid military identification card and 802
documentation of successful completion of firearms training that 803
meets or exceeds the training requirements described in division 804
(G) (1) of section 2923.125 of the Revised Code, which were both 805
valid at the time of the issuance of the citation to the law 806
enforcement agency that employs the citing officer. 807

(b) At the time of the citation, the offender was not 808
knowingly in a place described in division (B) of section 809
2923.126 of the Revised Code. 810

(7) If a person being arrested for a violation of division 811
(A) (2) of this section is knowingly in a place described in 812
division (B) (5) of section 2923.126 of the Revised Code and is 813
not authorized to carry a handgun or have a handgun concealed on 814
the person's person or concealed ready at hand under that 815
division, the penalty shall be as follows: 816

(a) Except as otherwise provided in ~~this division (F) (7)~~ 817
~~(b), (c), or (d) of this section, if the person produces a valid~~ 818
~~concealed handgun license within ten days after the arrest and~~ 819
~~has not previously been convicted or pleaded guilty to a~~ 820
~~violation of division (A) (2) of this section, the person is~~ 821
guilty of a minor misdemeanor; 822

(b) Except as otherwise provided in ~~this division (F) (7)~~ 823
(d) of this section, if the person has previously been convicted 824
of or pleaded guilty to ~~a one~~ violation of division (A) (2) of 825
this section, the person is guilty of a misdemeanor of the 826
fourth degree; 827

(c) Except as otherwise provided in ~~this division (F) (7)~~ 828
(d) of this section, if the person has previously been convicted 829
of or pleaded guilty to two violations of division (A) (2) of 830
this section, the person is guilty of a misdemeanor of the third 831
degree; 832

~~(d) Except as otherwise provided in this division, if~~ 833
~~If~~ the person has previously been convicted of or pleaded guilty to 834
three or more violations of division (A) (2) of this section, ~~or~~ 835
~~convicted of or pleaded guilty to~~ of any offense of violence, if 836
the weapon involved is a firearm that is either loaded or for 837
which the offender has ammunition ready at hand, or if the 838
weapon involved is a dangerous ordnance, the person is guilty of 839
a misdemeanor of the second degree. 840

(G) If a law enforcement officer stops a person to 841
question the person regarding a possible violation of this 842
section, for a traffic stop, or for any other law enforcement 843
purpose, if the person surrenders a firearm to the officer, 844
either voluntarily or pursuant to a request or demand of the 845
officer, and if the officer does not charge the person with a 846
violation of this section or arrest the person for any offense, 847
the person is not otherwise prohibited by law from possessing 848
the firearm, and the firearm is not contraband, the officer 849
shall return the firearm to the person at the termination of the 850
stop. If a court orders a law enforcement officer to return a 851
firearm to a person pursuant to the requirement set forth in 852

this division, division (B) of section 2923.163 of the Revised Code applies. 853
854

Sec. 2923.126. (A) A concealed handgun license that is 855
issued under section 2923.125 of the Revised Code shall expire 856
five years after the date of issuance. A licensee who has been 857
issued a license under that section shall be granted a grace 858
period of thirty days after the licensee's license expires 859
during which the licensee's license remains valid. Except as 860
provided in divisions (B) and (C) of this section, a licensee 861
who has been issued a concealed handgun license under section 862
2923.125 or 2923.1213 of the Revised Code may carry a concealed 863
handgun anywhere in this state if the licensee also carries a 864
valid license ~~and valid identification~~ when the licensee is in 865
actual possession of a concealed handgun. The licensee shall 866
give notice of any change in the licensee's residence address to 867
the sheriff who issued the license within forty-five days after 868
that change. 869

If a licensee is the driver or an occupant of a motor 870
vehicle that is stopped as the result of a traffic stop or a 871
stop for another law enforcement purpose and if the licensee is 872
transporting or has a loaded handgun in the motor vehicle at 873
that time, the licensee shall promptly inform any law 874
enforcement officer who approaches the vehicle while stopped 875
that the licensee has been issued a concealed handgun license 876
and that the licensee currently possesses or has a loaded 877
handgun; the licensee shall not knowingly disregard or fail to 878
comply with lawful orders of a law enforcement officer given 879
while the motor vehicle is stopped, knowingly fail to remain in 880
the motor vehicle while stopped unless directed otherwise by a 881
law enforcement officer, or knowingly fail to keep the 882
licensee's hands in plain sight after any law enforcement 883

officer begins approaching the licensee while stopped and before 884
the officer leaves, unless it is impractical to keep the 885
licensee's hands in plain sight in that manner or the licensee 886
is directed otherwise by a law enforcement officer; and the 887
licensee shall not knowingly have contact with the loaded 888
handgun by touching it with the licensee's hands or fingers, in 889
any manner in violation of division (E) of section 2923.16 of 890
the Revised Code, after any law enforcement officer begins 891
approaching the licensee while stopped and before the officer 892
leaves. Additionally, if a licensee is the driver or an occupant 893
of a commercial motor vehicle that is stopped by an employee of 894
the motor carrier enforcement unit for the purposes defined in 895
section 5503.34 of the Revised Code and ~~if~~ the licensee is 896
transporting or has a loaded handgun in the commercial motor 897
vehicle at that time, the licensee shall promptly inform the 898
employee of the unit who approaches the vehicle while stopped 899
that the licensee has been issued a concealed handgun license 900
and that the licensee currently possesses or has a loaded 901
handgun. 902

If a licensee is stopped for a law enforcement purpose and 903
if the licensee is carrying a concealed handgun at the time the 904
officer approaches, the licensee shall promptly inform any law 905
enforcement officer who approaches the licensee while stopped 906
that the licensee has been issued a concealed handgun license 907
and that the licensee currently is carrying a concealed handgun; 908
the licensee shall not knowingly disregard or fail to comply 909
with lawful orders of a law enforcement officer given while the 910
licensee is stopped, or knowingly fail to keep the licensee's 911
hands in plain sight after any law enforcement officer begins 912
approaching the licensee while stopped and before the officer 913
leaves, unless it is impractical to keep the licensee's hands in 914

plain sight in that manner or the licensee is directed otherwise 915
by a law enforcement officer; and the licensee shall not 916
knowingly remove, attempt to remove, grasp, or hold the loaded 917
handgun or knowingly have contact with the loaded handgun by 918
touching it with the licensee's hands or fingers, in any manner 919
in violation of division (B) of section 2923.12 of the Revised 920
Code, after any law enforcement officer begins approaching the 921
licensee while stopped and before the officer leaves. 922

