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Representative Wiggam

**Cosponsors: Representatives Kick, Antani, Lang, Merrin, Becker, Riedel, Vitale,
Manchester, Powell, Koehler, Scherer, Romanchuk, Baldrige, McClain, Wilkin**

A BILL

To amend sections 2923.12, 2923.126, 2923.128, and 1
2923.16 of the Revised Code to modify the 2
requirement that a concealed handgun licensee 3
must notify a law enforcement officer that the 4
licensee is authorized to carry a concealed 5
handgun and is carrying a concealed handgun when 6
stopped. 7

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

Section 1. That sections 2923.12, 2923.126, 2923.128, and 8
2923.16 of the Revised Code be amended to read as follows: 9

Sec. 2923.12. (A) No person shall knowingly carry or have, 10
concealed on the person's person or concealed ready at hand, any 11
of the following: 12

(1) A deadly weapon other than a handgun; 13

(2) A handgun other than a dangerous ordnance; 14

(3) A dangerous ordnance. 15

(B) No person who has been issued a concealed handgun 16

license shall do any of the following: 17

(1) If the person is stopped for a law enforcement purpose 18
and is carrying a concealed handgun, before or at the time a law 19
enforcement officer requests the person's concealed handgun 20
license or asks if the person is carrying a concealed handgun, 21
fail to ~~promptly do~~ both of the following: 22

(a) Display the person's concealed handgun license or 23
orally inform any the law enforcement officer who approaches the 24
~~person after the person has been stopped~~ that the person has 25
been issued a concealed handgun license ~~and;~~ 26

(b) Disclose that the person then is carrying a concealed 27
handgun ~~and.~~ 28

(2) If the person is stopped for a law enforcement purpose 29
and is carrying a concealed handgun, knowingly fail to keep the 30
person's hands in plain sight at any time after any law 31
enforcement officer begins approaching the person while stopped 32
and before the law enforcement officer leaves, unless the 33
failure is pursuant to and in accordance with directions given 34
by a law enforcement officer; 35

(3) If the person is stopped for a law enforcement 36
purpose, if the person is carrying a concealed handgun, and if 37
the person is approached by any law enforcement officer while 38
stopped, knowingly remove or attempt to remove the loaded 39
handgun from the holster, pocket, or other place in which the 40
person is carrying it, knowingly grasp or hold the loaded 41
handgun, or knowingly have contact with the loaded handgun by 42
touching it with the person's hands or fingers at any time after 43
the law enforcement officer begins approaching and before the 44
law enforcement officer leaves, unless the person removes, 45

attempts to remove, grasps, holds, or has contact with the 46
loaded handgun pursuant to and in accordance with directions 47
given by the law enforcement officer; 48

(4) If the person is stopped for a law enforcement purpose 49
and is carrying a concealed handgun, knowingly disregard or fail 50
to comply with any lawful order of any law enforcement officer 51
given while the person is stopped, including, but not limited 52
to, a specific order to the person to keep the person's hands in 53
plain sight. 54

(C) (1) This section does not apply to any of the 55
following: 56

(a) An officer, agent, or employee of this or any other 57
state or the United States, or to a law enforcement officer, who 58
is authorized to carry concealed weapons or dangerous ordnance 59
or is authorized to carry handguns and is acting within the 60
scope of the officer's, agent's, or employee's duties; 61

(b) Any person who is employed in this state, who is 62
authorized to carry concealed weapons or dangerous ordnance or 63
is authorized to carry handguns, and who is subject to and in 64
compliance with the requirements of section 109.801 of the 65
Revised Code, unless the appointing authority of the person has 66
expressly specified that the exemption provided in division (C) 67
(1) (b) of this section does not apply to the person; 68

(c) A person's transportation or storage of a firearm, 69
other than a firearm described in divisions (G) to (M) of 70
section 2923.11 of the Revised Code, in a motor vehicle for any 71
lawful purpose if the firearm is not on the actor's person; 72

(d) A person's storage or possession of a firearm, other 73
than a firearm described in divisions (G) to (M) of section 74

2923.11 of the Revised Code, in the actor's own home for any 75
lawful purpose. 76

(2) Division (A)(2) of this section does not apply to any 77
person who, at the time of the alleged carrying or possession of 78
a handgun, either is carrying a valid concealed handgun license 79
or is an active duty member of the armed forces of the United 80
States and is carrying a valid military identification card and 81
documentation of successful completion of firearms training that 82
meets or exceeds the training requirements described in division 83
(G)(1) of section 2923.125 of the Revised Code, unless the 84
person knowingly is in a place described in division (B) of 85
section 2923.126 of the Revised Code. 86

(D) It is an affirmative defense to a charge under 87
division (A)(1) of this section of carrying or having control of 88
a weapon other than a handgun and other than a dangerous 89
ordnance that the actor was not otherwise prohibited by law from 90
having the weapon and that any of the following applies: 91

(1) The weapon was carried or kept ready at hand by the 92
actor for defensive purposes while the actor was engaged in or 93
was going to or from the actor's lawful business or occupation, 94
which business or occupation was of a character or was 95
necessarily carried on in a manner or at a time or place as to 96
render the actor particularly susceptible to criminal attack, 97
such as would justify a prudent person in going armed. 98

(2) The weapon was carried or kept ready at hand by the 99
actor for defensive purposes while the actor was engaged in a 100
lawful activity and had reasonable cause to fear a criminal 101
attack upon the actor, a member of the actor's family, or the 102
actor's home, such as would justify a prudent person in going 103
armed. 104

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

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

(F) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or divisions (F) (2), (5), and (6), ~~and (7)~~ of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or divisions (F) (2), (5), and (6), ~~and (7)~~ of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony of the fourth degree. Except as otherwise provided in divisions (F) (2) and ~~(6)~~ (5) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (A) of this section is a felony of the third degree.

(2) Except as provided in division ~~(F) (6)~~ (F) (5) of this section, if a person being arrested for a violation of division (A) (2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the officer shall not arrest the person for a violation of that division. If the

person is not able to promptly produce any concealed handgun 135
license and if the person is not in a place described in that 136
section, the officer may arrest the person for a violation of 137
that division, and the offender shall be punished as follows: 138

(a) The offender shall be guilty of a minor misdemeanor if 139
both of the following apply: 140

(i) Within ten days after the arrest, the offender 141
presents a concealed handgun license, which license was valid at 142
the time of the arrest to the law enforcement agency that 143
employs the arresting officer. 144

(ii) At the time of the arrest, the offender was not 145
knowingly in a place described in division (B) of section 146
2923.126 of the Revised Code. 147

(b) The offender shall be guilty of a misdemeanor and 148
shall be fined five hundred dollars if all of the following 149
apply: 150

(i) The offender previously had been issued a concealed 151
handgun license, and that license expired within the two years 152
immediately preceding the arrest. 153

(ii) Within forty-five days after the arrest, the offender 154
presents a concealed handgun license to the law enforcement 155
agency that employed the arresting officer, and the offender 156
waives in writing the offender's right to a speedy trial on the 157
charge of the violation that is provided in section 2945.71 of 158
the Revised Code. 159

(iii) At the time of the commission of the offense, the 160
offender was not knowingly in a place described in division (B) 161
of section 2923.126 of the Revised Code. 162

(c) If divisions (F) (2) (a) and (b) and ~~(F) (6) (F) (5)~~ of 163
this section do not apply, the offender shall be punished under 164
division (F) (1) or ~~(7) (6)~~ of this section. 165

