

**As Reported by the House State Government and Elections
Committee**

**129th General Assembly
Regular Session
2011-2012**

Am. H. B. No. 495

Representative Johnson

**Cosponsors: Representatives Hill, Hall, Adams, R., Brenner, Derickson,
Wachtmann, Combs, Hayes, Buchy, Boose, McClain, Goodwin, Thompson,
Conditt, Grossman, Maag, Sears, Damschroder, Hackett, Fende, Uecker,
Young, Adams, J., Bupp, Stautberg, Ruhl, DeVitis, Dovilla**

—

A B I L L

To amend sections 109.69, 109.731, 311.41, 311.42,	1
1547.69, 2921.13, 2923.11, 2923.12, 2923.121,	2
2923.122, 2923.123, 2923.124, 2923.125, 2923.126,	3
2923.127, 2923.128, 2923.129, 2923.1210,	4
2923.1211, 2923.1213, 2923.16, and 2953.37 of the	5
Revised Code to authorize the automatic validity	6
in Ohio of a concealed handgun license issued by	7
another state if the other state automatically	8
recognizes as valid in that state an Ohio	9
concealed handgun license without the need for any	10
reciprocity agreement between the states; to	11
repeal the competency certification currently	12
required for renewal of a concealed handgun	13
license; to revise the definition of "unloaded"	14
that applies to the offense of "improperly	15
handling firearms in a motor vehicle" and the	16
related vessel-based offense; and to simplify,	17
through the use of new definitions, the law	18
regarding concealed handgun licenses.	19

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

Section 1. That sections 109.69, 109.731, 311.41, 311.42, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, and 2953.37 of the Revised Code be amended to read as follows:

Sec. 109.69. (A)(1) The attorney general ~~shall~~ may negotiate and enter into a reciprocity agreement with any other license-issuing state under which a ~~license to carry a~~ concealed handgun license that is issued by the other state is recognized in this state if the attorney general determines that ~~both of the following apply:~~

~~(a) The eligibility requirements imposed by that license-issuing state for that license are substantially comparable to the eligibility requirements for a license to carry a concealed handgun issued under section 2923.125 of the Revised Code.~~

~~(b) That the license-issuing state recognizes a concealed handgun license to carry a concealed handgun issued under section 2923.125 of the Revised Code.~~

(2) A reciprocity agreement entered into under division (A)(1) of this section also may provide for the recognition in this state of a ~~license to carry a~~ concealed handgun license issued on a temporary or emergency basis by the other license-issuing state, if the eligibility requirements imposed by that license-issuing state for the temporary or emergency license are substantially comparable to the eligibility requirements for a ~~license or temporary emergency license to carry a~~ concealed handgun license issued under section 2923.125 or 2923.1213 of the

Revised Code and if that license-issuing state recognizes a 48
~~temporary emergency license to carry a~~ concealed handgun license 49
issued under section 2923.1213 of the Revised Code. 50

~~(3)(B)~~ The attorney general ~~shall not negotiate any~~ may 51
determine if another state automatically, without written 52
agreement with any other license-issuing state under which a 53
license to carry, recognizes a concealed handgun that is license 54
issued by the other state is recognized in this state other than 55
as provided in divisions (A)(1) and (2) of this under section 56
2923.125 of the Revised Code. If the attorney general determines 57
that another state recognizes in that manner a concealed carry 58
license issued under that section, all of the following apply: 59

(1) The attorney general shall publish that determination in 60
the same manner as written agreements entered into as described in 61
division (A)(1) or (2) of this section are published. 62

(2) That determination shall have the same force and effect 63
as a written agreement entered into as described in division 64
(A)(1) or (2) of this section. 65

(3) The concealed handgun license issued by the other state 66
shall be accepted and valid in this state the same as if a written 67
agreement between this state and the other state existed as 68
described in division (A)(1) or (2) of this section. 69

~~(B)(C)~~ As used in this section: 70

(1) "Handgun" ~~has~~ and "concealed handgun license" have the 71
same ~~meaning~~ meanings as in section 2923.11 of the Revised Code. 72

(2) "License-issuing state" means a state other than this 73
state that, pursuant to law, provides for the issuance of a 74
license to carry a concealed handgun. 75

Sec. 109.731. (A) The Ohio peace officer training commission 76
shall prescribe, and shall make available to sheriffs, all of the 77

following:	78
(1) An application form that is to be used under section 2923.125 of the Revised Code by a person who applies for a license to carry a concealed handgun <u>license</u> and an application form that is to be used under section 2923.125 of the Revised Code by a person who applies for the renewal of a license of that nature, both of which shall conform substantially to the forms prescribed in section 2923.1210 of the Revised Code;	79 80 81 82 83 84 85
(2) A form for the license to carry a concealed handgun <u>license</u> that is to be issued by sheriffs to persons who qualify for a license to carry a concealed handgun <u>license</u> under section 2923.125 of the Revised Code and that conforms to the following requirements:	86 87 88 89 90
(a) It has space for the licensee's full name, residence address, and date of birth and for a color photograph of the licensee.	91 92 93
(b) It has space for the date of issuance of the license, its expiration date, its county of issuance, the name of the sheriff who issues the license, and the unique combination of letters and numbers that identify the county of issuance and the license given to the licensee by the sheriff in accordance with division (A)(4) of this section.	94 95 96 97 98 99
(c) It has space for the signature of the licensee and the signature or a facsimile signature of the sheriff who issues the license.	100 101 102
(d) It does not require the licensee to include serial numbers of handguns, other identification related to handguns, or similar data that is not pertinent or relevant to obtaining the license and that could be used as a de facto means of registration of handguns owned by the licensee.	103 104 105 106 107