(B) A valid concealed handgun license does not authorize 923
the licensee to carry a concealed handgun in any manner 924
prohibited under division (B) of section 2923.12 of the Revised 925
Code or in any manner prohibited under section 2923.16 of the 926
Revised Code. A valid license does not authorize the licensee to 927
carry a concealed handgun into any of the following places: 928

(1) A police station, sheriff's office, or state highway 929
patrol station, premises controlled by the bureau of criminal 930
identification and investigation; a state correctional 931
institution, jail, workhouse, or other detention facility; any 932
area of an airport passenger terminal that is beyond a passenger 933
or property screening checkpoint or to which access is 934
restricted through security measures by the airport authority or 935
a public agency; or an institution that is maintained, operated, 936
managed, and governed pursuant to division (A) of section 937
5119.14 of the Revised Code or division (A) (1) of section 938
5123.03 of the Revised Code; 939

(2) A school safety zone if the licensee's carrying the 940
concealed handgun is in violation of section 2923.122 of the 941
Revised Code; 942

(3) A courthouse or another building or structure in which 943
a courtroom is located, if the licensee's carrying the concealed 944

handgun is in violation of section 2923.123 of the Revised Code; 945

(4) Any premises or open air arena for which a D permit 946
has been issued under Chapter 4303. of the Revised Code if the 947
licensee's carrying the concealed handgun is in violation of 948
section 2923.121 of the Revised Code; 949

(5) Any premises owned or leased by any public or private 950
college, university, or other institution of higher education, 951
unless the handgun is in a locked motor vehicle or the licensee 952
is in the immediate process of placing the handgun in a locked 953
motor vehicle or unless the licensee is carrying the concealed 954
handgun pursuant to a written policy, rule, or other 955
authorization that is adopted by the institution's board of 956
trustees or other governing body and that authorizes specific 957
individuals or classes of individuals to carry a concealed 958
handgun on the premises; 959

(6) Any church, synagogue, mosque, or other place of 960
worship, unless the church, synagogue, mosque, or other place of 961
worship posts or permits otherwise; 962

(7) Any building that is a government facility of this 963
state or a political subdivision of this state and that is not a 964
building that is used primarily as a shelter, restroom, parking 965
facility for motor vehicles, or rest facility and is not a 966
courthouse or other building or structure in which a courtroom 967
is located that is subject to division (B)(3) of this section, 968
unless the governing body with authority over the building has 969
enacted a statute, ordinance, or policy that permits a licensee 970
to carry a concealed handgun into the building; 971

(8) A place in which federal law prohibits the carrying of 972
handguns. 973

(C) (1) Nothing in this section shall negate or restrict a 974
rule, policy, or practice of a private employer that is not a 975
private college, university, or other institution of higher 976
education concerning or prohibiting the presence of firearms on 977
the private employer's premises or property, including motor 978
vehicles owned by the private employer. Nothing in this section 979
shall require a private employer of that nature to adopt a rule, 980
policy, or practice concerning or prohibiting the presence of 981
firearms on the private employer's premises or property, 982
including motor vehicles owned by the private employer. 983

(2) (a) A private employer shall be immune from liability 984
in a civil action for any injury, death, or loss to person or 985
property that allegedly was caused by or related to a licensee 986
bringing a handgun onto the premises or property of the private 987
employer, including motor vehicles owned by the private 988
employer, unless the private employer acted with malicious 989
purpose. A private employer is immune from liability in a civil 990
action for any injury, death, or loss to person or property that 991
allegedly was caused by or related to the private employer's 992
decision to permit a licensee to bring, or prohibit a licensee 993
from bringing, a handgun onto the premises or property of the 994
private employer. 995

(b) A political subdivision shall be immune from liability 996
in a civil action, to the extent and in the manner provided in 997
Chapter 2744. of the Revised Code, for any injury, death, or 998
loss to person or property that allegedly was caused by or 999
related to a licensee bringing a handgun onto any premises or 1000
property owned, leased, or otherwise under the control of the 1001
political subdivision. As used in this division, "political 1002
subdivision" has the same meaning as in section 2744.01 of the 1003
Revised Code. 1004

(c) An institution of higher education shall be immune 1005
from liability in a civil action for any injury, death, or loss 1006
to person or property that allegedly was caused by or related to 1007
a licensee bringing a handgun onto the premises of the 1008
institution, including motor vehicles owned by the institution, 1009
unless the institution acted with malicious purpose. An 1010
institution of higher education is immune from liability in a 1011
civil action for any injury, death, or loss to person or 1012
property that allegedly was caused by or related to the 1013
institution's decision to permit a licensee or class of 1014
licensees to bring a handgun onto the premises of the 1015
institution. 1016

(3) (a) Except as provided in division (C) (3) (b) of this 1017
section, the owner or person in control of private land or 1018
premises, and a private person or entity leasing land or 1019
premises owned by the state, the United States, or a political 1020
subdivision of the state or the United States, may post a sign 1021
in a conspicuous location on that land or on those premises 1022
prohibiting persons from carrying firearms or concealed firearms 1023
on or onto that land or those premises. Except as otherwise 1024
provided in this division, a person who knowingly violates a 1025
posted prohibition of that nature is guilty of criminal trespass 1026
in violation of division (A) (4) of section 2911.21 of the 1027
Revised Code and is guilty of a misdemeanor of the fourth 1028
degree. If a person knowingly violates a posted prohibition of 1029
that nature and the posted land or premises primarily was a 1030
parking lot or other parking facility, the person is not guilty 1031
of criminal trespass under section 2911.21 of the Revised Code 1032
or under any other criminal law of this state or criminal law, 1033
ordinance, or resolution of a political subdivision of this 1034
state, and instead is subject only to a civil cause of action 1035

for trespass based on the violation. 1036

If a person knowingly violates a posted prohibition of the 1037
nature described in this division and the posted land or 1038
premises is a child day-care center, type A family day-care 1039
home, or type B family day-care home, unless the person is a 1040
licensee who resides in a type A family day-care home or type B 1041
family day-care home, the person is guilty of aggravated 1042
trespass in violation of section 2911.211 of the Revised Code. 1043
Except as otherwise provided in this division, the offender is 1044
guilty of a misdemeanor of the first degree. If the person 1045
previously has been convicted of a violation of this division or 1046
of any offense of violence, if the weapon involved is a firearm 1047
that is either loaded or for which the offender has ammunition 1048
ready at hand, or if the weapon involved is dangerous ordnance, 1049
the offender is guilty of a felony of the fourth degree. 1050

