

**As Reported by the House State Government Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. S. B. No. 199**

**Senators Uecker, Gardner**

**Cosponsors: Senators Coley, Bacon, Obhof, Eklund, Beagle, Burke, Faber,  
Hackett, Hite, Hottinger, Hughes, Jones, Jordan, LaRose, Manning, Oelslager,  
Patton, Seitz Representative Perales**

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**A BILL**

To amend sections 109.731, 1547.69, 2923.11, 1  
2923.12, 2923.121, 2923.122, 2923.123, 2923.126, 2  
2923.16, 2923.21, 4112.02, 4112.05, 4112.08, and 3  
4112.14 of the Revised Code to specify that an 4  
active duty member of the U.S. Armed Forces: (1) 5  
does not need a concealed handgun license to 6  
carry a handgun concealed if the member is 7  
carrying valid military identification and 8  
documentation of successful completion of 9  
specified firearms training; and (2) may be sold 10  
or furnished a handgun if the member has 11  
received specified firearms training; and to 12  
prohibit an employer from discharging or 13  
otherwise discriminating against a person with a 14  
concealed handgun license who possessed a 15  
firearm within the person's private real 16  
property or motor vehicle. 17

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

**Section 1.** That sections 109.731, 1547.69, 2923.11, 18  
2923.12, 2923.121, 2923.122, 2923.123, 2923.126, 2923.16, 19  
2923.21, 4112.02, 4112.05, 4112.08, and 4112.14 of the Revised 20  
Code be amended to read as follows: 21

**Sec. 109.731.** (A) (1) The attorney general shall prescribe, 22  
and shall make available to sheriffs an application form that is 23  
to be used under section 2923.125 of the Revised Code by a 24  
person who applies for a concealed handgun license and an 25  
application form that is to be used under section 2923.125 of 26  
the Revised Code by a person who applies for the renewal of a 27  
license of that nature. The attorney general shall design the 28  
form to enable applicants to provide the information that is 29  
required by law to be collected, and shall update the form as 30  
necessary. Burdens or restrictions to obtaining a concealed 31  
handgun license that are not expressly prescribed in law shall 32  
not be incorporated into the form. The attorney general shall 33  
post a printable version of the form on the web site of the 34  
attorney general and shall provide the address of the web site 35  
to any person who requests the form. 36

(2) The Ohio peace officer training commission shall 37  
prescribe, and shall make available to sheriffs, all of the 38  
following: 39

(a) A form for the concealed handgun license that is to be 40  
issued by sheriffs to persons who qualify for a concealed 41  
handgun license under section 2923.125 of the Revised Code and 42  
that conforms to the following requirements: 43

(i) It has space for the licensee's full name, residence 44  
address, and date of birth and for a color photograph of the 45  
licensee. 46

(ii) It has space for the date of issuance of the license, 47  
its expiration date, its county of issuance, the name of the 48  
sheriff who issues the license, and the unique combination of 49  
letters and numbers that identify the county of issuance and the 50  
license given to the licensee by the sheriff in accordance with 51  
division (A) (2) (c) of this section. 52

(iii) It has space for the signature of the licensee and 53  
the signature or a facsimile signature of the sheriff who issues 54  
the license. 55

(iv) It does not require the licensee to include serial 56  
numbers of handguns, other identification related to handguns, 57  
or similar data that is not pertinent or relevant to obtaining 58  
the license and that could be used as a de facto means of 59  
registration of handguns owned by the licensee. 60

(b) A series of three-letter county codes that identify 61  
each county in this state; 62

(c) A procedure by which a sheriff shall give each 63  
concealed handgun license, replacement concealed handgun 64  
license, or renewal concealed handgun license and each concealed 65  
handgun license on a temporary emergency basis or replacement 66  
license on a temporary emergency basis the sheriff issues under 67  
section 2923.125 or 2923.1213 of the Revised Code a unique 68  
combination of letters and numbers that identifies the county in 69  
which the license was issued and that uses the county code and a 70  
unique number for each license the sheriff of that county 71  
issues; 72

(d) A form for a concealed handgun license on a temporary 73  
emergency basis that is to be issued by sheriffs to persons who 74  
qualify for such a license under section 2923.1213 of the 75

Revised Code, which form shall conform to all the requirements 76  
set forth in divisions (A) (2) (a) (i) to (iv) of this section and 77  
shall additionally conspicuously specify that the license is 78  
issued on a temporary emergency basis and the date of its 79  
issuance. 80

(B) (1) The Ohio peace officer training commission, in 81  
consultation with the attorney general, shall prepare a pamphlet 82  
that does all of the following, in everyday language: 83

(a) Explains the firearms laws of this state; 84

(b) Instructs the reader in dispute resolution and 85  
explains the laws of this state related to that matter; 86

(c) Provides information to the reader regarding all 87  
aspects of the use of deadly force with a firearm, including, 88  
but not limited to, the steps that should be taken before 89  
contemplating the use of, or using, deadly force with a firearm, 90  
possible alternatives to using deadly force with a firearm, and 91  
the law governing the use of deadly force with a firearm. 92

(2) The attorney general shall consult with and assist the 93  
commission in the preparation of the pamphlet described in 94  
division (B) (1) of this section and, as necessary, shall 95  
recommend to the commission changes in the pamphlet to reflect 96  
changes in the law that are relevant to it. The attorney general 97  
shall publish the pamphlet on the web site of the attorney 98  
general and shall provide the address of the web site to any 99  
person who requests the pamphlet. 100

(3) The attorney general shall create and maintain a 101  
section on the attorney general's web site that provides 102  
information on firearms laws of this state specifically 103  
applicable to members of the armed forces of the United States 104

and a link to the pamphlet described in division (B) (1) of this 105  
section. 106

(C) The Ohio peace officer training commission shall 107  
maintain statistics with respect to the issuance, renewal, 108  
suspension, revocation, and denial of concealed handgun licenses 109  
under section 2923.125 of the Revised Code and the suspension of 110  
processing of applications for those licenses, and with respect 111  
to the issuance, suspension, revocation, and denial of concealed 112  
handgun licenses on a temporary emergency basis under section 113  
2923.1213 of the Revised Code, as reported by the sheriffs 114  
pursuant to division (C) of section 2923.129 of the Revised 115  
Code. Not later than the first day of March in each year, the 116  
commission shall submit a statistical report to the governor, 117  
the president of the senate, and the speaker of the house of 118  
representatives indicating the number of concealed handgun 119  
licenses that were issued, renewed, suspended, revoked, and 120  
denied under section 2923.125 of the Revised Code in the 121  
previous calendar year, the number of applications for those 122  
licenses for which processing was suspended in accordance with 123  
division (D) (3) of that section in the previous calendar year, 124  
and the number of concealed handgun licenses on a temporary 125  
emergency basis that were issued, suspended, revoked, or denied 126  
under section 2923.1213 of the Revised Code in the previous 127  
calendar year. Nothing in the statistics or the statistical 128  
report shall identify, or enable the identification of, any 129  
individual who was issued or denied a license, for whom a 130  
license was renewed, whose license was suspended or revoked, or 131  
for whom application processing was suspended. The statistics 132  
and the statistical report are public records for the purpose of 133  
section 149.43 of the Revised Code. 134

(D) As used in this section, "concealed handgun license" 135

and "handgun" have the same meanings as in section 2923.11 of 136  
the Revised Code. 137

**Sec. 1547.69.** (A) As used in this section: 138

(1) "Firearm," "concealed handgun license," "handgun," ~~and~~ 139  
"valid concealed handgun license," and "active duty" have the 140  
same meanings as in section 2923.11 of the Revised Code. 141

(2) "Unloaded" has the same meanings as in divisions (K) 142  
(5) and (6) of section 2923.16 of the Revised Code, except that 143  
all references in the definition in division (K) (5) of that 144  
section to "vehicle" shall be construed for purposes of this 145  
section to be references to "vessel." 146

(B) No person shall knowingly discharge a firearm while in 147  
or on a vessel. 148

(C) No person shall knowingly transport or have a loaded 149  
firearm in a vessel in a manner that the firearm is accessible 150  
to the operator or any passenger. 151

(D) No person shall knowingly transport or have a firearm 152  
in a vessel unless it is unloaded and is carried in one of the 153  
following ways: 154

(1) In a closed package, box, or case; 155

(2) In plain sight with the action opened or the weapon 156  
stripped, or, if the firearm is of a type on which the action 157  
will not stay open or that cannot easily be stripped, in plain 158  
sight. 159

(E) (1) The affirmative defenses authorized in divisions 160  
(D) (1) and (2) of section 2923.12 of the Revised Code are 161  
affirmative defenses to a charge under division (C) or (D) of 162  
this section that involves a firearm other than a handgun. It is 163

an affirmative defense to a charge under division (C) or (D) of 164  
this section of transporting or having a firearm of any type, 165  
including a handgun, in a vessel that the actor transported or 166  
had the firearm in the vessel for any lawful purpose and while 167  
the vessel was on the actor's own property, provided that this 168  
affirmative defense is not available unless the actor, prior to 169  
arriving at the vessel on the actor's own property, did not 170  
transport or possess the firearm in the vessel or in a motor 171  
vehicle in a manner prohibited by this section or division (B) 172  
or (C) of section 2923.16 of the Revised Code while the vessel 173  
was being operated on a waterway that was not on the actor's own 174  
property or while the motor vehicle was being operated on a 175  
street, highway, or other public or private property used by the 176  
public for vehicular traffic. 177

(2) No person who is charged with a violation of division 178  
(C) or (D) of this section shall be required to obtain a license 179  
or temporary emergency license to carry a concealed handgun 180  
under section 2923.125 or 2923.1213 of the Revised Code as a 181  
condition for the dismissal of the charge. 182

(F) Divisions (B), (C), and (D) of this section do not 183  
apply to the possession or discharge of a United States coast 184  
guard approved signaling device required to be carried aboard a 185  
vessel under section 1547.251 of the Revised Code when the 186  
signaling device is possessed or used for the purpose of giving 187  
a visual distress signal. No person shall knowingly transport or 188  
possess any signaling device of that nature in or on a vessel in 189  
a loaded condition at any time other than immediately prior to 190  
the discharge of the signaling device for the purpose of giving 191  
a visual distress signal. 192

(G) No person shall operate or permit to be operated any 193

vessel on the waters in this state in violation of this section. 194

(H) (1) This section does not apply to any of the 195  
following: 196

(a) An officer, agent, or employee of this or any other 197  
state or of the United States, or to a law enforcement officer, 198  
when authorized to carry or have loaded or accessible firearms 199  
in a vessel and acting within the scope of the officer's, 200  
agent's, or employee's duties; 201

(b) Any person who is employed in this state, who is 202  
authorized to carry or have loaded or accessible firearms in a 203  
vessel, and who is subject to and in compliance with the 204  
requirements of section 109.801 of the Revised Code, unless the 205  
appointing authority of the person has expressly specified that 206  
the exemption provided in division (H) (1) (b) of this section 207  
does not apply to the person; 208

(c) Any person legally engaged in hunting. 209

(2) Divisions (C) and (D) of this section do not apply to 210  
a person who transports or possesses a handgun in a vessel and 211  
who, at the time of that transportation or possession, either is 212  
carrying a valid concealed handgun license or is an active duty 213  
member of the armed forces of the United States and is carrying 214  
a valid military identification card and documentation of 215  
successful completion of firearms training that meets or exceeds 216  
the training requirements described in division (G) (1) of 217  
section 2923.125 of the Revised Code, unless the person 218  
knowingly is in a place on the vessel described in division (B) 219  
of section 2923.126 of the Revised Code. 220

(I) If a law enforcement officer stops a vessel for a 221  
violation of this section or any other law enforcement purpose, 222



if any person on the vessel surrenders a firearm to the officer, 223  
either voluntarily or pursuant to a request or demand of the 224  
officer, and if the officer does not charge the person with a 225  
violation of this section or arrest the person for any offense, 226  
the person is not otherwise prohibited by law from possessing 227  
the firearm, and the firearm is not contraband, the officer 228  
shall return the firearm to the person at the termination of the 229  
stop. 230

(J) Division (L) of section 2923.16 of the Revised Code 231  
applies with respect to division (A) (2) of this section, except 232  
that all references in division (L) of section 2923.16 of the 233  
Revised Code to "vehicle," to "this chapter," or to "division 234  
(K) (5) (a) or (b) of this section" shall be construed for 235  
purposes of this section to be, respectively, references to 236  
"vessel," to "section 1547.69 of the Revised Code," and to 237  
divisions (K) (5) (a) and (b) of section 2923.16 of the Revised 238  
Code as incorporated under the definition of firearm adopted 239  
under division (A) (2) of this section. 240

**Sec. 2923.11.** As used in sections 2923.11 to 2923.24 of 241  
the Revised Code: 242

(A) "Deadly weapon" means any instrument, device, or thing 243  
capable of inflicting death, and designed or specially adapted 244  
for use as a weapon, or possessed, carried, or used as a weapon. 245

(B) (1) "Firearm" means any deadly weapon capable of 246  
expelling or propelling one or more projectiles by the action of 247  
an explosive or combustible propellant. "Firearm" includes an 248  
unloaded firearm, and any firearm that is inoperable but that 249  
can readily be rendered operable. 250

(2) When determining whether a firearm is capable of 251

expelling or propelling one or more projectiles by the action of 252  
an explosive or combustible propellant, the trier of fact may 253  
rely upon circumstantial evidence, including, but not limited 254  
to, the representations and actions of the individual exercising 255  
control over the firearm. 256

(C) "Handgun" means any of the following: 257

(1) Any firearm that has a short stock and is designed to 258  
be held and fired by the use of a single hand; 259

(2) Any combination of parts from which a firearm of a 260  
type described in division (C) (1) of this section can be 261  
assembled. 262

(D) "Semi-automatic firearm" means any firearm designed or 263  
specially adapted to fire a single cartridge and automatically 264  
chamber a succeeding cartridge ready to fire, with a single 265  
function of the trigger. 266

(E) "Automatic firearm" means any firearm designed or 267  
specially adapted to fire a succession of cartridges with a 268  
single function of the trigger. 269

(F) "Sawed-off firearm" means a shotgun with a barrel less 270  
than eighteen inches long, or a rifle with a barrel less than 271  
sixteen inches long, or a shotgun or rifle less than twenty-six 272  
inches long overall. 273

(G) "Zip-gun" means any of the following: 274

(1) Any firearm of crude and extemporized manufacture; 275

(2) Any device, including without limitation a starter's 276  
pistol, that is not designed as a firearm, but that is specially 277  
adapted for use as a firearm; 278

(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.	279 280 281 282
(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.	283 284 285 286 287 288 289 290
(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.	291 292 293 294
(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.	295 296
(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:	297 298
(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	299 300
(2) Any explosive device or incendiary device;	301
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other	302 303 304 305 306 307

blasting agents; and any other explosive substance having	308
sufficient brisance or power to be particularly suitable for use	309
as a military explosive, or for use in mining, quarrying,	310
excavating, or demolitions;	311
(4) Any firearm, rocket launcher, mortar, artillery piece,	312
grenade, mine, bomb, torpedo, or similar weapon, designed and	313
manufactured for military purposes, and the ammunition for that	314
weapon;	315
(5) Any firearm muffler or suppressor;	316
(6) Any combination of parts that is intended by the owner	317
for use in converting any firearm or other device into a	318
dangerous ordnance.	319
(L) "Dangerous ordnance" does not include any of the	320
following:	321
(1) Any firearm, including a military weapon and the	322
ammunition for that weapon, and regardless of its actual age,	323
that employs a percussion cap or other obsolete ignition system,	324
or that is designed and safe for use only with black powder;	325
(2) Any pistol, rifle, or shotgun, designed or suitable	326
for sporting purposes, including a military weapon as issued or	327
as modified, and the ammunition for that weapon, unless the	328
firearm is an automatic or sawed-off firearm;	329
(3) Any cannon or other artillery piece that, regardless	330
of its actual age, is of a type in accepted use prior to 1887,	331
has no mechanical, hydraulic, pneumatic, or other system for	332
absorbing recoil and returning the tube into battery without	333
displacing the carriage, and is designed and safe for use only	334
with black powder;	335

(4) Black powder, priming quills, and percussion caps 336  
possessed and lawfully used to fire a cannon of a type defined 337  
in division (L) (3) of this section during displays, 338  
celebrations, organized matches or shoots, and target practice, 339  
and smokeless and black powder, primers, and percussion caps 340  
possessed and lawfully used as a propellant or ignition device 341  
in small-arms or small-arms ammunition; 342

