

As Introduced

**131st General Assembly
Regular Session
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H. B. No. 452

Representative Vitale

Cosponsors: Representatives Becker, Brinkman, Buchy, Hood, Young, Zeltwanger

A BILL

To amend sections 2923.122 and 2923.126 of the 1
Revised Code to generally permit a concealed 2
handgun licensee to carry a concealed handgun in 3
a place of worship. 4

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

Section 1. That sections 2923.122 and 2923.126 of the 5
Revised Code be amended to read as follows: 6

Sec. 2923.122. (A) No person shall knowingly convey, or 7
attempt to convey, a deadly weapon or dangerous ordnance into a 8
school safety zone. 9

(B) No person shall knowingly possess a deadly weapon or 10
dangerous ordnance in a school safety zone. 11

(C) No person shall knowingly possess an object in a 12
school safety zone if both of the following apply: 13

(1) The object is indistinguishable from a firearm, 14
whether or not the object is capable of being fired. 15

(2) The person indicates that the person possesses the 16
object and that it is a firearm, or the person knowingly 17

displays or brandishes the object and indicates that it is a 18
firearm. 19

(D) (1) This section does not apply to any of the 20
following: 21

(a) An officer, agent, or employee of this or any other 22
state or the United States, or a law enforcement officer, who is 23
authorized to carry deadly weapons or dangerous ordnance and is 24
acting within the scope of the officer's, agent's, or employee's 25
duties, a security officer employed by a board of education or 26
governing body of a school during the time that the security 27
officer is on duty pursuant to that contract of employment, or 28
any other person who has written authorization from the board of 29
education or governing body of a school to convey deadly weapons 30
or dangerous ordnance into a school safety zone or to possess a 31
deadly weapon or dangerous ordnance in a school safety zone and 32
who conveys or possesses the deadly weapon or dangerous ordnance 33
in accordance with that authorization; 34

(b) Any person who is employed in this state, who is 35
authorized to carry deadly weapons or dangerous ordnance, and 36
who is subject to and in compliance with the requirements of 37
section 109.801 of the Revised Code, unless the appointing 38
authority of the person has expressly specified that the 39
exemption provided in division (D) (1) (b) of this section does 40
not apply to the person. 41

(2) Division (C) of this section does not apply to 42
premises upon which home schooling is conducted. Division (C) of 43
this section also does not apply to a school administrator, 44
teacher, or employee who possesses an object that is 45
indistinguishable from a firearm for legitimate school purposes 46
during the course of employment, a student who uses an object 47

that is indistinguishable from a firearm under the direction of 48
a school administrator, teacher, or employee, or any other 49
person who with the express prior approval of a school 50
administrator possesses an object that is indistinguishable from 51
a firearm for a legitimate purpose, including the use of the 52
object in a ceremonial activity, a play, reenactment, or other 53
dramatic presentation, or a ROTC activity or another similar use 54
of the object. 55

(3) This section does not apply to a person who conveys or 56
attempts to convey a handgun into, or possesses a handgun in, a 57
school safety zone if, at the time of that conveyance, attempted 58
conveyance, or possession of the handgun, all of the following 59
apply: 60

(a) The person does not enter into a school building or 61
onto school premises and is not at a school activity. 62

(b) The person is carrying a valid concealed handgun 63
license. 64

(c) The person is in the school safety zone in accordance 65
with 18 U.S.C. 922(q)(2)(B). 66

(d) The person is not knowingly in a place described in 67
division (B)(1) or (B)(3) to ~~(10)~~(9) of section 2923.126 of the 68
Revised Code. 69

(4) This section does not apply to a person who conveys or 70
attempts to convey a handgun into, or possesses a handgun in, a 71
school safety zone if at the time of that conveyance, attempted 72
conveyance, or possession of the handgun all of the following 73
apply: 74

(a) The person is carrying a valid concealed handgun 75
license. 76

(b) The person is the driver or passenger in a motor 77
vehicle and is in the school safety zone while immediately in 78
the process of picking up or dropping off a child. 79