(3) A series of three-letter county codes that identify each county in this state;

(4) A procedure by which a sheriff shall give each concealed handgun license, replacement concealed handgun license, or renewal concealed handgun license ~~to carry a concealed handgun~~ and each ~~temporary emergency~~ concealed handgun license on a temporary emergency basis or replacement ~~temporary emergency~~ license ~~to carry a concealed handgun~~ on a temporary emergency basis the sheriff issues under section 2923.125 or 2923.1213 of the Revised Code a unique combination of letters and numbers that identifies the county in which the license ~~or temporary emergency license~~ was issued and that uses the county code and a unique number for each license ~~and each temporary emergency license~~ the sheriff of that county issues;

(5) A form for ~~the temporary emergency license to carry a~~ concealed handgun license on a temporary emergency basis that is to be issued by sheriffs to persons who qualify for such a ~~temporary emergency~~ license under section 2923.1213 of the Revised Code, which form shall conform to all the requirements set forth in divisions (A)(2)(a) to (d) of this section and shall additionally conspicuously specify that the license is issued on a ~~temporary emergency license basis~~ and the date of its issuance.

(B)(1) The Ohio peace officer training commission, in consultation with the attorney general, shall prepare a pamphlet that does all of the following, in everyday language:

(a) Explains the firearms laws of this state;

(b) Instructs the reader in dispute resolution and explains the laws of this state related to that matter;

(c) Provides information to the reader regarding all aspects of the use of deadly force with a firearm, including, but not limited to, the steps that should be taken before contemplating

the use of, or using, deadly force with a firearm, possible 139
alternatives to using deadly force with a firearm, and the law 140
governing the use of deadly force with a firearm. 141

(2) The attorney general shall consult with and assist the 142
commission in the preparation of the pamphlet described in 143
division (B)(1) of this section and, as necessary, shall recommend 144
to the commission changes in the pamphlet to reflect changes in 145
the law that are relevant to it. The attorney general shall 146
publish the pamphlet on the web site of the attorney general and 147
shall provide the address of the web site to any person who 148
requests the pamphlet. 149

(C) The Ohio peace officer training commission shall maintain 150
statistics with respect to the issuance, renewal, suspension, 151
revocation, and denial of ~~licenses to carry a~~ concealed handgun 152
licenses under section 2923.125 of the Revised Code and the 153
suspension of processing of applications for those licenses, and 154
with respect to the issuance, suspension, revocation, and denial 155
of ~~temporary emergency licenses to carry a~~ concealed handgun 156
licenses on a temporary emergency basis under section 2923.1213 of 157
the Revised Code, as reported by the sheriffs pursuant to division 158
(C) of section 2923.129 of the Revised Code. Not later than the 159
first day of March in each year, the commission shall submit a 160
statistical report to the governor, the president of the senate, 161
and the speaker of the house of representatives indicating the 162
number of ~~licenses to carry a~~ concealed handgun licenses that were 163
issued, renewed, suspended, revoked, and denied under section 164
2923.125 of the Revised Code in the previous calendar year, the 165
number of applications for those licenses for which processing was 166
suspended in accordance with division (D)(3) of that section 167
~~2923.125 of the Revised Code~~ in the previous calendar year, and 168
the number of ~~temporary emergency licenses to carry a~~ concealed 169
handgun licenses on a temporary emergency basis that were issued, 170

suspended, revoked, or denied under section 2923.1213 of the 171
Revised Code in the previous calendar year. Nothing in the 172
statistics or the statistical report shall identify, or enable the 173
identification of, any individual who was issued or denied a 174
license, for whom a license was renewed, whose license was 175
suspended or revoked, or for whom application processing was 176
suspended. The statistics and the statistical report are public 177
records for the purpose of section 149.43 of the Revised Code. 178

(D) As used in this section, "concealed handgun license" and 179
"handgun" ~~has~~ have the same ~~meaning~~ meanings as in section 2923.11 180
of the Revised Code. 181