(5) Dangerous ordnance that is inoperable or inert and 343  
cannot readily be rendered operable or activated, and that is 344  
kept as a trophy, souvenir, curio, or museum piece. 345

(6) Any device that is expressly excepted from the 346  
definition of a destructive device pursuant to the "Gun Control 347  
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 348  
and regulations issued under that act. 349

(M) "Explosive" means any chemical compound, mixture, or 350  
device, the primary or common purpose of which is to function by 351  
explosion. "Explosive" includes all materials that have been 352  
classified as division 1.1, division 1.2, division 1.3, or 353  
division 1.4 explosives by the United States department of 354  
transportation in its regulations and includes, but is not 355  
limited to, dynamite, black powder, pellet powders, initiating 356  
explosives, blasting caps, electric blasting caps, safety fuses, 357  
fuse igniters, squibs, cordeau detonant fuses, instantaneous 358  
fuses, and igniter cords and igniters. "Explosive" does not 359  
include "fireworks," as defined in section 3743.01 of the 360  
Revised Code, or any substance or material otherwise meeting the 361  
definition of explosive set forth in this section that is 362  
manufactured, sold, possessed, transported, stored, or used in 363  
any activity described in section 3743.80 of the Revised Code, 364  
provided the activity is conducted in accordance with all 365

applicable laws, rules, and regulations, including, but not 366  
limited to, the provisions of section 3743.80 of the Revised 367  
Code and the rules of the fire marshal adopted pursuant to 368  
section 3737.82 of the Revised Code. 369

(N) (1) "Concealed handgun license" or "license to carry a 370  
concealed handgun" means, subject to division (N) (2) of this 371  
section, a license or temporary emergency license to carry a 372  
concealed handgun issued under section 2923.125 or 2923.1213 of 373  
the Revised Code or a license to carry a concealed handgun 374  
issued by another state with which the attorney general has 375  
entered into a reciprocity agreement under section 109.69 of the 376  
Revised Code. 377

(2) A reference in any provision of the Revised Code to a 378  
concealed handgun license issued under section 2923.125 of the 379  
Revised Code or a license to carry a concealed handgun issued 380  
under section 2923.125 of the Revised Code means only a license 381  
of the type that is specified in that section. A reference in 382  
any provision of the Revised Code to a concealed handgun license 383  
issued under section 2923.1213 of the Revised Code, a license to 384  
carry a concealed handgun issued under section 2923.1213 of the 385  
Revised Code, or a license to carry a concealed handgun on a 386  
temporary emergency basis means only a license of the type that 387  
is specified in section 2923.1213 of the Revised Code. A 388  
reference in any provision of the Revised Code to a concealed 389  
handgun license issued by another state or a license to carry a 390  
concealed handgun issued by another state means only a license 391  
issued by another state with which the attorney general has 392  
entered into a reciprocity agreement under section 109.69 of the 393  
Revised Code. 394

(O) "Valid concealed handgun license" or "valid license to 395

carry a concealed handgun" means a concealed handgun license 396  
that is currently valid, that is not under a suspension under 397  
division (A) (1) of section 2923.128 of the Revised Code, under 398  
section 2923.1213 of the Revised Code, or under a suspension 399  
provision of the state other than this state in which the 400  
license was issued, and that has not been revoked under division 401  
(B) (1) of section 2923.128 of the Revised Code, under section 402  
2923.1213 of the Revised Code, or under a revocation provision 403  
of the state other than this state in which the license was 404  
issued. 405

(P) "Misdemeanor punishable by imprisonment for a term 406  
exceeding one year" does not include any of the following: 407

(1) Any federal or state offense pertaining to antitrust 408  
violations, unfair trade practices, restraints of trade, or 409  
other similar offenses relating to the regulation of business 410  
practices; 411

(2) Any misdemeanor offense punishable by a term of 412  
imprisonment of two years or less. 413

(Q) "Alien registration number" means the number issued by 414  
the United States citizenship and immigration services agency 415  
that is located on the alien's permanent resident card and may 416  
also be commonly referred to as the "USCIS number" or the "alien 417  
number." 418

(R) "Active duty" has the same meaning as defined in 10 419  
U.S.C. 101. 420

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 421  
concealed on the person's person or concealed ready at hand, any 422  
of the following: 423

(1) A deadly weapon other than a handgun; 424

(2) A handgun other than a dangerous ordnance;	425
(3) A dangerous ordnance.	426
(B) No person who has been issued a concealed handgun license shall do any of the following:	427 428
(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;	429 430 431 432 433 434
(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 the failure is pursuant to and in accordance with directions given by a law enforcement officer;	435 436 437 438 439 440 441
(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 loaded handgun pursuant to and in accordance with directions	442 443 444 445 446 447 448 449 450 451 452 453



given by the law enforcement officer; 454

(4) If the person is stopped for a law enforcement purpose 455  
and is carrying a concealed handgun, knowingly disregard or fail 456  
to comply with any lawful order of any law enforcement officer 457  
given while the person is stopped, including, but not limited 458  
to, a specific order to the person to keep the person's hands in 459  
plain sight. 460

(C) (1) This section does not apply to any of the 461  
following: 462

(a) An officer, agent, or employee of this or any other 463  
state or the United States, or to a law enforcement officer, who 464  
is authorized to carry concealed weapons or dangerous ordnance 465  
or is authorized to carry handguns and is acting within the 466  
scope of the officer's, agent's, or employee's duties; 467

(b) Any person who is employed in this state, who is 468  
authorized to carry concealed weapons or dangerous ordnance or 469  
is authorized to carry handguns, and who is subject to and in 470  
compliance with the requirements of section 109.801 of the 471  
Revised Code, unless the appointing authority of the person has 472  
expressly specified that the exemption provided in division (C) 473  
(1)(b) of this section does not apply to the person; 474

(c) A person's transportation or storage of a firearm, 475  
other than a firearm described in divisions (G) to (M) of 476  
section 2923.11 of the Revised Code, in a motor vehicle for any 477  
lawful purpose if the firearm is not on the actor's person; 478

(d) A person's storage or possession of a firearm, other 479  
than a firearm described in divisions (G) to (M) of section 480  
2923.11 of the Revised Code, in the actor's own home for any 481  
lawful purpose. 482

(2) Division (A) (2) of this section does not apply to any 483  
person who, at the time of the alleged carrying or possession of 484  
a handgun, either is carrying a valid concealed handgun license 485  
or is an active duty member of the armed forces of the United 486  
States and is carrying a valid military identification card and 487  
documentation of successful completion of firearms training that 488  
meets or exceeds the training requirements described in division 489  
(G) (1) of section 2923.125 of the Revised Code, unless the 490  
person knowingly is in a place described in division (B) of 491  
section 2923.126 of the Revised Code. 492

(D) It is an affirmative defense to a charge under 493  
division (A) (1) of this section of carrying or having control of 494  
a weapon other than a handgun and other than a dangerous 495  
ordnance that the actor was not otherwise prohibited by law from 496  
having the weapon and that any of the following applies: 497

(1) The weapon was carried or kept ready at hand by the 498  
actor for defensive purposes while the actor was engaged in or 499  
was going to or from the actor's lawful business or occupation, 500  
which business or occupation was of a character or was 501  
necessarily carried on in a manner or at a time or place as to 502  
render the actor particularly susceptible to criminal attack, 503  
such as would justify a prudent person in going armed. 504

(2) The weapon was carried or kept ready at hand by the 505  
actor for defensive purposes while the actor was engaged in a 506  
lawful activity and had reasonable cause to fear a criminal 507  
attack upon the actor, a member of the actor's family, or the 508  
actor's home, such as would justify a prudent person in going 509  
armed. 510

(3) The weapon was carried or kept ready at hand by the 511  
actor for any lawful purpose and while in the actor's own home. 512

(E) No person who is charged with a violation of this 513  
section shall be required to obtain a concealed handgun license 514  
as a condition for the dismissal of the charge. 515

(F) (1) Whoever violates this section is guilty of carrying 516  
concealed weapons. Except as otherwise provided in this division 517  
or ~~division~~ divisions (F) (2) and (6) of this section, carrying 518  
concealed weapons in violation of division (A) of this section 519  
is a misdemeanor of the first degree. Except as otherwise 520  
provided in this division or ~~division~~ divisions (F) (2) and (6) 521  
of this section, if the offender previously has been convicted 522  
of a violation of this section or of any offense of violence, if 523  
the weapon involved is a firearm that is either loaded or for 524  
which the offender has ammunition ready at hand, or if the 525  
weapon involved is dangerous ordnance, carrying concealed 526  
weapons in violation of division (A) of this section is a felony 527  
of the fourth degree. Except as otherwise provided in ~~division~~ 528  
divisions (F) (2) and (6) of this section, if the offense is 529  
committed aboard an aircraft, or with purpose to carry a 530  
concealed weapon aboard an aircraft, regardless of the weapon 531  
involved, carrying concealed weapons in violation of division 532  
(A) of this section is a felony of the third degree. 533

(2) ~~If~~ Except as provided in division (F) (6) of this 534  
section, if a person being arrested for a violation of division 535  
(A) (2) of this section promptly produces a valid concealed 536  
handgun license, and if at the time of the violation the person 537  
was not knowingly in a place described in division (B) of 538  
section 2923.126 of the Revised Code, the officer shall not 539  
arrest the person for a violation of that division. If the 540  
person is not able to promptly produce any concealed handgun 541  
license and if the person is not in a place described in that 542  
section, the officer may arrest the person for a violation of 543

that division, and the offender shall be punished as follows: 544

(a) The offender shall be guilty of a minor misdemeanor if 545  
both of the following apply: 546

(i) Within ten days after the arrest, the offender 547  
presents a concealed handgun license, which license was valid at 548  
the time of the arrest to the law enforcement agency that 549  
employs the arresting officer. 550

(ii) At the time of the arrest, the offender was not 551  
knowingly in a place described in division (B) of section 552  
2923.126 of the Revised Code. 553

(b) The offender shall be guilty of a misdemeanor and 554  
shall be fined five hundred dollars if all of the following 555  
apply: 556

(i) The offender previously had been issued a concealed 557  
handgun license, and that license expired within the two years 558  
immediately preceding the arrest. 559

(ii) Within forty-five days after the arrest, the offender 560  
presents a concealed handgun license to the law enforcement 561  
agency that employed the arresting officer, and the offender 562  
waives in writing the offender's right to a speedy trial on the 563  
charge of the violation that is provided in section 2945.71 of 564  
the Revised Code. 565

(iii) At the time of the commission of the offense, the 566  
offender was not knowingly in a place described in division (B) 567  
of section 2923.126 of the Revised Code. 568

(c) If ~~neither division~~ divisions (F) (2) (a) ~~nor and~~ (b) 569  
and (F) (6) of this section ~~applies~~ do not apply, the offender 570  
shall be punished under division (F) (1) of this section. 571

(3) Except as otherwise provided in this division, 572  
carrying concealed weapons in violation of division (B) (1) of 573  
this section is a misdemeanor of the first degree, and, in 574  
addition to any other penalty or sanction imposed for a 575  
violation of division (B) (1) of this section, the offender's 576  
concealed handgun license shall be suspended pursuant to 577  
division (A) (2) of section 2923.128 of the Revised Code. If, at 578  
the time of the stop of the offender for a law enforcement 579  
purpose that was the basis of the violation, any law enforcement 580  
officer involved with the stop had actual knowledge that the 581  
offender has been issued a concealed handgun license, carrying 582  
concealed weapons in violation of division (B) (1) of this 583  
section is a minor misdemeanor, and the offender's concealed 584  
handgun license shall not be suspended pursuant to division (A) 585  
(2) of section 2923.128 of the Revised Code. 586

(4) Carrying concealed weapons in violation of division 587  
(B) (2) or (4) of this section is a misdemeanor of the first 588  
degree or, if the offender previously has been convicted of or 589  
pleaded guilty to a violation of division (B) (2) or (4) of this 590  
section, a felony of the fifth degree. In addition to any other 591  
penalty or sanction imposed for a misdemeanor violation of 592  
division (B) (2) or (4) of this section, the offender's concealed 593  
handgun license shall be suspended pursuant to division (A) (2) 594  
of section 2923.128 of the Revised Code. 595

(5) Carrying concealed weapons in violation of division 596  
(B) (3) of this section is a felony of the fifth degree. 597

(6) If a person being arrested for a violation of division 598  
(A) (2) of this section is an active duty member of the armed 599  
forces of the United States and is carrying a valid military 600  
identification card and documentation of successful completion 601

of firearms training that meets or exceeds the training 602  
requirements described in division (G) (1) of section 2923.125 of 603  
the Revised Code, and if at the time of the violation the person 604  
was not knowingly in a place described in division (B) of 605  
section 2923.126 of the Revised Code, the officer shall not 606  
arrest the person for a violation of that division. If the 607  
person is not able to promptly produce a valid military 608  
identification card and documentation of successful completion 609  
of firearms training that meets or exceeds the training 610  
requirements described in division (G) (1) of section 2923.125 of 611  
the Revised Code and if the person is not in a place described 612  
in division (B) of section 2923.126 of the Revised Code, the 613  
officer shall issue a citation and the offender shall be 614  
assessed a civil penalty of not more than five hundred dollars. 615  
The citation shall be automatically dismissed and the civil 616  
penalty shall not be assessed if both of the following apply: 617

(a) Within ten days after the issuance of the citation, 618  
the offender presents a valid military identification card and 619  
documentation of successful completion of firearms training that 620  
meets or exceeds the training requirements described in division 621  
(G) (1) of section 2923.125 of the Revised Code, which were both 622  
valid at the time of the issuance of the citation to the law 623  
enforcement agency that employs the citing officer. 624

(b) At the time of the citation, the offender was not 625  
knowingly in a place described in division (B) of section 626  
2923.126 of the Revised Code. 627

(G) If a law enforcement officer stops a person to 628  
question the person regarding a possible violation of this 629  
section, for a traffic stop, or for any other law enforcement 630  
purpose, if the person surrenders a firearm to the officer, 631

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

**Sec. 2923.121.** (A) No person shall possess a firearm in any room in which any person is consuming beer or intoxicating liquor in a premises for which a D permit has been issued under Chapter 4303. of the Revised Code or in an open air arena for which a permit of that nature has been issued.

(B)(1) This section does not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry firearms and is acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry firearms, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (B)(1)(b) of this section does not apply to the person;

(c) Any room used for the accommodation of guests of a hotel, as defined in section 4301.01 of the Revised Code;

(d) The principal holder of a D permit issued for a premises or an open air arena under Chapter 4303. of the Revised Code while in the premises or open air arena for which the permit was issued if the principal holder of the D permit also possesses a valid concealed handgun license and as long as the principal holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse, or any agent or employee of that holder who also is a peace officer, as defined in section 2151.3515 of the Revised Code, who is off duty, and who otherwise is authorized to carry firearms while in the course of the officer's official duties and while in the premises or open air arena for which the permit was issued and as long as the agent or employee of that holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.

(e) Any person who is carrying a valid concealed handgun license or any person who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code, as long as the person is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.

(2) This section does not prohibit any person who is a member of a veteran's organization, as defined in section 2915.01 of the Revised Code, from possessing a rifle in any room in any premises owned, leased, or otherwise under the control of the veteran's organization, if the rifle is not loaded with live ammunition and if the person otherwise is not prohibited by law from having the rifle.



