

As Introduced

132nd General Assembly

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H. B. No. 373

Representative Vitale

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

A BILL

To amend sections 105.41, 123.011, 2923.122, 1
2923.123, and 2923.126 of the Revised Code to 2
permit any person who holds a valid concealed 3
handgun license to carry a concealed handgun in 4
a courthouse, a courtroom, or a government 5
facility of this state or in a government 6
facility of a political subdivision of this 7
state if the political subdivision has not 8
enacted an ordinance or policy that prohibits a 9
licensee from carrying a concealed handgun into 10
the building or the court has not enacted a rule 11
that prohibits a licensee from carrying a deadly 12
weapon or dangerous ordnance into the courthouse 13
or courtroom. 14

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

Section 1. That sections 105.41, 123.011, 2923.122, 15
2923.123, and 2923.126 of the Revised Code be amended to read as 16
follows: 17

Sec. 105.41. (A) There is hereby created in the 18
legislative branch of government the capitol square review and 19
advisory board, consisting of twelve members as follows: 20

(1) Two members of the senate, appointed by the president 21
of the senate, both of whom shall not be members of the same 22
political party; 23

(2) Two members of the house of representatives, appointed 24
by the speaker of the house of representatives, both of whom 25
shall not be members of the same political party; 26

(3) Four members appointed by the governor, with the 27
advice and consent of the senate, not more than three of whom 28
shall be members of the same political party, one of whom shall 29
be the chief of staff of the governor's office, one of whom 30
shall represent the Ohio arts council, one of whom shall 31
represent the Ohio history connection, and one of whom shall 32
represent the public at large; 33

(4) One member, who shall be a former president of the 34
senate, appointed by the current president of the senate. If the 35
current president of the senate, in the current president's 36
discretion, decides for any reason not to make the appointment 37
or if no person is eligible or available to serve, the seat 38
shall remain vacant. 39

(5) One member, who shall be a former speaker of the house 40
of representatives, appointed by the current speaker of the 41
house of representatives. If the current speaker of the house of 42
representatives, in the current speaker's discretion, decides 43
for any reason not to make the appointment or if no person is 44
eligible or available to serve, the seat shall remain vacant. 45

(6) The clerk of the senate and the clerk of the house of 46

representatives. 47

(B) Terms of office of each appointed member of the board 48
shall be for three years, except that members of the general 49
assembly appointed to the board shall be members of the board 50
only so long as they are members of the general assembly and the 51
chief of staff of the governor's office shall be a member of the 52
board only so long as the appointing governor remains in office. 53
Each member shall hold office from the date of the member's 54
appointment until the end of the term for which the member was 55
appointed. In case of a vacancy occurring on the board, the 56
president of the senate, the speaker of the house of 57
representatives, or the governor, as the case may be, shall in 58
the same manner prescribed for the regular appointment to the 59
commission, fill the vacancy by appointing a member. Any member 60
appointed to fill a vacancy occurring prior to the expiration of 61
the term for which the member's predecessor was appointed shall 62
hold office for the remainder of the term. Any appointed member 63
shall continue in office subsequent to the expiration date of 64
the member's term until the member's successor takes office, or 65
until a period of sixty days has elapsed, whichever occurs 66
first. 67

(C) The board shall hold meetings in a manner and at times 68
prescribed by the rules adopted by the board. A majority of the 69
board constitutes a quorum, and no action shall be taken by the 70
board unless approved by at least six members or by at least 71
seven members if a person is appointed under division (A) (4) or 72
(5) of this section. At its first meeting, the board shall adopt 73
rules for the conduct of its business and the election of its 74
officers, and shall organize by selecting officers other than a 75
chairperson as it considers necessary. In odd-numbered years, 76
the majority member from the senate shall serve as chairperson; 77

in even-numbered years, the majority member from the house of 78
representatives shall serve as chairperson. Board members shall 79
serve without compensation but shall be reimbursed for actual 80
and necessary expenses incurred in the performance of their 81
duties. 82

(D) The board may do any of the following: 83

(1) Employ or hire on a consulting basis professional, 84
technical, and clerical employees as are necessary for the 85
performance of its duties. All employees of the board are in the 86
unclassified service and serve at the pleasure of the board. For 87
purposes of section 4117.01 of the Revised Code, employees of 88
the board shall be considered employees of the general assembly, 89
except that employees who are covered by a collective bargaining 90
agreement on September 29, 2011, shall remain subject to the 91
agreement until the agreement expires on its terms, and the 92
agreement shall not be extended or renewed. Upon expiration of 93
the agreement, the employees are considered employees of the 94
general assembly for purposes of section 4117.01 of the Revised 95
Code and are in the unclassified service and serve at the 96
pleasure of the board. 97

(2) Hold public hearings at times and places as determined 98
by the board; 99

(3) Adopt, amend, or rescind rules necessary to accomplish 100
the duties of the board as set forth in this section; 101

(4) Sponsor, conduct, and support such social events as 102
the board may authorize and consider appropriate for the 103
employees of the board, employees and members of the general 104
assembly, employees of persons under contract with the board or 105
otherwise engaged to perform services on the premises of capitol 106

square, or other persons as the board may consider appropriate. 107
Subject to the requirements of Chapter 4303. of the Revised 108
Code, the board may provide beer, wine, and intoxicating liquor, 109
with or without charge, for those events and may use funds only 110
from the sale of goods and services fund to purchase the beer, 111
wine, and intoxicating liquor the board provides; 112

