

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 310**

**Representative Vitale**

**Cosponsors: Representatives Antani, Becker, Brenner, Brinkman, Dean,  
Goodman, Hood, Johnson, Keller, Merrin, Riedel, Seitz, Thompson, Schaffer,  
Sprague, Wiggam, Zeltwanger**

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**A BILL**

To amend section 2923.126 of the Revised Code to 1  
permit an elected officeholder of this state or 2  
a political subdivision of this state who holds 3  
a valid concealed handgun license to carry a 4  
concealed handgun in a government facility of 5  
this state or a political subdivision of this 6  
state. 7

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

**Section 1.** That section 2923.126 of the Revised Code be 8  
amended to read as follows: 9

**Sec. 2923.126.** (A) A concealed handgun license that is 10  
issued under section 2923.125 of the Revised Code shall expire 11  
five years after the date of issuance. A licensee who has been 12  
issued a license under that section shall be granted a grace 13  
period of thirty days after the licensee's license expires 14  
during which the licensee's license remains valid. Except as 15  
provided in divisions (B) and (C) of this section, a licensee 16  
who has been issued a concealed handgun license under section 17

2923.125 or 2923.1213 of the Revised Code may carry a concealed 18  
handgun anywhere in this state if the licensee also carries a 19  
valid license and valid identification when the licensee is in 20  
actual possession of a concealed handgun. The licensee shall 21  
give notice of any change in the licensee's residence address to 22  
the sheriff who issued the license within forty-five days after 23  
that change. 24

If a licensee is the driver or an occupant of a motor 25  
vehicle that is stopped as the result of a traffic stop or a 26  
stop for another law enforcement purpose and if the licensee is 27  
transporting or has a loaded handgun in the motor vehicle at 28  
that time, the licensee shall promptly inform any law 29  
enforcement officer who approaches the vehicle while stopped 30  
that the licensee has been issued a concealed handgun license 31  
and that the licensee currently possesses or has a loaded 32  
handgun; the licensee shall not knowingly disregard or fail to 33  
comply with lawful orders of a law enforcement officer given 34  
while the motor vehicle is stopped, knowingly fail to remain in 35  
the motor vehicle while stopped, or knowingly fail to keep the 36  
licensee's hands in plain sight after any law enforcement 37  
officer begins approaching the licensee while stopped and before 38  
the officer leaves, unless directed otherwise by a law 39  
enforcement officer; and the licensee shall not knowingly have 40  
contact with the loaded handgun by touching it with the 41  
licensee's hands or fingers, in any manner in violation of 42  
division (E) of section 2923.16 of the Revised Code, after any 43  
law enforcement officer begins approaching the licensee while 44  
stopped and before the officer leaves. Additionally, if a 45  
licensee is the driver or an occupant of a commercial motor 46  
vehicle that is stopped by an employee of the motor carrier 47  
enforcement unit for the purposes defined in section 5503.34 of 48

the Revised Code and if the licensee is transporting or has a 49  
loaded handgun in the commercial motor vehicle at that time, the 50  
licensee shall promptly inform the employee of the unit who 51  
approaches the vehicle while stopped that the licensee has been 52  
issued a concealed handgun license and that the licensee 53  
currently possesses or has a loaded handgun. 54

If a licensee is stopped for a law enforcement purpose and 55  
if the licensee is carrying a concealed handgun at the time the 56  
officer approaches, the licensee shall promptly inform any law 57  
enforcement officer who approaches the licensee while stopped 58  
that the licensee has been issued a concealed handgun license 59  
and that the licensee currently is carrying a concealed handgun; 60  
the licensee shall not knowingly disregard or fail to comply 61  
with lawful orders of a law enforcement officer given while the 62  
licensee is stopped or knowingly fail to keep the licensee's 63  
hands in plain sight after any law enforcement officer begins 64  
approaching the licensee while stopped and before the officer 65  
leaves, unless directed otherwise by a law enforcement officer; 66  
and the licensee shall not knowingly remove, attempt to remove, 67  
grasp, or hold the loaded handgun or knowingly have contact with 68  
the loaded handgun by touching it with the licensee's hands or 69  
fingers, in any manner in violation of division (B) of section 70  
2923.12 of the Revised Code, after any law enforcement officer 71  
begins approaching the licensee while stopped and before the 72  
officer leaves. 73

(B) A valid concealed handgun license does not authorize 74  
the licensee to carry a concealed handgun in any manner 75  
prohibited under division (B) of section 2923.12 of the Revised 76  
Code or in any manner prohibited under section 2923.16 of the 77  
Revised Code. A valid license does not authorize the licensee to 78  
carry a concealed handgun into any of the following places: 79