(c) The person is not in violation of section 2923.16 of 80
the Revised Code. 81

(E) (1) Whoever violates division (A) or (B) of this 82
section is guilty of illegal conveyance or possession of a 83
deadly weapon or dangerous ordnance in a school safety zone. 84
Except as otherwise provided in this division, illegal 85
conveyance or possession of a deadly weapon or dangerous 86
ordnance in a school safety zone is a felony of the fifth 87
degree. If the offender previously has been convicted of a 88
violation of this section, illegal conveyance or possession of a 89
deadly weapon or dangerous ordnance in a school safety zone is a 90
felony of the fourth degree. 91

(2) Whoever violates division (C) of this section is 92
guilty of illegal possession of an object indistinguishable from 93
a firearm in a school safety zone. Except as otherwise provided 94
in this division, illegal possession of an object 95
indistinguishable from a firearm in a school safety zone is a 96
misdemeanor of the first degree. If the offender previously has 97
been convicted of a violation of this section, illegal 98
possession of an object indistinguishable from a firearm in a 99
school safety zone is a felony of the fifth degree. 100

(F) (1) In addition to any other penalty imposed upon a 101
person who is convicted of or pleads guilty to a violation of 102
this section and subject to division (F) (2) of this section, if 103
the offender has not attained nineteen years of age, regardless 104
of whether the offender is attending or is enrolled in a school 105
operated by a board of education or for which the state board of 106

education prescribes minimum standards under section 3301.07 of 107
the Revised Code, the court shall impose upon the offender a 108
class four suspension of the offender's probationary driver's 109
license, restricted license, driver's license, commercial 110
driver's license, temporary instruction permit, or probationary 111
commercial driver's license that then is in effect from the 112
range specified in division (A)(4) of section 4510.02 of the 113
Revised Code and shall deny the offender the issuance of any 114
permit or license of that type during the period of the 115
suspension. 116

If the offender is not a resident of this state, the court 117
shall impose a class four suspension of the nonresident 118
operating privilege of the offender from the range specified in 119
division (A)(4) of section 4510.02 of the Revised Code. 120

(2) If the offender shows good cause why the court should 121
not suspend one of the types of licenses, permits, or privileges 122
specified in division (F)(1) of this section or deny the 123
issuance of one of the temporary instruction permits specified 124
in that division, the court in its discretion may choose not to 125
impose the suspension, revocation, or denial required in that 126
division, but the court, in its discretion, instead may require 127
the offender to perform community service for a number of hours 128
determined by the court. 129

(G) As used in this section, "object that is 130
indistinguishable from a firearm" means an object made, 131
constructed, or altered so that, to a reasonable person without 132
specialized training in firearms, the object appears to be a 133
firearm. 134

Sec. 2923.126. (A) A concealed handgun license that is 135
issued under section 2923.125 of the Revised Code shall expire 136

five years after the date of issuance. A licensee who has been 137
issued a license under that section shall be granted a grace 138
period of thirty days after the licensee's license expires 139
during which the licensee's license remains valid. Except as 140
provided in divisions (B) and (C) of this section, a licensee 141
who has been issued a concealed handgun license under section 142
2923.125 or 2923.1213 of the Revised Code may carry a concealed 143
handgun anywhere in this state if the licensee also carries a 144
valid license and valid identification when the licensee is in 145
actual possession of a concealed handgun. The licensee shall 146
give notice of any change in the licensee's residence address to 147
the sheriff who issued the license within forty-five days after 148
that change. 149

