

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**

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
81
82
83
84
85
86
87
88
89
90
- (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
92
93
- (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
95
96
- (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
98
99
100
- (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
102
103
104
105
106
107
108
109

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