~~(3) Except as otherwise provided in this division, 166
carrying concealed weapons in violation of division (B) (1) of 167
this section is a misdemeanor of the first degree, and, in 168
addition to any other penalty or sanction imposed for a 169
violation of division (B) (1) of this section, the offender's 170
concealed handgun license shall be suspended pursuant to 171
division (A) (2) of section 2923.128 of the Revised Code. If, at 172
the time of the stop of the offender for a law enforcement 173
purpose that was the basis of the violation, any law enforcement 174
officer involved with the stop had actual knowledge that the 175
offender has been issued a concealed handgun license, carrying 176
concealed weapons in violation of division (B) (1) of this 177
section is a minor misdemeanor, and the offender's concealed 178
handgun license shall not be suspended pursuant to division (A) 179
(2) of section 2923.128 of the Revised Code. 180~~

~~(4) Carrying concealed weapons in violation of division 181
(B) (2) or (4) of this section is a misdemeanor of the first 182
degree or, if the offender previously has been convicted of or 183
pleaded guilty to a violation of division (B) (2) or (4) of this 184
section, a felony of the fifth degree. In addition to any other 185
penalty or sanction imposed for a misdemeanor violation of 186
division (B) (2) or (4) of this section, the offender's concealed 187
handgun license shall be suspended pursuant to division (A) (2) 188
of section 2923.128 of the Revised Code. 189~~

~~(5) (4) Carrying concealed weapons in violation of 190
division (B) (3) of this section is a felony of the fifth degree. 191~~

~~(6) (5) If a person being arrested for a violation of 192~~

division (A) (2) of this section is an active duty member of the 193
armed forces of the United States and is carrying a valid 194
military identification card and documentation of successful 195
completion of firearms training that meets or exceeds the 196
training requirements described in division (G) (1) of section 197
2923.125 of the Revised Code, and if at the time of the 198
violation the person was not knowingly in a place described in 199
division (B) of section 2923.126 of the Revised Code, the 200
officer shall not arrest the person for a violation of that 201
division. If the person is not able to promptly produce a valid 202
military identification card and documentation of successful 203
completion of firearms training that meets or exceeds the 204
training requirements described in division (G) (1) of section 205
2923.125 of the Revised Code and if the person is not in a place 206
described in division (B) of section 2923.126 of the Revised 207
Code, the officer shall issue a citation and the offender shall 208
be assessed a civil penalty of not more than five hundred 209
dollars. The citation shall be automatically dismissed and the 210
civil penalty shall not be assessed if both of the following 211
apply: 212

(a) Within ten days after the issuance of the citation, 213
the offender presents a valid military identification card and 214
documentation of successful completion of firearms training that 215
meets or exceeds the training requirements described in division 216
(G) (1) of section 2923.125 of the Revised Code, which were both 217
valid at the time of the issuance of the citation to the law 218
enforcement agency that employs the citing officer. 219

(b) At the time of the citation, the offender was not 220
knowingly in a place described in division (B) of section 221
2923.126 of the Revised Code. 222

~~(7)~~ (6) If a person being arrested for a violation of 223
division (A) (2) of this section is knowingly in a place 224
described in division (B) (5) of section 2923.126 of the Revised 225
Code and is not authorized to carry a handgun or have a handgun 226
concealed on the person's person or concealed ready at hand 227
under that division, the penalty shall be as follows: 228

(a) Except as otherwise provided in this division, if the 229
person produces a valid concealed handgun license within ten 230
days after the arrest and has not previously been convicted or 231
pleaded guilty to a violation of division (A) (2) of this 232
section, the person is guilty of a minor misdemeanor; 233

(b) Except as otherwise provided in this division, if the 234
person has previously been convicted of or pleaded guilty to a 235
violation of division (A) (2) of this section, the person is 236
guilty of a misdemeanor of the fourth degree; 237

(c) Except as otherwise provided in this division, if the 238
person has previously been convicted of or pleaded guilty to two 239
violations of division (A) (2) of this section, the person is 240
guilty of a misdemeanor of the third degree; 241

(d) Except as otherwise provided in this division, if the 242
person has previously been convicted of or pleaded guilty to 243
three or more violations of division (A) (2) of this section, or 244
convicted of or pleaded guilty to any offense of violence, if 245
the weapon involved is a firearm that is either loaded or for 246
which the offender has ammunition ready at hand, or if the 247
weapon involved is a dangerous ordnance, the person is guilty of 248
a misdemeanor of the second degree. 249

(G) If a law enforcement officer stops a person to 250
question the person regarding a possible violation of this 251

section, for a traffic stop, or for any other law enforcement 252
purpose, if the person surrenders a firearm to the officer, 253
either voluntarily or pursuant to a request or demand of the 254
officer, and if the officer does not charge the person with a 255
violation of this section or arrest the person for any offense, 256
the person is not otherwise prohibited by law from possessing 257
the firearm, and the firearm is not contraband, the officer 258
shall return the firearm to the person at the termination of the 259
stop. If a court orders a law enforcement officer to return a 260
firearm to a person pursuant to the requirement set forth in 261
this division, division (B) of section 2923.163 of the Revised 262
Code applies. 263

Sec. 2923.126. (A) (1) A concealed handgun license that is 264
issued under section 2923.125 of the Revised Code shall expire 265
five years after the date of issuance. A licensee who has been 266
issued a license under that section shall be granted a grace 267
period of thirty days after the licensee's license expires 268
during which the licensee's license remains valid. Except as 269
provided in divisions (B) and (C) of this section, a licensee 270
who has been issued a concealed handgun license under section 271
2923.125 or 2923.1213 of the Revised Code may carry a concealed 272
handgun anywhere in this state if the licensee also carries a 273
valid license when the licensee is in actual possession of a 274
concealed handgun. The licensee shall give notice of any change 275
in the licensee's residence address to the sheriff who issued 276
the license within forty-five days after that change. 277

(2) If a licensee is the driver or an occupant of a motor 278
vehicle that is stopped as the result of a traffic stop or a 279
stop for another law enforcement purpose and if the licensee is 280
transporting or has a loaded handgun in the motor vehicle at 281
that time, before or at the time a law enforcement officer 282

requests the licensee's concealed handgun license or asks if the 283
person is carrying a concealed handgun, the licensee shall 284
~~promptly display the licensee's concealed handgun license or~~ 285
orally inform ~~any the~~ law enforcement officer ~~who approaches the~~ 286
~~vehicle while stopped~~ that the licensee has been issued a 287
concealed handgun license, and disclose that the licensee 288
currently possesses or has a loaded handgun; the licensee shall 289
not knowingly disregard or fail to comply with lawful orders of 290
a law enforcement officer given while the motor vehicle is 291
stopped, knowingly fail to remain in the motor vehicle while 292
stopped, or knowingly fail to keep the licensee's hands in plain 293
sight after any law enforcement officer begins approaching the 294
licensee while stopped and before the officer leaves, unless 295
directed otherwise by a law enforcement officer; and the 296
licensee shall not knowingly have contact with the loaded 297
handgun by touching it with the licensee's hands or fingers, in 298
any manner in violation of division (E) of section 2923.16 of 299
the Revised Code, after any law enforcement officer begins 300
approaching the licensee while stopped and before the officer 301
leaves. ~~Additionally, if~~ 302