(5) Purchase a warehouse in which to store items of the 113
capitol collection trust and, whenever necessary, equipment or 114
other property of the board. 115

(E) The board shall do all of the following: 116

(1) Have sole authority to coordinate and approve any 117
improvements, additions, and renovations that are made to the 118
capitol square. The improvements shall include, but not be 119
limited to, the placement of monuments and sculpture on the 120
capitol grounds. 121

(2) Operate the capitol square, and have sole authority to 122
regulate all uses of the capitol square. The uses shall include, 123
but not be limited to, the casual and recreational use of the 124
capitol square. 125

(3) Employ, fix the compensation of, and prescribe the 126
duties of the executive director of the board and other 127
employees the board considers necessary for the performance of 128
its powers and duties; 129

(4) Establish and maintain the capitol collection trust. 130
The capitol collection trust shall consist of furniture, 131
antiques, and other items of personal property that the board 132
shall store in suitable facilities until they are ready to be 133
displayed in the capitol square. 134

(5) Perform repair, construction, contracting, purchasing, 135

maintenance, supervisory, and operating activities the board 136
determines are necessary for the operation and maintenance of 137
the capitol square; 138

(6) Maintain and preserve the capitol square, in 139
accordance with guidelines issued by the United States secretary 140
of the interior for application of the secretary's standards for 141
rehabilitation adopted in 36 C.F.R. part 67; 142

(7) Plan and develop a center at the capitol building for 143
the purpose of educating visitors about the history of Ohio, 144
including its political, economic, and social development and 145
the design and erection of the capitol building and its grounds. 146

(F) (1) The board shall lease capital facilities improved 147
by the department of administrative services or financed by the 148
treasurer of state pursuant to Chapter 154. of the Revised Code 149
for the use of the board, and may enter into any other 150
agreements with the department, the Ohio public facilities 151
commission, or any other authorized governmental agency 152
ancillary to improvement, financing, or leasing of those capital 153
facilities, including, but not limited to, any agreement 154
required by the applicable bond proceedings authorized by 155
Chapter 154. of the Revised Code. Any lease of capital 156
facilities authorized by this section shall be governed by 157
Chapter 154. of the Revised Code. 158

(2) Fees, receipts, and revenues received by the board 159
from the state underground parking garage constitute available 160
receipts as defined in section 154.24 of the Revised Code, and 161
may be pledged to the payment of bond service charges on 162
obligations issued by the treasurer of state pursuant to Chapter 163
154. of the Revised Code to improve, finance, or purchase 164
capital facilities useful to the board. The treasurer of state 165

may, with the consent of the board, provide in the bond 166
proceedings for a pledge of all or a portion of those fees, 167
receipts, and revenues as the treasurer of state determines. The 168
treasurer of state may provide in the bond proceedings or by 169
separate agreement with the board for the transfer of those 170
fees, receipts, and revenues to the appropriate bond service 171
fund or bond service reserve fund as required to pay the bond 172
service charges when due, and any such provision for the 173
transfer of those fees, receipts, and revenues shall be 174
controlling notwithstanding any other provision of law 175
pertaining to those fees, receipts, and revenues. 176

(3) All moneys received by the treasurer of state on 177
account of the board and required by the applicable bond 178
proceedings or by separate agreement with the board to be 179
deposited, transferred, or credited to the bond service fund or 180
bond service reserve fund established by the bond proceedings 181
shall be transferred by the treasurer of state to such fund, 182
whether or not it is in the custody of the treasurer of state, 183
without necessity for further appropriation. 184

(G) (1) Except as otherwise provided in division (G) (2) of 185
this section, all fees, receipts, and revenues received by the 186
board from the state underground parking garage shall be 187
deposited into the state treasury to the credit of the 188
underground parking garage operating fund, which is hereby 189
created, to be used for the purposes specified in division (F) 190
of this section and for the operation and maintenance of the 191
garage. All investment earnings of the fund shall be credited to 192
the fund. 193

(2) There is hereby created the parking garage automated 194
equipment fund, which shall be in the custody of the treasurer 195

of state but shall not be part of the state treasury. Money in 196
the fund shall be used to purchase the automated teller machine 197
quality dollar bills needed for operation of the parking garage 198
automated equipment. The fund shall consist of fees, receipts, 199
or revenues received by the board from the state underground 200
parking garage; provided, however, that the total amount 201
deposited into the fund at any one time shall not exceed ten 202
thousand dollars. All investment earnings of the fund shall be 203
credited to the fund. 204

(H) All donations received by the board shall be deposited 205
into the state treasury to the credit of the capitol square 206
renovation gift fund, which is hereby created. The fund shall be 207
used by the board as follows: 208

(1) To provide part or all of the funding related to 209
construction, goods, or services for the renovation of the 210
capitol square; 211

(2) To purchase art, antiques, and artifacts for display 212
at the capitol square; 213

(3) To award contracts or make grants to organizations for 214
educating the public regarding the historical background and 215
governmental functions of the capitol square. Chapters 125., 216
127., and 153. and section 3517.13 of the Revised Code do not 217
apply to purchases made exclusively from the fund, 218
notwithstanding anything to the contrary in those chapters or 219
that section. All investment earnings of the fund shall be 220
credited to the fund. 221