Sec. 311.41. (A)(1) Upon receipt of an application for a 182
~~license to carry a~~ concealed handgun license under division (C) of 183
section 2923.125 of the Revised Code, an application to renew a 184
~~license to carry a~~ concealed handgun license under division (F) of 185
that section, or an application for a ~~temporary emergency license~~ 186
~~to carry a~~ concealed handgun license on a temporary emergency 187
basis under section 2923.1213 of the Revised Code, the sheriff 188
shall conduct a criminal records check and an incompetency check 189
of the applicant to determine whether the applicant fails to meet 190
the criteria described in division (D)(1) of section 2923.125 of 191
the Revised Code. The sheriff shall conduct the criminal records 192
check and the incompetency records check required by this division 193
through use of an electronic fingerprint reading device or, if the 194
sheriff does not possess and does not have ready access to the use 195
of an electronic fingerprint reading device, by requesting the 196
bureau of criminal identification and investigation to conduct the 197
checks as described in this division. 198

In order to conduct the criminal records check and the 199
incompetency records check, the sheriff shall obtain the 200
fingerprints of at least four fingers of the applicant by using an 201

electronic fingerprint reading device for the purpose of 202
conducting the criminal records check and the incompetency records 203
check or, if the sheriff does not possess and does not have ready 204
access to the use of an electronic fingerprint reading device, 205
shall obtain from the applicant a completed standard fingerprint 206
impression sheet prescribed pursuant to division (C)(2) of section 207
109.572 of the Revised Code. The fingerprints so obtained, along 208
with the applicant's social security number, shall be used to 209
conduct the criminal records check and the incompetency records 210
check. If the sheriff does not use an electronic fingerprint 211
reading device to obtain the fingerprints and conduct the records 212
checks, the sheriff shall submit the completed standard 213
fingerprint impression sheet of the applicant, along with the 214
applicant's social security number, to the superintendent of the 215
bureau of criminal identification and investigation and shall 216
request the bureau to conduct the criminal records check and the 217
incompetency records check of the applicant and, if necessary, 218
shall request the superintendent of the bureau to obtain 219
information from the federal bureau of investigation as part of 220
the criminal records check for the applicant. If it is not 221
possible to use an electronic fingerprint reading device to 222
conduct an incompetency records check, the sheriff shall submit 223
the completed standard fingerprint impression sheet of the 224
applicant, along with the applicant's social security number, to 225
the superintendent of the bureau of criminal identification and 226
investigation and shall request the bureau to conduct the 227
incompetency records check. The sheriff shall not retain the 228
applicant's fingerprints as part of the application. 229

(2) Except as otherwise provided in this division, if at any 230
time the applicant decides not to continue with the application 231
process, the sheriff immediately shall cease any investigation 232
that is being conducted under division (A)(1) of this section. The 233
sheriff shall not cease that investigation if, at the time of the 234

applicant's decision not to continue with the application process, 235
the sheriff had determined from any of the sheriff's 236
investigations that the applicant then was engaged in activity of 237
a criminal nature. 238

(B) If a criminal records check and an incompetency records 239
check conducted under division (A) of this section do not indicate 240
that the applicant fails to meet the criteria described in 241
division (D)(1) of section 2923.125 of the Revised Code, except as 242
otherwise provided in this division, the sheriff shall destroy or 243
cause a designated employee to destroy all records other than the 244
application for a ~~license to carry a~~ concealed handgun license, 245
the application to renew a ~~license to carry a~~ concealed handgun 246
license, or the affidavit submitted regarding an application for a 247
~~temporary emergency license to carry a~~ concealed handgun license 248
on a temporary emergency basis that were made in connection with 249
the criminal records check and incompetency records check within 250
twenty days after conducting the criminal records check and 251
incompetency records check. If an applicant appeals a denial of an 252
application as described in division (D)(2) of section 2923.125 of 253
the Revised Code or challenges the results of a criminal records 254
check pursuant to section 2923.127 of the Revised Code, records of 255
fingerprints of the applicant shall not be destroyed during the 256
pendency of the appeal or the challenge and review. When an 257
applicant appeals a denial as described in that division, the 258
twenty-day period described in this division commences regarding 259
the fingerprints upon the determination of the appeal. When 260
required as a result of a challenge and review performed pursuant 261
to section 2923.127 of the Revised Code, the source the sheriff 262
used in conducting the criminal records check shall destroy or the 263
chief operating officer of the source shall cause an employee of 264
the source designated by the chief to destroy all records other 265
than the application for a ~~license to carry a~~ concealed handgun 266
license, the application to renew a ~~license to carry a~~ concealed 267

handgun license, or the affidavit submitted regarding an 268
application for a ~~temporary emergency license to carry a~~ concealed 269
handgun license on a temporary emergency basis that were made in 270
connection with the criminal records check within twenty days 271
after completion of that challenge and review. 272

(C) If division (B) of this section applies to a particular 273
criminal records check or incompetency records check, no sheriff, 274
employee of a sheriff designated by the sheriff to destroy records 275
under that division, source the sheriff used in conducting the 276
criminal records check or incompetency records check, or employee 277
of the source designated by the chief operating officer of the 278
source to destroy records under that division shall fail to 279
destroy or cause to be destroyed within the applicable twenty-day 280
period specified in that division all records other than the 281
application for a ~~license to carry a~~ concealed handgun license, 282
the application to renew a ~~license to carry a~~ concealed handgun 283
license, or the affidavit submitted regarding an application for a 284
~~temporary emergency license to carry a~~ concealed handgun license 285
on a temporary emergency basis made in connection with the 286
particular criminal records check or incompetency records check. 287