(3) This section does not apply to any person possessing 692  
or displaying firearms in any room used to exhibit unloaded 693  
firearms for sale or trade in a soldiers' memorial established 694  
pursuant to Chapter 345. of the Revised Code, in a convention 695  
center, or in any other public meeting place, if the person is 696  
an exhibitor, trader, purchaser, or seller of firearms and is 697  
not otherwise prohibited by law from possessing, trading, 698  
purchasing, or selling the firearms. 699

(C) It is an affirmative defense to a charge under this 700  
section of illegal possession of a firearm in a liquor permit 701  
premises that involves the possession of a firearm other than a 702  
handgun, that the actor was not otherwise prohibited by law from 703  
having the firearm, and that any of the following apply: 704

(1) The firearm was carried or kept ready at hand by the 705  
actor for defensive purposes, while the actor was engaged in or 706  
was going to or from the actor's lawful business or occupation, 707  
which business or occupation was of such character or was 708  
necessarily carried on in such manner or at such a time or place 709  
as to render the actor particularly susceptible to criminal 710  
attack, such as would justify a prudent person in going armed. 711

(2) The firearm was carried or kept ready at hand by the 712  
actor for defensive purposes, while the actor was engaged in a 713  
lawful activity, and had reasonable cause to fear a criminal 714  
attack upon the actor or a member of the actor's family, or upon 715  
the actor's home, such as would justify a prudent person in 716  
going armed. 717

(D) No person who is charged with a violation of this 718  
section shall be required to obtain a concealed handgun license 719  
as a condition for the dismissal of the charge. 720

(E) Whoever violates this section is guilty of illegal 721  
possession of a firearm in a liquor permit premises. Except as 722  
otherwise provided in this division, illegal possession of a 723  
firearm in a liquor permit premises is a felony of the fifth 724  
degree. If the offender commits the violation of this section by 725  
knowingly carrying or having the firearm concealed on the 726  
offender's person or concealed ready at hand, illegal possession 727  
of a firearm in a liquor permit premises is a felony of the 728  
third degree. 729

(F) As used in this section, "beer" and "intoxicating 730  
liquor" have the same meanings as in section 4301.01 of the 731  
Revised Code. 732

**Sec. 2923.122.** (A) No person shall knowingly convey, or 733  
attempt to convey, a deadly weapon or dangerous ordnance into a 734  
school safety zone. 735

(B) No person shall knowingly possess a deadly weapon or 736  
dangerous ordnance in a school safety zone. 737

(C) No person shall knowingly possess an object in a 738  
school safety zone if both of the following apply: 739

(1) The object is indistinguishable from a firearm, 740  
whether or not the object is capable of being fired. 741

(2) The person indicates that the person possesses the 742  
object and that it is a firearm, or the person knowingly 743  
displays or brandishes the object and indicates that it is a 744  
firearm. 745

(D) (1) This section does not apply to any of the 746  
following: 747

(a) An officer, agent, or employee of this or any other 748

state or the United States, or a law enforcement officer, who is 749  
authorized to carry deadly weapons or dangerous ordnance and is 750  
acting within the scope of the officer's, agent's, or employee's 751  
duties, a security officer employed by a board of education or 752  
governing body of a school during the time that the security 753  
officer is on duty pursuant to that contract of employment, or 754  
any other person who has written authorization from the board of 755  
education or governing body of a school to convey deadly weapons 756  
or dangerous ordnance into a school safety zone or to possess a 757  
deadly weapon or dangerous ordnance in a school safety zone and 758  
who conveys or possesses the deadly weapon or dangerous ordnance 759  
in accordance with that authorization; 760

(b) Any person who is employed in this state, who is 761  
authorized to carry deadly weapons or dangerous ordnance, and 762  
who is subject to and in compliance with the requirements of 763  
section 109.801 of the Revised Code, unless the appointing 764  
authority of the person has expressly specified that the 765  
exemption provided in division (D) (1) (b) of this section does 766  
not apply to the person. 767

(2) Division (C) of this section does not apply to 768  
premises upon which home schooling is conducted. Division (C) of 769  
this section also does not apply to a school administrator, 770  
teacher, or employee who possesses an object that is 771  
indistinguishable from a firearm for legitimate school purposes 772  
during the course of employment, a student who uses an object 773  
that is indistinguishable from a firearm under the direction of 774  
a school administrator, teacher, or employee, or any other 775  
person who with the express prior approval of a school 776  
administrator possesses an object that is indistinguishable from 777  
a firearm for a legitimate purpose, including the use of the 778  
object in a ceremonial activity, a play, reenactment, or other 779

dramatic presentation, or a ROTC activity or another similar use of the object. 780  
781

(3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply: 782  
783  
784  
785  
786

(a) The person does not enter into a school building or onto school premises and is not at a school activity. 787  
788

(b) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code. 789  
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791  
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793  
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(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B). 796  
797

(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to (10) of section 2923.126 of the Revised Code. 798  
799  
800

(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply: 801  
802  
803  
804  
805

(a) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military 806  
807  
808

identification card and documentation of successful completion 809  
of firearms training that meets or exceeds the training 810  
requirements described in division (G) (1) of section 2923.125 of 811  
the Revised Code. 812

(b) The person is the driver or passenger in a motor 813  
vehicle and is in the school safety zone while immediately in 814  
the process of picking up or dropping off a child. 815

(c) The person is not in violation of section 2923.16 of 816  
the Revised Code. 817

(E) (1) Whoever violates division (A) or (B) of this 818  
section is guilty of illegal conveyance or possession of a 819  
deadly weapon or dangerous ordnance in a school safety zone. 820  
Except as otherwise provided in this division, illegal 821  
conveyance or possession of a deadly weapon or dangerous 822  
ordnance in a school safety zone is a felony of the fifth 823  
degree. If the offender previously has been convicted of a 824  
violation of this section, illegal conveyance or possession of a 825  
deadly weapon or dangerous ordnance in a school safety zone is a 826  
felony of the fourth degree. 827

(2) Whoever violates division (C) of this section is 828  
guilty of illegal possession of an object indistinguishable from 829  
a firearm in a school safety zone. Except as otherwise provided 830  
in this division, illegal possession of an object 831  
indistinguishable from a firearm in a school safety zone is a 832  
misdemeanor of the first degree. If the offender previously has 833  
been convicted of a violation of this section, illegal 834  
possession of an object indistinguishable from a firearm in a 835  
school safety zone is a felony of the fifth degree. 836

(F) (1) In addition to any other penalty imposed upon a 837

person who is convicted of or pleads guilty to a violation of 838  
this section and subject to division (F) (2) of this section, if 839  
the offender has not attained nineteen years of age, regardless 840  
of whether the offender is attending or is enrolled in a school 841  
operated by a board of education or for which the state board of 842  
education prescribes minimum standards under section 3301.07 of 843  
the Revised Code, the court shall impose upon the offender a 844  
class four suspension of the offender's probationary driver's 845  
license, restricted license, driver's license, commercial 846  
driver's license, temporary instruction permit, or probationary 847  
commercial driver's license that then is in effect from the 848  
range specified in division (A) (4) of section 4510.02 of the 849  
Revised Code and shall deny the offender the issuance of any 850  
permit or license of that type during the period of the 851  
suspension. 852

If the offender is not a resident of this state, the court 853  
shall impose a class four suspension of the nonresident 854  
operating privilege of the offender from the range specified in 855  
division (A) (4) of section 4510.02 of the Revised Code. 856

(2) If the offender shows good cause why the court should 857  
not suspend one of the types of licenses, permits, or privileges 858  
specified in division (F) (1) of this section or deny the 859  
issuance of one of the temporary instruction permits specified 860  
in that division, the court in its discretion may choose not to 861  
impose the suspension, revocation, or denial required in that 862  
division, but the court, in its discretion, instead may require 863  
the offender to perform community service for a number of hours 864  
determined by the court. 865

(G) As used in this section, "object that is 866  
indistinguishable from a firearm" means an object made, 867

constructed, or altered so that, to a reasonable person without 868  
specialized training in firearms, the object appears to be a 869  
firearm. 870

**Sec. 2923.123.** (A) No person shall knowingly convey or 871  
attempt to convey a deadly weapon or dangerous ordnance into a 872  
courthouse or into another building or structure in which a 873  
courtroom is located. 874

(B) No person shall knowingly possess or have under the 875  
person's control a deadly weapon or dangerous ordnance in a 876  
courthouse or in another building or structure in which a 877  
courtroom is located. 878

(C) This section does not apply to any of the following: 879

(1) Except as provided in division (E) of this section, a 880  
judge of a court of record of this state or a magistrate; 881

(2) A peace officer, officer of a law enforcement agency, 882  
or person who is in either of the following categories: 883

(a) Except as provided in division (E) of this section, a 884  
peace officer, or an officer of a law enforcement agency of 885  
another state, a political subdivision of another state, or the 886  
United States, who is authorized to carry a deadly weapon or 887  
dangerous ordnance, who possesses or has under that individual's 888  
control a deadly weapon or dangerous ordnance as a requirement 889  
of that individual's duties, and who is acting within the scope 890  
of that individual's duties at the time of that possession or 891  
control; 892

(b) Except as provided in division (E) of this section, a 893  
person who is employed in this state, who is authorized to carry 894  
a deadly weapon or dangerous ordnance, who possesses or has 895  
under that individual's control a deadly weapon or dangerous 896

ordnance as a requirement of that person's duties, and who is 897  
subject to and in compliance with the requirements of section 898  
109.801 of the Revised Code, unless the appointing authority of 899  
the person has expressly specified that the exemption provided 900  
in division (C) (2) (b) of this section does not apply to the 901  
person. 902

(3) A person who conveys, attempts to convey, possesses, 903  
or has under the person's control a deadly weapon or dangerous 904  
ordnance that is to be used as evidence in a pending criminal or 905  
civil action or proceeding; 906

(4) Except as provided in division (E) of this section, a 907  
bailiff or deputy bailiff of a court of record of this state who 908  
is authorized to carry a firearm pursuant to section 109.77 of 909  
the Revised Code, who possesses or has under that individual's 910  
control a firearm as a requirement of that individual's duties, 911  
and who is acting within the scope of that individual's duties 912  
at the time of that possession or control; 913

(5) Except as provided in division (E) of this section, a 914  
prosecutor, or a secret service officer appointed by a county 915  
prosecuting attorney, who is authorized to carry a deadly weapon 916  
or dangerous ordnance in the performance of the individual's 917  
duties, who possesses or has under that individual's control a 918  
deadly weapon or dangerous ordnance as a requirement of that 919  
individual's duties, and who is acting within the scope of that 920  
individual's duties at the time of that possession or control; 921

(6) Except as provided in division (E) of this section, a 922  
person who conveys or attempts to convey a handgun into a 923  
courthouse or into another building or structure in which a 924  
courtroom is located, who, at the time of the conveyance or 925  
attempt, either is carrying a valid concealed handgun license or 926



is an active duty member of the armed forces of the United 927  
States and is carrying a valid military identification card and 928  
documentation of successful completion of firearms training that 929  
meets or exceeds the training requirements described in division 930  
(G) (1) of section 2923.125 of the Revised Code, and who 931  
transfers possession of the handgun to the officer or officer's 932  
designee who has charge of the courthouse or building. The 933  
officer shall secure the handgun until the licensee is prepared 934  
to leave the premises. The exemption described in this division 935  
applies only if the officer who has charge of the courthouse or 936  
building provides services of the nature described in this 937  
division. An officer who has charge of the courthouse or 938  
building is not required to offer services of the nature 939  
described in this division. 940

(D) (1) Whoever violates division (A) of this section is 941  
guilty of illegal conveyance of a deadly weapon or dangerous 942  
ordnance into a courthouse. Except as otherwise provided in this 943  
division, illegal conveyance of a deadly weapon or dangerous 944  
ordnance into a courthouse is a felony of the fifth degree. If 945  
the offender previously has been convicted of a violation of 946  
division (A) or (B) of this section, illegal conveyance of a 947  
deadly weapon or dangerous ordnance into a courthouse is a 948  
felony of the fourth degree. 949

(2) Whoever violates division (B) of this section is 950  
guilty of illegal possession or control of a deadly weapon or 951  
dangerous ordnance in a courthouse. Except as otherwise provided 952  
in this division, illegal possession or control of a deadly 953  
weapon or dangerous ordnance in a courthouse is a felony of the 954  
fifth degree. If the offender previously has been convicted of a 955  
violation of division (A) or (B) of this section, illegal 956  
possession or control of a deadly weapon or dangerous ordnance 957

in a courthouse is a felony of the fourth degree. 958

(E) The exemptions described in divisions (C) (1), (2) (a), 959  
(2) (b), (4), (5), and (6) of this section do not apply to any 960  
judge, magistrate, peace officer, officer of a law enforcement 961  
agency, bailiff, deputy bailiff, prosecutor, secret service 962  
officer, or other person described in any of those divisions if 963  
a rule of superintendence or another type of rule adopted by the 964  
supreme court pursuant to Article IV, Ohio Constitution, or an 965  
applicable local rule of court prohibits all persons from 966  
conveying or attempting to convey a deadly weapon or dangerous 967  
ordnance into a courthouse or into another building or structure 968  
in which a courtroom is located or from possessing or having 969  
under one's control a deadly weapon or dangerous ordnance in a 970  
courthouse or in another building or structure in which a 971  
courtroom is located. 972

(F) As used in this section: 973

(1) "Magistrate" means an individual who is appointed by a 974  
court of record of this state and who has the powers and may 975  
perform the functions specified in Civil Rule 53, Criminal Rule 976  
19, or Juvenile Rule 40. 977

(2) "Peace officer" and "prosecutor" have the same 978  
meanings as in section 2935.01 of the Revised Code. 979

**Sec. 2923.126.** (A) A concealed handgun license that is 980  
issued under section 2923.125 of the Revised Code shall expire 981  
five years after the date of issuance. A licensee who has been 982  
issued a license under that section shall be granted a grace 983  
period of thirty days after the licensee's license expires 984  
during which the licensee's license remains valid. Except as 985  
provided in divisions (B) and (C) of this section, a licensee 986

who has been issued a concealed handgun license under section 987  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 988  
handgun anywhere in this state if the licensee also carries a 989  
valid license and valid identification when the licensee is in 990  
actual possession of a concealed handgun. The licensee shall 991  
give notice of any change in the licensee's residence address to 992  
the sheriff who issued the license within forty-five days after 993  
that change. 994

If a licensee is the driver or an occupant of a motor 995  
vehicle that is stopped as the result of a traffic stop or a 996  
stop for another law enforcement purpose and if the licensee is 997  
transporting or has a loaded handgun in the motor vehicle at 998  
that time, the licensee shall promptly inform any law 999  
enforcement officer who approaches the vehicle while stopped 1000  
that the licensee has been issued a concealed handgun license 1001  
and that the licensee currently possesses or has a loaded 1002  
handgun; the licensee shall not knowingly disregard or fail to 1003  
comply with lawful orders of a law enforcement officer given 1004  
while the motor vehicle is stopped, knowingly fail to remain in 1005  
the motor vehicle while stopped, or knowingly fail to keep the 1006  
licensee's hands in plain sight after any law enforcement 1007  
officer begins approaching the licensee while stopped and before 1008  
the officer leaves, unless directed otherwise by a law 1009  
enforcement officer; and the licensee shall not knowingly have 1010  
contact with the loaded handgun by touching it with the 1011  
licensee's hands or fingers, in any manner in violation of 1012  
division (E) of section 2923.16 of the Revised Code, after any 1013  
law enforcement officer begins approaching the licensee while 1014  
stopped and before the officer leaves. Additionally, if a 1015  
licensee is the driver or an occupant of a commercial motor 1016  
vehicle that is stopped by an employee of the motor carrier 1017

enforcement unit for the purposes defined in section ~~5503.04~~ 1018  
5503.34 of the Revised Code and if the licensee is transporting 1019  
or has a loaded handgun in the commercial motor vehicle at that 1020  
time, the licensee shall promptly inform the employee of the 1021  
unit who approaches the vehicle while stopped that the licensee 1022  
has been issued a concealed handgun license and that the 1023  
licensee currently possesses or has a loaded handgun. 1024

If a licensee is stopped for a law enforcement purpose and 1025  
if the licensee is carrying a concealed handgun at the time the 1026  
officer approaches, the licensee shall promptly inform any law 1027  
enforcement officer who approaches the licensee while stopped 1028  
that the licensee has been issued a concealed handgun license 1029  
and that the licensee currently is carrying a concealed handgun; 1030  
the licensee shall not knowingly disregard or fail to comply 1031  
with lawful orders of a law enforcement officer given while the 1032  
licensee is stopped or knowingly fail to keep the licensee's 1033  
hands in plain sight after any law enforcement officer begins 1034  
approaching the licensee while stopped and before the officer 1035  
leaves, unless directed otherwise by a law enforcement officer; 1036  
and the licensee shall not knowingly remove, attempt to remove, 1037  
grasp, or hold the loaded handgun or knowingly have contact with 1038  
the loaded handgun by touching it with the licensee's hands or 1039  
fingers, in any manner in violation of division (B) of section 1040  
2923.12 of the Revised Code, after any law enforcement officer 1041  
begins approaching the licensee while stopped and before the 1042  
officer leaves. 1043

(B) A valid concealed handgun license does not authorize 1044  
the licensee to carry a concealed handgun in any manner 1045  
prohibited under division (B) of section 2923.12 of the Revised 1046  
Code or in any manner prohibited under section 2923.16 of the 1047  
Revised Code. A valid license does not authorize the licensee to 1048

carry a concealed handgun into any of the following places: 1049

(1) A police station, sheriff's office, or state highway 1050  
patrol station, premises controlled by the bureau of criminal 1051  
identification and investigation, a state correctional 1052  
institution, jail, workhouse, or other detention facility, an 1053  
airport passenger terminal, or an institution that is 1054  
maintained, operated, managed, and governed pursuant to division 1055  
(A) of section 5119.14 of the Revised Code or division (A) (1) of 1056  
section 5123.03 of the Revised Code; 1057