(I) Except as provided in divisions (G), (H), and (J) of 222
this section, all fees, receipts, and revenues received by the 223
board shall be deposited into the state treasury to the credit 224

of the sale of goods and services fund, which is hereby created. 225
Money credited to the fund shall be used solely to pay costs of 226
the board other than those specified in divisions (F) and (G) of 227
this section. All investment earnings of the fund shall be 228
credited to the fund. 229

(J) There is hereby created in the state treasury the 230
capitol square improvement fund, to be used by the board to pay 231
construction, renovation, and other costs related to the capitol 232
square for which money is not otherwise available to the board. 233
Whenever the board determines that there is a need to incur 234
those costs and that the unencumbered, unobligated balance to 235
the credit of the underground parking garage operating fund 236
exceeds the amount needed for the purposes specified in division 237
(F) of this section and for the operation and maintenance of the 238
garage, the board may request the director of budget and 239
management to transfer from the underground parking garage 240
operating fund to the capitol square improvement fund the amount 241
needed to pay such construction, renovation, or other costs. The 242
director then shall transfer the amount needed from the excess 243
balance of the underground parking garage operating fund. 244

(K) As the operation and maintenance of the capitol square 245
constitute essential government functions of a public purpose, 246
the board shall not be required to pay taxes or assessments upon 247
the square, upon any property acquired or used by the board 248
under this section, or upon any income generated by the 249
operation of the square. 250

(L) As used in this section, "capitol square" means the 251
capitol building, senate building, capitol atrium, capitol 252
grounds, the state underground parking garage, and the warehouse 253
owned by the board. 254

(M) The capitol annex shall be known as the senate 255
building. 256

~~(N) Any person may possess a firearm in a motor vehicle in 257
the state underground parking garage at the state capitol 258
building, if the person's possession of the firearm in the motor 259
vehicle is not in violation of section 2923.16 of the Revised 260
Code or any other provision of the Revised Code. Any person may 261
store or leave a firearm in a locked motor vehicle that is 262
parked in the state underground parking garage at the state 263
capitol building, if the person's transportation and possession 264
of the firearm in the motor vehicle while traveling to the 265
garage was not in violation of section 2923.16 of the Revised 266
Code or any other provision of the Revised Code. 267~~

Sec. 123.011. ~~(A)~~The department of administrative 268
services may: 269

~~(1) (A) Fix, alter, and charge rentals and other charges 270
for the use and occupancy of its buildings, facilities, and 271
other properties; 272~~

~~(2) (B) Provide for the persons occupying its buildings, 273
facilities, and other properties, health clinics, medical 274
services, food services, and such other services as such persons 275
cannot provide for themselves; and, if the department determines 276
that it is more advantageous, it may enter into contracts with 277
persons, firms, or corporations or with any governmental agency, 278
board, commission, or department to provide any of such clinics 279
or services. 280~~

~~(B) Any person may possess a firearm in a motor vehicle in 281
the parking garage at the Riffe center for government and the 282
arts in Columbus, if the person's possession of the firearm in 283~~

~~the motor vehicle is not in violation of section 2923.16 of the~~ 284
~~Revised Code or any other provision of the Revised Code. Any~~ 285
~~person may store or leave a firearm in a locked motor vehicle~~ 286
~~that is parked in the parking garage at the Riffe center for~~ 287
~~government and the arts in Columbus, if the person's~~ 288
~~transportation and possession of the firearm in the motor~~ 289
~~vehicle while traveling to the garage was not in violation of~~ 290
~~section 2923.16 of the Revised Code or any other provision of~~ 291
~~the Revised Code.~~ 292

Sec. 2923.122. (A) No person shall knowingly convey, or 293
attempt to convey, a deadly weapon or dangerous ordnance into a 294
school safety zone. 295

(B) No person shall knowingly possess a deadly weapon or 296
dangerous ordnance in a school safety zone. 297

(C) No person shall knowingly possess an object in a 298
school safety zone if both of the following apply: 299

(1) The object is indistinguishable from a firearm, 300
whether or not the object is capable of being fired. 301

(2) The person indicates that the person possesses the 302
object and that it is a firearm, or the person knowingly 303
displays or brandishes the object and indicates that it is a 304
firearm. 305

(D) (1) This section does not apply to any of the 306
following: 307

(a) An officer, agent, or employee of this or any other 308
state or the United States who is authorized to carry deadly 309
weapons or dangerous ordnance and is acting within the scope of 310
the officer's, agent's, or employee's duties, a law enforcement 311
officer who is authorized to carry deadly weapons or dangerous 312

ordnance, a security officer employed by a board of education or 313
governing body of a school during the time that the security 314
officer is on duty pursuant to that contract of employment, or 315
any other person who has written authorization from the board of 316
education or governing body of a school to convey deadly weapons 317
or dangerous ordnance into a school safety zone or to possess a 318
deadly weapon or dangerous ordnance in a school safety zone and 319
who conveys or possesses the deadly weapon or dangerous ordnance 320
in accordance with that authorization; 321

(b) Any person who is employed in this state, who is 322
authorized to carry deadly weapons or dangerous ordnance, and 323
who is subject to and in compliance with the requirements of 324
section 109.801 of the Revised Code, unless the appointing 325
authority of the person has expressly specified that the 326
exemption provided in division (D)(1)(b) of this section does 327
not apply to the person. 328