(b) A landlord may not prohibit or restrict a tenant who 1051
is a licensee and who on or after September 9, 2008, enters into 1052
a rental agreement with the landlord for the use of residential 1053
premises, and the tenant's guest while the tenant is present, 1054
from lawfully carrying or possessing a handgun on those 1055
residential premises. 1056

(c) As used in division (C) (3) of this section: 1057

(i) "Residential premises" has the same meaning as in 1058
section 5321.01 of the Revised Code, except "residential 1059
premises" does not include a dwelling unit that is owned or 1060
operated by a college or university. 1061

(ii) "Landlord," "tenant," and "rental agreement" have the 1062
same meanings as in section 5321.01 of the Revised Code. 1063

(D) A person who holds a valid concealed handgun license 1064

issued by another state that is recognized by the attorney 1065
general pursuant to a reciprocity agreement entered into 1066
pursuant to section 109.69 of the Revised Code or a person who 1067
holds a valid concealed handgun license under the circumstances 1068
described in division (B) of section 109.69 of the Revised Code 1069
has the same right to carry a concealed handgun in this state as 1070
a person who was issued a concealed handgun license under 1071
section 2923.125 of the Revised Code and is subject to the same 1072
restrictions that apply to a person who carries a license issued 1073
under that section. 1074

(E) (1) A peace officer has the same right to carry a 1075
concealed handgun in this state as a person who was issued a 1076
concealed handgun license under section 2923.125 of the Revised 1077
Code. For purposes of reciprocity with other states, a peace 1078
officer shall be considered to be a licensee in this state. 1079

(2) An active duty member of the armed forces of the 1080
United States who is carrying a valid military identification 1081
card and documentation of successful completion of firearms 1082
training that meets or exceeds the training requirements 1083
described in division (G) (1) of section 2923.125 of the Revised 1084
Code has the same right to carry a concealed handgun in this 1085
state as a person who was issued a concealed handgun license 1086
under section 2923.125 of the Revised Code and is subject to the 1087
same restrictions as specified in this section. 1088

(F) (1) A qualified retired peace officer who possesses a 1089
retired peace officer identification card issued pursuant to 1090
division (F) (2) of this section and a valid firearms 1091
requalification certification issued pursuant to division (F) (3) 1092
of this section has the same right to carry a concealed handgun 1093
in this state as a person who was issued a concealed handgun 1094

license under section 2923.125 of the Revised Code and is 1095
subject to the same restrictions that apply to a person who 1096
carries a license issued under that section. For purposes of 1097
reciprocity with other states, a qualified retired peace officer 1098
who possesses a retired peace officer identification card issued 1099
pursuant to division (F)(2) of this section and a valid firearms 1100
requalification certification issued pursuant to division (F)(3) 1101
of this section shall be considered to be a licensee in this 1102
state. 1103

(2) (a) Each public agency of this state or of a political 1104
subdivision of this state that is served by one or more peace 1105
officers shall issue a retired peace officer identification card 1106
to any person who retired from service as a peace officer with 1107
that agency, if the issuance is in accordance with the agency's 1108
policies and procedures and if the person, with respect to the 1109
person's service with that agency, satisfies all of the 1110
following: 1111

(i) The person retired in good standing from service as a 1112
peace officer with the public agency, and the retirement was not 1113
for reasons of mental instability. 1114

(ii) Before retiring from service as a peace officer with 1115
that agency, the person was authorized to engage in or supervise 1116
the prevention, detection, investigation, or prosecution of, or 1117
the incarceration of any person for, any violation of law and 1118
the person had statutory powers of arrest. 1119

(iii) At the time of the person's retirement as a peace 1120
officer with that agency, the person was trained and qualified 1121
to carry firearms in the performance of the peace officer's 1122
duties. 1123

(iv) Before retiring from service as a peace officer with 1124
that agency, the person was regularly employed as a peace 1125
officer for an aggregate of fifteen years or more, or, in the 1126
alternative, the person retired from service as a peace officer 1127
with that agency, after completing any applicable probationary 1128
period of that service, due to a service-connected disability, 1129
as determined by the agency. 1130

(b) A retired peace officer identification card issued to 1131
a person under division (F)(2)(a) of this section shall identify 1132
the person by name, contain a photograph of the person, identify 1133
the public agency of this state or of the political subdivision 1134
of this state from which the person retired as a peace officer 1135
and that is issuing the identification card, and specify that 1136
the person retired in good standing from service as a peace 1137
officer with the issuing public agency and satisfies the 1138
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 1139
section. In addition to the required content specified in this 1140
division, a retired peace officer identification card issued to 1141
a person under division (F)(2)(a) of this section may include 1142
the firearms requalification certification described in division 1143
(F)(3) of this section, and if the identification card includes 1144
that certification, the identification card shall serve as the 1145
firearms requalification certification for the retired peace 1146
officer. If the issuing public agency issues credentials to 1147
active law enforcement officers who serve the agency, the agency 1148
may comply with division (F)(2)(a) of this section by issuing 1149
the same credentials to persons who retired from service as a 1150
peace officer with the agency and who satisfy the criteria set 1151
forth in divisions (F)(2)(a)(i) to (iv) of this section, 1152
provided that the credentials so issued to retired peace 1153
officers are stamped with the word "RETIRED." 1154

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

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

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

successfully completed, and specifies that the requalification 1186
is valid for five years from that date of successful completion. 1187
The firearms requalification certification for a retired peace 1188
officer may be included in the retired peace officer 1189
identification card issued to the retired peace officer under 1190
division (F) (2) of this section. 1191

A retired peace officer who attends a firearms 1192
requalification program that is approved for purposes of 1193
firearms requalification required under section 109.801 of the 1194
Revised Code may be required to pay the cost of the program. 1195

(G) As used in this section: 1196

(1) "Qualified retired peace officer" means a person who 1197
satisfies all of the following: 1198

(a) The person satisfies the criteria set forth in 1199
divisions (F) (2) (a) (i) to (v) of this section. 1200

(b) The person is not under the influence of alcohol or 1201
another intoxicating or hallucinatory drug or substance. 1202

(c) The person is not prohibited by federal law from 1203
receiving firearms. 1204

