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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**

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 632
officer, and if the officer does not charge the person with a 633
violation of this section or arrest the person for any offense, 634
the person is not otherwise prohibited by law from possessing 635
the firearm, and the firearm is not contraband, the officer 636
shall return the firearm to the person at the termination of the 637
stop. If a court orders a law enforcement officer to return a 638
firearm to a person pursuant to the requirement set forth in 639
this division, division (B) of section 2923.163 of the Revised 640
Code applies. 641

Sec. 2923.121. (A) No person shall possess a firearm in 642
any room in which any person is consuming beer or intoxicating 643
liquor in a premises for which a D permit has been issued under 644
Chapter 4303. of the Revised Code or in an open air arena for 645
which a permit of that nature has been issued. 646

(B)(1) This section does not apply to any of the 647
following: 648

(a) An officer, agent, or employee of this or any other 649
state or the United States, or to a law enforcement officer, who 650
is authorized to carry firearms and is acting within the scope 651
of the officer's, agent's, or employee's duties; 652

(b) Any person who is employed in this state, who is 653
authorized to carry firearms, and who is subject to and in 654
compliance with the requirements of section 109.801 of the 655
Revised Code, unless the appointing authority of the person has 656
expressly specified that the exemption provided in division (B) 657
(1)(b) of this section does not apply to the person; 658

(c) Any room used for the accommodation of guests of a 659
hotel, as defined in section 4301.01 of the Revised Code; 660

(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 possession of a firearm in a liquor permit premises. Except as otherwise provided in this division, illegal possession of a firearm in a liquor permit premises is a felony of the fifth degree. If the offender commits the violation of this section by knowingly carrying or having the firearm concealed on the offender's person or concealed ready at hand, illegal possession of a firearm in a liquor permit premises is a felony of the third degree.

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

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

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

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

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

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

(D) (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 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 780
of the object. 781

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

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

(b) The person is carrying a valid concealed handgun 789
license or the person is an active duty member of the armed 790
forces of the United States and is carrying a valid military 791
identification card and documentation of successful completion 792
of firearms training that meets or exceeds the training 793
requirements described in division (G)(1) of section 2923.125 of 794
the Revised Code. 795

(c) The person is in the school safety zone in accordance 796
with 18 U.S.C. 922(q)(2)(B). 797

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

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

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

Sec. 2923.21. (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 2429
investigation other than one described in division (B)(3) of 2430
this section that it is not probable that an unlawful 2431
discriminatory practice has been or is being engaged in, it 2432
shall notify any complainant under division (B)(1) of this 2433
section that it has so determined and that it will not issue a 2434
complaint in the matter. If the commission determines after a 2435
preliminary investigation other than the one described in 2436
division (B)(3) of this section that it is probable that an 2437
unlawful discriminatory practice has been or is being engaged 2438
in, it shall endeavor to eliminate the practice by informal 2439
methods of conference, conciliation, and persuasion. 2440

(5) Nothing said or done during informal methods of 2441
conference, conciliation, and persuasion under this section 2442
shall be disclosed by any member of the commission or its staff 2443
or be used as evidence in any subsequent hearing or other 2444
proceeding. If, after a preliminary investigation and the use of 2445
informal methods of conference, conciliation, and persuasion 2446
under this section, the commission is satisfied that any 2447
unlawful discriminatory practice will be eliminated, it may 2448
treat the charge involved as being conciliated and enter that 2449
disposition on the records of the commission. If the commission 2450
fails to effect the elimination of an unlawful discriminatory 2451
practice by informal methods of conference, conciliation, and 2452
persuasion under this section and to obtain voluntary compliance 2453
with this chapter, the commission shall issue and cause to be 2454
served upon any person, including the respondent against whom a 2455
complainant has filed a charge pursuant to division (B)(1) of 2456
this section, a complaint stating the charges involved and 2457
containing a notice of an opportunity for a hearing before the 2458
commission, a member of the commission, or a hearing examiner at 2459

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