(2) Division (C) of this section does not apply to 329
premises upon which home schooling is conducted. Division (C) of 330
this section also does not apply to a school administrator, 331
teacher, or employee who possesses an object that is 332
indistinguishable from a firearm for legitimate school purposes 333
during the course of employment, a student who uses an object 334
that is indistinguishable from a firearm under the direction of 335
a school administrator, teacher, or employee, or any other 336
person who with the express prior approval of a school 337
administrator possesses an object that is indistinguishable from 338
a firearm for a legitimate purpose, including the use of the 339
object in a ceremonial activity, a play, reenactment, or other 340
dramatic presentation, school safety training, or a ROTC 341
activity or another similar use of the object. 342

(3) This section does not apply to a person who conveys or 343
attempts to convey a handgun into, or possesses a handgun in, a 344
school safety zone if, at the time of that conveyance, attempted 345
conveyance, or possession of the handgun, all of the following 346
apply: 347

(a) The person does not enter into a school building or 348
onto school premises and is not at a school activity. 349

(b) The person is carrying a valid concealed handgun 350
license or the person is an active duty member of the armed 351
forces of the United States and is carrying a valid military 352
identification card and documentation of successful completion 353
of firearms training that meets or exceeds the training 354
requirements described in division (G) (1) of section 2923.125 of 355
the Revised Code. 356

(c) The person is in the school safety zone in accordance 357
with 18 U.S.C. 922(q) (2) (B). 358

(d) The person is not knowingly in a place described in 359
division (B) (1) or (B) (3) to ~~(8)~~ (7) of section 2923.126 of the 360
Revised Code. 361

(4) This section does not apply to a person who conveys or 362
attempts to convey a handgun into, or possesses a handgun in, a 363
school safety zone if at the time of that conveyance, attempted 364
conveyance, or possession of the handgun all of the following 365
apply: 366

(a) The person is carrying a valid concealed handgun 367
license or the person is an active duty member of the armed 368
forces of the United States and is carrying a valid military 369
identification card and documentation of successful completion 370
of firearms training that meets or exceeds the training 371

requirements described in division (G) (1) of section 2923.125 of 372
the Revised Code. 373

(b) The person leaves the handgun in a motor vehicle. 374

(c) The handgun does not leave the motor vehicle. 375

(d) If the person exits the motor vehicle, the person 376
locks the motor vehicle. 377

(E) (1) Whoever violates division (A) or (B) of this 378
section is guilty of illegal conveyance or possession of a 379
deadly weapon or dangerous ordnance in a school safety zone. 380
Except as otherwise provided in this division, illegal 381
conveyance or possession of a deadly weapon or dangerous 382
ordnance in a school safety zone is a felony of the fifth 383
degree. If the offender previously has been convicted of a 384
violation of this section, illegal conveyance or possession of a 385
deadly weapon or dangerous ordnance in a school safety zone is a 386
felony of the fourth degree. 387

(2) Whoever violates division (C) of this section is 388
guilty of illegal possession of an object indistinguishable from 389
a firearm in a school safety zone. Except as otherwise provided 390
in this division, illegal possession of an object 391
indistinguishable from a firearm in a school safety zone is a 392
misdemeanor of the first degree. If the offender previously has 393
been convicted of a violation of this section, illegal 394
possession of an object indistinguishable from a firearm in a 395
school safety zone is a felony of the fifth degree. 396

(F) (1) In addition to any other penalty imposed upon a 397
person who is convicted of or pleads guilty to a violation of 398
this section and subject to division (F) (2) of this section, if 399
the offender has not attained nineteen years of age, regardless 400

of whether the offender is attending or is enrolled in a school 401
operated by a board of education or for which the state board of 402
education prescribes minimum standards under section 3301.07 of 403
the Revised Code, the court shall impose upon the offender a 404
class four suspension of the offender's probationary driver's 405
license, restricted license, driver's license, commercial 406
driver's license, temporary instruction permit, or probationary 407
commercial driver's license that then is in effect from the 408
range specified in division (A)(4) of section 4510.02 of the 409
Revised Code and shall deny the offender the issuance of any 410
permit or license of that type during the period of the 411
suspension. 412

If the offender is not a resident of this state, the court 413
shall impose a class four suspension of the nonresident 414
operating privilege of the offender from the range specified in 415
division (A)(4) of section 4510.02 of the Revised Code. 416

(2) If the offender shows good cause why the court should 417
not suspend one of the types of licenses, permits, or privileges 418
specified in division (F)(1) of this section or deny the 419
issuance of one of the temporary instruction permits specified 420
in that division, the court in its discretion may choose not to 421
impose the suspension, revocation, or denial required in that 422
division, but the court, in its discretion, instead may require 423
the offender to perform community service for a number of hours 424
determined by the court. 425

(G) As used in this section, "object that is 426
indistinguishable from a firearm" means an object made, 427
constructed, or altered so that, to a reasonable person without 428
specialized training in firearms, the object appears to be a 429
firearm. 430

Sec. 2923.123. (A) No person shall knowingly convey or 431
attempt to convey a deadly weapon or dangerous ordnance into a 432
courthouse or into another building or structure in which a 433
courtroom is located. 434

(B) No person shall knowingly possess or have under the 435
person's control a deadly weapon or dangerous ordnance in a 436
courthouse or in another building or structure in which a 437
courtroom is located. 438