(3) If a licensee is the driver or an occupant of a 303
commercial motor vehicle that is stopped by an employee of the 304
motor carrier enforcement unit for the purposes defined in 305
section 5503.34 of the Revised Code and the licensee is 306
transporting or has a loaded handgun in the commercial motor 307
vehicle at that time, before or at the time an employee of the 308
motor carrier enforcement unit requests the licensee's concealed 309
handgun license or asks if the person is carrying a concealed 310
handgun, the licensee shall ~~promptly display the licensee's~~ 311
concealed handgun license or orally inform the employee of the 312
unit ~~who approaches the vehicle while stopped~~ that the licensee 313

has been issued a concealed handgun license and disclose that 314
the licensee currently possesses or has a loaded handgun. 315

(4) If a licensee is stopped for a law enforcement purpose 316
and if the licensee is carrying a concealed handgun at the time 317
the officer approaches, before or at the time a law enforcement 318
officer requests the licensee's concealed handgun license or 319
asks if the person is carrying a concealed handgun, the licensee 320
shall ~~promptly display the licensee's concealed handgun license~~ 321
~~or orally inform any the law enforcement officer who approaches~~ 322
~~the licensee while stopped~~ that the licensee has been issued a 323
concealed handgun license and disclose that the licensee 324
currently is carrying a concealed handgun; the licensee shall 325
not knowingly disregard or fail to comply with lawful orders of 326
a law enforcement officer given while the licensee is stopped, 327
or knowingly fail to keep the licensee's hands in plain sight 328
after any law enforcement officer begins approaching the 329
licensee while stopped and before the officer leaves, unless 330
directed otherwise by a law enforcement officer; and the 331
licensee shall not knowingly remove, attempt to remove, grasp, 332
or hold the loaded handgun or knowingly have contact with the 333
loaded handgun by touching it with the licensee's hands or 334
fingers, in any manner in violation of division (B) of section 335
2923.12 of the Revised Code, after any law enforcement officer 336
begins approaching the licensee while stopped and before the 337
officer leaves. 338

(B) A valid concealed handgun license does not authorize 339
the licensee to carry a concealed handgun in any manner 340
prohibited under division (B) of section 2923.12 of the Revised 341
Code or in any manner prohibited under section 2923.16 of the 342
Revised Code. A valid license does not authorize the licensee to 343
carry a concealed handgun into any of the following places: 344

(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 if the licensee's carrying the concealed handgun is 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) 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;	375
(6) Any church, synagogue, mosque, or other place of	376
worship, unless the church, synagogue, mosque, or other place of	377
worship posts or permits otherwise;	378
(7) Any building that is a government facility of this	379
state or a political subdivision of this state and that is not a	380
building that is used primarily as a shelter, restroom, parking	381
facility for motor vehicles, or rest facility and is not a	382
courthouse or other building or structure in which a courtroom	383
is located that is subject to division (B)(3) of this section,	384
unless the governing body with authority over the building has	385
enacted a statute, ordinance, or policy that permits a licensee	386
to carry a concealed handgun into the building;	387
(8) A place in which federal law prohibits the carrying of	388
handguns.	389
(C)(1) Nothing in this section shall negate or restrict a	390
rule, policy, or practice of a private employer that is not a	391
private college, university, or other institution of higher	392
education concerning or prohibiting the presence of firearms on	393
the private employer's premises or property, including motor	394
vehicles owned by the private employer. Nothing in this section	395
shall require a private employer of that nature to adopt a rule,	396
policy, or practice concerning or prohibiting the presence of	397
firearms on the private employer's premises or property,	398
including motor vehicles owned by the private employer.	399
(2)(a) A private employer shall be immune from liability	400
in a civil action for any injury, death, or loss to person or	401
property that allegedly was caused by or related to a licensee	402
bringing a handgun onto the premises or property of the private	403

employer, including motor vehicles owned by the private 404
employer, unless the private employer acted with malicious 405
purpose. A private employer is immune from liability in a civil 406
action for any injury, death, or loss to person or property that 407
allegedly was caused by or related to the private employer's 408
decision to permit a licensee to bring, or prohibit a licensee 409
from bringing, a handgun onto the premises or property of the 410
private employer. 411

(b) A political subdivision shall be immune from liability 412
in a civil action, to the extent and in the manner provided in 413
Chapter 2744. of the Revised Code, for any injury, death, or 414
loss to person or property that allegedly was caused by or 415
related to a licensee bringing a handgun onto any premises or 416
property owned, leased, or otherwise under the control of the 417
political subdivision. As used in this division, "political 418
subdivision" has the same meaning as in section 2744.01 of the 419
Revised Code. 420

(c) An institution of higher education shall be immune 421
from liability in a civil action for any injury, death, or loss 422
to person or property that allegedly was caused by or related to 423
a licensee bringing a handgun onto the premises of the 424
institution, including motor vehicles owned by the institution, 425
unless the institution acted with malicious purpose. An 426
institution of higher education is immune from liability in a 427
civil action for any injury, death, or loss to person or 428
property that allegedly was caused by or related to the 429
institution's decision to permit a licensee or class of 430
licensees to bring a handgun onto the premises of the 431
institution. 432

(3) (a) Except as provided in division (C) (3) (b) of this 433

section and section 2923.1214 of the Revised Code, the owner or 434
person in control of private land or premises, and a private 435
person or entity leasing land or premises owned by the state, 436
the United States, or a political subdivision of the state or 437
the United States, may post a sign in a conspicuous location on 438
that land or on those premises prohibiting persons from carrying 439
firearms or concealed firearms on or onto that land or those 440
premises. Except as otherwise provided in this division, a 441
person who knowingly violates a posted prohibition of that 442
nature is guilty of criminal trespass in violation of division 443
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 444
misdemeanor of the fourth degree. If a person knowingly violates 445
a posted prohibition of that nature and the posted land or 446
premises primarily was a parking lot or other parking facility, 447
the person is not guilty of criminal trespass under section 448
2911.21 of the Revised Code or under any other criminal law of 449
this state or criminal law, ordinance, or resolution of a 450
political subdivision of this state, and instead is subject only 451
to a civil cause of action for trespass based on the violation. 452

 If a person knowingly violates a posted prohibition of the 453
nature described in this division and the posted land or 454
premises is a child day-care center, type A family day-care 455
home, or type B family day-care home, unless the person is a 456
licensee who resides in a type A family day-care home or type B 457
family day-care home, the person is guilty of aggravated 458
trespass in violation of section 2911.211 of the Revised Code. 459
Except as otherwise provided in this division, the offender is 460
guilty of a misdemeanor of the first degree. If the person 461
previously has been convicted of a violation of this division or 462
of any offense of violence, if the weapon involved is a firearm 463
that is either loaded or for which the offender has ammunition 464

ready at hand, or if the weapon involved is dangerous ordnance, 465
the offender is guilty of a felony of the fourth degree. 466

(b) A landlord may not prohibit or restrict a tenant who 467
is a licensee and who on or after September 9, 2008, enters into 468
a rental agreement with the landlord for the use of residential 469
premises, and the tenant's guest while the tenant is present, 470
from lawfully carrying or possessing a handgun on those 471
residential premises. 472

(c) As used in division (C)(3) of this section: 473

(i) "Residential premises" has the same meaning as in 474
section 5321.01 of the Revised Code, except "residential 475
premises" does not include a dwelling unit that is owned or 476
operated by a college or university. 477

