

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 452**

**Representative Vitale**

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

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**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