(2) "Retired peace officer identification card" means an 1205
identification card that is issued pursuant to division (F) (2) 1206
of this section to a person who is a retired peace officer. 1207

(3) "Government facility of this state or a political 1208
subdivision of this state" means any of the following: 1209

(a) A building or part of a building that is owned or 1210
leased by the government of this state or a political 1211
subdivision of this state and where employees of the government 1212
of this state or the political subdivision regularly are present 1213

for the purpose of performing their official duties as employees 1214
of the state or political subdivision; 1215

(b) The office of a deputy registrar serving pursuant to 1216
Chapter 4503. of the Revised Code that is used to perform deputy 1217
registrar functions. 1218

(4) "Governing body" has the same meaning as in section 1219
154.01 of the Revised Code. 1220

Sec. 2923.16. (A) No person shall knowingly discharge a 1221
firearm while in or on a motor vehicle. 1222

(B) No person shall knowingly transport or have a loaded 1223
firearm in a motor vehicle in such a manner that the firearm is 1224
accessible to the operator or any passenger without leaving the 1225
vehicle. 1226

(C) No person shall knowingly transport or have a firearm 1227
in a motor vehicle, unless the person may lawfully possess that 1228
firearm under applicable law of this state or the United States, 1229
the firearm is unloaded, and the firearm is carried in one of 1230
the following ways: 1231

(1) In a closed package, box, or case; 1232

(2) In a compartment that can be reached only by leaving 1233
the vehicle; 1234

(3) In plain sight and secured in a rack or holder made 1235
for the purpose; 1236

(4) If the firearm is at least twenty-four inches in 1237
overall length as measured from the muzzle to the part of the 1238
stock furthest from the muzzle and if the barrel is at least 1239
eighteen inches in length, either in plain sight with the action 1240
open or the weapon stripped, or, if the firearm is of a type on 1241

which the action will not stay open or which cannot easily be 1242
stripped, in plain sight. 1243

(D) No person shall knowingly transport or have a loaded 1244
handgun in a motor vehicle if, at the time of that 1245
transportation or possession, any of the following applies: 1246

(1) The person is under the influence of alcohol, a drug 1247
of abuse, or a combination of them. 1248

(2) The person's whole blood, blood serum or plasma, 1249
breath, or urine contains a concentration of alcohol, a listed 1250
controlled substance, or a listed metabolite of a controlled 1251
substance prohibited for persons operating a vehicle, as 1252
specified in division (A) of section 4511.19 of the Revised 1253
Code, regardless of whether the person at the time of the 1254
transportation or possession as described in this division is 1255
the operator of or a passenger in the motor vehicle. 1256

(E) No person who has been issued a concealed handgun 1257
license or who is an active duty member of the armed forces of 1258
the United States and is carrying a valid military 1259
identification card and documentation of successful completion 1260
of firearms training that meets or exceeds the training 1261
requirements described in division (G) (1) of section 2923.125 of 1262
the Revised Code, who is the driver or an occupant of a motor 1263
vehicle that is stopped as a result of a traffic stop or a stop 1264
for another law enforcement purpose or is the driver or an 1265
occupant of a commercial motor vehicle that is stopped by an 1266
employee of the motor carrier enforcement unit for the purposes 1267
defined in section 5503.34 of the Revised Code, and who is 1268
transporting or has a loaded handgun in the motor vehicle or 1269
commercial motor vehicle in any manner, shall do any of the 1270
following: 1271

(1) Fail to promptly inform any law enforcement officer 1272
who approaches the vehicle while stopped that the person has 1273
been issued a concealed handgun license or is authorized to 1274
carry a concealed handgun as an active duty member of the armed 1275
forces of the United States and that the person then possesses 1276
or has a loaded handgun in the motor vehicle; 1277

(2) Fail to promptly inform the employee of the motor 1278
carrier enforcement unit who approaches the vehicle while 1279
stopped that the person has been issued a concealed handgun 1280
license or is authorized to carry a concealed handgun as an 1281
active duty member of the armed forces of the United States and 1282
that the person then possesses or has a loaded handgun in the 1283
commercial motor vehicle; 1284

(3) Knowingly fail to remain in the motor vehicle while 1285
~~stopped or knowingly fail to keep the person's hands in plain-~~ 1286
~~sight at any time after any law enforcement officer begins-~~ 1287
~~approaching the person while stopped and before the law-~~ 1288
~~enforcement officer leaves,~~ unless the failure is pursuant to 1289
and in accordance with directions given by a law enforcement 1290
officer; 1291

(4) Knowingly have contact with the loaded handgun by 1292
touching it with the person's hands or fingers in the motor 1293
vehicle at any time after the law enforcement officer begins 1294
approaching and before the law enforcement officer leaves, 1295
unless the person has contact with the loaded handgun pursuant 1296
to and in accordance with directions given by the law 1297
enforcement officer; 1298

(5) Knowingly disregard or fail to comply with any lawful 1299
order of any law enforcement officer given while the motor 1300
vehicle is stopped, including, but not limited to, a specific 1301

order to the person to keep the person's hands in plain sight. 1302

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1303
not apply to any of the following: 1304

(a) An officer, agent, or employee of this or any other 1305
state or the United States, or a law enforcement officer, when 1306
authorized to carry or have loaded or accessible firearms in 1307
motor vehicles and acting within the scope of the officer's, 1308
agent's, or employee's duties; 1309

(b) Any person who is employed in this state, who is 1310
authorized to carry or have loaded or accessible firearms in 1311
motor vehicles, and who is subject to and in compliance with the 1312
requirements of section 109.801 of the Revised Code, unless the 1313
appointing authority of the person has expressly specified that 1314
the exemption provided in division (F) (1) (b) of this section 1315
does not apply to the person. 1316

(2) Division (A) of this section does not apply to a 1317
person if all of the following circumstances apply: 1318

(a) The person discharges a firearm from a motor vehicle 1319
at a coyote or groundhog, the discharge is not during the deer 1320
gun hunting season as set by the chief of the division of 1321
wildlife of the department of natural resources, and the 1322
discharge at the coyote or groundhog, but for the operation of 1323
this section, is lawful. 1324

(b) The motor vehicle from which the person discharges the 1325
firearm is on real property that is located in an unincorporated 1326
area of a township and that either is zoned for agriculture or 1327
is used for agriculture. 1328