(ii) "Landlord," "tenant," and "rental agreement" have the 478
same meanings as in section 5321.01 of the Revised Code. 479

(D) A person who holds a valid concealed handgun license 480
issued by another state that is recognized by the attorney 481
general pursuant to a reciprocity agreement entered into 482
pursuant to section 109.69 of the Revised Code or a person who 483
holds a valid concealed handgun license under the circumstances 484
described in division (B) of section 109.69 of the Revised Code 485
has the same right to carry a concealed handgun in this state as 486
a person who was issued a concealed handgun license under 487
section 2923.125 of the Revised Code and is subject to the same 488
restrictions that apply to a person who carries a license issued 489
under that section. 490

(E) (1) A peace officer has the same right to carry a 491
concealed handgun in this state as a person who was issued a 492
concealed handgun license under section 2923.125 of the Revised 493

Code, provided that the officer when carrying a concealed 494
handgun under authority of this division is carrying validating 495
identification. For purposes of reciprocity with other states, a 496
peace officer shall be considered to be a licensee in this 497
state. 498

(2) An active duty member of the armed forces of the 499
United States who is carrying a valid military identification 500
card and documentation of successful completion of firearms 501
training that meets or exceeds the training requirements 502
described in division (G) (1) of section 2923.125 of the Revised 503
Code has the same right to carry a concealed handgun in this 504
state as a person who was issued a concealed handgun license 505
under section 2923.125 of the Revised Code and is subject to the 506
same restrictions as specified in this section. 507

(3) A tactical medical professional who is qualified to 508
carry firearms while on duty under section 109.771 of the 509
Revised Code has the same right to carry a concealed handgun in 510
this state as a person who was issued a concealed handgun 511
license under section 2923.125 of the Revised Code. 512

(F) (1) A qualified retired peace officer who possesses a 513
retired peace officer identification card issued pursuant to 514
division (F) (2) of this section and a valid firearms 515
requalification certification issued pursuant to division (F) (3) 516
of this section has the same right to carry a concealed handgun 517
in this state as a person who was issued a concealed handgun 518
license under section 2923.125 of the Revised Code and is 519
subject to the same restrictions that apply to a person who 520
carries a license issued under that section. For purposes of 521
reciprocity with other states, a qualified retired peace officer 522
who possesses a retired peace officer identification card issued 523

pursuant to division (F) (2) of this section and a valid firearms 524
requalification certification issued pursuant to division (F) (3) 525
of this section shall be considered to be a licensee in this 526
state. 527

(2) (a) Each public agency of this state or of a political 528
subdivision of this state that is served by one or more peace 529
officers shall issue a retired peace officer identification card 530
to any person who retired from service as a peace officer with 531
that agency, if the issuance is in accordance with the agency's 532
policies and procedures and if the person, with respect to the 533
person's service with that agency, satisfies all of the 534
following: 535

(i) The person retired in good standing from service as a 536
peace officer with the public agency, and the retirement was not 537
for reasons of mental instability. 538

(ii) Before retiring from service as a peace officer with 539
that agency, the person was authorized to engage in or supervise 540
the prevention, detection, investigation, or prosecution of, or 541
the incarceration of any person for, any violation of law and 542
the person had statutory powers of arrest. 543

(iii) At the time of the person's retirement as a peace 544
officer with that agency, the person was trained and qualified 545
to carry firearms in the performance of the peace officer's 546
duties. 547

(iv) Before retiring from service as a peace officer with 548
that agency, the person was regularly employed as a peace 549
officer for an aggregate of fifteen years or more, or, in the 550
alternative, the person retired from service as a peace officer 551
with that agency, after completing any applicable probationary 552

period of that service, due to a service-connected disability, 553
as determined by the agency. 554

(b) A retired peace officer identification card issued to 555
a person under division (F) (2) (a) of this section shall identify 556
the person by name, contain a photograph of the person, identify 557
the public agency of this state or of the political subdivision 558
of this state from which the person retired as a peace officer 559
and that is issuing the identification card, and specify that 560
the person retired in good standing from service as a peace 561
officer with the issuing public agency and satisfies the 562
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 563
section. In addition to the required content specified in this 564
division, a retired peace officer identification card issued to 565
a person under division (F) (2) (a) of this section may include 566
the firearms requalification certification described in division 567
(F) (3) of this section, and if the identification card includes 568
that certification, the identification card shall serve as the 569
firearms requalification certification for the retired peace 570
officer. If the issuing public agency issues credentials to 571
active law enforcement officers who serve the agency, the agency 572
may comply with division (F) (2) (a) of this section by issuing 573
the same credentials to persons who retired from service as a 574
peace officer with the agency and who satisfy the criteria set 575
forth in divisions (F) (2) (a) (i) to (iv) of this section, 576
provided that the credentials so issued to retired peace 577
officers are stamped with the word "RETIRED." 578

(c) A public agency of this state or of a political 579
subdivision of this state may charge persons who retired from 580
service as a peace officer with the agency a reasonable fee for 581
issuing to the person a retired peace officer identification 582
card pursuant to division (F) (2) (a) of this section. 583

(3) If a person retired from service as a peace officer 584
with a public agency of this state or of a political subdivision 585
of this state and the person satisfies the criteria set forth in 586
divisions (F) (2) (a) (i) to (iv) of this section, the public 587
agency may provide the retired peace officer with the 588
opportunity to attend a firearms requalification program that is 589
approved for purposes of firearms requalification required under 590
section 109.801 of the Revised Code. The retired peace officer 591
may be required to pay the cost of the course. 592

If a retired peace officer who satisfies the criteria set 593
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 594
a firearms requalification program that is approved for purposes 595
of firearms requalification required under section 109.801 of 596
the Revised Code, the retired peace officer's successful 597
completion of the firearms requalification program requalifies 598
the retired peace officer for purposes of division (F) of this 599
section for five years from the date on which the program was 600
successfully completed, and the requalification is valid during 601
that five-year period. If a retired peace officer who satisfies 602
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 603
section satisfactorily completes such a firearms requalification 604
program, the retired peace officer shall be issued a firearms 605
requalification certification that identifies the retired peace 606
officer by name, identifies the entity that taught the program, 607
specifies that the retired peace officer successfully completed 608
the program, specifies the date on which the course was 609
successfully completed, and specifies that the requalification 610
is valid for five years from that date of successful completion. 611
The firearms requalification certification for a retired peace 612
officer may be included in the retired peace officer 613
identification card issued to the retired peace officer under 614

division (F) (2) of this section. 615

A retired peace officer who attends a firearms 616
requalification program that is approved for purposes of 617
firearms requalification required under section 109.801 of the 618
Revised Code may be required to pay the cost of the program. 619

(G) As used in this section: 620

(1) "Qualified retired peace officer" means a person who 621
satisfies all of the following: 622

(a) The person satisfies the criteria set forth in 623
divisions (F) (2) (a) (i) to (v) of this section. 624

(b) The person is not under the influence of alcohol or 625
another intoxicating or hallucinatory drug or substance. 626

(c) The person is not prohibited by federal law from 627
receiving firearms. 628

(2) "Retired peace officer identification card" means an 629
identification card that is issued pursuant to division (F) (2) 630
of this section to a person who is a retired peace officer. 631

(3) "Government facility of this state or a political 632
subdivision of this state" means any of the following: 633