(2) A school safety zone if the licensee's carrying the 1058  
concealed handgun is in violation of section 2923.122 of the 1059  
Revised Code; 1060

(3) A courthouse or another building or structure in which 1061  
a courtroom is located, in violation of section 2923.123 of the 1062  
Revised Code; 1063

(4) Any premises or open air arena for which a D permit 1064  
has been issued under Chapter 4303. of the Revised Code if the 1065  
licensee's carrying the concealed handgun is in violation of 1066  
section 2923.121 of the Revised Code; 1067

(5) Any premises owned or leased by any public or private 1068  
college, university, or other institution of higher education, 1069  
unless the handgun is in a locked motor vehicle or the licensee 1070  
is in the immediate process of placing the handgun in a locked 1071  
motor vehicle; 1072

(6) Any church, synagogue, mosque, or other place of 1073  
worship, unless the church, synagogue, mosque, or other place of 1074  
worship posts or permits otherwise; 1075

(7) A child day-care center, a type A family day-care 1076  
home, or a type B family day-care home, except that this 1077

division does not prohibit a licensee who resides in a type A 1078  
family day-care home or a type B family day-care home from 1079  
carrying a concealed handgun at any time in any part of the home 1080  
that is not dedicated or used for day-care purposes, or from 1081  
carrying a concealed handgun in a part of the home that is 1082  
dedicated or used for day-care purposes at any time during which 1083  
no children, other than children of that licensee, are in the 1084  
home; 1085

(8) An aircraft that is in, or intended for operation in, 1086  
foreign air transportation, interstate air transportation, 1087  
intrastate air transportation, or the transportation of mail by 1088  
aircraft; 1089

(9) Any building that is a government facility of this 1090  
state or a political subdivision of this state and that is not a 1091  
building that is used primarily as a shelter, restroom, parking 1092  
facility for motor vehicles, or rest facility and is not a 1093  
courthouse or other building or structure in which a courtroom 1094  
is located that is subject to division (B)(3) of this section; 1095

(10) A place in which federal law prohibits the carrying 1096  
of handguns. 1097

(C)(1) Nothing in this section shall negate or restrict a 1098  
rule, policy, or practice of a private employer that is not a 1099  
private college, university, or other institution of higher 1100  
education concerning or prohibiting the presence of firearms on 1101  
the private employer's premises or property, including motor 1102  
vehicles owned by the private employer. Nothing in this section 1103  
shall require a private employer of that nature to adopt a rule, 1104  
policy, or practice concerning or prohibiting the presence of 1105  
firearms on the private employer's premises or property, 1106  
including motor vehicles owned by the private employer. 1107

(2) (a) A private employer shall be immune from liability 1108  
in a civil action for any injury, death, or loss to person or 1109  
property that allegedly was caused by or related to a licensee 1110  
bringing a handgun onto the premises or property of the private 1111  
employer, including motor vehicles owned by the private 1112  
employer, unless the private employer acted with malicious 1113  
purpose. A private employer is immune from liability in a civil 1114  
action for any injury, death, or loss to person or property that 1115  
allegedly was caused by or related to the private employer's 1116  
decision to permit a licensee to bring, or prohibit a licensee 1117  
from bringing, a handgun onto the premises or property of the 1118  
private employer. As used in this division, "private employer" 1119  
includes a private college, university, or other institution of 1120  
higher education. 1121

(b) A political subdivision shall be immune from liability 1122  
in a civil action, to the extent and in the manner provided in 1123  
Chapter 2744. of the Revised Code, for any injury, death, or 1124  
loss to person or property that allegedly was caused by or 1125  
related to a licensee bringing a handgun onto any premises or 1126  
property owned, leased, or otherwise under the control of the 1127  
political subdivision. As used in this division, "political 1128  
subdivision" has the same meaning as in section 2744.01 of the 1129  
Revised Code. 1130

(3) (a) Except as provided in division (C) (3) (b) of this 1131  
section, the owner or person in control of private land or 1132  
premises, and a private person or entity leasing land or 1133  
premises owned by the state, the United States, or a political 1134  
subdivision of the state or the United States, may post a sign 1135  
in a conspicuous location on that land or on those premises 1136  
prohibiting persons from carrying firearms or concealed firearms 1137  
on or onto that land or those premises. Except as otherwise 1138

provided in this division, a person who knowingly violates a 1139  
posted prohibition of that nature is guilty of criminal trespass 1140  
in violation of division (A) (4) of section 2911.21 of the 1141  
Revised Code and is guilty of a misdemeanor of the fourth 1142  
degree. If a person knowingly violates a posted prohibition of 1143  
that nature and the posted land or premises primarily was a 1144  
parking lot or other parking facility, the person is not guilty 1145  
of criminal trespass under section 2911.21 of the Revised Code 1146  
or under any other criminal law of this state or criminal law, 1147  
ordinance, or resolution of a political subdivision of this 1148  
state, and instead is subject only to a civil cause of action 1149  
for trespass based on the violation. 1150

(b) A landlord may not prohibit or restrict a tenant who 1151  
is a licensee and who on or after September 9, 2008, enters into 1152  
a rental agreement with the landlord for the use of residential 1153  
premises, and the tenant's guest while the tenant is present, 1154  
from lawfully carrying or possessing a handgun on those 1155  
residential premises. 1156

(c) As used in division (C) (3) of this section: 1157

(i) "Residential premises" has the same meaning as in 1158  
section 5321.01 of the Revised Code, except "residential 1159  
premises" does not include a dwelling unit that is owned or 1160  
operated by a college or university. 1161

(ii) "Landlord," "tenant," and "rental agreement" have the 1162  
same meanings as in section 5321.01 of the Revised Code. 1163

(D) A person who holds a valid concealed handgun license 1164  
issued by another state that is recognized by the attorney 1165  
general pursuant to a reciprocity agreement entered into 1166  
pursuant to section 109.69 of the Revised Code or a person who 1167



holds a valid concealed handgun license under the circumstances 1168  
described in division (B) of section 109.69 of the Revised Code 1169  
has the same right to carry a concealed handgun in this state as 1170  
a person who was issued a concealed handgun license under 1171  
section 2923.125 of the Revised Code and is subject to the same 1172  
restrictions that apply to a person who carries a license issued 1173  
under that section. 1174

(E) (1) A peace officer has the same right to carry a 1175  
concealed handgun in this state as a person who was issued a 1176  
concealed handgun license under section 2923.125 of the Revised 1177  
Code. For purposes of reciprocity with other states, a peace 1178  
officer shall be considered to be a licensee in this state. 1179

(2) An active duty member of the armed forces of the 1180  
United States who is carrying a valid military identification 1181  
card and documentation of successful completion of firearms 1182  
training that meets or exceeds the training requirements 1183  
described in division (G) (1) of section 2923.125 of the Revised 1184  
Code has the same right to carry a concealed handgun in this 1185  
state as a person who was issued a concealed handgun license 1186  
under section 2923.125 of the Revised Code and is subject to the 1187  
same restrictions as specified in this section. 1188

(F) (1) A qualified retired peace officer who possesses a 1189  
retired peace officer identification card issued pursuant to 1190  
division (F) (2) of this section and a valid firearms 1191  
requalification certification issued pursuant to division (F) (3) 1192  
of this section has the same right to carry a concealed handgun 1193  
in this state as a person who was issued a concealed handgun 1194  
license under section 2923.125 of the Revised Code and is 1195  
subject to the same restrictions that apply to a person who 1196  
carries a license issued under that section. For purposes of 1197

reciprocity with other states, a qualified retired peace officer 1198  
who possesses a retired peace officer identification card issued 1199  
pursuant to division (F) (2) of this section and a valid firearms 1200  
requalification certification issued pursuant to division (F) (3) 1201  
of this section shall be considered to be a licensee in this 1202  
state. 1203

(2) (a) Each public agency of this state or of a political 1204  
subdivision of this state that is served by one or more peace 1205  
officers shall issue a retired peace officer identification card 1206  
to any person who retired from service as a peace officer with 1207  
that agency, if the issuance is in accordance with the agency's 1208  
policies and procedures and if the person, with respect to the 1209  
person's service with that agency, satisfies all of the 1210  
following: 1211

(i) The person retired in good standing from service as a 1212  
peace officer with the public agency, and the retirement was not 1213  
for reasons of mental instability. 1214

(ii) Before retiring from service as a peace officer with 1215  
that agency, the person was authorized to engage in or supervise 1216  
the prevention, detection, investigation, or prosecution of, or 1217  
the incarceration of any person for, any violation of law and 1218  
the person had statutory powers of arrest. 1219

(iii) At the time of the person's retirement as a peace 1220  
officer with that agency, the person was trained and qualified 1221  
to carry firearms in the performance of the peace officer's 1222  
duties. 1223

(iv) Before retiring from service as a peace officer with 1224  
that agency, the person was regularly employed as a peace 1225  
officer for an aggregate of fifteen years or more, or, in the 1226

alternative, the person retired from service as a peace officer 1227  
with that agency, after completing any applicable probationary 1228  
period of that service, due to a service-connected disability, 1229  
as determined by the agency. 1230

(b) A retired peace officer identification card issued to 1231  
a person under division (F) (2) (a) of this section shall identify 1232  
the person by name, contain a photograph of the person, identify 1233  
the public agency of this state or of the political subdivision 1234  
of this state from which the person retired as a peace officer 1235  
and that is issuing the identification card, and specify that 1236  
the person retired in good standing from service as a peace 1237  
officer with the issuing public agency and satisfies the 1238  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1239  
section. In addition to the required content specified in this 1240  
division, a retired peace officer identification card issued to 1241  
a person under division (F) (2) (a) of this section may include 1242  
the firearms requalification certification described in division 1243  
(F) (3) of this section, and if the identification card includes 1244  
that certification, the identification card shall serve as the 1245  
firearms requalification certification for the retired peace 1246  
officer. If the issuing public agency issues credentials to 1247  
active law enforcement officers who serve the agency, the agency 1248  
may comply with division (F) (2) (a) of this section by issuing 1249  
the same credentials to persons who retired from service as a 1250  
peace officer with the agency and who satisfy the criteria set 1251  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 1252  
provided that the credentials so issued to retired peace 1253  
officers are stamped with the word "RETIRED." 1254

(c) A public agency of this state or of a political 1255  
subdivision of this state may charge persons who retired from 1256  
service as a peace officer with the agency a reasonable fee for 1257

issuing to the person a retired peace officer identification 1258  
card pursuant to division (F)(2)(a) of this section. 1259

(3) If a person retired from service as a peace officer 1260  
with a public agency of this state or of a political subdivision 1261  
of this state and the person satisfies the criteria set forth in 1262  
divisions (F)(2)(a)(i) to (iv) of this section, the public 1263  
agency may provide the retired peace officer with the 1264  
opportunity to attend a firearms requalification program that is 1265  
approved for purposes of firearms requalification required under 1266  
section 109.801 of the Revised Code. The retired peace officer 1267  
may be required to pay the cost of the course. 1268

If a retired peace officer who satisfies the criteria set 1269  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 1270  
a firearms requalification program that is approved for purposes 1271  
of firearms requalification required under section 109.801 of 1272  
the Revised Code, the retired peace officer's successful 1273  
completion of the firearms requalification program requalifies 1274  
the retired peace officer for purposes of division (F) of this 1275  
section for five years from the date on which the program was 1276  
successfully completed, and the requalification is valid during 1277  
that five-year period. If a retired peace officer who satisfies 1278  
the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 1279  
section satisfactorily completes such a firearms requalification 1280  
program, the retired peace officer shall be issued a firearms 1281  
requalification certification that identifies the retired peace 1282  
officer by name, identifies the entity that taught the program, 1283  
specifies that the retired peace officer successfully completed 1284  
the program, specifies the date on which the course was 1285  
successfully completed, and specifies that the requalification 1286  
is valid for five years from that date of successful completion. 1287  
The firearms requalification certification for a retired peace 1288

officer may be included in the retired peace officer 1289  
identification card issued to the retired peace officer under 1290  
division (F) (2) of this section. 1291

A retired peace officer who attends a firearms 1292  
requalification program that is approved for purposes of 1293  
firearms requalification required under section 109.801 of the 1294  
Revised Code may be required to pay the cost of the program. 1295

(G) As used in this section: 1296

(1) "Qualified retired peace officer" means a person who 1297  
satisfies all of the following: 1298

(a) The person satisfies the criteria set forth in 1299  
divisions (F) (2) (a) (i) to (v) of this section. 1300

(b) The person is not under the influence of alcohol or 1301  
another intoxicating or hallucinatory drug or substance. 1302

(c) The person is not prohibited by federal law from 1303  
receiving firearms. 1304

(2) "Retired peace officer identification card" means an 1305  
identification card that is issued pursuant to division (F) (2) 1306  
of this section to a person who is a retired peace officer. 1307

(3) "Government facility of this state or a political 1308  
subdivision of this state" means any of the following: 1309

(a) A building or part of a building that is owned or 1310  
leased by the government of this state or a political 1311  
subdivision of this state and where employees of the government 1312  
of this state or the political subdivision regularly are present 1313  
for the purpose of performing their official duties as employees 1314  
of the state or political subdivision; 1315

(b) The office of a deputy registrar serving pursuant to 1316  
Chapter 4503. of the Revised Code that is used to perform deputy 1317  
registrar functions. 1318

**Sec. 2923.16.** (A) No person shall knowingly discharge a 1319  
firearm while in or on a motor vehicle. 1320

(B) No person shall knowingly transport or have a loaded 1321  
firearm in a motor vehicle in such a manner that the firearm is 1322  
accessible to the operator or any passenger without leaving the 1323  
vehicle. 1324

(C) No person shall knowingly transport or have a firearm 1325  
in a motor vehicle, unless the person may lawfully possess that 1326  
firearm under applicable law of this state or the United States, 1327  
the firearm is unloaded, and the firearm is carried in one of 1328  
the following ways: 1329

(1) In a closed package, box, or case; 1330

(2) In a compartment that can be reached only by leaving 1331  
the vehicle; 1332

(3) In plain sight and secured in a rack or holder made 1333  
for the purpose; 1334

(4) If the firearm is at least twenty-four inches in 1335  
overall length as measured from the muzzle to the part of the 1336  
stock furthest from the muzzle and if the barrel is at least 1337  
eighteen inches in length, either in plain sight with the action 1338  
open or the weapon stripped, or, if the firearm is of a type on 1339  
which the action will not stay open or which cannot easily be 1340  
stripped, in plain sight. 1341

(D) No person shall knowingly transport or have a loaded 1342  
handgun in a motor vehicle if, at the time of that 1343

transportation or possession, any of the following applies: 1344

(1) The person is under the influence of alcohol, a drug 1345  
of abuse, or a combination of them. 1346

(2) The person's whole blood, blood serum or plasma, 1347  
breath, or urine contains a concentration of alcohol, a listed 1348  
controlled substance, or a listed metabolite of a controlled 1349  
substance prohibited for persons operating a vehicle, as 1350  
specified in division (A) of section 4511.19 of the Revised 1351  
Code, regardless of whether the person at the time of the 1352  
transportation or possession as described in this division is 1353  
the operator of or a passenger in the motor vehicle. 1354

(E) No person who has been issued a concealed handgun 1355  
license or who is an active duty member of the armed forces of 1356  
the United States and is carrying a valid military 1357  
identification card and documentation of successful completion 1358  
of firearms training that meets or exceeds the training 1359  
requirements described in division (G)(1) of section 2923.125 of 1360  
the Revised Code, who is the driver or an occupant of a motor 1361  
vehicle that is stopped as a result of a traffic stop or a stop 1362  
for another law enforcement purpose or is the driver or an 1363  
occupant of a commercial motor vehicle that is stopped by an 1364  
employee of the motor carrier enforcement unit for the purposes 1365  
defined in section 5503.34 of the Revised Code, and who is 1366  
transporting or has a loaded handgun in the motor vehicle or 1367  
commercial motor vehicle in any manner, shall do any of the 1368  
following: 1369

(1) Fail to promptly inform any law enforcement officer 1370  
who approaches the vehicle while stopped that the person has 1371  
been issued a concealed handgun license or is authorized to 1372  
carry a concealed handgun as an active duty member of the armed 1373

forces of the United States and that the person then possesses 1374  
or has a loaded handgun in the motor vehicle; 1375