- (1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section 5119.14 of the Revised Code or division (A) (1) of section 5123.03 of the Revised Code; 80  
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- (2) A school safety zone if the licensee's carrying the concealed handgun is in violation of section 2923.122 of the Revised Code; 91  
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- (3) A courthouse or another building or structure in which a courtroom is located, in violation of section 2923.123 of the Revised Code; 94  
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- (4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code; 97  
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- (5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed 101  
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handgun on the premises; 110

(6) Any church, synagogue, mosque, or other place of 111  
worship, unless the church, synagogue, mosque, or other place of 112  
worship posts or permits otherwise; 113

(7) ~~Any~~ (a) Except as provided in division (B) (7) (b) of 114  
this section, any building that is a government facility of this 115  
state or a political subdivision of this state and that is not a 116  
building that is used primarily as a shelter, restroom, parking 117  
facility for motor vehicles, or rest facility and is not a 118  
courthouse or other building or structure in which a courtroom 119  
is located that is subject to division (B) (3) of this section, 120  
unless the governing body with authority over the building has 121  
enacted a statute, ordinance, or policy that permits a licensee 122  
to carry a concealed handgun into the building; 123

(b) Division (B) (7) (a) of this section does not prohibit a 124  
licensee who is an elected officeholder of this state or a 125  
political subdivision of this state from carrying a concealed 126  
handgun in a government facility of this state or a political 127  
subdivision of this state. 128

(8) A place in which federal law prohibits the carrying of 129  
handguns. 130

(C) (1) Nothing in this section shall negate or restrict a 131  
rule, policy, or practice of a private employer that is not a 132  
private college, university, or other institution of higher 133  
education concerning or prohibiting the presence of firearms on 134  
the private employer's premises or property, including motor 135  
vehicles owned by the private employer. Nothing in this section 136  
shall require a private employer of that nature to adopt a rule, 137  
policy, or practice concerning or prohibiting the presence of 138

firearms on the private employer's premises or property, 139  
including motor vehicles owned by the private employer. 140

(2) (a) A private employer shall be immune from liability 141  
in a civil action for any injury, death, or loss to person or 142  
property that allegedly was caused by or related to a licensee 143  
bringing a handgun onto the premises or property of the private 144  
employer, including motor vehicles owned by the private 145  
employer, unless the private employer acted with malicious 146  
purpose. A private employer is immune from liability in a civil 147  
action for any injury, death, or loss to person or property that 148  
allegedly was caused by or related to the private employer's 149  
decision to permit a licensee to bring, or prohibit a licensee 150  
from bringing, a handgun onto the premises or property of the 151  
private employer. 152

(b) A political subdivision shall be immune from liability 153  
in a civil action, to the extent and in the manner provided in 154  
Chapter 2744. of the Revised Code, for any injury, death, or 155  
loss to person or property that allegedly was caused by or 156  
related to a licensee bringing a handgun onto any premises or 157  
property owned, leased, or otherwise under the control of the 158  
political subdivision. As used in this division, "political 159  
subdivision" has the same meaning as in section 2744.01 of the 160  
Revised Code. 161

(c) An institution of higher education shall be immune 162  
from liability in a civil action for any injury, death, or loss 163  
to person or property that allegedly was caused by or related to 164  
a licensee bringing a handgun onto the premises of the 165  
institution, including motor vehicles owned by the institution, 166  
unless the institution acted with malicious purpose. An 167  
institution of higher education is immune from liability in a 168

civil action for any injury, death, or loss to person or 169  
property that allegedly was caused by or related to the 170  
institution's decision to permit a licensee or class of 171  
licensees to bring a handgun onto the premises of the 172  
institution. 173

(3) (a) Except as provided in division (C) (3) (b) of this 174  
section, the owner or person in control of private land or 175  
premises, and a private person or entity leasing land or 176  
premises owned by the state, the United States, or a political 177  
subdivision of the state or the United States, may post a sign 178  
in a conspicuous location on that land or on those premises 179  
prohibiting persons from carrying firearms or concealed firearms 180  
on or onto that land or those premises. Except as otherwise 181  
provided in this division, a person who knowingly violates a 182  
posted prohibition of that nature is guilty of criminal trespass 183  
in violation of division (A) (4) of section 2911.21 of the 184  
Revised Code and is guilty of a misdemeanor of the fourth 185  
degree. If a person knowingly violates a posted prohibition of 186  
that nature and the posted land or premises primarily was a 187  
parking lot or other parking facility, the person is not guilty 188  
of criminal trespass under section 2911.21 of the Revised Code 189  
or under any other criminal law of this state or criminal law, 190  
ordinance, or resolution of a political subdivision of this 191  
state, and instead is subject only to a civil cause of action 192  
for trespass based on the violation. 193