(a) A building or part of a building that is owned or 634
leased by the government of this state or a political 635
subdivision of this state and where employees of the government 636
of this state or the political subdivision regularly are present 637
for the purpose of performing their official duties as employees 638
of the state or political subdivision; 639

(b) The office of a deputy registrar serving pursuant to 640
Chapter 4503. of the Revised Code that is used to perform deputy 641

registrar functions. 642

(4) "Governing body" has the same meaning as in section 643
154.01 of the Revised Code. 644

(5) "Tactical medical professional" has the same meaning 645
as in section 109.71 of the Revised Code. 646

(6) "Validating identification" means photographic 647
identification issued by the agency for which an individual 648
serves as a peace officer that identifies the individual as a 649
peace officer of the agency. 650

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 651
concealed handgun license is arrested for or otherwise charged 652
with an offense described in division (D) (1) (d) of section 653
2923.125 of the Revised Code or with a violation of section 654
2923.15 of the Revised Code or becomes subject to a temporary 655
protection order or to a protection order issued by a court of 656
another state that is substantially equivalent to a temporary 657
protection order, the sheriff who issued the license shall 658
suspend it and shall comply with division (A) (3) of this section 659
upon becoming aware of the arrest, charge, or protection order. 660
Upon suspending the license, the sheriff also shall comply with 661
division (H) of section 2923.125 of the Revised Code. 662

(b) A suspension under division (A) (1) (a) of this section 663
shall be considered as beginning on the date that the licensee 664
is arrested for or otherwise charged with an offense described 665
in that division or on the date the appropriate court issued the 666
protection order described in that division, irrespective of 667
when the sheriff notifies the licensee under division (A) (3) of 668
this section. The suspension shall end on the date on which the 669
charges are dismissed or the licensee is found not guilty of the 670

offense described in division (A) (1) (a) of this section or, 671
subject to division (B) of this section, on the date the 672
appropriate court terminates the protection order described in 673
that division. If the suspension so ends, the sheriff shall 674
return the license or temporary emergency license to the 675
licensee. 676

(2) (a) If a licensee holding a valid concealed handgun 677
license is convicted of or pleads guilty to a misdemeanor 678
violation of division (B) ~~(1), (2)~~ or (4) of section 2923.12 of 679
the Revised Code or of division (E) ~~(1), (2), (3)~~ or (5) of 680
section 2923.16 of the Revised Code, ~~except as provided in~~ 681
~~division (A) (2) (c) of this section and~~ subject to division (C) 682
of this section, the sheriff who issued the license shall 683
suspend it and shall comply with division (A) (3) of this section 684
upon becoming aware of the conviction or guilty plea. Upon 685
suspending the license, the sheriff also shall comply with 686
division (H) of section 2923.125 of the Revised Code. 687

(b) A suspension under division (A) (2) (a) of this section 688
shall be considered as beginning on the date that the licensee 689
is convicted of or pleads guilty to the offense described in 690
that division, irrespective of when the sheriff notifies the 691
licensee under division (A) (3) of this section. If the 692
suspension is imposed for a misdemeanor violation of division 693
(B) ~~(1) or (2)~~ of section 2923.12 of the Revised Code or of 694
division (E) ~~(1), (2), or (3)~~ of section 2923.16 of the Revised 695
Code, it shall end on the date that is one year after the date 696
that the licensee is convicted of or pleads guilty to that 697
violation. If the suspension is imposed for a misdemeanor 698
violation of division (B) (4) of section 2923.12 of the Revised 699
Code or of division (E) (5) of section 2923.16 of the Revised 700
Code, it shall end on the date that is two years after the date 701

that the licensee is convicted of or pleads guilty to that 702
violation. If the licensee's license was issued under section 703
2923.125 of the Revised Code and the license remains valid after 704
the suspension ends as described in this division, when the 705
suspension ends, the sheriff shall return the license to the 706
licensee. If the licensee's license was issued under section 707
2923.125 of the Revised Code and the license expires before the 708
suspension ends as described in this division, or if the 709
licensee's license was issued under section 2923.1213 of the 710
Revised Code, the licensee is not eligible to apply for a new 711
license under section 2923.125 or 2923.1213 of the Revised Code 712
or to renew the license under section 2923.125 of the Revised 713
Code until after the suspension ends as described in this 714
division. 715

~~(c) The license of a licensee who is convicted of or 716
pleads guilty to a violation of division (B) (1) of section 717
2923.12 or division (E) (1) or (2) of section 2923.16 of the 718
Revised Code shall not be suspended pursuant to division (A) (2) 719
(a) of this section if, at the time of the stop of the licensee 720
for a law enforcement purpose, for a traffic stop, or for a 721
purpose defined in section 5503.34 of the Revised Code that was 722
the basis of the violation, any law enforcement officer involved 723
with the stop or the employee of the motor carrier enforcement 724
unit who made the stop had actual knowledge of the licensee's 725
status as a licensee. 726~~

(3) Upon becoming aware of an arrest, charge, or 727
protection order described in division (A) (1) (a) of this section 728
with respect to a licensee who was issued a concealed handgun 729
license, or a conviction of or plea of guilty to a misdemeanor 730
offense described in division (A) (2) (a) of this section with 731
respect to a licensee who was issued a concealed handgun license 732

~~and with respect to which division (A) (2) (e) of this section~~ 733
~~does not apply~~, subject to division (C) of this section, the 734
sheriff who issued the licensee's license shall notify the 735
licensee, by certified mail, return receipt requested, at the 736
licensee's last known residence address that the license has 737
been suspended and that the licensee is required to surrender 738
the license at the sheriff's office within ten days of the date 739
on which the notice was mailed. If the suspension is pursuant to 740
division (A) (2) of this section, the notice shall identify the 741
date on which the suspension ends. 742

(B) (1) A sheriff who issues a concealed handgun license to 743
a licensee shall revoke the license in accordance with division 744
(B) (2) of this section upon becoming aware that the licensee 745
satisfies any of the following: 746

(a) The licensee is under twenty-one years of age. 747

(b) Subject to division (C) of this section, at the time 748
of the issuance of the license, the licensee did not satisfy the 749
eligibility requirements of division (D) (1) (c), (d), (e), (f), 750
(g), or (h) of section 2923.125 of the Revised Code. 751

(c) Subject to division (C) of this section, on or after 752
the date on which the license was issued, the licensee is 753
convicted of or pleads guilty to a violation of section 2923.15 754
of the Revised Code or an offense described in division (D) (1) 755
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 756

(d) On or after the date on which the license was issued, 757
the licensee becomes subject to a civil protection order or to a 758
protection order issued by a court of another state that is 759
substantially equivalent to a civil protection order. 760

(e) The licensee knowingly carries a concealed handgun 761

into a place that the licensee knows is an unauthorized place 762
specified in division (B) of section 2923.126 of the Revised 763
Code. 764

(f) On or after the date on which the license was issued, 765
the licensee is adjudicated as a mental defective or is 766
committed to a mental institution. 767

(g) At the time of the issuance of the license, the 768
licensee did not meet the residency requirements described in 769
division (D) (1) of section 2923.125 of the Revised Code and 770
currently does not meet the residency requirements described in 771
that division. 772

(h) Regarding a license issued under section 2923.125 of 773
the Revised Code, the competency certificate the licensee 774
submitted was forged or otherwise was fraudulent. 775