(D) Whoever violates division (C) of this section is guilty 288
of failure to destroy records, a misdemeanor of the second degree. 289

(E) As used in this section, "concealed handgun license" and 290
"handgun" ~~has~~ have the same ~~meaning~~ meanings as in section 2923.11 291
of the Revised Code. 292

Sec. 311.42. (A) Each county shall establish in the county 293
treasury a sheriff's concealed handgun license issuance expense 294
fund. The sheriff of that county shall deposit into that fund all 295
fees paid by applicants for the issuance or renewal of a concealed 296
handgun license or duplicate concealed handgun license ~~to carry a~~ 297
~~concealed handgun~~ under section 2923.125 of the Revised Code and 298

all fees paid by the person seeking a ~~temporary emergency license~~ 299
~~to carry a~~ concealed handgun license on a temporary emergency 300
basis under section 2923.1213 of the Revised Code. The county 301
shall distribute all fees deposited into the fund except forty 302
dollars of each fee paid by an applicant under division (B) of 303
section 2923.125 of the Revised Code, fifteen dollars of each fee 304
paid under section 2923.1213 of the Revised Code, and thirty-five 305
dollars of each fee paid under division (F) of section 2923.125 of 306
the Revised Code to the attorney general to be used to pay the 307
cost of background checks performed by the bureau of criminal 308
identification and investigation and the federal bureau of 309
investigation and to cover administrative costs associated with 310
issuing the license. 311

(B) The sheriff, with the approval of the board of county 312
commissioners, may expend any county portion of the fees deposited 313
into the sheriff's concealed handgun license issuance expense fund 314
for any costs incurred by the sheriff in connection with 315
performing any administrative functions related to the issuance of 316
~~licenses or temporary emergency licenses to carry a~~ concealed 317
handgun licenses under section 2923.125 or 2923.1213 of the 318
Revised Code, including, but not limited to, personnel expenses 319
and the costs of any handgun safety education program that the 320
sheriff chooses to fund. Additionally, the sheriff, with the 321
approval of the board of county commissioners, may expend any 322
county portion of the fees deposited into the sheriff's concealed 323
handgun license issuance expense fund for costs of ammunition used 324
in a course, class, or program administered by the sheriff for a 325
concealed handgun license. 326

Sec. 1547.69. (A) As used in this section: 327

(1) "Firearm," ~~and~~ "concealed handgun license," "handgun," 328
and "valid concealed handgun license" have the same meanings as in 329

section 2923.11 of the Revised Code. 330

(2) "Unloaded" has the same meaning as in section 2923.16 of 331
the Revised Code. 332

(B) No person shall knowingly discharge a firearm while in or 333
on a vessel. 334

(C) No person shall knowingly transport or have a loaded 335
firearm in a vessel in a manner that the firearm is accessible to 336
the operator or any passenger. 337

(D) No person shall knowingly transport or have a firearm in 338
a vessel unless it is unloaded and is carried in one of the 339
following ways: 340

(1) In a closed package, box, or case; 341

(2) In plain sight with the action opened or the weapon 342
stripped, or, if the firearm is of a type on which the action will 343
not stay open or that cannot easily be stripped, in plain sight. 344

(E)(1) The affirmative defenses authorized in divisions 345
(D)(1) and (2) of section 2923.12 of the Revised Code are 346
affirmative defenses to a charge under division (C) or (D) of this 347
section that involves a firearm other than a handgun. It is an 348
affirmative defense to a charge under division (C) or (D) of this 349
section of transporting or having a firearm of any type, including 350
a handgun, in a vessel that the actor transported or had the 351
firearm in the vessel for any lawful purpose and while the vessel 352
was on the actor's own property, provided that this affirmative 353
defense is not available unless the actor, prior to arriving at 354
the vessel on the actor's own property, did not transport or 355
possess the firearm in the vessel or in a motor vehicle in a 356
manner prohibited by this section or division (B) or (C) of 357
section 2923.16 of the Revised Code while the vessel was being 358
operated on a waterway that was not on the actor's own property or 359
while the motor vehicle was being operated on a street, highway, 360

or other public or private property used by the public for 361
vehicular traffic. 362

(2) No person who is charged with a violation of division (C) 363
or (D) of this section shall be required to obtain a license or 364
temporary emergency license to carry a concealed handgun under 365
section 2923.125 or 2923.1213 of the Revised Code as a condition 366
for the dismissal of the charge. 367

(F) Divisions (B), (C), and (D) of this section do not apply 368
to the possession or discharge of a United States coast guard 369
approved signaling device required to be carried aboard a vessel 370
under section 1547.251 of the Revised Code when the signaling 371
device is possessed or used for the purpose of giving a visual 372
distress signal. No person shall knowingly transport or possess 373
any signaling device of that nature in or on a vessel in a loaded 374
condition at any time other than immediately prior to the 375
discharge of the signaling device for the purpose of giving a 376
visual distress signal. 377