(2) Fail to promptly inform the employee of the unit who 1376  
approaches the vehicle while stopped that the person has been 1377  
issued a concealed handgun license or is authorized to carry a 1378  
concealed handgun as an active duty member of the armed forces 1379  
of the United States and that the person then possesses or has a 1380  
loaded handgun in the commercial motor vehicle; 1381

(3) Knowingly fail to remain in the motor vehicle while 1382  
stopped or knowingly fail to keep the person's hands in plain 1383  
sight at any time after any law enforcement officer begins 1384  
approaching the person while stopped and before the law 1385  
enforcement officer leaves, unless the failure is pursuant to 1386  
and in accordance with directions given by a law enforcement 1387  
officer; 1388

(4) Knowingly have contact with the loaded handgun by 1389  
touching it with the person's hands or fingers in the motor 1390  
vehicle at any time after the law enforcement officer begins 1391  
approaching and before the law enforcement officer leaves, 1392  
unless the person has contact with the loaded handgun pursuant 1393  
to and in accordance with directions given by the law 1394  
enforcement officer; 1395

(5) Knowingly disregard or fail to comply with any lawful 1396  
order of any law enforcement officer given while the motor 1397  
vehicle is stopped, including, but not limited to, a specific 1398  
order to the person to keep the person's hands in plain sight. 1399

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1400  
not apply to any of the following: 1401

(a) An officer, agent, or employee of this or any other 1402



state or the United States, or a law enforcement officer, when 1403  
authorized to carry or have loaded or accessible firearms in 1404  
motor vehicles and acting within the scope of the officer's, 1405  
agent's, or employee's duties; 1406

(b) Any person who is employed in this state, who is 1407  
authorized to carry or have loaded or accessible firearms in 1408  
motor vehicles, and who is subject to and in compliance with the 1409  
requirements of section 109.801 of the Revised Code, unless the 1410  
appointing authority of the person has expressly specified that 1411  
the exemption provided in division (F) (1) (b) of this section 1412  
does not apply to the person. 1413

(2) Division (A) of this section does not apply to a 1414  
person if all of the following circumstances apply: 1415

(a) The person discharges a firearm from a motor vehicle 1416  
at a coyote or groundhog, the discharge is not during the deer 1417  
gun hunting season as set by the chief of the division of 1418  
wildlife of the department of natural resources, and the 1419  
discharge at the coyote or groundhog, but for the operation of 1420  
this section, is lawful. 1421

(b) The motor vehicle from which the person discharges the 1422  
firearm is on real property that is located in an unincorporated 1423  
area of a township and that either is zoned for agriculture or 1424  
is used for agriculture. 1425

(c) The person owns the real property described in 1426  
division (F) (2) (b) of this section, is the spouse or a child of 1427  
another person who owns that real property, is a tenant of 1428  
another person who owns that real property, or is the spouse or 1429  
a child of a tenant of another person who owns that real 1430  
property. 1431

(d) The person does not discharge the firearm in any of 1432  
the following manners: 1433

(i) While under the influence of alcohol, a drug of abuse, 1434  
or alcohol and a drug of abuse; 1435

(ii) In the direction of a street, highway, or other 1436  
public or private property used by the public for vehicular 1437  
traffic or parking; 1438

(iii) At or into an occupied structure that is a permanent 1439  
or temporary habitation; 1440

(iv) In the commission of any violation of law, including, 1441  
but not limited to, a felony that includes, as an essential 1442  
element, purposely or knowingly causing or attempting to cause 1443  
the death of or physical harm to another and that was committed 1444  
by discharging a firearm from a motor vehicle. 1445

(3) Division (A) of this section does not apply to a 1446  
person if all of the following apply: 1447

(a) The person possesses a valid electric-powered all- 1448  
purpose vehicle permit issued under section 1533.103 of the 1449  
Revised Code by the chief of the division of wildlife. 1450

(b) The person discharges a firearm at a wild quadruped or 1451  
game bird as defined in section 1531.01 of the Revised Code 1452  
during the open hunting season for the applicable wild quadruped 1453  
or game bird. 1454

(c) The person discharges a firearm from a stationary 1455  
electric-powered all-purpose vehicle as defined in section 1456  
1531.01 of the Revised Code or a motor vehicle that is parked on 1457  
a road that is owned or administered by the division of 1458  
wildlife, provided that the road is identified by an electric- 1459

powered all-purpose vehicle sign. 1460

(d) The person does not discharge the firearm in any of 1461  
the following manners: 1462

(i) While under the influence of alcohol, a drug of abuse, 1463  
or alcohol and a drug of abuse; 1464

(ii) In the direction of a street, a highway, or other 1465  
public or private property that is used by the public for 1466  
vehicular traffic or parking; 1467

(iii) At or into an occupied structure that is a permanent 1468  
or temporary habitation; 1469

(iv) In the commission of any violation of law, including, 1470  
but not limited to, a felony that includes, as an essential 1471  
element, purposely or knowingly causing or attempting to cause 1472  
the death of or physical harm to another and that was committed 1473  
by discharging a firearm from a motor vehicle. 1474

(4) Divisions (B) and (C) of this section do not apply to 1475  
a person if all of the following circumstances apply: 1476

(a) At the time of the alleged violation of either of 1477  
those divisions, the person is the operator of or a passenger in 1478  
a motor vehicle. 1479

(b) The motor vehicle is on real property that is located 1480  
in an unincorporated area of a township and that either is zoned 1481  
for agriculture or is used for agriculture. 1482

(c) The person owns the real property described in 1483  
division (D) (4) (b) of this section, is the spouse or a child of 1484  
another person who owns that real property, is a tenant of 1485  
another person who owns that real property, or is the spouse or 1486  
a child of a tenant of another person who owns that real 1487

property. 1488

(d) The person, prior to arriving at the real property 1489  
described in division (D) (4) (b) of this section, did not 1490  
transport or possess a firearm in the motor vehicle in a manner 1491  
prohibited by division (B) or (C) of this section while the 1492  
motor vehicle was being operated on a street, highway, or other 1493  
public or private property used by the public for vehicular 1494  
traffic or parking. 1495

(5) Divisions (B) and (C) of this section do not apply to 1496  
a person who transports or possesses a handgun in a motor 1497  
vehicle if, at the time of that transportation or possession, 1498  
both of the following apply: 1499

(a) The person transporting or possessing the handgun is 1500  
either carrying a valid concealed handgun license or is an 1501  
active duty member of the armed forces of the United States and 1502  
is carrying a valid military identification card and 1503  
documentation of successful completion of firearms training that 1504  
meets or exceeds the training requirements described in division 1505  
(G) (1) of section 2923.125 of the Revised Code. 1506

(b) The person transporting or possessing the handgun is 1507  
not knowingly in a place described in division (B) of section 1508  
2923.126 of the Revised Code. 1509

(6) Divisions (B) and (C) of this section do not apply to 1510  
a person if all of the following apply: 1511

(a) The person possesses a valid electric-powered all- 1512  
purpose vehicle permit issued under section 1533.103 of the 1513  
Revised Code by the chief of the division of wildlife. 1514

(b) The person is on or in an electric-powered all-purpose 1515  
vehicle as defined in section 1531.01 of the Revised Code or a 1516

motor vehicle during the open hunting season for a wild 1517  
quadruped or game bird. 1518

(c) The person is on or in an electric-powered all-purpose 1519  
vehicle as defined in section 1531.01 of the Revised Code or a 1520  
motor vehicle that is parked on a road that is owned or 1521  
administered by the division of wildlife, provided that the road 1522  
is identified by an electric-powered all-purpose vehicle sign. 1523

(7) Nothing in this section prohibits or restricts a 1524  
person from possessing, storing, or leaving a firearm in a 1525  
locked motor vehicle that is parked in the state underground 1526  
parking garage at the state capitol building or in the parking 1527  
garage at the Riffe center for government and the arts in 1528  
Columbus, if the person's transportation and possession of the 1529  
firearm in the motor vehicle while traveling to the premises or 1530  
facility was not in violation of division (A), (B), (C), (D), or 1531  
(E) of this section or any other provision of the Revised Code. 1532

(G) (1) The affirmative defenses authorized in divisions 1533  
(D) (1) and (2) of section 2923.12 of the Revised Code are 1534  
affirmative defenses to a charge under division (B) or (C) of 1535  
this section that involves a firearm other than a handgun. 1536

(2) It is an affirmative defense to a charge under 1537  
division (B) or (C) of this section of improperly handling 1538  
firearms in a motor vehicle that the actor transported or had 1539  
the firearm in the motor vehicle for any lawful purpose and 1540  
while the motor vehicle was on the actor's own property, 1541  
provided that this affirmative defense is not available unless 1542  
the person, immediately prior to arriving at the actor's own 1543  
property, did not transport or possess the firearm in a motor 1544  
vehicle in a manner prohibited by division (B) or (C) of this 1545  
section while the motor vehicle was being operated on a street, 1546

highway, or other public or private property used by the public 1547  
for vehicular traffic. 1548

(H) (1) No person who is charged with a violation of 1549  
division (B), (C), or (D) of this section shall be required to 1550  
obtain a concealed handgun license as a condition for the 1551  
dismissal of the charge. 1552

(2) (a) If a person is convicted of, was convicted of, 1553  
pleads guilty to, or has pleaded guilty to a violation of 1554  
division (E) of this section as it existed prior to September 1555  
30, 2011, and if the conduct that was the basis of the violation 1556  
no longer would be a violation of division (E) of this section 1557  
on or after September 30, 2011, the person may file an 1558  
application under section 2953.37 of the Revised Code requesting 1559  
the expungement of the record of conviction. 1560

If a person is convicted of, was convicted of, pleads 1561  
guilty to, or has pleaded guilty to a violation of division (B) 1562  
or (C) of this section as the division existed prior to 1563  
September 30, 2011, and if the conduct that was the basis of the 1564  
violation no longer would be a violation of division (B) or (C) 1565  
of this section on or after September 30, 2011, due to the 1566  
application of division (F) (5) of this section as it exists on 1567  
and after September 30, 2011, the person may file an application 1568  
under section 2953.37 of the Revised Code requesting the 1569  
expungement of the record of conviction. 1570

(b) The attorney general shall develop a public media 1571  
advisory that summarizes the expungement procedure established 1572  
under section 2953.37 of the Revised Code and the offenders 1573  
identified in division (H) (2) (a) of this section who are 1574  
authorized to apply for the expungement. Within thirty days 1575  
after September 30, 2011, the attorney general shall provide a 1576

copy of the advisory to each daily newspaper published in this 1577  
state and each television station that broadcasts in this state. 1578  
The attorney general may provide the advisory in a tangible 1579  
form, an electronic form, or in both tangible and electronic 1580  
forms. 1581

(I) Whoever violates this section is guilty of improperly 1582  
handling firearms in a motor vehicle. Violation of division (A) 1583  
of this section is a felony of the fourth degree. Violation of 1584  
division (C) of this section is a misdemeanor of the fourth 1585  
degree. A violation of division (D) of this section is a felony 1586  
of the fifth degree or, if the loaded handgun is concealed on 1587  
the person's person, a felony of the fourth degree. Except as 1588  
otherwise provided in this division, a violation of division (E) 1589  
(1) or (2) of this section is a misdemeanor of the first degree, 1590  
and, in addition to any other penalty or sanction imposed for 1591  
the violation, the offender's concealed handgun license shall be 1592  
suspended pursuant to division (A) (2) of section 2923.128 of the 1593  
Revised Code. If at the time of the stop of the offender for a 1594  
traffic stop, for another law enforcement purpose, or for a 1595  
purpose defined in section 5503.34 of the Revised Code that was 1596  
the basis of the violation any law enforcement officer involved 1597  
with the stop or the employee of the motor carrier enforcement 1598  
unit who made the stop had actual knowledge of the offender's 1599  
status as a licensee, a violation of division (E) (1) or (2) of 1600  
this section is a minor misdemeanor, and the offender's 1601  
concealed handgun license shall not be suspended pursuant to 1602  
division (A) (2) of section 2923.128 of the Revised Code. A 1603  
violation of division (E) (4) of this section is a felony of the 1604  
fifth degree. A violation of division (E) (3) or (5) of this 1605  
section is a misdemeanor of the first degree or, if the offender 1606  
previously has been convicted of or pleaded guilty to a 1607

violation of division (E) (3) or (5) of this section, a felony of 1608  
the fifth degree. In addition to any other penalty or sanction 1609  
imposed for a misdemeanor violation of division (E) (3) or (5) of 1610  
this section, the offender's concealed handgun license shall be 1611  
suspended pursuant to division (A) (2) of section 2923.128 of the 1612  
Revised Code. A violation of division (B) of this section is a 1613  
felony of the fourth degree. 1614

(J) If a law enforcement officer stops a motor vehicle for 1615  
a traffic stop or any other purpose, if any person in the motor 1616  
vehicle surrenders a firearm to the officer, either voluntarily 1617  
or pursuant to a request or demand of the officer, and if the 1618  
officer does not charge the person with a violation of this 1619  
section or arrest the person for any offense, the person is not 1620  
otherwise prohibited by law from possessing the firearm, and the 1621  
firearm is not contraband, the officer shall return the firearm 1622  
to the person at the termination of the stop. If a court orders 1623  
a law enforcement officer to return a firearm to a person 1624  
pursuant to the requirement set forth in this division, division 1625  
(B) of section 2923.163 of the Revised Code applies. 1626

(K) As used in this section: 1627

(1) "Motor vehicle," "street," and "highway" have the same 1628  
meanings as in section 4511.01 of the Revised Code. 1629

(2) "Occupied structure" has the same meaning as in 1630  
section 2909.01 of the Revised Code. 1631

(3) "Agriculture" has the same meaning as in section 1632  
519.01 of the Revised Code. 1633

(4) "Tenant" has the same meaning as in section 1531.01 of 1634  
the Revised Code. 1635

(5) (a) "Unloaded" means, with respect to a firearm other 1636



than a firearm described in division (K) (6) of this section, 1637  
that no ammunition is in the firearm in question, no magazine or 1638  
speed loader containing ammunition is inserted into the firearm 1639  
in question, and one of the following applies: 1640

(i) There is no ammunition in a magazine or speed loader 1641  
that is in the vehicle in question and that may be used with the 1642  
firearm in question. 1643

(ii) Any magazine or speed loader that contains ammunition 1644  
and that may be used with the firearm in question is stored in a 1645  
compartment within the vehicle in question that cannot be 1646  
accessed without leaving the vehicle or is stored in a container 1647  
that provides complete and separate enclosure. 1648

(b) For the purposes of division (K) (5) (a) (ii) of this 1649  
section, a "container that provides complete and separate 1650  
enclosure" includes, but is not limited to, any of the 1651  
following: 1652

(i) A package, box, or case with multiple compartments, as 1653  
long as the loaded magazine or speed loader and the firearm in 1654  
question either are in separate compartments within the package, 1655  
box, or case, or, if they are in the same compartment, the 1656  
magazine or speed loader is contained within a separate 1657  
enclosure in that compartment that does not contain the firearm 1658  
and that closes using a snap, button, buckle, zipper, hook and 1659  
loop closing mechanism, or other fastener that must be opened to 1660  
access the contents or the firearm is contained within a 1661  
separate enclosure of that nature in that compartment that does 1662  
not contain the magazine or speed loader; 1663

(ii) A pocket or other enclosure on the person of the 1664  
person in question that closes using a snap, button, buckle, 1665

zipper, hook and loop closing mechanism, or other fastener that 1666  
must be opened to access the contents. 1667

(c) For the purposes of divisions (K) (5) (a) and (b) of 1668  
this section, ammunition held in stripper-clips or in en-bloc 1669  
clips is not considered ammunition that is loaded into a 1670  
magazine or speed loader. 1671

(6) "Unloaded" means, with respect to a firearm employing 1672  
a percussion cap, flintlock, or other obsolete ignition system, 1673  
when the weapon is uncapped or when the priming charge is 1674  
removed from the pan. 1675

(7) "Commercial motor vehicle" has the same meaning as in 1676  
division (A) of section 4506.25 of the Revised Code. 1677

(8) "Motor carrier enforcement unit" means the motor 1678  
carrier enforcement unit in the department of public safety, 1679  
division of state highway patrol, that is created by section 1680  
5503.34 of the Revised Code. 1681