(c) The person owns the real property described in 1329
division (F) (2) (b) of this section, is the spouse or a child of 1330

another person who owns that real property, is a tenant of 1331
another person who owns that real property, or is the spouse or 1332
a child of a tenant of another person who owns that real 1333
property. 1334

(d) The person does not discharge the firearm in any of 1335
the following manners: 1336

(i) While under the influence of alcohol, a drug of abuse, 1337
or alcohol and a drug of abuse; 1338

(ii) In the direction of a street, highway, or other 1339
public or private property used by the public for vehicular 1340
traffic or parking; 1341

(iii) At or into an occupied structure that is a permanent 1342
or temporary habitation; 1343

(iv) In the commission of any violation of law, including, 1344
but not limited to, a felony that includes, as an essential 1345
element, purposely or knowingly causing or attempting to cause 1346
the death of or physical harm to another and that was committed 1347
by discharging a firearm from a motor vehicle. 1348

(3) Division (A) of this section does not apply to a 1349
person if all of the following apply: 1350

(a) The person possesses a valid electric-powered all- 1351
purpose vehicle permit issued under section 1533.103 of the 1352
Revised Code by the chief of the division of wildlife. 1353

(b) The person discharges a firearm at a wild quadruped or 1354
game bird as defined in section 1531.01 of the Revised Code 1355
during the open hunting season for the applicable wild quadruped 1356
or game bird. 1357

(c) The person discharges a firearm from a stationary 1358

electric-powered all-purpose vehicle as defined in section 1359
1531.01 of the Revised Code or a motor vehicle that is parked on 1360
a road that is owned or administered by the division of 1361
wildlife, provided that the road is identified by an electric- 1362
powered all-purpose vehicle sign. 1363

(d) The person does not discharge the firearm in any of 1364
the following manners: 1365

(i) While under the influence of alcohol, a drug of abuse, 1366
or alcohol and a drug of abuse; 1367

(ii) In the direction of a street, a highway, or other 1368
public or private property that is used by the public for 1369
vehicular traffic or parking; 1370

(iii) At or into an occupied structure that is a permanent 1371
or temporary habitation; 1372

(iv) In the commission of any violation of law, including, 1373
but not limited to, a felony that includes, as an essential 1374
element, purposely or knowingly causing or attempting to cause 1375
the death of or physical harm to another and that was committed 1376
by discharging a firearm from a motor vehicle. 1377

(4) Divisions (B) and (C) of this section do not apply to 1378
a person if all of the following circumstances apply: 1379

(a) At the time of the alleged violation of either of 1380
those divisions, the person is the operator of or a passenger in 1381
a motor vehicle. 1382

(b) The motor vehicle is on real property that is located 1383
in an unincorporated area of a township and that either is zoned 1384
for agriculture or is used for agriculture. 1385

(c) The person owns the real property described in 1386

division (D) (4) (b) of this section, is the spouse or a child of 1387
another person who owns that real property, is a tenant of 1388
another person who owns that real property, or is the spouse or 1389
a child of a tenant of another person who owns that real 1390
property. 1391

(d) The person, prior to arriving at the real property 1392
described in division (D) (4) (b) of this section, did not 1393
transport or possess a firearm in the motor vehicle in a manner 1394
prohibited by division (B) or (C) of this section while the 1395
motor vehicle was being operated on a street, highway, or other 1396
public or private property used by the public for vehicular 1397
traffic or parking. 1398

(5) Divisions (B) and (C) of this section do not apply to 1399
a person who transports or possesses a handgun in a motor 1400
vehicle if, at the time of that transportation or possession, 1401
both of the following apply: 1402

(a) The person transporting or possessing the handgun is 1403
either carrying a valid concealed handgun license or is an 1404
active duty member of the armed forces of the United States and 1405
is carrying a valid military identification card and 1406
documentation of successful completion of firearms training that 1407
meets or exceeds the training requirements described in division 1408
(G) (1) of section 2923.125 of the Revised Code. 1409

(b) The person transporting or possessing the handgun is 1410
not knowingly in a place described in division (B) of section 1411
2923.126 of the Revised Code. 1412

(6) Divisions (B) and (C) of this section do not apply to 1413
a person if all of the following apply: 1414

(a) The person possesses a valid electric-powered all- 1415

purpose vehicle permit issued under section 1533.103 of the Revised Code by the chief of the division of wildlife.

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

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

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

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

(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property,

provided that this affirmative defense is not available unless 1445
the person, immediately prior to arriving at the actor's own 1446
property, did not transport or possess the firearm in a motor 1447
vehicle in a manner prohibited by division (B) or (C) of this 1448
section while the motor vehicle was being operated on a street, 1449
highway, or other public or private property used by the public 1450
for vehicular traffic. 1451

(3) It is an affirmative defense to a charge under 1452
division (B), (C), or (D) of this section of improperly handling 1453
firearms in a motor vehicle that the firearm was a handgun, that 1454
the handgun had been placed in the motor vehicle by a person 1455
other than the person charged, and that the person charged did 1456
not know or have reasonable cause to believe that the handgun 1457
was in the motor vehicle at the time of the person's conduct 1458
charged under division (B), (C), or (D) of this section. 1459

(H) (1) No person who is charged with a violation of 1460
division (B), (C), or (D) of this section shall be required to 1461
obtain a concealed handgun license as a condition for the 1462
dismissal of the charge. 1463

(2) (a) If a person is convicted of, was convicted of, 1464
pleads guilty to, or has pleaded guilty to a violation of 1465
division (E) of this section as it existed prior to September 1466
30, 2011, and if the conduct that was the basis of the violation 1467
no longer would be a violation of division (E) of this section 1468
on or after September 30, 2011, the person may file an 1469
application under section 2953.37 of the Revised Code requesting 1470
the expungement of the record of conviction. 1471

If a person is convicted of, was convicted of, pleads 1472
guilty to, or has pleaded guilty to a violation of division (B) 1473
or (C) of this section as the division existed prior to 1474

September 30, 2011, and if the conduct that was the basis of the 1475
violation no longer would be a violation of division (B) or (C) 1476
of this section on or after September 30, 2011, due to the 1477
application of division (F) (5) of this section as it exists on 1478
and after September 30, 2011, the person may file an application 1479
under section 2953.37 of the Revised Code requesting the 1480
expungement of the record of conviction. 1481