If a person knowingly violates a posted prohibition of the 194  
nature described in this division and the posted land or 195  
premises is a child day-care center, type A family day-care 196  
home, or type B family day-care home, unless the person is a 197  
licensee who resides in a type A family day-care home or type B 198  
family day-care home, the person is guilty of aggravated 199

trespass in violation of section 2911.211 of the Revised Code. 200  
Except as otherwise provided in this division, the offender is 201  
guilty of a misdemeanor of the first degree. If the person 202  
previously has been convicted of a violation of this division or 203  
of any offense of violence, if the weapon involved is a firearm 204  
that is either loaded or for which the offender has ammunition 205  
ready at hand, or if the weapon involved is dangerous ordnance, 206  
the offender is guilty of a felony of the fourth degree. 207

(b) A landlord may not prohibit or restrict a tenant who 208  
is a licensee and who on or after September 9, 2008, enters into 209  
a rental agreement with the landlord for the use of residential 210  
premises, and the tenant's guest while the tenant is present, 211  
from lawfully carrying or possessing a handgun on those 212  
residential premises. 213

(c) As used in division (C) (3) of this section: 214

(i) "Residential premises" has the same meaning as in 215  
section 5321.01 of the Revised Code, except "residential 216  
premises" does not include a dwelling unit that is owned or 217  
operated by a college or university. 218

(ii) "Landlord," "tenant," and "rental agreement" have the 219  
same meanings as in section 5321.01 of the Revised Code. 220

(D) A person who holds a valid concealed handgun license 221  
issued by another state that is recognized by the attorney 222  
general pursuant to a reciprocity agreement entered into 223  
pursuant to section 109.69 of the Revised Code or a person who 224  
holds a valid concealed handgun license under the circumstances 225  
described in division (B) of section 109.69 of the Revised Code 226  
has the same right to carry a concealed handgun in this state as 227  
a person who was issued a concealed handgun license under 228



section 2923.125 of the Revised Code and is subject to the same 229  
restrictions that apply to a person who carries a license issued 230  
under that section. 231

(E) (1) A peace officer has the same right to carry a 232  
concealed handgun in this state as a person who was issued a 233  
concealed handgun license under section 2923.125 of the Revised 234  
Code. For purposes of reciprocity with other states, a peace 235  
officer shall be considered to be a licensee in this state. 236

(2) An active duty member of the armed forces of the 237  
United States who is carrying a valid military identification 238  
card and documentation of successful completion of firearms 239  
training that meets or exceeds the training requirements 240  
described in division (G) (1) of section 2923.125 of the Revised 241  
Code has the same right to carry a concealed handgun in this 242  
state as a person who was issued a concealed handgun license 243  
under section 2923.125 of the Revised Code and is subject to the 244  
same restrictions as specified in this section. 245

(F) (1) A qualified retired peace officer who possesses a 246  
retired peace officer identification card issued pursuant to 247  
division (F) (2) of this section and a valid firearms 248  
requalification certification issued pursuant to division (F) (3) 249  
of this section has the same right to carry a concealed handgun 250  
in this state as a person who was issued a concealed handgun 251  
license under section 2923.125 of the Revised Code and is 252  
subject to the same restrictions that apply to a person who 253  
carries a license issued under that section. For purposes of 254  
reciprocity with other states, a qualified retired peace officer 255  
who possesses a retired peace officer identification card issued 256  
pursuant to division (F) (2) of this section and a valid firearms 257  
requalification certification issued pursuant to division (F) (3) 258

of this section shall be considered to be a licensee in this 259  
state. 260

(2) (a) Each public agency of this state or of a political 261  
subdivision of this state that is served by one or more peace 262  
officers shall issue a retired peace officer identification card 263  
to any person who retired from service as a peace officer with 264  
that agency, if the issuance is in accordance with the agency's 265  
policies and procedures and if the person, with respect to the 266  
person's service with that agency, satisfies all of the 267  
following: 268

(i) The person retired in good standing from service as a 269  
peace officer with the public agency, and the retirement was not 270  
for reasons of mental instability. 271

(ii) Before retiring from service as a peace officer with 272  
that agency, the person was authorized to engage in or supervise 273  
the prevention, detection, investigation, or prosecution of, or 274  
the incarceration of any person for, any violation of law and 275  
the person had statutory powers of arrest. 276

(iii) At the time of the person's retirement as a peace 277  
officer with that agency, the person was trained and qualified 278  
to carry firearms in the performance of the peace officer's 279  
duties. 280