(2) Upon becoming aware of any circumstance listed in 776
division (B) (1) of this section that applies to a particular 777
licensee who was issued a concealed handgun license, subject to 778
division (C) of this section, the sheriff who issued the license 779
to the licensee shall notify the licensee, by certified mail, 780
return receipt requested, at the licensee's last known residence 781
address that the license is subject to revocation and that the 782
licensee may come to the sheriff's office and contest the 783
sheriff's proposed revocation within fourteen days of the date 784
on which the notice was mailed. After the fourteen-day period 785
and after consideration of any information that the licensee 786
provides during that period, if the sheriff determines on the 787
basis of the information of which the sheriff is aware that the 788
licensee is described in division (B) (1) of this section and no 789
longer satisfies the requirements described in division (D) (1) 790
of section 2923.125 of the Revised Code that are applicable to 791

the licensee's type of license, the sheriff shall revoke the 792
license, notify the licensee of that fact, and require the 793
licensee to surrender the license. Upon revoking the license, 794
the sheriff also shall comply with division (H) of section 795
2923.125 of the Revised Code. 796

(C) If a sheriff who issues a concealed handgun license to 797
a licensee becomes aware that at the time of the issuance of the 798
license the licensee had been convicted of or pleaded guilty to 799
an offense identified in division (D) (1) (e), (f), or (h) of 800
section 2923.125 of the Revised Code or had been adjudicated a 801
delinquent child for committing an act or violation identified 802
in any of those divisions or becomes aware that on or after the 803
date on which the license was issued the licensee has been 804
convicted of or pleaded guilty to an offense identified in 805
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 806
shall not consider that conviction, guilty plea, or adjudication 807
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 808
(1), and (B) (2) of this section if a court has ordered the 809
sealing or expungement of the records of that conviction, guilty 810
plea, or adjudication pursuant to sections 2151.355 to 2151.358 811
or sections 2953.31 to 2953.36 of the Revised Code or the 812
licensee has been relieved under operation of law or legal 813
process from the disability imposed pursuant to section 2923.13 814
of the Revised Code relative to that conviction, guilty plea, or 815
adjudication. 816

(D) As used in this section, "motor carrier enforcement 817
unit" has the same meaning as in section 2923.16 of the Revised 818
Code. 819

Sec. 2923.16. (A) No person shall knowingly discharge a 820
firearm while in or on a motor vehicle. 821

(B) No person shall knowingly transport or have a loaded 822
firearm in a motor vehicle in such a manner that the firearm is 823
accessible to the operator or any passenger without leaving the 824
vehicle. 825

(C) No person shall knowingly transport or have a firearm 826
in a motor vehicle, unless the person may lawfully possess that 827
firearm under applicable law of this state or the United States, 828
the firearm is unloaded, and the firearm is carried in one of 829
the following ways: 830

(1) In a closed package, box, or case; 831

(2) In a compartment that can be reached only by leaving 832
the vehicle; 833

(3) In plain sight and secured in a rack or holder made 834
for the purpose; 835

(4) If the firearm is at least twenty-four inches in 836
overall length as measured from the muzzle to the part of the 837
stock furthest from the muzzle and if the barrel is at least 838
eighteen inches in length, either in plain sight with the action 839
open or the weapon stripped, or, if the firearm is of a type on 840
which the action will not stay open or which cannot easily be 841
stripped, in plain sight. 842

(D) No person shall knowingly transport or have a loaded 843
handgun in a motor vehicle if, at the time of that 844
transportation or possession, any of the following applies: 845

(1) The person is under the influence of alcohol, a drug 846
of abuse, or a combination of them. 847

(2) The person's whole blood, blood serum or plasma, 848
breath, or urine contains a concentration of alcohol, a listed 849

controlled substance, or a listed metabolite of a controlled 850
substance prohibited for persons operating a vehicle, as 851
specified in division (A) of section 4511.19 of the Revised 852
Code, regardless of whether the person at the time of the 853
transportation or possession as described in this division is 854
the operator of or a passenger in the motor vehicle. 855

(E) No person who has been issued a concealed handgun 856
license or who is an active duty member of the armed forces of 857
the United States and is carrying a valid military 858
identification card and documentation of successful completion 859
of firearms training that meets or exceeds the training 860
requirements described in division (G) (1) of section 2923.125 of 861
the Revised Code, who is the driver or an occupant of a motor 862
vehicle that is stopped as a result of a traffic stop or a stop 863
for another law enforcement purpose or is the driver or an 864
occupant of a commercial motor vehicle that is stopped by an 865
employee of the motor carrier enforcement unit for the purposes 866
defined in section 5503.34 of the Revised Code, and who is 867
transporting or has a loaded handgun in the motor vehicle or 868
commercial motor vehicle in any manner, shall do any of the 869
following: 870

(1) Fail to promptly ~~Before or at the time a law~~ 871
enforcement officer requests the person's concealed handgun 872
license or asks if the person is carrying a concealed handgun, 873
fail to do both of the following: 874

(a) Display the person's concealed handgun license or 875
military identification card and documentation of successful 876
completion of firearms training that meets or exceeds the 877
training requirements described in division (G) (1) of section 878
2923.125 of the Revised Code or orally inform ~~any~~ the law 879

enforcement officer ~~who approaches the vehicle while stopped~~ 880
that the person has been issued a concealed handgun license or 881
is authorized to carry a concealed handgun as an active duty 882
member of the armed forces of the United States ~~and;~~ 883

(b) Disclose that the person then possesses or has a 884
loaded handgun in the motor vehicle~~+~~. 885

(2) ~~Fail to promptly~~ Before or at the time an employee of 886
the motor carrier enforcement unit requests the person's 887
concealed handgun license or asks if the person is carrying a 888
concealed handgun, fail to do both of the following: 889

(a) Display the person's concealed handgun license or 890
military identification card and documentation of successful 891
completion of firearms training that meets or exceeds the 892
training requirements described in division (G)(1) of section 893
2923.125 of the Revised Code or orally inform the employee of 894
the unit ~~who approaches the vehicle while stopped~~ that the 895
person has been issued a concealed handgun license or is 896
authorized to carry a concealed handgun as an active duty member 897
of the armed forces of the United States ~~and;~~ 898

(b) Disclose that the person then possesses or has a 899
loaded handgun in the commercial motor vehicle~~+~~. 900

(3) Knowingly fail to remain in the motor vehicle while 901
stopped or knowingly fail to keep the person's hands in plain 902
sight at any time after any law enforcement officer begins 903
approaching the person while stopped and before the law 904
enforcement officer leaves, unless the failure is pursuant to 905
and in accordance with directions given by a law enforcement 906
officer; 907

(4) Knowingly have contact with the loaded handgun by 908

touching it with the person's hands or fingers in the motor 909
vehicle at any time after the law enforcement officer begins 910
approaching and before the law enforcement officer leaves, 911
unless the person has contact with the loaded handgun pursuant 912
to and in accordance with directions given by the law 913
enforcement officer; 914

(5) Knowingly disregard or fail to comply with any lawful 915
order of any law enforcement officer given while the motor 916
vehicle is stopped, including, but not limited to, a specific 917
order to the person to keep the person's hands in plain sight. 918

(F) (1) Divisions (A), (B), (C), and (E) of this section do 919
not apply to any of the following: 920

(a) An officer, agent, or employee of this or any other 921
state or the United States, or a law enforcement officer, when 922
authorized to carry or have loaded or accessible firearms in 923
motor vehicles and acting within the scope of the officer's, 924
agent's, or employee's duties; 925