(G) No person shall operate or permit to be operated any 378
vessel on the waters in this state in violation of this section. 379

(H)(1) This section does not apply to any of the following: 380

(a) An officer, agent, or employee of this or any other state 381
or of the United States, or to a law enforcement officer, when 382
authorized to carry or have loaded or accessible firearms in a 383
vessel and acting within the scope of the officer's, agent's, or 384
employee's duties; 385

(b) Any person who is employed in this state, who is 386
authorized to carry or have loaded or accessible firearms in a 387
vessel, and who is subject to and in compliance with the 388
requirements of section 109.801 of the Revised Code, unless the 389
appointing authority of the person has expressly specified that 390
the exemption provided in division (H)(1)(b) of this section does 391

not apply to the person; 392

(c) Any person legally engaged in hunting. 393

(2) Divisions (C) and (D) of this section do not apply to a 394
person who transports or possesses a handgun in a vessel and who, 395
at the time of that transportation or possession, is carrying a 396
valid ~~license or temporary emergency license to carry a concealed~~ 397
~~handgun issued to the person under section 2923.125 or 2923.1213~~ 398
~~of the Revised Code or a license to carry a concealed handgun that~~ 399
~~was issued by another state with which the attorney general has~~ 400
~~entered into a reciprocity agreement under section 109.69 of the~~ 401
~~Revised Code~~ license, unless the person knowingly is in a place on 402
the vessel described in division (B) of section 2923.126 of the 403
Revised Code. 404

(I) If a law enforcement officer stops a vessel for a 405
violation of this section or any other law enforcement purpose, if 406
any person on the vessel surrenders a firearm to the officer, 407
either voluntarily or pursuant to a request or demand of the 408
officer, and if the officer does not charge the person with a 409
violation of this section or arrest the person for any offense, 410
the person is not otherwise prohibited by law from possessing the 411
firearm, and the firearm is not contraband, the officer shall 412
return the firearm to the person at the termination of the stop. 413

Sec. 2921.13. (A) No person shall knowingly make a false 414
statement, or knowingly swear or affirm the truth of a false 415
statement previously made, when any of the following applies: 416

(1) The statement is made in any official proceeding. 417

(2) The statement is made with purpose to incriminate 418
another. 419

(3) The statement is made with purpose to mislead a public 420
official in performing the public official's official function. 421

(4) The statement is made with purpose to secure the payment 422
of unemployment compensation; Ohio works first; prevention, 423
retention, and contingency benefits and services; disability 424
financial assistance; retirement benefits; economic development 425
assistance, as defined in section 9.66 of the Revised Code; or 426
other benefits administered by a governmental agency or paid out 427
of a public treasury. 428

(5) The statement is made with purpose to secure the issuance 429
by a governmental agency of a license, permit, authorization, 430
certificate, registration, release, or provider agreement. 431

(6) The statement is sworn or affirmed before a notary public 432
or another person empowered to administer oaths. 433

(7) The statement is in writing on or in connection with a 434
report or return that is required or authorized by law. 435

(8) The statement is in writing and is made with purpose to 436
induce another to extend credit to or employ the offender, to 437
confer any degree, diploma, certificate of attainment, award of 438
excellence, or honor on the offender, or to extend to or bestow 439
upon the offender any other valuable benefit or distinction, when 440
the person to whom the statement is directed relies upon it to 441
that person's detriment. 442

(9) The statement is made with purpose to commit or 443
facilitate the commission of a theft offense. 444

(10) The statement is knowingly made to a probate court in 445
connection with any action, proceeding, or other matter within its 446
jurisdiction, either orally or in a written document, including, 447
but not limited to, an application, petition, complaint, or other 448
pleading, or an inventory, account, or report. 449

(11) The statement is made on an account, form, record, 450
stamp, label, or other writing that is required by law. 451

(12) The statement is made in connection with the purchase of 452
a firearm, as defined in section 2923.11 of the Revised Code, and 453
in conjunction with the furnishing to the seller of the firearm of 454
a fictitious or altered driver's or commercial driver's license or 455
permit, a fictitious or altered identification card, or any other 456
document that contains false information about the purchaser's 457
identity. 458

(13) The statement is made in a document or instrument of 459
writing that purports to be a judgment, lien, or claim of 460
indebtedness and is filed or recorded with the secretary of state, 461
a county recorder, or the clerk of a court of record. 462

(14) The statement is made in an application filed with a 463
county sheriff pursuant to section 2923.125 of the Revised Code in 464
order to obtain or renew a ~~license to carry a~~ concealed handgun 465
license or is made in an affidavit submitted to a county sheriff 466
to obtain a ~~temporary emergency license to carry a~~ concealed 467
handgun license on a temporary emergency basis under section 468
2923.1213 of the Revised Code. 469

(15) The statement is required under section 5743.71 of the 470
Revised Code in connection with the person's purchase of 471
cigarettes or tobacco products in a delivery sale. 472