If a licensee is the driver or an occupant of a motor 150
vehicle that is stopped as the result of a traffic stop or a 151
stop for another law enforcement purpose and if the licensee is 152
transporting or has a loaded handgun in the motor vehicle at 153
that time, the licensee shall promptly inform any law 154
enforcement officer who approaches the vehicle while stopped 155
that the licensee has been issued a concealed handgun license 156
and that the licensee currently possesses or has a loaded 157
handgun; the licensee shall not knowingly disregard or fail to 158
comply with lawful orders of a law enforcement officer given 159
while the motor vehicle is stopped, knowingly fail to remain in 160
the motor vehicle while stopped, or knowingly fail to keep the 161
licensee's hands in plain sight after any law enforcement 162
officer begins approaching the licensee while stopped and before 163
the officer leaves, unless directed otherwise by a law 164
enforcement officer; and the licensee shall not knowingly have 165
contact with the loaded handgun by touching it with the 166
licensee's hands or fingers, in any manner in violation of 167

division (E) of section 2923.16 of the Revised Code, after any 168
law enforcement officer begins approaching the licensee while 169
stopped and before the officer leaves. Additionally, if a 170
licensee is the driver or an occupant of a commercial motor 171
vehicle that is stopped by an employee of the motor carrier 172
enforcement unit for the purposes defined in section 5503.04 of 173
the Revised Code and if the licensee is transporting or has a 174
loaded handgun in the commercial motor vehicle at that time, the 175
licensee shall promptly inform the employee of the unit who 176
approaches the vehicle while stopped that the licensee has been 177
issued a concealed handgun license and that the licensee 178
currently possesses or has a loaded handgun. 179

If a licensee is stopped for a law enforcement purpose and 180
if the licensee is carrying a concealed handgun at the time the 181
officer approaches, the licensee shall promptly inform any law 182
enforcement officer who approaches the licensee while stopped 183
that the licensee has been issued a concealed handgun license 184
and that the licensee currently is carrying a concealed handgun; 185
the licensee shall not knowingly disregard or fail to comply 186
with lawful orders of a law enforcement officer given while the 187
licensee is stopped or knowingly fail to keep the licensee's 188
hands in plain sight after any law enforcement officer begins 189
approaching the licensee while stopped and before the officer 190
leaves, unless directed otherwise by a law enforcement officer; 191
and the licensee shall not knowingly remove, attempt to remove, 192
grasp, or hold the loaded handgun or knowingly have contact with 193
the loaded handgun by touching it with the licensee's hands or 194
fingers, in any manner in violation of division (B) of section 195
2923.12 of the Revised Code, after any law enforcement officer 196
begins approaching the licensee while stopped and before the 197
officer leaves. 198

(B) A valid concealed handgun license does not authorize 199
the licensee to carry a concealed handgun in any manner 200
prohibited under division (B) of section 2923.12 of the Revised 201
Code or in any manner prohibited under section 2923.16 of the 202
Revised Code. A valid license does not authorize the licensee to 203
carry a concealed handgun into any of the following places: 204

(1) A police station, sheriff's office, or state highway 205
patrol station, premises controlled by the bureau of criminal 206
identification and investigation, a state correctional 207
institution, jail, workhouse, or other detention facility, an 208
airport passenger terminal, or an institution that is 209
maintained, operated, managed, and governed pursuant to division 210
(A) of section 5119.14 of the Revised Code or division (A)(1) of 211
section 5123.03 of the Revised Code; 212

(2) A school safety zone if the licensee's carrying the 213
concealed handgun is in violation of section 2923.122 of the 214
Revised Code; 215

(3) A courthouse or another building or structure in which 216
a courtroom is located, in violation of section 2923.123 of the 217
Revised Code; 218

(4) Any premises or open air arena for which a D permit 219
has been issued under Chapter 4303. of the Revised Code if the 220
licensee's carrying the concealed handgun is in violation of 221
section 2923.121 of the Revised Code; 222

(5) Any premises owned or leased by any public or private 223
college, university, or other institution of higher education, 224
unless the handgun is in a locked motor vehicle or the licensee 225
is in the immediate process of placing the handgun in a locked 226
motor vehicle; 227

~~(6) Any church, synagogue, mosque, or other place of~~ 228
~~worship, unless the church, synagogue, mosque, or other place of~~ 229
~~worship posts or permits otherwise;~~ 230