(b) Any person who is employed in this state, who is 926
authorized to carry or have loaded or accessible firearms in 927
motor vehicles, and who is subject to and in compliance with the 928
requirements of section 109.801 of the Revised Code, unless the 929
appointing authority of the person has expressly specified that 930
the exemption provided in division (F) (1) (b) of this section 931
does not apply to the person. 932

(2) Division (A) of this section does not apply to a 933
person if all of the following circumstances apply: 934

(a) The person discharges a firearm from a motor vehicle 935
at a coyote or groundhog, the discharge is not during the deer 936
gun hunting season as set by the chief of the division of 937

wildlife of the department of natural resources, and the 938
discharge at the coyote or groundhog, but for the operation of 939
this section, is lawful. 940

(b) The motor vehicle from which the person discharges the 941
firearm is on real property that is located in an unincorporated 942
area of a township and that either is zoned for agriculture or 943
is used for agriculture. 944

(c) The person owns the real property described in 945
division (F) (2) (b) of this section, is the spouse or a child of 946
another person who owns that real property, is a tenant of 947
another person who owns that real property, or is the spouse or 948
a child of a tenant of another person who owns that real 949
property. 950

(d) The person does not discharge the firearm in any of 951
the following manners: 952

(i) While under the influence of alcohol, a drug of abuse, 953
or alcohol and a drug of abuse; 954

(ii) In the direction of a street, highway, or other 955
public or private property used by the public for vehicular 956
traffic or parking; 957

(iii) At or into an occupied structure that is a permanent 958
or temporary habitation; 959

(iv) In the commission of any violation of law, including, 960
but not limited to, a felony that includes, as an essential 961
element, purposely or knowingly causing or attempting to cause 962
the death of or physical harm to another and that was committed 963
by discharging a firearm from a motor vehicle. 964

(3) Division (A) of this section does not apply to a 965

person if all of the following apply: 966

(a) The person possesses a valid all-purpose vehicle 967
permit issued under section 1533.103 of the Revised Code by the 968
chief of the division of wildlife. 969

(b) The person discharges a firearm at a wild quadruped or 970
game bird as defined in section 1531.01 of the Revised Code 971
during the open hunting season for the applicable wild quadruped 972
or game bird. 973

(c) The person discharges a firearm from a stationary all- 974
purpose vehicle as defined in section 1531.01 of the Revised 975
Code from private or publicly owned lands or from a motor 976
vehicle that is parked on a road that is owned or administered 977
by the division of wildlife. 978

(d) The person does not discharge the firearm in any of 979
the following manners: 980

(i) While under the influence of alcohol, a drug of abuse, 981
or alcohol and a drug of abuse; 982

(ii) In the direction of a street, a highway, or other 983
public or private property that is used by the public for 984
vehicular traffic or parking; 985

(iii) At or into an occupied structure that is a permanent 986
or temporary habitation; 987

(iv) In the commission of any violation of law, including, 988
but not limited to, a felony that includes, as an essential 989
element, purposely or knowingly causing or attempting to cause 990
the death of or physical harm to another and that was committed 991
by discharging a firearm from a motor vehicle. 992

(4) Divisions (B) and (C) of this section do not apply to 993

a person if all of the following circumstances apply: 994

(a) At the time of the alleged violation of either of 995
those divisions, the person is the operator of or a passenger in 996
a motor vehicle. 997

(b) The motor vehicle is on real property that is located 998
in an unincorporated area of a township and that either is zoned 999
for agriculture or is used for agriculture. 1000

(c) The person owns the real property described in 1001
division (D) (4) (b) of this section, is the spouse or a child of 1002
another person who owns that real property, is a tenant of 1003
another person who owns that real property, or is the spouse or 1004
a child of a tenant of another person who owns that real 1005
property. 1006

(d) The person, prior to arriving at the real property 1007
described in division (D) (4) (b) of this section, did not 1008
transport or possess a firearm in the motor vehicle in a manner 1009
prohibited by division (B) or (C) of this section while the 1010
motor vehicle was being operated on a street, highway, or other 1011
public or private property used by the public for vehicular 1012
traffic or parking. 1013

(5) Divisions (B) and (C) of this section do not apply to 1014
a person who transports or possesses a handgun in a motor 1015
vehicle if, at the time of that transportation or possession, 1016
both of the following apply: 1017

(a) The person transporting or possessing the handgun is 1018
either carrying a valid concealed handgun license or is an 1019
active duty member of the armed forces of the United States and 1020
is carrying a valid military identification card and 1021
documentation of successful completion of firearms training that 1022

meets or exceeds the training requirements described in division 1023
(G) (1) of section 2923.125 of the Revised Code. 1024

(b) The person transporting or possessing the handgun is 1025
not knowingly in a place described in division (B) of section 1026
2923.126 of the Revised Code. 1027

(6) Divisions (B) and (C) of this section do not apply to 1028
a person if all of the following apply: 1029

(a) The person possesses a valid all-purpose vehicle 1030
permit issued under section 1533.103 of the Revised Code by the 1031
chief of the division of wildlife. 1032

(b) The person is on or in an all-purpose vehicle as 1033
defined in section 1531.01 of the Revised Code or a motor 1034
vehicle during the open hunting season for a wild quadruped or 1035
game bird. 1036

(c) The person is on or in an all-purpose vehicle as 1037
defined in section 1531.01 of the Revised Code on private or 1038
publicly owned lands or on or in a motor vehicle that is parked 1039
on a road that is owned or administered by the division of 1040
wildlife. 1041

(7) Nothing in this section prohibits or restricts a 1042
person from possessing, storing, or leaving a firearm in a 1043
locked motor vehicle that is parked in the state underground 1044
parking garage at the state capitol building or in the parking 1045
garage at the Riffe center for government and the arts in 1046
Columbus, if the person's transportation and possession of the 1047
firearm in the motor vehicle while traveling to the premises or 1048
facility was not in violation of division (A), (B), (C), (D), or 1049
(E) of this section or any other provision of the Revised Code. 1050

(G) (1) The affirmative defenses authorized in divisions 1051

(D) (1) and (2) of section 2923.12 of the Revised Code are 1052
affirmative defenses to a charge under division (B) or (C) of 1053
this section that involves a firearm other than a handgun. 1054

(2) It is an affirmative defense to a charge under 1055
division (B) or (C) of this section of improperly handling 1056
firearms in a motor vehicle that the actor transported or had 1057
the firearm in the motor vehicle for any lawful purpose and 1058
while the motor vehicle was on the actor's own property, 1059
provided that this affirmative defense is not available unless 1060
the person, immediately prior to arriving at the actor's own 1061
property, did not transport or possess the firearm in a motor 1062
vehicle in a manner prohibited by division (B) or (C) of this 1063
section while the motor vehicle was being operated on a street, 1064
highway, or other public or private property used by the public 1065
for vehicular traffic. 1066

(H) (1) No person who is charged with a violation of 1067
division (B), (C), or (D) of this section shall be required to 1068
obtain a concealed handgun license as a condition for the 1069
dismissal of the charge. 1070

(2) (a) If a person is convicted of, was convicted of, 1071
pleads guilty to, or has pleaded guilty to a violation of 1072
division (E) of this section as it existed prior to September 1073
30, 2011, and if the conduct that was the basis of the violation 1074
no longer would be a violation of division (E) of this section 1075
on or after September 30, 2011, the person may file an 1076
application under section 2953.37 of the Revised Code requesting 1077
the expungement of the record of conviction. 1078