(B) No person, in connection with the purchase of a firearm, 473
as defined in section 2923.11 of the Revised Code, shall knowingly 474
furnish to the seller of the firearm a fictitious or altered 475
driver's or commercial driver's license or permit, a fictitious or 476
altered identification card, or any other document that contains 477
false information about the purchaser's identity. 478

(C) No person, in an attempt to obtain a ~~license to carry a~~ 479
concealed handgun license under section 2923.125 of the Revised 480
Code, shall knowingly present to a sheriff a fictitious or altered 481
document that purports to be certification of the person's 482

competence in handling a handgun as described in division (B)(3) 483
of that section ~~2923.125 of the Revised Code.~~ 484

(D) It is no defense to a charge under division (A)(6) of 485
this section that the oath or affirmation was administered or 486
taken in an irregular manner. 487

(E) If contradictory statements relating to the same fact are 488
made by the offender within the period of the statute of 489
limitations for falsification, it is not necessary for the 490
prosecution to prove which statement was false but only that one 491
or the other was false. 492

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 493
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 494
of falsification, a misdemeanor of the first degree. 495

(2) Whoever violates division (A)(9) of this section is 496
guilty of falsification in a theft offense. Except as otherwise 497
provided in this division, falsification in a theft offense is a 498
misdemeanor of the first degree. If the value of the property or 499
services stolen is one thousand dollars or more and is less than 500
seven thousand five hundred dollars, falsification in a theft 501
offense is a felony of the fifth degree. If the value of the 502
property or services stolen is seven thousand five hundred dollars 503
or more and is less than one hundred fifty thousand dollars, 504
falsification in a theft offense is a felony of the fourth degree. 505
If the value of the property or services stolen is one hundred 506
fifty thousand dollars or more, falsification in a theft offense 507
is a felony of the third degree. 508

(3) Whoever violates division (A)(12) or (B) of this section 509
is guilty of falsification to purchase a firearm, a felony of the 510
fifth degree. 511

(4) Whoever violates division (A)(14) or (C) of this section 512
is guilty of falsification to obtain a concealed handgun license, 513

a felony of the fourth degree. 514

(G) A person who violates this section is liable in a civil 515
action to any person harmed by the violation for injury, death, or 516
loss to person or property incurred as a result of the commission 517
of the offense and for reasonable attorney's fees, court costs, 518
and other expenses incurred as a result of prosecuting the civil 519
action commenced under this division. A civil action under this 520
division is not the exclusive remedy of a person who incurs 521
injury, death, or loss to person or property as a result of a 522
violation of this section. 523

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of the 524
Revised Code: 525

(A) "Deadly weapon" means any instrument, device, or thing 526
capable of inflicting death, and designed or specially adapted for 527
use as a weapon, or possessed, carried, or used as a weapon. 528

(B)(1) "Firearm" means any deadly weapon capable of expelling 529
or propelling one or more projectiles by the action of an 530
explosive or combustible propellant. "Firearm" includes an 531
unloaded firearm, and any firearm that is inoperable but that can 532
readily be rendered operable. 533

(2) When determining whether a firearm is capable of 534
expelling or propelling one or more projectiles by the action of 535
an explosive or combustible propellant, the trier of fact may rely 536
upon circumstantial evidence, including, but not limited to, the 537
representations and actions of the individual exercising control 538
over the firearm. 539

(C) "Handgun" means any of the following: 540

(1) Any firearm that has a short stock and is designed to be 541
held and fired by the use of a single hand; 542

(2) Any combination of parts from which a firearm of a type 543

described in division (C)(1) of this section can be assembled. 544

(D) "Semi-automatic firearm" means any firearm designed or 545
specially adapted to fire a single cartridge and automatically 546
chamber a succeeding cartridge ready to fire, with a single 547
function of the trigger. 548

(E) "Automatic firearm" means any firearm designed or 549
specially adapted to fire a succession of cartridges with a single 550
function of the trigger. "Automatic firearm" also means any 551
semi-automatic firearm designed or specially adapted to fire more 552
than thirty-one cartridges without reloading, other than a firearm 553
chambering only .22 caliber short, long, or long-rifle cartridges. 554

(F) "Sawed-off firearm" means a shotgun with a barrel less 555
than eighteen inches long, or a rifle with a barrel less than 556
sixteen inches long, or a shotgun or rifle less than twenty-six 557
inches long overall. 558

(G) "Zip-gun" means any of the following: 559

(1) Any firearm of crude and extemporized manufacture; 560

(2) Any device, including without limitation a starter's 561
pistol, that is not designed as a firearm, but that is specially 562
adapted for use as a firearm; 563

(3) Any industrial tool, signalling device, or safety device, 564
that is not designed as a firearm, but that as designed is capable 565
of use as such, when possessed, carried, or used as a firearm. 566

(H) "Explosive device" means any device designed or specially 567
adapted to cause physical harm to persons or property by means of 568
an explosion, and consisting of an explosive substance or agency 569
and a means to detonate it. "Explosive device" includes without 570
limitation any bomb, any explosive demolition device, any blasting 571
cap or detonator containing an explosive charge, and any pressure 572
vessel that has been knowingly tampered with or arranged so as to 573

explode.	574
(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.	575 576 577 578
(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.	579 580
(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:	581 582
(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	583 584
(2) Any explosive device or incendiary device;	585
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonite, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;	586 587 588 589 590 591 592 593 594 595
(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;	596 597 598 599
(5) Any firearm muffler or silencer;	600
(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.	601 602 603