(C) This section does not apply to any of the following: 439

(1) Except as provided in division (E) of this section, a 440
judge of a court of record of this state or a magistrate; 441

(2) A peace officer, officer of a law enforcement agency, 442
or person who is in either of the following categories: 443

(a) Except as provided in division (E) of this section, a 444
peace officer, or an officer of a law enforcement agency of 445
another state, a political subdivision of another state, or the 446
United States, who is authorized to carry a deadly weapon or 447
dangerous ordnance, who possesses or has under that individual's 448
control a deadly weapon or dangerous ordnance as a requirement 449
of that individual's duties, and who is acting within the scope 450
of that individual's duties at the time of that possession or 451
control; 452

(b) Except as provided in division (E) of this section, a 453
person who is employed in this state, who is authorized to carry 454
a deadly weapon or dangerous ordnance, who possesses or has 455
under that individual's control a deadly weapon or dangerous 456
ordnance as a requirement of that person's duties, and who is 457
subject to and in compliance with the requirements of section 458
109.801 of the Revised Code, unless the appointing authority of 459

the person has expressly specified that the exemption provided 460
in division (C) (2) (b) of this section does not apply to the 461
person. 462

(3) A person who conveys, attempts to convey, possesses, 463
or has under the person's control a deadly weapon or dangerous 464
ordnance that is to be used as evidence in a pending criminal or 465
civil action or proceeding; 466

(4) Except as provided in division (E) of this section, a 467
bailiff or deputy bailiff of a court of record of this state who 468
is authorized to carry a firearm pursuant to section 109.77 of 469
the Revised Code, who possesses or has under that individual's 470
control a firearm as a requirement of that individual's duties, 471
and who is acting within the scope of that individual's duties 472
at the time of that possession or control; 473

(5) Except as provided in division (E) of this section, a 474
prosecutor, or a secret service officer appointed by a county 475
prosecuting attorney, who is authorized to carry a deadly weapon 476
or dangerous ordnance in the performance of the individual's 477
duties, who possesses or has under that individual's control a 478
deadly weapon or dangerous ordnance as a requirement of that 479
individual's duties, and who is acting within the scope of that 480
individual's duties at the time of that possession or control; 481

(6) Except as provided in division (E) of this section, a 482
person who conveys or attempts to convey a handgun into a 483
courthouse or into another building or structure in which a 484
courtroom is located, who, at the time of the conveyance or 485
attempt, either is carrying a valid concealed handgun license or 486
is an active duty member of the armed forces of the United 487
States and is carrying a valid military identification card and 488
documentation of successful completion of firearms training that 489

meets or exceeds the training requirements described in division 490
(G) (1) of section 2923.125 of the Revised Code, ~~and who~~ 491
~~transfers possession of the handgun to the officer or officer's~~ 492
~~designee who has charge of the courthouse or building. The~~ 493
~~officer shall secure the handgun until the licensee is prepared~~ 494
~~to leave the premises. The exemption described in this division~~ 495
~~applies only if the officer who has charge of the courthouse or~~ 496
~~building provides services of the nature described in this~~ 497
~~division. An officer who has charge of the courthouse or~~ 498
~~building is not required to offer services of the nature~~ 499
~~described in this division.~~ 500

(D) (1) Whoever violates division (A) of this section is 501
guilty of illegal conveyance of a deadly weapon or dangerous 502
ordnance into a courthouse. Except as otherwise provided in this 503
division, illegal conveyance of a deadly weapon or dangerous 504
ordnance into a courthouse is a felony of the fifth degree. If 505
the offender previously has been convicted of a violation of 506
division (A) or (B) of this section, illegal conveyance of a 507
deadly weapon or dangerous ordnance into a courthouse is a 508
felony of the fourth degree. 509

(2) Whoever violates division (B) of this section is 510
guilty of illegal possession or control of a deadly weapon or 511
dangerous ordnance in a courthouse. Except as otherwise provided 512
in this division, illegal possession or control of a deadly 513
weapon or dangerous ordnance in a courthouse is a felony of the 514
fifth degree. If the offender previously has been convicted of a 515
violation of division (A) or (B) of this section, illegal 516
possession or control of a deadly weapon or dangerous ordnance 517
in a courthouse is a felony of the fourth degree. 518

(E) The exemptions described in divisions (C) (1), (2) (a), 519

(2) (b), (4), (5), and (6) of this section do not apply to any 520
judge, magistrate, peace officer, officer of a law enforcement 521
agency, bailiff, deputy bailiff, prosecutor, secret service 522
officer, or other person described in any of those divisions if 523
a rule of superintendence or another type of rule adopted by the 524
supreme court pursuant to Article IV, Ohio Constitution, or an 525
applicable local rule of court prohibits all persons from 526
conveying or attempting to convey a deadly weapon or dangerous 527
ordnance into a courthouse or into ~~another building or structure~~ 528
~~in which~~ a courtroom that is located in another building or 529
structure or from possessing or having under one's control a 530
deadly weapon or dangerous ordnance in a courthouse or in 531
~~another building or structure in which~~ a courtroom that is 532
located in another building or structure. 533

(F) As used in this section: 534

(1) "Magistrate" means an individual who is appointed by a 535
court of record of this state and who has the powers and may 536
perform the functions specified in Civil Rule 53, Criminal Rule 537
19, or Juvenile Rule 40. 538