(b) The attorney general shall develop a public media 1482
advisory that summarizes the expungement procedure established 1483
under section 2953.37 of the Revised Code and the offenders 1484
identified in division (H) (2) (a) of this section who are 1485
authorized to apply for the expungement. Within thirty days 1486
after September 30, 2011, the attorney general shall provide a 1487
copy of the advisory to each daily newspaper published in this 1488
state and each television station that broadcasts in this state. 1489
The attorney general may provide the advisory in a tangible 1490
form, an electronic form, or in both tangible and electronic 1491
forms. 1492

(I) Whoever violates this section is guilty of improperly 1493
handling firearms in a motor vehicle. 1494

Violation and shall be punished as described in division 1495
(I) (1), (2), (3), (4), or (5) of this section: 1496

(1) A violation of division (A) of this section is a 1497
felony of the fourth degree. 1498

Violation (2) Except as otherwise provided in this 1499
division, a violation of division (C) of this section is a minor 1500
misdemeanor. A violation of division (C) of this section 1501
committed in circumstances in which the offender committed any 1502
other offense while transporting or having the firearm in the 1503

motor vehicle is a misdemeanor of the fourth degree. 1504

(3) A violation of division (D) of this section is a 1505
felony of the fifth degree or, if the loaded handgun is 1506
concealed on the person's person, a felony of the fourth degree. 1507
~~Except~~ 1508

(4) Except as otherwise provided in this division, a 1509
violation of division (E) (1), (2), (3), (4), or (5) of this 1510
section is a minor misdemeanor. Except as otherwise provided in 1511
this division, a violation of division (E) (1) or (2) of this 1512
section committed in circumstances in which the offender 1513
committed any other offense while transporting or having the 1514
loaded handgun in the motor vehicle is a misdemeanor of the 1515
first degree, and, in addition to any other penalty or sanction 1516
imposed for the violation, the offender's concealed handgun 1517
license shall be suspended pursuant to division (A) (2) of 1518
section 2923.128 of the Revised Code. ~~If~~ Regardless of the 1519
circumstances of the offender's conduct, if at the time of the 1520
stop of the offender for a traffic stop, for another law 1521
enforcement purpose, or for a purpose defined in section 5503.34 1522
of the Revised Code that was the basis of the violation any law 1523
enforcement officer involved with the stop or the employee of 1524
the motor carrier enforcement unit who made the stop had actual 1525
knowledge of the offender's status as a licensee, a violation of 1526
division (E) (1) or (2) of this section is a minor misdemeanor, 1527
and the offender's concealed handgun license shall not be 1528
suspended pursuant to division (A) (2) of section 2923.128 of the 1529
Revised Code. A violation of division (E) (4) of this section 1530
committed in circumstances in which the offender committed any 1531
other offense while transporting or having the loaded handgun in 1532
the motor vehicle is a felony of the fifth degree. A violation 1533
of division (E) (3) or (5) of this section committed in 1534

circumstances in which the offender committed any other offense 1535
while transporting or having the loaded handgun in the motor 1536
vehicle is a misdemeanor of the first degree or, if the offender 1537
previously has been convicted of or pleaded guilty to a 1538
violation of division (E) (3) or (5) of this section, a felony of 1539
the fifth degree. In addition to any other penalty or sanction 1540
imposed for a misdemeanor violation of division (E) (3) or (5) of 1541
this section, the offender's concealed handgun license shall be 1542
suspended pursuant to division (A) (2) of section 2923.128 of the 1543
Revised Code. ~~A~~ 1544

(5) Except as otherwise provided in this division, a 1545
violation of division (B) of this section is a minor 1546
misdemeanor. A violation of division (B) of this section 1547
committed in circumstances in which the offender committed any 1548
other offense while transporting or having the loaded firearm in 1549
the motor vehicle is a felony of the fourth degree. 1550

(J) If a law enforcement officer stops a motor vehicle for 1551
a traffic stop or any other purpose, if any person in the motor 1552
vehicle surrenders a firearm to the officer, either voluntarily 1553
or pursuant to a request or demand of the officer, and if the 1554
officer does not charge the person with a violation of this 1555
section or arrest the person for any offense, the person is not 1556
otherwise prohibited by law from possessing the firearm, and the 1557
firearm is not contraband, the officer shall return the firearm 1558
to the person at the termination of the stop. If a court orders 1559
a law enforcement officer to return a firearm to a person 1560
pursuant to the requirement set forth in this division, division 1561
(B) of section 2923.163 of the Revised Code applies. 1562

(K) As used in this section: 1563

(1) "Motor vehicle," "street," and "highway" have the same 1564

meanings as in section 4511.01 of the Revised Code. 1565

(2) "Occupied structure" has the same meaning as in 1566
section 2909.01 of the Revised Code. 1567

(3) "Agriculture" has the same meaning as in section 1568
519.01 of the Revised Code. 1569

(4) "Tenant" has the same meaning as in section 1531.01 of 1570
the Revised Code. 1571

(5) (a) "Unloaded" means, with respect to a firearm other 1572
than a firearm described in division (K) (6) of this section, 1573
that no ammunition is in the firearm in question, no magazine or 1574
speed loader containing ammunition is inserted into the firearm 1575
in question, and one of the following applies: 1576

(i) There is no ammunition in a magazine or speed loader 1577
that is in the vehicle in question and that may be used with the 1578
firearm in question. 1579

(ii) Any magazine or speed loader that contains ammunition 1580
and that may be used with the firearm in question is stored in a 1581
compartment within the vehicle in question that cannot be 1582
accessed without leaving the vehicle or is stored in a container 1583
that provides complete and separate enclosure. 1584

(b) For the purposes of division (K) (5) (a) (ii) of this 1585
section, a "container that provides complete and separate 1586
enclosure" includes, but is not limited to, any of the 1587
following: 1588

(i) A package, box, or case with multiple compartments, as 1589
long as the loaded magazine or speed loader and the firearm in 1590
question either are in separate compartments within the package, 1591
box, or case, or, if they are in the same compartment, the 1592

magazine or speed loader is contained within a separate 1593
enclosure in that compartment that does not contain the firearm 1594
and that closes using a snap, button, buckle, zipper, hook and 1595
loop closing mechanism, or other fastener that must be opened to 1596
access the contents or the firearm is contained within a 1597
separate enclosure of that nature in that compartment that does 1598
not contain the magazine or speed loader; 1599

(ii) A pocket or other enclosure on the person of the 1600
person in question that closes using a snap, button, buckle, 1601
zipper, hook and loop closing mechanism, or other fastener that 1602
must be opened to access the contents. 1603