(L) Divisions (K) (5) (a) and (b) of this section do not 1682  
affect the authority of a person who is carrying a valid 1683  
concealed handgun license to have one or more magazines or speed 1684  
loaders containing ammunition anywhere in a vehicle, without 1685  
being transported as described in those divisions, as long as no 1686  
ammunition is in a firearm, other than a handgun, in the vehicle 1687  
other than as permitted under any other provision of this 1688  
chapter. A person who is carrying a valid concealed handgun 1689  
license may have one or more magazines or speed loaders 1690  
containing ammunition anywhere in a vehicle without further 1691  
restriction, as long as no ammunition is in a firearm, other 1692  
than a handgun, in the vehicle other than as permitted under any 1693  
provision of this chapter. 1694

<b>Sec. 2923.21.</b> (A) No person shall do any of the following:	1695
(1) Sell any firearm to a person who is under eighteen years of age;	1696 1697
(2) Subject to division (B) of this section, sell any handgun to a person who is under twenty-one years of age;	1698 1699
(3) Furnish any firearm to a person who is under eighteen years of age or, subject to division (B) of this section, furnish any handgun to a person who is under twenty-one years of age, except for lawful hunting, sporting, or educational purposes, including, but not limited to, instruction in firearms or handgun safety, care, handling, or marksmanship under the supervision or control of a responsible adult;	1700 1701 1702 1703 1704 1705 1706
(4) Sell or furnish a firearm to a person who is eighteen years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the firearm for the purpose of selling the firearm in violation of division (A)(1) of this section to a person who is under eighteen years of age or for the purpose of furnishing the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;	1707 1708 1709 1710 1711 1712 1713 1714
(5) Sell or furnish a handgun to a person who is twenty-one years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the handgun for the purpose of selling the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or for the purpose of furnishing the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age;	1715 1716 1717 1718 1719 1720 1721 1722
(6) Purchase or attempt to purchase any firearm with the	1723

intent to sell the firearm in violation of division (A) (1) of 1724  
this section to a person who is under eighteen years of age or 1725  
with the intent to furnish the firearm in violation of division 1726  
(A) (3) of this section to a person who is under eighteen years 1727  
of age; 1728

(7) Purchase or attempt to purchase any handgun with the 1729  
intent to sell the handgun in violation of division (A) (2) of 1730  
this section to a person who is under twenty-one years of age or 1731  
with the intent to furnish the handgun in violation of division 1732  
(A) (3) of this section to a person who is under twenty-one years 1733  
of age. 1734

(B) Divisions (A) (1) and (2) of this section do not apply 1735  
to the sale or furnishing of a handgun to a person eighteen 1736  
years of age or older and under twenty-one years of age if the 1737  
person eighteen years of age or older and under twenty-one years 1738  
of age is a law enforcement officer who is properly appointed or 1739  
employed as a law enforcement officer and has received firearms 1740  
training approved by the Ohio peace officer training council or 1741  
equivalent firearms training. Divisions (A) (1) and (2) of this 1742  
section do not apply to the sale or furnishing of a handgun to 1743  
an active duty member of the armed forces of the United States 1744  
who has received firearms training that meets or exceeds the 1745  
training requirements described in division (G) (1) of section 1746  
2923.125 of the Revised Code. 1747

(C) Whoever violates this section is guilty of improperly 1748  
furnishing firearms to a minor, a felony of the fifth degree. 1749

**Sec. 4112.02.** It shall be an unlawful discriminatory 1750  
practice: 1751

(A) For any employer, because of the race, color, 1752

religion, sex, military status, national origin, disability, 1753  
age, or ancestry of any person, to discharge without just cause, 1754  
to refuse to hire, or otherwise to discriminate against that 1755  
person with respect to hire, tenure, terms, conditions, or 1756  
privileges of employment, or any matter directly or indirectly 1757  
related to employment. 1758

(B) For an employment agency or personnel placement 1759  
service, because of race, color, religion, sex, military status, 1760  
national origin, disability, age, or ancestry, to do any of the 1761  
following: 1762

(1) Refuse or fail to accept, register, classify properly, 1763  
or refer for employment, or otherwise discriminate against any 1764  
person; 1765

(2) Comply with a request from an employer for referral of 1766  
applicants for employment if the request directly or indirectly 1767  
indicates that the employer fails to comply with the provisions 1768  
of sections 4112.01 to 4112.07 of the Revised Code. 1769

(C) For any labor organization to do any of the following: 1770

(1) Limit or classify its membership on the basis of race, 1771  
color, religion, sex, military status, national origin, 1772  
disability, age, or ancestry; 1773

(2) Discriminate against, limit the employment 1774  
opportunities of, or otherwise adversely affect the employment 1775  
status, wages, hours, or employment conditions of any person as 1776  
an employee because of race, color, religion, sex, military 1777  
status, national origin, disability, age, or ancestry. 1778

(D) For any employer, labor organization, or joint labor- 1779  
management committee controlling apprentice training programs to 1780  
discriminate against any person because of race, color, 1781

religion, sex, military status, national origin, disability, or 1782  
ancestry in admission to, or employment in, any program 1783  
established to provide apprentice training. 1784

(E) Except where based on a bona fide occupational 1785  
qualification certified in advance by the commission, for any 1786  
employer, employment agency, personnel placement service, or 1787  
labor organization, prior to employment or admission to 1788  
membership, to do any of the following: 1789

(1) Elicit or attempt to elicit any information concerning 1790  
the race, color, religion, sex, military status, national 1791  
origin, disability, age, or ancestry of an applicant for 1792  
employment or membership; 1793

(2) Make or keep a record of the race, color, religion, 1794  
sex, military status, national origin, disability, age, or 1795  
ancestry of any applicant for employment or membership; 1796

(3) Use any form of application for employment, or 1797  
personnel or membership blank, seeking to elicit information 1798  
regarding race, color, religion, sex, military status, national 1799  
origin, disability, age, or ancestry; but an employer holding a 1800  
contract containing a nondiscrimination clause with the 1801  
government of the United States, or any department or agency of 1802  
that government, may require an employee or applicant for 1803  
employment to furnish documentary proof of United States 1804  
citizenship and may retain that proof in the employer's 1805  
personnel records and may use photographic or fingerprint 1806  
identification for security purposes; 1807

(4) Print or publish or cause to be printed or published 1808  
any notice or advertisement relating to employment or membership 1809  
indicating any preference, limitation, specification, or 1810

discrimination, based upon race, color, religion, sex, military status, national origin, disability, age, or ancestry; 1811  
1812

(5) Announce or follow a policy of denying or limiting, 1813  
through a quota system or otherwise, employment or membership 1814  
opportunities of any group because of the race, color, religion, 1815  
sex, military status, national origin, disability, age, or 1816  
ancestry of that group; 1817

(6) Utilize in the recruitment or hiring of persons any 1818  
employment agency, personnel placement service, training school 1819  
or center, labor organization, or any other employee-referring 1820  
source known to discriminate against persons because of their 1821  
race, color, religion, sex, military status, national origin, 1822  
disability, age, or ancestry. 1823

(F) For any person seeking employment to publish or cause 1824  
to be published any advertisement that specifies or in any 1825  
manner indicates that person's race, color, religion, sex, 1826  
military status, national origin, disability, age, or ancestry, 1827  
or expresses a limitation or preference as to the race, color, 1828  
religion, sex, military status, national origin, disability, 1829  
age, or ancestry of any prospective employer. 1830

(G) For any proprietor or any employee, keeper, or manager 1831  
of a place of public accommodation to deny to any person, except 1832  
for reasons applicable alike to all persons regardless of race, 1833  
color, religion, sex, military status, national origin, 1834  
disability, age, or ancestry, the full enjoyment of the 1835  
accommodations, advantages, facilities, or privileges of the 1836  
place of public accommodation. 1837

(H) For any person to do any of the following: 1838

(1) Refuse to sell, transfer, assign, rent, lease, 1839

sublease, or finance housing accommodations, refuse to negotiate 1840  
for the sale or rental of housing accommodations, or otherwise 1841  
deny or make unavailable housing accommodations because of race, 1842  
color, religion, sex, military status, familial status, 1843  
ancestry, disability, or national origin; 1844

(2) Represent to any person that housing accommodations 1845  
are not available for inspection, sale, or rental, when in fact 1846  
they are available, because of race, color, religion, sex, 1847  
military status, familial status, ancestry, disability, or 1848  
national origin; 1849

(3) Discriminate against any person in the making or 1850  
purchasing of loans or the provision of other financial 1851  
assistance for the acquisition, construction, rehabilitation, 1852  
repair, or maintenance of housing accommodations, or any person 1853  
in the making or purchasing of loans or the provision of other 1854  
financial assistance that is secured by residential real estate, 1855  
because of race, color, religion, sex, military status, familial 1856  
status, ancestry, disability, or national origin or because of 1857  
the racial composition of the neighborhood in which the housing 1858  
accommodations are located, provided that the person, whether an 1859  
individual, corporation, or association of any type, lends money 1860  
as one of the principal aspects or incident to the person's 1861  
principal business and not only as a part of the purchase price 1862  
of an owner-occupied residence the person is selling nor merely 1863  
casually or occasionally to a relative or friend; 1864

(4) Discriminate against any person in the terms or 1865  
conditions of selling, transferring, assigning, renting, 1866  
leasing, or subleasing any housing accommodations or in 1867  
furnishing facilities, services, or privileges in connection 1868  
with the ownership, occupancy, or use of any housing 1869



accommodations, including the sale of fire, extended coverage, 1870  
or homeowners insurance, because of race, color, religion, sex, 1871  
military status, familial status, ancestry, disability, or 1872  
national origin or because of the racial composition of the 1873  
neighborhood in which the housing accommodations are located; 1874

(5) Discriminate against any person in the terms or 1875  
conditions of any loan of money, whether or not secured by 1876  
mortgage or otherwise, for the acquisition, construction, 1877  
rehabilitation, repair, or maintenance of housing accommodations 1878  
because of race, color, religion, sex, military status, familial 1879  
status, ancestry, disability, or national origin or because of 1880  
the racial composition of the neighborhood in which the housing 1881  
accommodations are located; 1882

(6) Refuse to consider without prejudice the combined 1883  
income of both husband and wife for the purpose of extending 1884  
mortgage credit to a married couple or either member of a 1885  
married couple; 1886

(7) Print, publish, or circulate any statement or 1887  
advertisement, or make or cause to be made any statement or 1888  
advertisement, relating to the sale, transfer, assignment, 1889  
rental, lease, sublease, or acquisition of any housing 1890  
accommodations, or relating to the loan of money, whether or not 1891  
secured by mortgage or otherwise, for the acquisition, 1892  
construction, rehabilitation, repair, or maintenance of housing 1893  
accommodations, that indicates any preference, limitation, 1894  
specification, or discrimination based upon race, color, 1895  
religion, sex, military status, familial status, ancestry, 1896  
disability, or national origin, or an intention to make any such 1897  
preference, limitation, specification, or discrimination; 1898

(8) Except as otherwise provided in division (H) (8) or 1899

(17) of this section, make any inquiry, elicit any information, 1900  
make or keep any record, or use any form of application 1901  
containing questions or entries concerning race, color, 1902  
religion, sex, military status, familial status, ancestry, 1903  
disability, or national origin in connection with the sale or 1904  
lease of any housing accommodations or the loan of any money, 1905  
whether or not secured by mortgage or otherwise, for the 1906  
acquisition, construction, rehabilitation, repair, or 1907  
maintenance of housing accommodations. Any person may make 1908  
inquiries, and make and keep records, concerning race, color, 1909  
religion, sex, military status, familial status, ancestry, 1910  
disability, or national origin for the purpose of monitoring 1911  
compliance with this chapter. 1912

(9) Include in any transfer, rental, or lease of housing 1913  
accommodations any restrictive covenant, or honor or exercise, 1914  
or attempt to honor or exercise, any restrictive covenant; 1915

(10) Induce or solicit, or attempt to induce or solicit, a 1916  
housing accommodations listing, sale, or transaction by 1917  
representing that a change has occurred or may occur with 1918  
respect to the racial, religious, sexual, military status, 1919  
familial status, or ethnic composition of the block, 1920  
neighborhood, or other area in which the housing accommodations 1921  
are located, or induce or solicit, or attempt to induce or 1922  
solicit, a housing accommodations listing, sale, or transaction 1923  
by representing that the presence or anticipated presence of 1924  
persons of any race, color, religion, sex, military status, 1925  
familial status, ancestry, disability, or national origin, in 1926  
the block, neighborhood, or other area will or may have results 1927  
including, but not limited to, the following: 1928

(a) The lowering of property values; 1929

(b) A change in the racial, religious, sexual, military	1930
status, familial status, or ethnic composition of the block,	1931
neighborhood, or other area;	1932
(c) An increase in criminal or antisocial behavior in the	1933
block, neighborhood, or other area;	1934
(d) A decline in the quality of the schools serving the	1935
block, neighborhood, or other area.	1936
(11) Deny any person access to or membership or	1937
participation in any multiple-listing service, real estate	1938
brokers' organization, or other service, organization, or	1939
facility relating to the business of selling or renting housing	1940
accommodations, or discriminate against any person in the terms	1941
or conditions of that access, membership, or participation, on	1942
account of race, color, religion, sex, military status, familial	1943
status, national origin, disability, or ancestry;	1944
(12) Coerce, intimidate, threaten, or interfere with any	1945
person in the exercise or enjoyment of, or on account of that	1946
person's having exercised or enjoyed or having aided or	1947
encouraged any other person in the exercise or enjoyment of, any	1948
right granted or protected by division (H) of this section;	1949
(13) Discourage or attempt to discourage the purchase by a	1950
prospective purchaser of housing accommodations, by representing	1951
that any block, neighborhood, or other area has undergone or	1952
might undergo a change with respect to its religious, racial,	1953
sexual, military status, familial status, or ethnic composition;	1954
(14) Refuse to sell, transfer, assign, rent, lease,	1955
sublease, or finance, or otherwise deny or withhold, a burial	1956
lot from any person because of the race, color, sex, military	1957
status, familial status, age, ancestry, disability, or national	1958

origin of any prospective owner or user of the lot;	1959
(15) Discriminate in the sale or rental of, or otherwise	1960
make unavailable or deny, housing accommodations to any buyer or	1961
renter because of a disability of any of the following:	1962
(a) The buyer or renter;	1963
(b) A person residing in or intending to reside in the	1964
housing accommodations after they are sold, rented, or made	1965
available;	1966
(c) Any individual associated with the person described in	1967
division (H) (15) (b) of this section.	1968
(16) Discriminate in the terms, conditions, or privileges	1969
of the sale or rental of housing accommodations to any person or	1970
in the provision of services or facilities to any person in	1971
connection with the housing accommodations because of a	1972
disability of any of the following:	1973
(a) That person;	1974
(b) A person residing in or intending to reside in the	1975
housing accommodations after they are sold, rented, or made	1976
available;	1977
(c) Any individual associated with the person described in	1978
division (H) (16) (b) of this section.	1979
(17) Except as otherwise provided in division (H) (17) of	1980
this section, make an inquiry to determine whether an applicant	1981
for the sale or rental of housing accommodations, a person	1982
residing in or intending to reside in the housing accommodations	1983
after they are sold, rented, or made available, or any	1984
individual associated with that person has a disability, or make	1985
an inquiry to determine the nature or severity of a disability	1986

of the applicant or such a person or individual. The following 1987  
inquiries may be made of all applicants for the sale or rental 1988  
of housing accommodations, regardless of whether they have 1989  
disabilities: 1990

(a) An inquiry into an applicant's ability to meet the 1991  
requirements of ownership or tenancy; 1992

(b) An inquiry to determine whether an applicant is 1993  
qualified for housing accommodations available only to persons 1994  
with disabilities or persons with a particular type of 1995  
disability; 1996

(c) An inquiry to determine whether an applicant is 1997  
qualified for a priority available to persons with disabilities 1998  
or persons with a particular type of disability; 1999

(d) An inquiry to determine whether an applicant currently 2000  
uses a controlled substance in violation of section 2925.11 of 2001  
the Revised Code or a substantively comparable municipal 2002  
ordinance; 2003

(e) An inquiry to determine whether an applicant at any 2004  
time has been convicted of or pleaded guilty to any offense, an 2005  
element of which is the illegal sale, offer to sell, 2006  
cultivation, manufacture, other production, shipment, 2007  
transportation, delivery, or other distribution of a controlled 2008  
substance. 2009