(2) "Peace officer" and "prosecutor" have the same 539
meanings as in section 2935.01 of the Revised Code. 540

Sec. 2923.126. (A) A concealed handgun license that is 541
issued under section 2923.125 of the Revised Code shall expire 542
five years after the date of issuance. A licensee who has been 543
issued a license under that section shall be granted a grace 544
period of thirty days after the licensee's license expires 545
during which the licensee's license remains valid. Except as 546
provided in divisions (B) and (C) of this section, a licensee 547
who has been issued a concealed handgun license under section 548
2923.125 or 2923.1213 of the Revised Code may carry a concealed 549

handgun anywhere in this state if the licensee also carries a 550
valid license and valid identification when the licensee is in 551
actual possession of a concealed handgun. The licensee shall 552
give notice of any change in the licensee's residence address to 553
the sheriff who issued the license within forty-five days after 554
that change. 555

If a licensee is the driver or an occupant of a motor 556
vehicle that is stopped as the result of a traffic stop or a 557
stop for another law enforcement purpose and if the licensee is 558
transporting or has a loaded handgun in the motor vehicle at 559
that time, the licensee shall promptly inform any law 560
enforcement officer who approaches the vehicle while stopped 561
that the licensee has been issued a concealed handgun license 562
and that the licensee currently possesses or has a loaded 563
handgun; the licensee shall not knowingly disregard or fail to 564
comply with lawful orders of a law enforcement officer given 565
while the motor vehicle is stopped, knowingly fail to remain in 566
the motor vehicle while stopped, or knowingly fail to keep the 567
licensee's hands in plain sight after any law enforcement 568
officer begins approaching the licensee while stopped and before 569
the officer leaves, unless directed otherwise by a law 570
enforcement officer; and the licensee shall not knowingly have 571
contact with the loaded handgun by touching it with the 572
licensee's hands or fingers, in any manner in violation of 573
division (E) of section 2923.16 of the Revised Code, after any 574
law enforcement officer begins approaching the licensee while 575
stopped and before the officer leaves. Additionally, if a 576
licensee is the driver or an occupant of a commercial motor 577
vehicle that is stopped by an employee of the motor carrier 578
enforcement unit for the purposes defined in section 5503.34 of 579
the Revised Code and if the licensee is transporting or has a 580

loaded handgun in the commercial motor vehicle at that time, the 581
licensee shall promptly inform the employee of the unit who 582
approaches the vehicle while stopped that the licensee has been 583
issued a concealed handgun license and that the licensee 584
currently possesses or has a loaded handgun. 585

If a licensee is stopped for a law enforcement purpose and 586
if the licensee is carrying a concealed handgun at the time the 587
officer approaches, the licensee shall promptly inform any law 588
enforcement officer who approaches the licensee while stopped 589
that the licensee has been issued a concealed handgun license 590
and that the licensee currently is carrying a concealed handgun; 591
the licensee shall not knowingly disregard or fail to comply 592
with lawful orders of a law enforcement officer given while the 593
licensee is stopped or knowingly fail to keep the licensee's 594
hands in plain sight after any law enforcement officer begins 595
approaching the licensee while stopped and before the officer 596
leaves, unless directed otherwise by a law enforcement officer; 597
and the licensee shall not knowingly remove, attempt to remove, 598
grasp, or hold the loaded handgun or knowingly have contact with 599
the loaded handgun by touching it with the licensee's hands or 600
fingers, in any manner in violation of division (B) of section 601
2923.12 of the Revised Code, after any law enforcement officer 602
begins approaching the licensee while stopped and before the 603
officer leaves. 604

(B) A valid concealed handgun license does not authorize 605
the licensee to carry a concealed handgun in any manner 606
prohibited under division (B) of section 2923.12 of the Revised 607
Code or in any manner prohibited under section 2923.16 of the 608
Revised Code. A valid license does not authorize the licensee to 609
carry a concealed handgun into any of the following places: 610

(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;

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

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

~~(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;

~~(5)~~ (4) 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

handgun on the premises; 641

~~(6)~~ (5) Any church, synagogue, mosque, or other place of 642
worship, unless the church, synagogue, mosque, or other place of 643
worship posts or permits otherwise; 644

~~(7)~~ (6) Any building that is a government facility of ~~this-~~ 645
~~state or~~ a political subdivision of this state and that is not a 646
building that is used primarily as a shelter, restroom, parking 647
facility for motor vehicles, or rest facility ~~and is not a~~ 648
~~courthouse or other building or structure in which a courtroom-~~ 649
~~is located that is subject to division (B)(3) of this section,~~ 650
~~unless if~~ the governing body with authority over the building 651
has enacted ~~a statute, an ordinance,~~ or policy that ~~permits-~~ 652
prohibits a licensee ~~to carry from carrying~~ a concealed handgun 653
into the building. 654

~~(8)~~ (7) A place in which federal law prohibits the 655
carrying of handguns. 656

(C) (1) Nothing in this section shall negate or restrict a 657
rule, policy, or practice of a private employer that is not a 658
private college, university, or other institution of higher 659
education concerning or prohibiting the presence of firearms on 660
the private employer's premises or property, including motor 661
vehicles owned by the private employer. Nothing in this section 662
shall require a private employer of that nature to adopt a rule, 663
policy, or practice concerning or prohibiting the presence of 664
firearms on the private employer's premises or property, 665
including motor vehicles owned by the private employer. 666