(c) For the purposes of divisions (K) (5) (a) and (b) of 1604
this section, ammunition held in stripper-clips or in en-bloc 1605
clips is not considered ammunition that is loaded into a 1606
magazine or speed loader. 1607

(6) "Unloaded" means, with respect to a firearm employing 1608
a percussion cap, flintlock, or other obsolete ignition system, 1609
when the weapon is uncapped or when the priming charge is 1610
removed from the pan. 1611

(7) "Commercial motor vehicle" has the same meaning as in 1612
division (A) of section 4506.25 of the Revised Code. 1613

(8) "Motor carrier enforcement unit" means the motor 1614
carrier enforcement unit in the department of public safety, 1615
division of state highway patrol, that is created by section 1616
5503.34 of the Revised Code. 1617

(L) Divisions (K) (5) (a) and (b) of this section do not 1618
affect the authority of a person who is carrying a valid 1619
concealed handgun license to have one or more magazines or speed 1620
loaders containing ammunition anywhere in a vehicle, without 1621

being transported as described in those divisions, as long as no 1622
ammunition is in a firearm, other than a handgun, in the vehicle 1623
other than as permitted under any other provision of this 1624
chapter. A person who is carrying a valid concealed handgun 1625
license may have one or more magazines or speed loaders 1626
containing ammunition anywhere in a vehicle without further 1627
restriction, as long as no ammunition is in a firearm, other 1628
than a handgun, in the vehicle other than as permitted under any 1629
provision of this chapter. 1630

Sec. 2953.37. (A) As used in this section: 1631

(1) "Expunge" means to destroy, delete, and erase a record 1632
as appropriate for the record's physical or electronic form or 1633
characteristic so that the record is permanently irretrievable. 1634

(2) "Official records" has the same meaning as in section 1635
2953.51 of the Revised Code. 1636

(3) "Prosecutor" has the same meaning as in section 1637
2953.31 of the Revised Code. 1638

(4) "Record of conviction" means the record related to a 1639
conviction of or plea of guilty to an offense. 1640

(B) Any person who is convicted of, was convicted of, 1641
pleads guilty to, or has pleaded guilty to a violation of 1642
division (B), (C), or (E) of section 2923.16 of the Revised Code 1643
as the division existed prior to September 30, 2011, and who is 1644
authorized by division (H) (2) (a) of that section to file an 1645
application under this section for the expungement of the 1646
conviction record may apply to the sentencing court for the 1647
expungement of the record of conviction. The person may file the 1648
application at any time on or after September 30, 2011. The 1649
application shall do all of the following: 1650

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

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

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

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

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

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

2923.16 of the Revised Code as the division existed prior to 1680
September 30, 2011, and whether the conduct that was the basis 1681
of the violation no longer would be a violation of that division 1682
on or after September 30, 2011; 1683

(b) Determine whether the applicant has been convicted of 1684
or pleaded guilty to a violation of division (B) or (C) of 1685
section 2923.16 of the Revised Code as the division existed 1686
prior to September 30, 2011, and whether the conduct that was 1687
the basis of the violation no longer would be a violation of 1688
that division on or after September 30, 2011, due to the 1689
application of division (F)(5) of that section as it exists on 1690
and after September 30, 2011; 1691

(c) If the prosecutor has filed an objection in accordance 1692
with division (C) of this section, consider the reasons against 1693
granting the application specified by the prosecutor in the 1694
objection; 1695

(d) Weigh the interests of the applicant in having the 1696
records pertaining to the applicant's conviction or guilty plea 1697
expunged against the legitimate needs, if any, of the government 1698
to maintain those records. 1699

(2) (a) The court may order the expungement of all official 1700
records pertaining to the case and the deletion of all index 1701
references to the case and, if it does order the expungement, 1702
shall send notice of the order to each public office or agency 1703
that the court has reason to believe may have an official record 1704
pertaining to the case if the court, after complying with 1705
division (D)(1) of this section, determines both of the 1706
following: 1707

(i) That the applicant has been convicted of or pleaded 1708

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

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

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

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

state treasury and shall pay twenty dollars of the fee into the 1739
county general revenue fund. 1740

(4) At the time an applicant files an application under 1741
division (B) of this section, the following shall apply: 1742

(a) The clerk of court shall notify the applicant in 1743
writing that the court will send notice of any order under 1744
division (D) (2) (a) of this section to the qualified third party 1745
selected by the attorney general under section 109.38 of the 1746
Revised Code and shall inform the applicant of the procedures 1747
under section 109.381 of the Revised Code. 1748

(b) The applicant shall then notify the clerk if the 1749
applicant wishes to opt out of receiving the benefits of having 1750
the court send notice of its order under division (D) (2) (a) of 1751
this section to the qualified third party and having the 1752
procedures under section 109.381 of the Revised Code apply to 1753
the records that are subject to the order. 1754

(c) If the applicant does not opt out under division (D) 1755
(4) (b) of this section, the applicant shall pay to the clerk of 1756
court the fee provided in the contract between the attorney 1757
general and the qualified third party under division (D) (2) (b) 1758
of section 109.38 of the Revised Code. 1759

(5) (a) Upon issuance of an order under division (D) (2) (a) 1760
of this section, and unless the applicant opts out under 1761
division (D) (4) (b) of this section, the clerk shall remit the 1762
fee paid by the applicant under division (D) (4) (c) of this 1763
section to the qualified third party. The court shall send 1764
notice of the order under division (D) (2) (a) of this section to 1765
the qualified third party. 1766

(b) If the applicant's application under division (B) of 1767

this section is denied for any reason or if the applicant 1768
informs the clerk of court in writing, before the issuance of 1769
the order under division (D)(2)(a) of this section, that the 1770
applicant wishes to opt out of having the court send notice of 1771
its order under division (D)(2)(a) of this section to the 1772
qualified third party, the clerk shall remit the fee paid by the 1773
applicant under division (D)(4)(c) of this section that is 1774
intended for the qualified third party back to the applicant. 1775

Sec. 5321.01. As used in this chapter: 1776

(A) "Tenant" means a person entitled under a rental 1777
agreement to the use and occupancy of residential premises to 1778
the exclusion of others. 1779