~~(7)~~ A child day-care center, a type A family day-care 231
home, or a type B family day-care home, except that this 232
division does not prohibit a licensee who resides in a type A 233
family day-care home or a type B family day-care home from 234
carrying a concealed handgun at any time in any part of the home 235
that is not dedicated or used for day-care purposes, or from 236
carrying a concealed handgun in a part of the home that is 237
dedicated or used for day-care purposes at any time during which 238
no children, other than children of that licensee, are in the 239
home; 240

~~(8)~~ (7) An aircraft that is in, or intended for operation 241
in, foreign air transportation, interstate air transportation, 242
intrastate air transportation, or the transportation of mail by 243
aircraft; 244

~~(9)~~ (8) Any building that is a government facility of this 245
state or a political subdivision of this state and that is not a 246
building that is used primarily as a shelter, restroom, parking 247
facility for motor vehicles, or rest facility and is not a 248
courthouse or other building or structure in which a courtroom 249
is located that is subject to division (B)(3) of this section; 250

~~(10)~~ (9) A place in which federal law prohibits the 251
carrying of handguns. 252

(C) (1) Nothing in this section shall negate or restrict a 253
rule, policy, or practice of a private employer that is not a 254
private college, university, or other institution of higher 255
education concerning or prohibiting the presence of firearms on 256

the private employer's premises or property, including motor 257
vehicles owned by the private employer. Nothing in this section 258
shall require a private employer of that nature to adopt a rule, 259
policy, or practice concerning or prohibiting the presence of 260
firearms on the private employer's premises or property, 261
including motor vehicles owned by the private employer. 262

(2) (a) A private employer shall be immune from liability 263
in a civil action for any injury, death, or loss to person or 264
property that allegedly was caused by or related to a licensee 265
bringing a handgun onto the premises or property of the private 266
employer, including motor vehicles owned by the private 267
employer, unless the private employer acted with malicious 268
purpose. A private employer is immune from liability in a civil 269
action for any injury, death, or loss to person or property that 270
allegedly was caused by or related to the private employer's 271
decision to permit a licensee to bring, or prohibit a licensee 272
from bringing, a handgun onto the premises or property of the 273
private employer. As used in this division, "private employer" 274
includes a private college, university, or other institution of 275
higher education. 276

(b) A political subdivision shall be immune from liability 277
in a civil action, to the extent and in the manner provided in 278
Chapter 2744. of the Revised Code, for any injury, death, or 279
loss to person or property that allegedly was caused by or 280
related to a licensee bringing a handgun onto any premises or 281
property owned, leased, or otherwise under the control of the 282
political subdivision. As used in this division, "political 283
subdivision" has the same meaning as in section 2744.01 of the 284
Revised Code. 285

(3) (a) Except as provided in division (C) (3) (b) of this 286

section, the owner or person in control of private land or 287
premises, and a private person or entity leasing land or 288
premises owned by the state, the United States, or a political 289
subdivision of the state or the United States, may post a sign 290
in a conspicuous location on that land or on those premises 291
prohibiting persons from carrying firearms or concealed firearms 292
on or onto that land or those premises. Except as otherwise 293
provided in this division, a person who knowingly violates a 294
posted prohibition of that nature is guilty of criminal trespass 295
in violation of division (A) (4) of section 2911.21 of the 296
Revised Code and is guilty of a misdemeanor of the fourth 297
degree. If a person knowingly violates a posted prohibition of 298
that nature and the posted land or premises primarily was a 299
parking lot or other parking facility, the person is not guilty 300
of criminal trespass under section 2911.21 of the Revised Code 301
or under any other criminal law of this state or criminal law, 302
ordinance, or resolution of a political subdivision of this 303
state, and instead is subject only to a civil cause of action 304
for trespass based on the violation. 305

(b) A landlord may not prohibit or restrict a tenant who 306
is a licensee and who on or after September 9, 2008, enters into 307
a rental agreement with the landlord for the use of residential 308
premises, and the tenant's guest while the tenant is present, 309
from lawfully carrying or possessing a handgun on those 310
residential premises. 311