(2) (a) A private employer shall be immune from liability 667
in a civil action for any injury, death, or loss to person or 668
property that allegedly was caused by or related to a licensee 669

bringing a handgun onto the premises or property of the private 670
employer, including motor vehicles owned by the private 671
employer, unless the private employer acted with malicious 672
purpose. A private employer is immune from liability in a civil 673
action for any injury, death, or loss to person or property that 674
allegedly was caused by or related to the private employer's 675
decision to permit a licensee to bring, or prohibit a licensee 676
from bringing, a handgun onto the premises or property of the 677
private employer. 678

(b) A political subdivision shall be immune from liability 679
in a civil action, to the extent and in the manner provided in 680
Chapter 2744. of the Revised Code, for any injury, death, or 681
loss to person or property that allegedly was caused by or 682
related to a licensee bringing a handgun onto any premises or 683
property owned, leased, or otherwise under the control of the 684
political subdivision. As used in this division, "political 685
subdivision" has the same meaning as in section 2744.01 of the 686
Revised Code. 687

(c) An institution of higher education shall be immune 688
from liability in a civil action for any injury, death, or loss 689
to person or property that allegedly was caused by or related to 690
a licensee bringing a handgun onto the premises of the 691
institution, including motor vehicles owned by the institution, 692
unless the institution acted with malicious purpose. An 693
institution of higher education is immune from liability in a 694
civil action for any injury, death, or loss to person or 695
property that allegedly was caused by or related to the 696
institution's decision to permit a licensee or class of 697
licensees to bring a handgun onto the premises of the 698
institution. 699

(3) (a) Except as provided in division (C) (3) (b) of this 700
section, the owner or person in control of private land or 701
premises, and a private person or entity leasing land or 702
premises owned by the state, the United States, or a political 703
subdivision of the state or the United States, may post a sign 704
in a conspicuous location on that land or on those premises 705
prohibiting persons from carrying firearms or concealed firearms 706
on or onto that land or those premises. Except as otherwise 707
provided in this division, a person who knowingly violates a 708
posted prohibition of that nature is guilty of criminal trespass 709
in violation of division (A) (4) of section 2911.21 of the 710
Revised Code and is guilty of a misdemeanor of the fourth 711
degree. If a person knowingly violates a posted prohibition of 712
that nature and the posted land or premises primarily was a 713
parking lot or other parking facility, the person is not guilty 714
of criminal trespass under section 2911.21 of the Revised Code 715
or under any other criminal law of this state or criminal law, 716
ordinance, or resolution of a political subdivision of this 717
state, and instead is subject only to a civil cause of action 718
for trespass based on the violation. 719

If a person knowingly violates a posted prohibition of the 720
nature described in this division and the posted land or 721
premises is a child day-care center, type A family day-care 722
home, or type B family day-care home, unless the person is a 723
licensee who resides in a type A family day-care home or type B 724
family day-care home, the person is guilty of aggravated 725
trespass in violation of section 2911.211 of the Revised Code. 726
Except as otherwise provided in this division, the offender is 727
guilty of a misdemeanor of the first degree. If the person 728
previously has been convicted of a violation of this division or 729
of any offense of violence, if the weapon involved is a firearm 730

that is either loaded or for which the offender has ammunition 731
ready at hand, or if the weapon involved is dangerous ordnance, 732
the offender is guilty of a felony of the fourth degree. 733

(b) A landlord may not prohibit or restrict a tenant who 734
is a licensee and who on or after September 9, 2008, enters into 735
a rental agreement with the landlord for the use of residential 736
premises, and the tenant's guest while the tenant is present, 737
from lawfully carrying or possessing a handgun on those 738
residential premises. 739

(c) As used in division (C) (3) of this section: 740

(i) "Residential premises" has the same meaning as in 741
section 5321.01 of the Revised Code, except "residential 742
premises" does not include a dwelling unit that is owned or 743
operated by a college or university. 744

(ii) "Landlord," "tenant," and "rental agreement" have the 745
same meanings as in section 5321.01 of the Revised Code. 746

(D) A person who holds a valid concealed handgun license 747
issued by another state that is recognized by the attorney 748
general pursuant to a reciprocity agreement entered into 749
pursuant to section 109.69 of the Revised Code or a person who 750
holds a valid concealed handgun license under the circumstances 751
described in division (B) of section 109.69 of the Revised Code 752
has the same right to carry a concealed handgun in this state as 753
a person who was issued a concealed handgun license under 754
section 2923.125 of the Revised Code and is subject to the same 755
restrictions that apply to a person who carries a license issued 756
under that section. 757

(E) (1) A peace officer has the same right to carry a 758
concealed handgun in this state as a person who was issued a 759

concealed handgun license under section 2923.125 of the Revised Code. For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this state.

(2) An active duty member of the armed forces of the United States who 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 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions as specified in this section.

(F) (1) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F) (2) of this section and a valid firearms requalification certification issued pursuant to division (F) (3) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who carries a license issued under that section. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F) (2) of this section and a valid firearms requalification certification issued pursuant to division (F) (3) of this section shall be considered to be a licensee in this state.