(B) "Landlord" means the owner, lessor, or sublessor of 1780
residential premises, the agent of the owner, lessor, or 1781
sublessor, or any person authorized by the owner, lessor, or 1782
sublessor to manage the premises or to receive rent from a 1783
tenant under a rental agreement. 1784

(C) "Residential premises" means a dwelling unit for 1785
residential use and occupancy and the structure of which it is a 1786
part, the facilities and appurtenances in it, and the grounds, 1787
areas, and facilities for the use of tenants generally or the 1788
use of which is promised the tenant. "Residential premises" 1789
includes a dwelling unit that is owned or operated by a college 1790
or university. "Residential premises" does not include any of 1791
the following: 1792

(1) Prisons, jails, workhouses, and other places of 1793
incarceration or correction, including, but not limited to, 1794
halfway houses or residential arrangements that are used or 1795
occupied as a requirement of a community control sanction, a 1796

post-release control sanction, or parole;	1797
(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;	1798 1799 1800
(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;	1801 1802 1803 1804
(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;	1805 1806 1807
(5) Orphanages and similar institutions;	1808
(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;	1809 1810 1811
(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	1812 1813
(8) Occupancy by an owner of a condominium unit;	1814
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	1815 1816 1817 1818 1819 1820 1821
(a) The occupancy is for a period of less than sixty days.	1822
(b) The occupancy is for participation in a program	1823

operated by the facility, or by a public entity or private 1824
charitable organization pursuant to a contract with the 1825
facility, to provide either of the following: 1826

(i) Services licensed, certified, registered, or approved 1827
by a governmental agency or private accrediting organization for 1828
the rehabilitation of mentally ill persons, persons with 1829
developmental disabilities, adults or juveniles convicted of 1830
criminal offenses, or persons suffering from substance abuse; 1831

(ii) Shelter for juvenile runaways, victims of domestic 1832
violence, or homeless persons. 1833

(10) Emergency shelters operated by organizations exempt 1834
from federal income taxation under section 501(c)(3) of the 1835
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1836
501, as amended, for persons whose circumstances indicate a 1837
transient occupancy, including homeless people, victims of 1838
domestic violence, and juvenile runaways. 1839

(D) "Rental agreement" means any agreement or lease, 1840
written or oral, which establishes or modifies the terms, 1841
conditions, rules, or any other provisions concerning the use 1842
and occupancy of residential premises by one of the parties. 1843

(E) "Security deposit" means any deposit of money or 1844
property to secure performance by the tenant under a rental 1845
agreement. 1846

(F) "Dwelling unit" means a structure or the part of a 1847
structure that is used as a home, residence, or sleeping place 1848
by one person who maintains a household or by two or more 1849
persons who maintain a common household. 1850

(G) "Controlled substance" has the same meaning as in 1851
section 3719.01 of the Revised Code. 1852

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

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

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

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

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

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

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

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

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

the housing choice voucher program, the new construction 1881
program, the substantial rehabilitation program or the moderate 1882
rehabilitation program under section 8 of the United States 1883
housing act of 1937. "Subsidized residential premises" does not 1884
include owner-occupied residential premises of two or fewer 1885
dwelling units. 1886

Sec. 5321.13. (A) No provision of this chapter may be 1887
modified or waived by any oral or written agreement except as 1888
provided in division (F) of this section. 1889

(B) No warrant of attorney to confess judgment shall be 1890
recognized in any rental agreement or in any other agreement 1891
between a landlord and tenant for the recovery of rent or 1892
damages to the residential premises. 1893

(C) No agreement to pay the landlord's or tenant's 1894
attorney's fees shall be recognized in any rental agreement for 1895
residential premises or in any other agreement between a 1896
landlord and tenant. 1897

(D) No agreement by a tenant to the exculpation or 1898
limitation of any liability of the landlord arising under law or 1899
to indemnify the landlord for that liability or its related 1900
costs shall be recognized in any rental agreement or in any 1901
other agreement between a landlord and tenant. 1902

(E) A rental agreement, or the assignment, conveyance, 1903
trust deed, or security instrument of the landlord's interest in 1904
the rental agreement may not permit the receipt of rent free of 1905
the obligation to comply with section 5321.04 of the Revised 1906
Code. 1907

(F) The landlord may agree to assume responsibility for 1908
fulfilling any duty or obligation imposed on a tenant by section 1909

5321.05 of the Revised Code, other than the obligation specified 1910
in division (A) (9) of that section. 1911

(G) (1) A rental agreement for subsidized residential 1912
premises may not contain a provision or impose a rule that 1913
requires a person to agree, as a condition of tenancy in the 1914
residential premises, to a prohibition or restriction on the 1915
lawful ownership, use, or possession of a firearm, a firearm 1916
component, or ammunition within the tenant's specific rental 1917
dwelling unit. A landlord may impose reasonable restrictions 1918
related to the possession, use, or transport of a firearm, a 1919
firearm component, or ammunition within common areas as long as 1920
those restrictions do not circumvent the purpose of this 1921
division. A tenant shall exercise reasonable care in the storage 1922
of a firearm, a firearm component, or ammunition. The 1923
restriction set forth in this division is separate from, and in 1924
addition to, the restriction set forth in division (C) (3) (b) of 1925
section 2923.126 of the Revised Code. 1926

(2) If a landlord brings an action to enforce a provision 1927
or rule prohibited under division (G) (1) of this section, a 1928
tenant, tenant's household member, or tenant's guest who is or 1929
would be affected by the enforcement may recover actual damages 1930
sustained by that tenant, tenant's household member, or tenant's 1931
guest and, in addition to the actual damages, court costs, and 1932
reasonable attorney's fees. 1933

(3) Except in cases of willful, wanton, or reckless 1934
misconduct or grossly negligent conduct of the landlord, a 1935
landlord is not liable in a civil action for injury, death, or 1936
loss to person or property or other damages resulting from or 1937
arising out of an occurrence involving a firearm, a firearm 1938
component, or ammunition that the landlord is required to allow 1939

on the property under division (G)(1) of this section. 1940

(4) Divisions (G)(1) to (3) of this section do not apply 1941

with respect to, limit, or affect any prohibition or restriction 1942

that is required by any law, rule, or regulation of this state 1943

or the United States. 1944

Section 2. That existing sections 9.68, 307.932, 2307.601, 1945

2901.05, 2901.09, 2923.12, 2923.126, 2923.16, 2953.37, 5321.01, 1946

and 5321.13 and section 2923.1212 of the Revised Code are hereby 1947

repealed. 1948