(L) "Dangerous ordnance" does not include any of the 604
following: 605

(1) Any firearm, including a military weapon and the 606
ammunition for that weapon, and regardless of its actual age, that 607
employs a percussion cap or other obsolete ignition system, or 608
that is designed and safe for use only with black powder; 609

(2) Any pistol, rifle, or shotgun, designed or suitable for 610
sporting purposes, including a military weapon as issued or as 611
modified, and the ammunition for that weapon, unless the firearm 612
is an automatic or sawed-off firearm; 613

(3) Any cannon or other artillery piece that, regardless of 614
its actual age, is of a type in accepted use prior to 1887, has no 615
mechanical, hydraulic, pneumatic, or other system for absorbing 616
recoil and returning the tube into battery without displacing the 617
carriage, and is designed and safe for use only with black powder; 618

(4) Black powder, priming quills, and percussion caps 619
possessed and lawfully used to fire a cannon of a type defined in 620
division (L)(3) of this section during displays, celebrations, 621
organized matches or shoots, and target practice, and smokeless 622
and black powder, primers, and percussion caps possessed and 623
lawfully used as a propellant or ignition device in small-arms or 624
small-arms ammunition; 625

(5) Dangerous ordnance that is inoperable or inert and cannot 626
readily be rendered operable or activated, and that is kept as a 627
trophy, souvenir, curio, or museum piece. 628

(6) Any device that is expressly excepted from the definition 629
of a destructive device pursuant to the "Gun Control Act of 1968," 630
82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations 631
issued under that act. 632

(M) "Explosive" means any chemical compound, mixture, or 633
device, the primary or common purpose of which is to function by 634

explosion. "Explosive" includes all materials that have been 635
classified as division 1.1, division 1.2, division 1.3, or 636
division 1.4 explosives by the United States department of 637
transportation in its regulations and includes, but is not limited 638
to, dynamite, black powder, pellet powders, initiating explosives, 639
blasting caps, electric blasting caps, safety fuses, fuse 640
igniters, squibs, cordeau detonant fuses, instantaneous fuses, and 641
igniter cords and igniters. "Explosive" does not include 642
"fireworks," as defined in section 3743.01 of the Revised Code, or 643
any substance or material otherwise meeting the definition of 644
explosive set forth in this section that is manufactured, sold, 645
possessed, transported, stored, or used in any activity described 646
in section 3743.80 of the Revised Code, provided the activity is 647
conducted in accordance with all applicable laws, rules, and 648
regulations, including, but not limited to, the provisions of 649
section 3743.80 of the Revised Code and the rules of the fire 650
marshal adopted pursuant to section 3737.82 of the Revised Code. 651

(N)(1) "Concealed handgun license" or "license to carry a 652
concealed handgun" means, subject to division (N)(2) of this 653
section, a license or temporary emergency license to carry a 654
concealed handgun issued under section 2923.125 or 2923.1213 of 655
the Revised Code or a license to carry a concealed handgun issued 656
by another state with which the attorney general has entered into 657
a reciprocity agreement or automatic recognition finding under 658
section 109.69 of the Revised Code. 659

(2) A reference in any provision of the Revised Code to a 660
"concealed handgun license issued under section 2923.125 of the 661
Revised Code" or a "license to carry a concealed handgun issued 662
under section 2923.125 of the Revised Code" means only a license 663
of the type that is specified in that section. A reference in any 664
provision of the Revised Code to a "concealed handgun license 665
issued under section 2923.1213 of the Revised Code," a "license to 666

carry a concealed handgun issued under section 2923.1213 of the Revised Code," or a "license to carry a concealed handgun on a temporary emergency basis" means only a license of the type that is specified in section 2923.1213 of the Revised Code. A reference in any provision of the Revised Code to a "concealed handgun license issued by another state" or a "license to carry a concealed handgun issued by another state" means only a license issued by another state with which the attorney general has entered into a reciprocity agreement or automatic recognition finding under section 109.69 of the Revised Code.

(O) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of section 2923.128 of the Revised Code, under section 2923.123 of the Revised Code, or under a suspension provision of the state other than this state in which the license was issued, and that has not been revoked under division (B)(1) of section 2923.128 of the Revised Code, under section 2923.1213 of the Revised Code, or under a revocation provision of the state other than this state in which the license was issued.

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

- (1) A deadly weapon other than a handgun;
- (2) A handgun other than a dangerous ordnance;
- (3) A dangerous ordnance.