(18) (a) Refuse to permit, at the expense of a person with 2010  
a disability, reasonable modifications of existing housing 2011  
accommodations that are occupied or to be occupied by the person 2012  
with a disability, if the modifications may be necessary to 2013  
afford the person with a disability full enjoyment of the 2014  
housing accommodations. This division does not preclude a 2015

landlord of housing accommodations that are rented or to be 2016  
rented to a disabled tenant from conditioning permission for a 2017  
proposed modification upon the disabled tenant's doing one or 2018  
more of the following: 2019

(i) Providing a reasonable description of the proposed 2020  
modification and reasonable assurances that the proposed 2021  
modification will be made in a workerlike manner and that any 2022  
required building permits will be obtained prior to the 2023  
commencement of the proposed modification; 2024

(ii) Agreeing to restore at the end of the tenancy the 2025  
interior of the housing accommodations to the condition they 2026  
were in prior to the proposed modification, but subject to 2027  
reasonable wear and tear during the period of occupancy, if it 2028  
is reasonable for the landlord to condition permission for the 2029  
proposed modification upon the agreement; 2030

(iii) Paying into an interest-bearing escrow account that 2031  
is in the landlord's name, over a reasonable period of time, a 2032  
reasonable amount of money not to exceed the projected costs at 2033  
the end of the tenancy of the restoration of the interior of the 2034  
housing accommodations to the condition they were in prior to 2035  
the proposed modification, but subject to reasonable wear and 2036  
tear during the period of occupancy, if the landlord finds the 2037  
account reasonably necessary to ensure the availability of funds 2038  
for the restoration work. The interest earned in connection with 2039  
an escrow account described in this division shall accrue to the 2040  
benefit of the disabled tenant who makes payments into the 2041  
account. 2042

(b) A landlord shall not condition permission for a 2043  
proposed modification upon a disabled tenant's payment of a 2044  
security deposit that exceeds the customarily required security 2045

deposit of all tenants of the particular housing accommodations.	2046
(19) Refuse to make reasonable accommodations in rules,	2047
policies, practices, or services when necessary to afford a	2048
person with a disability equal opportunity to use and enjoy a	2049
dwelling unit, including associated public and common use areas;	2050
(20) Fail to comply with the standards and rules adopted	2051
under division (A) of section 3781.111 of the Revised Code;	2052
(21) Discriminate against any person in the selling,	2053
brokering, or appraising of real property because of race,	2054
color, religion, sex, military status, familial status,	2055
ancestry, disability, or national origin;	2056
(22) Fail to design and construct covered multifamily	2057
dwellings for first occupancy on or after June 30, 1992, in	2058
accordance with the following conditions:	2059
(a) The dwellings shall have at least one building	2060
entrance on an accessible route, unless it is impractical to do	2061
so because of the terrain or unusual characteristics of the	2062
site.	2063
(b) With respect to dwellings that have a building	2064
entrance on an accessible route, all of the following apply:	2065
(i) The public use areas and common use areas of the	2066
dwellings shall be readily accessible to and usable by persons	2067
with a disability.	2068
(ii) All the doors designed to allow passage into and	2069
within all premises shall be sufficiently wide to allow passage	2070
by persons with a disability who are in wheelchairs.	2071
(iii) All premises within covered multifamily dwelling	2072
units shall contain an accessible route into and through the	2073

dwelling; all light switches, electrical outlets, thermostats, 2074  
and other environmental controls within such units shall be in 2075  
accessible locations; the bathroom walls within such units shall 2076  
contain reinforcements to allow later installation of grab bars; 2077  
and the kitchens and bathrooms within such units shall be 2078  
designed and constructed in a manner that enables an individual 2079  
in a wheelchair to maneuver about such rooms. 2080

For purposes of division (H) (22) of this section, "covered 2081  
multifamily dwellings" means buildings consisting of four or 2082  
more units if such buildings have one or more elevators and 2083  
ground floor units in other buildings consisting of four or more 2084  
units. 2085

(I) For any person to discriminate in any manner against 2086  
any other person because that person has opposed any unlawful 2087  
discriminatory practice defined in this section or because that 2088  
person has made a charge, testified, assisted, or participated 2089  
in any manner in any investigation, proceeding, or hearing under 2090  
sections 4112.01 to 4112.07 of the Revised Code. 2091

(J) For any person to aid, abet, incite, compel, or coerce 2092  
the doing of any act declared by this section to be an unlawful 2093  
discriminatory practice, to obstruct or prevent any person from 2094  
complying with this chapter or any order issued under it, or to 2095  
attempt directly or indirectly to commit any act declared by 2096  
this section to be an unlawful discriminatory practice. 2097

(K) For any employer, to discharge without just cause, to 2098  
refuse to hire, or otherwise to discriminate against a person 2099  
who holds a valid concealed handgun license with respect to 2100  
hire, tenure, terms, conditions, or privileges of employment, or 2101  
any matter directly or indirectly related to employment, because 2102  
the licensee possessed a firearm within the person's private 2103



real property or within a motor vehicle not owned or controlled 2104  
by the employer, regardless of whether the motor vehicle is 2105  
located on the employer's real property and, if the motor 2106  
vehicle is located on the employer's real property, regardless 2107  
of the location of the motor vehicle on the employer's real 2108  
property. 2109

(L)(1) Nothing in division (H) of this section shall bar 2110  
any religious or denominational institution or organization, or 2111  
any nonprofit charitable or educational organization that is 2112  
operated, supervised, or controlled by or in connection with a 2113  
religious organization, from limiting the sale, rental, or 2114  
occupancy of housing accommodations that it owns or operates for 2115  
other than a commercial purpose to persons of the same religion, 2116  
or from giving preference in the sale, rental, or occupancy of 2117  
such housing accommodations to persons of the same religion, 2118  
unless membership in the religion is restricted on account of 2119  
race, color, or national origin. 2120

(2) Nothing in division (H) of this section shall bar any 2121  
bona fide private or fraternal organization that, incidental to 2122  
its primary purpose, owns or operates lodgings for other than a 2123  
commercial purpose, from limiting the rental or occupancy of the 2124  
lodgings to its members or from giving preference to its 2125  
members. 2126

(3) Nothing in division (H) of this section limits the 2127  
applicability of any reasonable local, state, or federal 2128  
restrictions regarding the maximum number of occupants permitted 2129  
to occupy housing accommodations. Nothing in that division 2130  
prohibits the owners or managers of housing accommodations from 2131  
implementing reasonable occupancy standards based on the number 2132  
and size of sleeping areas or bedrooms and the overall size of a 2133

dwelling unit, provided that the standards are not implemented 2134  
to circumvent the purposes of this chapter and are formulated, 2135  
implemented, and interpreted in a manner consistent with this 2136  
chapter and any applicable local, state, or federal restrictions 2137  
regarding the maximum number of occupants permitted to occupy 2138  
housing accommodations. 2139

(4) Nothing in division (H) of this section requires that 2140  
housing accommodations be made available to an individual whose 2141  
tenancy would constitute a direct threat to the health or safety 2142  
of other individuals or whose tenancy would result in 2143  
substantial physical damage to the property of others. 2144

(5) Nothing in division (H) of this section pertaining to 2145  
discrimination on the basis of familial status shall be 2146  
construed to apply to any of the following: 2147

(a) Housing accommodations provided under any state or 2148  
federal program that have been determined under the "Fair 2149  
Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 2150  
3607, as amended, to be specifically designed and operated to 2151  
assist elderly persons; 2152

(b) Housing accommodations intended for and solely 2153  
occupied by persons who are sixty-two years of age or older; 2154

(c) Housing accommodations intended and operated for 2155  
occupancy by at least one person who is fifty-five years of age 2156  
or older per unit, as determined under the "Fair Housing 2157  
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 2158  
amended. 2159

~~(L)~~ (M) Nothing in divisions (A) to (E) of this section 2160  
shall be construed to require a person with a disability to be 2161  
employed or trained under circumstances that would significantly 2162

increase the occupational hazards affecting either the person 2163  
with a disability, other employees, the general public, or the 2164  
facilities in which the work is to be performed, or to require 2165  
the employment or training of a person with a disability in a 2166  
job that requires the person with a disability routinely to 2167  
undertake any task, the performance of which is substantially 2168  
and inherently impaired by the person's disability. 2169

~~(M)~~ (N) Nothing in divisions (H) (1) to (18) of this 2170  
section shall be construed to require any person selling or 2171  
renting property to modify the property in any way or to 2172  
exercise a higher degree of care for a person with a disability, 2173  
to relieve any person with a disability of any obligation 2174  
generally imposed on all persons regardless of disability in a 2175  
written lease, rental agreement, or contract of purchase or 2176  
sale, or to forbid distinctions based on the inability to 2177  
fulfill the terms and conditions, including financial 2178  
obligations, of the lease, agreement, or contract. 2179

~~(N)~~ (O) An aggrieved individual may enforce the 2180  
individual's rights relative to discrimination on the basis of 2181  
age as provided for in this section by instituting a civil 2182  
action, within one hundred eighty days after the alleged 2183  
unlawful discriminatory practice occurred, in any court with 2184  
jurisdiction for any legal or equitable relief that will 2185  
effectuate the individual's rights. 2186

A person who files a civil action under this division is 2187  
barred, with respect to the practices complained of, from 2188  
instituting a civil action under section 4112.14 of the Revised 2189  
Code and from filing a charge with the commission under section 2190  
4112.05 of the Revised Code. 2191

~~(O)~~ (P) With regard to age, it shall not be an unlawful 2192

discriminatory practice and it shall not constitute a violation 2193  
of division (A) of section 4112.14 of the Revised Code for any 2194  
employer, employment agency, joint labor-management committee 2195  
controlling apprenticeship training programs, or labor 2196  
organization to do any of the following: 2197

(1) Establish bona fide employment qualifications 2198  
reasonably related to the particular business or occupation that 2199  
may include standards for skill, aptitude, physical capability, 2200  
intelligence, education, maturation, and experience; 2201

(2) Observe the terms of a bona fide seniority system or 2202  
any bona fide employee benefit plan, including, but not limited 2203  
to, a retirement, pension, or insurance plan, that is not a 2204  
subterfuge to evade the purposes of this section. However, no 2205  
such employee benefit plan shall excuse the failure to hire any 2206  
individual, and no such seniority system or employee benefit 2207  
plan shall require or permit the involuntary retirement of any 2208  
individual, because of the individual's age except as provided 2209  
for in the "Age Discrimination in Employment Act Amendment of 2210  
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 2211  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 2212  
3342, 29 U.S.C.A. 623, as amended. 2213

(3) Retire an employee who has attained sixty-five years 2214  
of age who, for the two-year period immediately before 2215  
retirement, is employed in a bona fide executive or a high 2216  
policymaking position, if the employee is entitled to an 2217  
immediate nonforfeitable annual retirement benefit from a 2218  
pension, profit-sharing, savings, or deferred compensation plan, 2219  
or any combination of those plans, of the employer of the 2220  
employee, which equals, in the aggregate, at least forty-four 2221  
thousand dollars, in accordance with the conditions of the "Age 2222

Discrimination in Employment Act Amendment of 1978," 92 Stat. 2223  
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 2224  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 2225  
631, as amended; 2226

(4) Observe the terms of any bona fide apprenticeship 2227  
program if the program is registered with the Ohio 2228  
apprenticeship council pursuant to sections 4139.01 to 4139.06 2229  
of the Revised Code and is approved by the federal committee on 2230  
apprenticeship of the United States department of labor. 2231

~~(P)~~(Q) Nothing in this chapter prohibiting age 2232  
discrimination and nothing in division (A) of section 4112.14 of 2233  
the Revised Code shall be construed to prohibit the following: 2234

(1) The designation of uniform age the attainment of which 2235  
is necessary for public employees to receive pension or other 2236  
retirement benefits pursuant to Chapter 145., 742., 3307., 2237  
3309., or 5505. of the Revised Code; 2238

(2) The mandatory retirement of uniformed patrol officers 2239  
of the state highway patrol as provided in section 5505.16 of 2240  
the Revised Code; 2241

(3) The maximum age requirements for appointment as a 2242  
patrol officer in the state highway patrol established by 2243  
section 5503.01 of the Revised Code; 2244

(4) The maximum age requirements established for original 2245  
appointment to a police department or fire department in 2246  
sections 124.41 and 124.42 of the Revised Code; 2247

(5) Any maximum age not in conflict with federal law that 2248  
may be established by a municipal charter, municipal ordinance, 2249  
or resolution of a board of township trustees for original 2250  
appointment as a police officer or firefighter; 2251

(6) Any mandatory retirement provision not in conflict 2252  
with federal law of a municipal charter, municipal ordinance, or 2253  
resolution of a board of township trustees pertaining to police 2254  
officers and firefighters; 2255

(7) Until January 1, 1994, the mandatory retirement of any 2256  
employee who has attained seventy years of age and who is 2257  
serving under a contract of unlimited tenure, or similar 2258  
arrangement providing for unlimited tenure, at an institution of 2259  
higher education as defined in the "Education Amendments of 2260  
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 2261

~~(Q)~~(R) (1) (a) Except as provided in division ~~(Q)~~(R) (1) (b) 2262  
of this section, for purposes of divisions (A) to (E) of this 2263  
section, a disability does not include any physiological 2264  
disorder or condition, mental or psychological disorder, or 2265  
disease or condition caused by an illegal use of any controlled 2266  
substance by an employee, applicant, or other person, if an 2267  
employer, employment agency, personnel placement service, labor 2268  
organization, or joint labor-management committee acts on the 2269  
basis of that illegal use. 2270

(b) Division ~~(Q)~~(R) (1) (a) of this section does not apply 2271  
to an employee, applicant, or other person who satisfies any of 2272  
the following: 2273

(i) The employee, applicant, or other person has 2274  
successfully completed a supervised drug rehabilitation program 2275  
and no longer is engaging in the illegal use of any controlled 2276  
substance, or the employee, applicant, or other person otherwise 2277  
successfully has been rehabilitated and no longer is engaging in 2278  
that illegal use. 2279

(ii) The employee, applicant, or other person is 2280

participating in a supervised drug rehabilitation program and no 2281  
longer is engaging in the illegal use of any controlled 2282  
substance. 2283

(iii) The employee, applicant, or other person is 2284  
erroneously regarded as engaging in the illegal use of any 2285  
controlled substance, but the employee, applicant, or other 2286  
person is not engaging in that illegal use. 2287

(2) Divisions (A) to (E) of this section do not prohibit 2288  
an employer, employment agency, personnel placement service, 2289  
labor organization, or joint labor-management committee from 2290  
doing any of the following: 2291

(a) Adopting or administering reasonable policies or 2292  
procedures, including, but not limited to, testing for the 2293  
illegal use of any controlled substance, that are designed to 2294  
ensure that an individual described in division ~~(Q)~~ (R) (1) (b) (i) 2295  
or (ii) of this section no longer is engaging in the illegal use 2296  
of any controlled substance; 2297

(b) Prohibiting the illegal use of controlled substances 2298  
and the use of alcohol at the workplace by all employees; 2299

(c) Requiring that employees not be under the influence of 2300  
alcohol or not be engaged in the illegal use of any controlled 2301  
substance at the workplace; 2302

(d) Requiring that employees behave in conformance with 2303  
the requirements established under "The Drug-Free Workplace Act 2304  
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 2305

(e) Holding an employee who engages in the illegal use of 2306  
any controlled substance or who is an alcoholic to the same 2307  
qualification standards for employment or job performance, and 2308  
the same behavior, to which the employer, employment agency, 2309

personnel placement service, labor organization, or joint labor- 2310  
management committee holds other employees, even if any 2311  
unsatisfactory performance or behavior is related to an 2312  
employee's illegal use of a controlled substance or alcoholism; 2313

(f) Exercising other authority recognized in the 2314  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 2315  
U.S.C.A. 12101, as amended, including, but not limited to, 2316  
requiring employees to comply with any applicable federal 2317  
standards. 2318

(3) For purposes of this chapter, a test to determine the 2319  
illegal use of any controlled substance does not include a 2320  
medical examination. 2321

(4) Division ~~(Q)~~ (R) of this section does not encourage, 2322  
prohibit, or authorize, and shall not be construed as 2323  
encouraging, prohibiting, or authorizing, the conduct of testing 2324  
for the illegal use of any controlled substance by employees, 2325  
applicants, or other persons, or the making of employment 2326  
decisions based on the results of that type of testing. 2327

~~(R)~~ (S) This section does not apply to a religious 2328  
corporation, association, educational institution, or society 2329  
with respect to the employment of an individual of a particular 2330  
religion to perform work connected with the carrying on by that 2331  
religious corporation, association, educational institution, or 2332  
society of its activities. 2333