(c) As used in division (C) (3) of this section: 312

(i) "Residential premises" has the same meaning as in 313
section 5321.01 of the Revised Code, except "residential 314
premises" does not include a dwelling unit that is owned or 315
operated by a college or university. 316

(ii) "Landlord," "tenant," and "rental agreement" have the 317
same meanings as in section 5321.01 of the Revised Code. 318

(D) A person who holds a valid concealed handgun license 319
issued by another state that is recognized by the attorney 320
general pursuant to a reciprocity agreement entered into 321
pursuant to section 109.69 of the Revised Code or a person who 322
holds a valid concealed handgun license under the circumstances 323
described in division (B) of section 109.69 of the Revised Code 324
has the same right to carry a concealed handgun in this state as 325
a person who was issued a concealed handgun license under 326
section 2923.125 of the Revised Code and is subject to the same 327
restrictions that apply to a person who carries a license issued 328
under that section. 329

(E) A peace officer has the same right to carry a 330
concealed handgun in this state as a person who was issued a 331
concealed handgun license under section 2923.125 of the Revised 332
Code. For purposes of reciprocity with other states, a peace 333
officer shall be considered to be a licensee in this state. 334

(F) (1) A qualified retired peace officer who possesses a 335
retired peace officer identification card issued pursuant to 336
division (F) (2) of this section and a valid firearms 337
requalification certification issued pursuant to division (F) (3) 338
of this section has the same right to carry a concealed handgun 339
in this state as a person who was issued a concealed handgun 340
license under section 2923.125 of the Revised Code and is 341
subject to the same restrictions that apply to a person who 342
carries a license issued under that section. For purposes of 343
reciprocity with other states, a qualified retired peace officer 344
who possesses a retired peace officer identification card issued 345
pursuant to division (F) (2) of this section and a valid firearms 346

requalification certification issued pursuant to division (F) (3) 347
of this section shall be considered to be a licensee in this 348
state. 349

(2) (a) Each public agency of this state or of a political 350
subdivision of this state that is served by one or more peace 351
officers shall issue a retired peace officer identification card 352
to any person who retired from service as a peace officer with 353
that agency, if the issuance is in accordance with the agency's 354
policies and procedures and if the person, with respect to the 355
person's service with that agency, satisfies all of the 356
following: 357

(i) The person retired in good standing from service as a 358
peace officer with the public agency, and the retirement was not 359
for reasons of mental instability. 360

(ii) Before retiring from service as a peace officer with 361
that agency, the person was authorized to engage in or supervise 362
the prevention, detection, investigation, or prosecution of, or 363
the incarceration of any person for, any violation of law and 364
the person had statutory powers of arrest. 365

(iii) At the time of the person's retirement as a peace 366
officer with that agency, the person was trained and qualified 367
to carry firearms in the performance of the peace officer's 368
duties. 369

(iv) Before retiring from service as a peace officer with 370
that agency, the person was regularly employed as a peace 371
officer for an aggregate of fifteen years or more, or, in the 372
alternative, the person retired from service as a peace officer 373
with that agency, after completing any applicable probationary 374
period of that service, due to a service-connected disability, 375

as determined by the agency. 376

(b) A retired peace officer identification card issued to 377
a person under division (F) (2) (a) of this section shall identify 378
the person by name, contain a photograph of the person, identify 379
the public agency of this state or of the political subdivision 380
of this state from which the person retired as a peace officer 381
and that is issuing the identification card, and specify that 382
the person retired in good standing from service as a peace 383
officer with the issuing public agency and satisfies the 384
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 385
section. In addition to the required content specified in this 386
division, a retired peace officer identification card issued to 387
a person under division (F) (2) (a) of this section may include 388
the firearms requalification certification described in division 389
(F) (3) of this section, and if the identification card includes 390
that certification, the identification card shall serve as the 391
firearms requalification certification for the retired peace 392
officer. If the issuing public agency issues credentials to 393
active law enforcement officers who serve the agency, the agency 394
may comply with division (F) (2) (a) of this section by issuing 395
the same credentials to persons who retired from service as a 396
peace officer with the agency and who satisfy the criteria set 397
forth in divisions (F) (2) (a) (i) to (iv) of this section, 398
provided that the credentials so issued to retired peace 399
officers are stamped with the word "RETIRED." 400