If a person is convicted of, was convicted of, pleads 1079
guilty to, or has pleaded guilty to a violation of division (B) 1080
or (C) of this section as the division existed prior to 1081

September 30, 2011, and if the conduct that was the basis of the 1082
violation no longer would be a violation of division (B) or (C) 1083
of this section on or after September 30, 2011, due to the 1084
application of division (F) (5) of this section as it exists on 1085
and after September 30, 2011, the person may file an application 1086
under section 2953.37 of the Revised Code requesting the 1087
expungement of the record of conviction. 1088

(b) The attorney general shall develop a public media 1089
advisory that summarizes the expungement procedure established 1090
under section 2953.37 of the Revised Code and the offenders 1091
identified in division (H) (2) (a) of this section who are 1092
authorized to apply for the expungement. Within thirty days 1093
after September 30, 2011, the attorney general shall provide a 1094
copy of the advisory to each daily newspaper published in this 1095
state and each television station that broadcasts in this state. 1096
The attorney general may provide the advisory in a tangible 1097
form, an electronic form, or in both tangible and electronic 1098
forms. 1099

(I) Whoever violates this section is guilty of improperly 1100
handling firearms in a motor vehicle. Violation of division (A) 1101
of this section is a felony of the fourth degree. Violation of 1102
division (C) of this section is a misdemeanor of the fourth 1103
degree. A violation of division (D) of this section is a felony 1104
of the fifth degree or, if the loaded handgun is concealed on 1105
the person's person, a felony of the fourth degree. ~~Except as~~ 1106
~~otherwise provided in this division, a violation of division (E)~~ 1107
~~(1) or (2) of this section is a misdemeanor of the first degree,~~ 1108
~~and, in addition to any other penalty or sanction imposed for~~ 1109
~~the violation, the offender's concealed handgun license shall be~~ 1110
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1111
~~Revised Code. If at the time of the stop of the offender for a~~ 1112

~~traffic stop, for another law enforcement purpose, or for a~~ 1113
~~purpose defined in section 5503.34 of the Revised Code that was~~ 1114
~~the basis of the violation any law enforcement officer involved~~ 1115
~~with the stop or the employee of the motor carrier enforcement~~ 1116
~~unit who made the stop had actual knowledge of the offender's~~ 1117
~~status as a licensee, a violation of division (E) (1) or (2) of~~ 1118
~~this section is a minor misdemeanor, and the offender's~~ 1119
~~concealed handgun license shall not be suspended pursuant to~~ 1120
~~division (A) (2) of section 2923.128 of the Revised Code . A~~ 1121
violation of division (E) (4) of this section is a felony of the 1122
fifth degree. A violation of division (E) (3) or (5) of this 1123
section is a misdemeanor of the first degree or, if the offender 1124
previously has been convicted of or pleaded guilty to a 1125
violation of division (E) (3) or (5) of this section, a felony of 1126
the fifth degree. In addition to any other penalty or sanction 1127
imposed for a misdemeanor violation of division (E) (3) or (5) of 1128
this section, the offender's concealed handgun license shall be 1129
suspended pursuant to division (A) (2) of section 2923.128 of the 1130
Revised Code. A violation of division (B) of this section is a 1131
felony of the fourth degree. 1132

(J) If a law enforcement officer stops a motor vehicle for 1133
a traffic stop or any other purpose, if any person in the motor 1134
vehicle surrenders a firearm to the officer, either voluntarily 1135
or pursuant to a request or demand of the officer, and if the 1136
officer does not charge the person with a violation of this 1137
section or arrest the person for any offense, the person is not 1138
otherwise prohibited by law from possessing the firearm, and the 1139
firearm is not contraband, the officer shall return the firearm 1140
to the person at the termination of the stop. If a court orders 1141
a law enforcement officer to return a firearm to a person 1142
pursuant to the requirement set forth in this division, division 1143

(B) of section 2923.163 of the Revised Code applies.	1144
(K) As used in this section:	1145
(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code.	1146 1147
(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.	1148 1149
(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code.	1150 1151
(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code.	1152 1153
(5) (a) "Unloaded" means, with respect to a firearm other than a firearm described in division (K) (6) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:	1154 1155 1156 1157 1158
(i) There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.	1159 1160 1161
(ii) Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.	1162 1163 1164 1165 1166
(b) For the purposes of division (K) (5) (a) (ii) of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:	1167 1168 1169 1170

(i) A package, box, or case with multiple compartments, as 1171
long as the loaded magazine or speed loader and the firearm in 1172
question either are in separate compartments within the package, 1173
box, or case, or, if they are in the same compartment, the 1174
magazine or speed loader is contained within a separate 1175
enclosure in that compartment that does not contain the firearm 1176
and that closes using a snap, button, buckle, zipper, hook and 1177
loop closing mechanism, or other fastener that must be opened to 1178
access the contents or the firearm is contained within a 1179
separate enclosure of that nature in that compartment that does 1180
not contain the magazine or speed loader; 1181

(ii) A pocket or other enclosure on the person of the 1182
person in question that closes using a snap, button, buckle, 1183
zipper, hook and loop closing mechanism, or other fastener that 1184
must be opened to access the contents. 1185

(c) For the purposes of divisions (K) (5) (a) and (b) of 1186
this section, ammunition held in stripper-clips or in en-bloc 1187
clips is not considered ammunition that is loaded into a 1188
magazine or speed loader. 1189

(6) "Unloaded" means, with respect to a firearm employing 1190
a percussion cap, flintlock, or other obsolete ignition system, 1191
when the weapon is uncapped or when the priming charge is 1192
removed from the pan. 1193

(7) "Commercial motor vehicle" has the same meaning as in 1194
division (A) of section 4506.25 of the Revised Code. 1195

(8) "Motor carrier enforcement unit" means the motor 1196
carrier enforcement unit in the department of public safety, 1197
division of state highway patrol, that is created by section 1198
5503.34 of the Revised Code. 1199

(L) Divisions (K) (5) (a) and (b) of this section do not 1200
affect the authority of a person who is carrying a valid 1201
concealed handgun license to have one or more magazines or speed 1202
loaders containing ammunition anywhere in a vehicle, without 1203
being transported as described in those divisions, as long as no 1204
ammunition is in a firearm, other than a handgun, in the vehicle 1205
other than as permitted under any other provision of this 1206
chapter. A person who is carrying a valid concealed handgun 1207
license may have one or more magazines or speed loaders 1208
containing ammunition anywhere in a vehicle without further 1209
restriction, as long as no ammunition is in a firearm, other 1210
than a handgun, in the vehicle other than as permitted under any 1211
provision of this chapter. 1212

Section 2. That existing sections 2923.12, 2923.126, 1213
2923.128, and 2923.16 of the Revised Code are hereby repealed. 1214

Section 3. Section 2923.126 of the Revised Code is 1215
presented in this act as a composite of the section as amended 1216
by both Am. Sub. H.B. 79 and Am. Sub. H.B. 228 of the 132nd 1217
General Assembly. The General Assembly, applying the principle 1218
stated in division (B) of section 1.52 of the Revised Code that 1219
amendments are to be harmonized if reasonably capable of 1220
simultaneous operation, finds that the composite is the 1221
resulting version of the section in effect prior to the 1222
effective date of the section as presented in this act. 1223