(T) The unlawful discriminatory practices defined in this 2334  
section do not make it unlawful for a person or an appointing 2335  
authority administering an examination under section 124.23 of 2336  
the Revised Code to obtain information about an applicant's 2337  
military status for the purpose of determining if the applicant 2338



is eligible for the additional credit that is available under 2339  
that section. 2340

**Sec. 4112.05.** (A) The commission, as provided in this 2341  
section, shall prevent any person from engaging in unlawful 2342  
discriminatory practices, provided that, before instituting the 2343  
formal hearing authorized by division (B) of this section, it 2344  
shall attempt, by informal methods of conference, conciliation, 2345  
and persuasion, to induce compliance with this chapter. 2346

(B) (1) Any person may file a charge with the commission 2347  
alleging that another person has engaged or is engaging in an 2348  
unlawful discriminatory practice. In the case of a charge 2349  
alleging an unlawful discriminatory practice described in 2350  
division (A), (B), (C), (D), (E), (F), (G), (I), ~~or (J)~~, or (K) 2351  
of section 4112.02 or in section 4112.021 or 4112.022 of the 2352  
Revised Code, the charge shall be in writing and under oath and 2353  
shall be filed with the commission within six months after the 2354  
alleged unlawful discriminatory practice was committed. In the 2355  
case of a charge alleging an unlawful discriminatory practice 2356  
described in division (H) of section 4112.02 of the Revised 2357  
Code, the charge shall be in writing and under oath and shall be 2358  
filed with the commission within one year after the alleged 2359  
unlawful discriminatory practice was committed. 2360

(2) Upon receiving a charge, the commission may initiate a 2361  
preliminary investigation to determine whether it is probable 2362  
that an unlawful discriminatory practice has been or is being 2363  
engaged in. The commission also may conduct, upon its own 2364  
initiative and independent of the filing of any charges, a 2365  
preliminary investigation relating to any of the unlawful 2366  
discriminatory practices described in division (A), (B), (C), 2367  
(D), (E), (F), (I), ~~or (J)~~, or (K) of section 4112.02 or in 2368

section 4112.021 or 4112.022 of the Revised Code. Prior to a 2369  
notification of a complainant under division (B) (4) of this 2370  
section or prior to the commencement of informal methods of 2371  
conference, conciliation, and persuasion under that division, 2372  
the members of the commission and the officers and employees of 2373  
the commission shall not make public in any manner and shall 2374  
retain as confidential all information that was obtained as a 2375  
result of or that otherwise pertains to a preliminary 2376  
investigation other than one described in division (B) (3) of 2377  
this section. 2378

(3) (a) Unless it is impracticable to do so and subject to 2379  
its authority under division (B) (3) (d) of this section, the 2380  
commission shall complete a preliminary investigation of a 2381  
charge filed pursuant to division (B) (1) of this section that 2382  
alleges an unlawful discriminatory practice described in 2383  
division (H) of section 4112.02 of the Revised Code, and shall 2384  
take one of the following actions, within one hundred days after 2385  
the filing of the charge: 2386

(i) Notify the complainant and the respondent that it is 2387  
not probable that an unlawful discriminatory practice described 2388  
in division (H) of section 4112.02 of the Revised Code has been 2389  
or is being engaged in and that the commission will not issue a 2390  
complaint in the matter; 2391

(ii) Initiate a complaint and schedule it for informal 2392  
methods of conference, conciliation, and persuasion; 2393

(iii) Initiate a complaint and refer it to the attorney 2394  
general with a recommendation to seek a temporary or permanent 2395  
injunction or a temporary restraining order. If this action is 2396  
taken, the attorney general shall apply, as expeditiously as 2397  
possible after receipt of the complaint, to the court of common 2398

pleas of the county in which the unlawful discriminatory 2399  
practice allegedly occurred for the appropriate injunction or 2400  
order, and the court shall hear and determine the application as 2401  
expeditiously as possible. 2402

(b) If it is not practicable to comply with the 2403  
requirements of division (B) (3) (a) of this section within the 2404  
one-hundred-day period described in that division, the 2405  
commission shall notify the complainant and the respondent in 2406  
writing of the reasons for the noncompliance. 2407

(c) Prior to the issuance of a complaint under division 2408  
(B) (3) (a) (ii) or (iii) of this section or prior to a 2409  
notification of the complainant and the respondent under 2410  
division (B) (3) (a) (i) of this section, the members of the 2411  
commission and the officers and employees of the commission 2412  
shall not make public in any manner and shall retain as 2413  
confidential all information that was obtained as a result of or 2414  
that otherwise pertains to a preliminary investigation of a 2415  
charge filed pursuant to division (B) (1) of this section that 2416  
alleges an unlawful discriminatory practice described in 2417  
division (H) of section 4112.05 of the Revised Code. 2418

(d) Notwithstanding the types of action described in 2419  
divisions (B) (3) (a) (ii) and (iii) of this section, prior to the 2420  
issuance of a complaint or the referral of a complaint to the 2421  
attorney general and prior to endeavoring to eliminate an 2422  
unlawful discriminatory practice described in division (H) of 2423  
section 4112.02 of the Revised Code by informal methods of 2424  
conference, conciliation, and persuasion, the commission may 2425  
seek a temporary or permanent injunction or a temporary 2426  
restraining order in the court of common pleas of the county in 2427  
which the unlawful discriminatory practice allegedly occurred. 2428

(4) If the commission determines after a preliminary investigation other than one described in division (B)(3) of this section that it is not probable that an unlawful discriminatory practice has been or is being engaged in, it shall notify any complainant under division (B)(1) of this section that it has so determined and that it will not issue a complaint in the matter. If the commission determines after a preliminary investigation other than the one described in division (B)(3) of this section that it is probable that an unlawful discriminatory practice has been or is being engaged in, it shall endeavor to eliminate the practice by informal methods of conference, conciliation, and persuasion.

(5) Nothing said or done during informal methods of conference, conciliation, and persuasion under this section shall be disclosed by any member of the commission or its staff or be used as evidence in any subsequent hearing or other proceeding. If, after a preliminary investigation and the use of informal methods of conference, conciliation, and persuasion under this section, the commission is satisfied that any unlawful discriminatory practice will be eliminated, it may treat the charge involved as being conciliated and enter that disposition on the records of the commission. If the commission fails to effect the elimination of an unlawful discriminatory practice by informal methods of conference, conciliation, and persuasion under this section and to obtain voluntary compliance with this chapter, the commission shall issue and cause to be served upon any person, including the respondent against whom a complainant has filed a charge pursuant to division (B)(1) of this section, a complaint stating the charges involved and containing a notice of an opportunity for a hearing before the commission, a member of the commission, or a hearing examiner at

a place that is stated in the notice and that is located within 2460  
the county in which the alleged unlawful discriminatory practice 2461  
has occurred or is occurring or in which the respondent resides 2462  
or transacts business. The hearing shall be held not less than 2463  
thirty days after the service of the complaint upon the 2464  
complainant, the aggrieved persons other than the complainant on 2465  
whose behalf the complaint is issued, and the respondent, unless 2466  
the complainant, an aggrieved person, or the respondent elects 2467  
to proceed under division (A) (2) of section 4112.051 of the 2468  
Revised Code when that division is applicable. If a complaint 2469  
pertains to an alleged unlawful discriminatory practice 2470  
described in division (H) of section 4112.02 of the Revised 2471  
Code, the complaint shall notify the complainant, an aggrieved 2472  
person, and the respondent of the right of the complainant, an 2473  
aggrieved person, or the respondent to elect to proceed with the 2474  
administrative hearing process under this section or to proceed 2475  
under division (A) (2) of section 4112.051 of the Revised Code. 2476

(6) The attorney general shall represent the commission at 2477  
any hearing held pursuant to division (B) (5) of this section and 2478  
shall present the evidence in support of the complaint. 2479

(7) Any complaint issued pursuant to division (B) (5) of 2480  
this section after the filing of a charge under division (B) (1) 2481  
of this section shall be so issued within one year after the 2482  
complainant filed the charge with respect to an alleged unlawful 2483  
discriminatory practice. 2484

(C) Any complaint issued pursuant to division (B) of this 2485  
section may be amended by the commission, a member of the 2486  
commission, or the hearing examiner conducting a hearing under 2487  
division (B) of this section, at any time prior to or during the 2488  
hearing. The respondent has the right to file an answer or an 2489

amended answer to the original and amended complaints and to 2490  
appear at the hearing in person, by attorney, or otherwise to 2491  
examine and cross-examine witnesses. 2492

(D) The complainant shall be a party to a hearing under 2493  
division (B) of this section, and any person who is an 2494  
indispensable party to a complete determination or settlement of 2495  
a question involved in the hearing shall be joined. Any 2496  
aggrieved person who has or claims an interest in the subject of 2497  
the hearing and in obtaining or preventing relief against the 2498  
unlawful discriminatory practices complained of shall be 2499  
permitted to appear only for the presentation of oral or written 2500  
arguments, to present evidence, perform direct and cross- 2501  
examination, and be represented by counsel. The commission shall 2502  
adopt rules, in accordance with Chapter 119. of the Revised Code 2503  
governing the authority granted under this division. 2504

(E) In any hearing under division (B) of this section, the 2505  
commission, a member of the commission, or the hearing examiner 2506  
shall not be bound by the Rules of Evidence but, in ascertaining 2507  
the practices followed by the respondent, shall take into 2508  
account all reliable, probative, and substantial statistical or 2509  
other evidence produced at the hearing that may tend to prove 2510  
the existence of a predetermined pattern of employment or 2511  
membership, provided that nothing contained in this section 2512  
shall be construed to authorize or require any person to observe 2513  
the proportion that persons of any race, color, religion, sex, 2514  
military status, familial status, national origin, disability, 2515  
age, or ancestry bear to the total population or in accordance 2516  
with any criterion other than the individual qualifications of 2517  
the applicant. 2518

(F) The testimony taken at a hearing under division (B) of 2519

this section shall be under oath and shall be reduced to writing 2520  
and filed with the commission. Thereafter, in its discretion, 2521  
the commission, upon the service of a notice upon the 2522  
complainant and the respondent that indicates an opportunity to 2523  
be present, may take further testimony or hear argument. 2524

(G) (1) If, upon all reliable, probative, and substantial 2525  
evidence presented at a hearing under division (B) of this 2526  
section, the commission determines that the respondent has 2527  
engaged in, or is engaging in, any unlawful discriminatory 2528  
practice, whether against the complainant or others, the 2529  
commission shall state its findings of fact and conclusions of 2530  
law and shall issue and, subject to the provisions of Chapter 2531  
119. of the Revised Code, cause to be served on the respondent 2532  
an order requiring the respondent to cease and desist from the 2533  
unlawful discriminatory practice, requiring the respondent to 2534  
take any further affirmative or other action that will 2535  
effectuate the purposes of this chapter, including, but not 2536  
limited to, hiring, reinstatement, or upgrading of employees 2537  
with or without back pay, or admission or restoration to union 2538  
membership, and requiring the respondent to report to the 2539  
commission the manner of compliance. If the commission directs 2540  
payment of back pay, it shall make allowance for interim 2541  
earnings. If it finds a violation of division (H) of section 2542  
4112.02 of the Revised Code, the commission additionally shall 2543  
require the respondent to pay actual damages and reasonable 2544  
attorney's fees, and may award to the complainant punitive 2545  
damages as follows: 2546

(a) If division (G) (1) (b) or (c) of this section does not 2547  
apply, punitive damages in an amount not to exceed ten thousand 2548  
dollars; 2549

(b) If division (G) (1) (c) of this section does not apply 2550  
and if the respondent has been determined by a final order of 2551  
the commission or by a final judgment of a court to have 2552  
committed one violation of division (H) of section 4112.02 of 2553  
the Revised Code during the five-year period immediately 2554  
preceding the date on which a complaint was issued pursuant to 2555  
division (B) of this section, punitive damages in an amount not 2556  
to exceed twenty-five thousand dollars; 2557

(c) If the respondent has been determined by a final order 2558  
of the commission or by a final judgment of a court to have 2559  
committed two or more violations of division (H) of section 2560  
4112.02 of the Revised Code during the seven-year period 2561  
immediately preceding the date on which a complaint was issued 2562  
pursuant to division (B) of this section, punitive damages in an 2563  
amount not to exceed fifty thousand dollars. 2564

(2) Upon the submission of reports of compliance, the 2565  
commission may issue a declaratory order stating that the 2566  
respondent has ceased to engage in particular unlawful 2567  
discriminatory practices. 2568

(H) If the commission finds that no probable cause exists 2569  
for crediting charges of unlawful discriminatory practices or 2570  
if, upon all the evidence presented at a hearing under division 2571  
(B) of this section on a charge, the commission finds that a 2572  
respondent has not engaged in any unlawful discriminatory 2573  
practice against the complainant or others, it shall state its 2574  
findings of fact and shall issue and cause to be served on the 2575  
complainant an order dismissing the complaint as to the 2576  
respondent. A copy of the order shall be delivered in all cases 2577  
to the attorney general and any other public officers whom the 2578  
commission considers proper. 2579



(I) Until the time period for appeal set forth in division 2580  
(H) of section 4112.06 of the Revised Code expires, the 2581  
commission, subject to the provisions of Chapter 119. of the 2582  
Revised Code, at any time, upon reasonable notice, and in the 2583  
manner it considers proper, may modify or set aside, in whole or 2584  
in part, any finding or order made by it under this section. 2585

**Sec. 4112.08.** This chapter shall be construed liberally 2586  
for the accomplishment of its purposes, and any law inconsistent 2587  
with any provision of this chapter shall not apply. Nothing 2588  
contained in this chapter shall be considered to repeal any of 2589  
the provisions of any law of this state relating to 2590  
discrimination because of race, color, religion, sex, military 2591  
status, familial status, disability, national origin, age, or 2592  
ancestry, except that any person filing a charge under division 2593  
(B) (1) of section 4112.05 of the Revised Code, with respect to 2594  
the unlawful discriminatory practices complained of, is barred 2595  
from instituting a civil action under section 4112.14 or 2596  
division ~~(N)~~ (O) of section 4112.02 of the Revised Code. 2597

**Sec. 4112.14.** (A) No employer shall discriminate in any 2598  
job opening against any applicant or discharge without just 2599  
cause any employee aged forty or older who is physically able to 2600  
perform the duties and otherwise meets the established 2601  
requirements of the job and laws pertaining to the relationship 2602  
between employer and employee. 2603

(B) Any person aged forty or older who is discriminated 2604  
against in any job opening or discharged without just cause by 2605  
an employer in violation of division (A) of this section may 2606  
institute a civil action against the employer in a court of 2607  
competent jurisdiction. If the court finds that an employer has 2608  
discriminated on the basis of age, the court shall order an 2609

appropriate remedy which shall include reimbursement to the 2610  
applicant or employee for the costs, including reasonable 2611  
attorney's fees, of the action, or to reinstate the employee in 2612  
the employee's former position with compensation for lost wages 2613  
and any lost fringe benefits from the date of the illegal 2614  
discharge and to reimburse the employee for the costs, including 2615  
reasonable attorney's fees, of the action. The remedies 2616  
available under this section are coexistent with remedies 2617  
available pursuant to sections 4112.01 to 4112.11 of the Revised 2618  
Code; except that any person instituting a civil action under 2619  
this section is, with respect to the practices complained of, 2620  
thereby barred from instituting a civil action under division 2621  
~~(N)~~ (O) of section 4112.02 of the Revised Code or from filing a 2622  
charge with the Ohio civil rights commission under section 2623  
4112.05 of the Revised Code. 2624

(C) The cause of action described in division (B) of this 2625  
section and any remedies available pursuant to sections 4112.01 2626  
to 4112.11 of the Revised Code shall not be available in the 2627  
case of discharges where the employee has available to the 2628  
employee the opportunity to arbitrate the discharge or where a 2629  
discharge has been arbitrated and has been found to be for just 2630  
cause. 2631

**Section 2.** That existing sections 109.731, 1547.69, 2632  
2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.126, 2633  
2923.16, 2923.21, 4112.02, 4112.05, 4112.08, and 4112.14 of the 2634  
Revised Code are hereby repealed. 2635

**Section 3.** Section 2923.122 of the Revised Code is 2636  
presented in this act as a composite of the section as amended 2637  
by both Am. Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th 2638  
General Assembly. The General Assembly, applying the principle 2639

stated in division (B) of section 1.52 of the Revised Code that	2640
amendments are to be harmonized if reasonably capable of	2641
simultaneous operation, finds that the composite is the	2642
resulting version of the section in effect prior to the	2643
effective date of the section as presented in this act.	2644