(iv) Before retiring from service as a peace officer with 281  
that agency, the person was regularly employed as a peace 282  
officer for an aggregate of fifteen years or more, or, in the 283  
alternative, the person retired from service as a peace officer 284  
with that agency, after completing any applicable probationary 285  
period of that service, due to a service-connected disability, 286  
as determined by the agency. 287

(b) A retired peace officer identification card issued to 288  
a person under division (F) (2) (a) of this section shall identify 289  
the person by name, contain a photograph of the person, identify 290  
the public agency of this state or of the political subdivision 291  
of this state from which the person retired as a peace officer 292  
and that is issuing the identification card, and specify that 293  
the person retired in good standing from service as a peace 294  
officer with the issuing public agency and satisfies the 295  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 296  
section. In addition to the required content specified in this 297  
division, a retired peace officer identification card issued to 298  
a person under division (F) (2) (a) of this section may include 299  
the firearms requalification certification described in division 300  
(F) (3) of this section, and if the identification card includes 301  
that certification, the identification card shall serve as the 302  
firearms requalification certification for the retired peace 303  
officer. If the issuing public agency issues credentials to 304  
active law enforcement officers who serve the agency, the agency 305  
may comply with division (F) (2) (a) of this section by issuing 306  
the same credentials to persons who retired from service as a 307  
peace officer with the agency and who satisfy the criteria set 308  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 309  
provided that the credentials so issued to retired peace 310  
officers are stamped with the word "RETIRED." 311

(c) A public agency of this state or of a political 312  
subdivision of this state may charge persons who retired from 313  
service as a peace officer with the agency a reasonable fee for 314  
issuing to the person a retired peace officer identification 315  
card pursuant to division (F) (2) (a) of this section. 316

(3) If a person retired from service as a peace officer 317  
with a public agency of this state or of a political subdivision 318

of this state and the person satisfies the criteria set forth in 319  
divisions (F) (2) (a) (i) to (iv) of this section, the public 320  
agency may provide the retired peace officer with the 321  
opportunity to attend a firearms requalification program that is 322  
approved for purposes of firearms requalification required under 323  
section 109.801 of the Revised Code. The retired peace officer 324  
may be required to pay the cost of the course. 325

If a retired peace officer who satisfies the criteria set 326  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 327  
a firearms requalification program that is approved for purposes 328  
of firearms requalification required under section 109.801 of 329  
the Revised Code, the retired peace officer's successful 330  
completion of the firearms requalification program requalifies 331  
the retired peace officer for purposes of division (F) of this 332  
section for five years from the date on which the program was 333  
successfully completed, and the requalification is valid during 334  
that five-year period. If a retired peace officer who satisfies 335  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 336  
section satisfactorily completes such a firearms requalification 337  
program, the retired peace officer shall be issued a firearms 338  
requalification certification that identifies the retired peace 339  
officer by name, identifies the entity that taught the program, 340  
specifies that the retired peace officer successfully completed 341  
the program, specifies the date on which the course was 342  
successfully completed, and specifies that the requalification 343  
is valid for five years from that date of successful completion. 344  
The firearms requalification certification for a retired peace 345  
officer may be included in the retired peace officer 346  
identification card issued to the retired peace officer under 347  
division (F) (2) of this section. 348

A retired peace officer who attends a firearms 349

requalification program that is approved for purposes of 350  
firearms requalification required under section 109.801 of the 351  
Revised Code may be required to pay the cost of the program. 352

(G) As used in this section: 353

(1) "Qualified retired peace officer" means a person who 354  
satisfies all of the following: 355

(a) The person satisfies the criteria set forth in 356  
divisions (F) (2) (a) (i) to (v) of this section. 357

(b) The person is not under the influence of alcohol or 358  
another intoxicating or hallucinatory drug or substance. 359

(c) The person is not prohibited by federal law from 360  
receiving firearms. 361

(2) "Retired peace officer identification card" means an 362  
identification card that is issued pursuant to division (F) (2) 363  
of this section to a person who is a retired peace officer. 364

(3) "Government facility of this state or a political 365  
subdivision of this state" means any of the following: 366

(a) A building or part of a building that is owned or 367  
leased by the government of this state or a political 368  
subdivision of this state and where employees of the government 369  
of this state or the political subdivision regularly are present 370  
for the purpose of performing their official duties as employees 371  
of the state or political subdivision; 372

(b) The office of a deputy registrar serving pursuant to 373  
Chapter 4503. of the Revised Code that is used to perform deputy 374  
registrar functions. 375

(4) "Governing body" has the same meaning as in section 376

154.01 of the Revised Code. 377

**Section 2.** That existing section 2923.126 of the Revised 378  
Code is hereby repealed. 379