(c) A public agency of this state or of a political 401
subdivision of this state may charge persons who retired from 402
service as a peace officer with the agency a reasonable fee for 403
issuing to the person a retired peace officer identification 404
card pursuant to division (F) (2) (a) of this section. 405

(3) If a person retired from service as a peace officer 406
with a public agency of this state or of a political subdivision 407
of this state and the person satisfies the criteria set forth in 408
divisions (F) (2) (a) (i) to (iv) of this section, the public 409
agency may provide the retired peace officer with the 410
opportunity to attend a firearms requalification program that is 411
approved for purposes of firearms requalification required under 412
section 109.801 of the Revised Code. The retired peace officer 413
may be required to pay the cost of the course. 414

If a retired peace officer who satisfies the criteria set 415
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 416
a firearms requalification program that is approved for purposes 417
of firearms requalification required under section 109.801 of 418
the Revised Code, the retired peace officer's successful 419
completion of the firearms requalification program requalifies 420
the retired peace officer for purposes of division (F) of this 421
section for five years from the date on which the program was 422
successfully completed, and the requalification is valid during 423
that five-year period. If a retired peace officer who satisfies 424
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 425
section satisfactorily completes such a firearms requalification 426
program, the retired peace officer shall be issued a firearms 427
requalification certification that identifies the retired peace 428
officer by name, identifies the entity that taught the program, 429
specifies that the retired peace officer successfully completed 430
the program, specifies the date on which the course was 431
successfully completed, and specifies that the requalification 432
is valid for five years from that date of successful completion. 433
The firearms requalification certification for a retired peace 434
officer may be included in the retired peace officer 435
identification card issued to the retired peace officer under 436

division (F) (2) of this section.	437
A retired peace officer who attends a firearms	438
requalification program that is approved for purposes of	439
firearms requalification required under section 109.801 of the	440
Revised Code may be required to pay the cost of the program.	441
(G) As used in this section:	442
(1) "Qualified retired peace officer" means a person who	443
satisfies all of the following:	444
(a) The person satisfies the criteria set forth in	445
divisions (F) (2) (a) (i) to (v) of this section.	446
(b) The person is not under the influence of alcohol or	447
another intoxicating or hallucinatory drug or substance.	448
(c) The person is not prohibited by federal law from	449
receiving firearms.	450
(2) "Retired peace officer identification card" means an	451
identification card that is issued pursuant to division (F) (2)	452
of this section to a person who is a retired peace officer.	453
(3) "Government facility of this state or a political	454
subdivision of this state" means any of the following:	455
(a) A building or part of a building that is owned or	456
leased by the government of this state or a political	457
subdivision of this state and where employees of the government	458
of this state or the political subdivision regularly are present	459
for the purpose of performing their official duties as employees	460
of the state or political subdivision;	461
(b) The office of a deputy registrar serving pursuant to	462
Chapter 4503. of the Revised Code that is used to perform deputy	463

registrar functions. 464

Section 2. That existing sections 2923.122 and 2923.126 of 465
the Revised Code are hereby repealed. 466

Section 3. Section 2923.122 of the Revised Code is 467
presented in this act as a composite of the section as amended 468
by both Am. Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th 469
General Assembly. The General Assembly, applying the principle 470
stated in division (B) of section 1.52 of the Revised Code that 471
amendments are to be harmonized if reasonably capable of 472
simultaneous operation, finds that the composite is the 473
resulting version of the section in effect prior to the 474
effective date of the section as presented in this act. 475