(2) (a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card

to any person who retired from service as a peace officer with 790
that agency, if the issuance is in accordance with the agency's 791
policies and procedures and if the person, with respect to the 792
person's service with that agency, satisfies all of the 793
following: 794

(i) The person retired in good standing from service as a 795
peace officer with the public agency, and the retirement was not 796
for reasons of mental instability. 797

(ii) Before retiring from service as a peace officer with 798
that agency, the person was authorized to engage in or supervise 799
the prevention, detection, investigation, or prosecution of, or 800
the incarceration of any person for, any violation of law and 801
the person had statutory powers of arrest. 802

(iii) At the time of the person's retirement as a peace 803
officer with that agency, the person was trained and qualified 804
to carry firearms in the performance of the peace officer's 805
duties. 806

(iv) Before retiring from service as a peace officer with 807
that agency, the person was regularly employed as a peace 808
officer for an aggregate of fifteen years or more, or, in the 809
alternative, the person retired from service as a peace officer 810
with that agency, after completing any applicable probationary 811
period of that service, due to a service-connected disability, 812
as determined by the agency. 813

(b) A retired peace officer identification card issued to 814
a person under division (F)(2)(a) of this section shall identify 815
the person by name, contain a photograph of the person, identify 816
the public agency of this state or of the political subdivision 817
of this state from which the person retired as a peace officer 818

and that is issuing the identification card, and specify that 819
the person retired in good standing from service as a peace 820
officer with the issuing public agency and satisfies the 821
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 822
section. In addition to the required content specified in this 823
division, a retired peace officer identification card issued to 824
a person under division (F) (2) (a) of this section may include 825
the firearms requalification certification described in division 826
(F) (3) of this section, and if the identification card includes 827
that certification, the identification card shall serve as the 828
firearms requalification certification for the retired peace 829
officer. If the issuing public agency issues credentials to 830
active law enforcement officers who serve the agency, the agency 831
may comply with division (F) (2) (a) of this section by issuing 832
the same credentials to persons who retired from service as a 833
peace officer with the agency and who satisfy the criteria set 834
forth in divisions (F) (2) (a) (i) to (iv) of this section, 835
provided that the credentials so issued to retired peace 836
officers are stamped with the word "RETIRED." 837

(c) A public agency of this state or of a political 838
subdivision of this state may charge persons who retired from 839
service as a peace officer with the agency a reasonable fee for 840
issuing to the person a retired peace officer identification 841
card pursuant to division (F) (2) (a) of this section. 842

(3) If a person retired from service as a peace officer 843
with a public agency of this state or of a political subdivision 844
of this state and the person satisfies the criteria set forth in 845
divisions (F) (2) (a) (i) to (iv) of this section, the public 846
agency may provide the retired peace officer with the 847
opportunity to attend a firearms requalification program that is 848
approved for purposes of firearms requalification required under 849

section 109.801 of the Revised Code. The retired peace officer 850
may be required to pay the cost of the course. 851

If a retired peace officer who satisfies the criteria set 852
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 853
a firearms requalification program that is approved for purposes 854
of firearms requalification required under section 109.801 of 855
the Revised Code, the retired peace officer's successful 856
completion of the firearms requalification program requalifies 857
the retired peace officer for purposes of division (F) of this 858
section for five years from the date on which the program was 859
successfully completed, and the requalification is valid during 860
that five-year period. If a retired peace officer who satisfies 861
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 862
section satisfactorily completes such a firearms requalification 863
program, the retired peace officer shall be issued a firearms 864
requalification certification that identifies the retired peace 865
officer by name, identifies the entity that taught the program, 866
specifies that the retired peace officer successfully completed 867
the program, specifies the date on which the course was 868
successfully completed, and specifies that the requalification 869
is valid for five years from that date of successful completion. 870
The firearms requalification certification for a retired peace 871
officer may be included in the retired peace officer 872
identification card issued to the retired peace officer under 873
division (F) (2) of this section. 874

A retired peace officer who attends a firearms 875
requalification program that is approved for purposes of 876
firearms requalification required under section 109.801 of the 877
Revised Code may be required to pay the cost of the program. 878

(G) As used in this section: 879

(1) "Qualified retired peace officer" means a person who 880
satisfies all of the following: 881

(a) The person satisfies the criteria set forth in 882
divisions (F) (2) (a) (i) to (v) of this section. 883

(b) The person is not under the influence of alcohol or 884
another intoxicating or hallucinatory drug or substance. 885

(c) The person is not prohibited by federal law from 886
receiving firearms. 887

(2) "Retired peace officer identification card" means an 888
identification card that is issued pursuant to division (F) (2) 889
of this section to a person who is a retired peace officer. 890

(3) "Government facility of ~~this state or~~ a political 891
subdivision of this state" means any of the following: 892

(a) A building or part of a building that is owned or 893
leased by the government of ~~this state or~~ a political 894
subdivision of this state and where employees of the government 895
of ~~this state or~~ the political subdivision regularly are present 896
for the purpose of performing their official duties as employees 897
of the ~~state or~~ political subdivision; 898

(b) The office of a deputy registrar serving pursuant to 899
Chapter 4503. of the Revised Code that is used to perform deputy 900
registrar functions. 901

(4) "Governing body" has the same meaning as in section 902
154.01 of the Revised Code. 903

Section 2. That existing sections 105.41, 123.011, 904
2923.122, 2923.123, and 2923.126 of the Revised Code are hereby 905
repealed. 906