(B) No person who has been issued a ~~license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the~~

~~attorney general has entered into a reciprocity agreement under~~ 697
~~section 109.69 of the Revised Code~~ license shall do any of the 698
following: 699

(1) If the person is stopped for a law enforcement purpose 700
and is carrying a concealed handgun, fail to promptly inform any 701
law enforcement officer who approaches the person after the person 702
has been stopped that the person has been issued a ~~license or~~ 703
~~temporary emergency license to carry a~~ concealed handgun license 704
and that the person then is carrying a concealed handgun; 705

(2) If the person is stopped for a law enforcement purpose 706
and ~~if the person~~ is carrying a concealed handgun, knowingly fail 707
to keep the person's hands in plain sight at any time after any 708
law enforcement officer begins approaching the person while 709
stopped and before the law enforcement officer leaves, unless the 710
failure is pursuant to and in accordance with directions given by 711
a law enforcement officer; 712

(3) If the person is stopped for a law enforcement purpose, 713
if the person is carrying a concealed handgun, and if the person 714
is approached by any law enforcement officer while stopped, 715
knowingly remove or attempt to remove the loaded handgun from the 716
holster, pocket, or other place in which the person is carrying 717
it, knowingly grasp or hold the loaded handgun, or knowingly have 718
contact with the loaded handgun by touching it with the person's 719
hands or fingers at any time after the law enforcement officer 720
begins approaching and before the law enforcement officer leaves, 721
unless the person removes, attempts to remove, grasps, holds, or 722
has contact with the loaded handgun pursuant to and in accordance 723
with directions given by the law enforcement officer; 724

(4) If the person is stopped for a law enforcement purpose 725
and ~~if the person~~ is carrying a concealed handgun, knowingly 726
disregard or fail to comply with any lawful order of any law 727
enforcement officer given while the person is stopped, including, 728

but not limited to, a specific order to the person to keep the 729
person's hands in plain sight. 730

(C)(1) This section does not apply to any of the following: 731

(a) An officer, agent, or employee of this or any other state 732
or the United States, or to a law enforcement officer, who is 733
authorized to carry concealed weapons or dangerous ordnance or is 734
authorized to carry handguns and is acting within the scope of the 735
officer's, agent's, or employee's duties; 736

(b) Any person who is employed in this state, who is 737
authorized to carry concealed weapons or dangerous ordnance or is 738
authorized to carry handguns, and who is subject to and in 739
compliance with the requirements of section 109.801 of the Revised 740
Code, unless the appointing authority of the person has expressly 741
specified that the exemption provided in division (C)(1)(b) of 742
this section does not apply to the person; 743

(c) A person's transportation or storage of a firearm, other 744
than a firearm described in divisions (G) to (M) of section 745
2923.11 of the Revised Code, in a motor vehicle for any lawful 746
purpose if the firearm is not on the actor's person; 747

(d) A person's storage or possession of a firearm, other than 748
a firearm described in divisions (G) to (M) of section 2923.11 of 749
the Revised Code, in the actor's own home for any lawful purpose. 750

(2) Division (A)(2) of this section does not apply to any 751
person who, at the time of the alleged carrying or possession of a 752
handgun, is carrying a valid ~~license or temporary emergency~~ 753
~~license to carry a concealed handgun issued to the person under~~ 754
~~section 2923.125 or 2923.1213 of the Revised Code or a license to~~ 755
~~carry a concealed handgun that was issued by another state with~~ 756
~~which the attorney general has entered into a reciprocity~~ 757
~~agreement under section 109.69 of the Revised Code~~ license, unless 758
the person knowingly is in a place described in division (B) of 759

section 2923.126 of the Revised Code. 760

(D) It is an affirmative defense to a charge under division 761
(A)(1) of this section of carrying or having control of a weapon 762
other than a handgun and other than a dangerous ordnance that the 763
actor was not otherwise prohibited by law from having the weapon 764
and that any of the following applies: 765

(1) The weapon was carried or kept ready at hand by the actor 766
for defensive purposes while the actor was engaged in or was going 767
to or from the actor's lawful business or occupation, which 768
business or occupation was of a character or was necessarily 769
carried on in a manner or at a time or place as to render the 770
actor particularly susceptible to criminal attack, such as would 771
justify a prudent person in going armed. 772

(2) The weapon was carried or kept ready at hand by the actor 773
for defensive purposes while the actor was engaged in a lawful 774
activity and had reasonable cause to fear a criminal attack upon 775
the actor, a member of the actor's family, or the actor's home, 776
such as would justify a prudent person in going armed. 777

(3) The weapon was carried or kept ready at hand by the actor 778
for any lawful purpose and while in the actor's own home. 779

(E) No person who is charged with a violation of this section 780
shall be required to obtain a ~~license or temporary emergency~~ 781
~~license to carry a concealed handgun under section 2923.125 or~~ 782
~~2923.1213 of the Revised Code~~ license as a condition for the 783
dismissal of the charge. 784

(F)(1) Whoever violates this section is guilty of carrying 785
concealed weapons. Except as otherwise provided in this division 786
or division (F)(2) of this section, carrying concealed weapons in 787
violation of division (A) of this section is a misdemeanor of the 788
first degree. Except as otherwise provided in this division or 789
division (F)(2) of this section, if the offender previously has 790

been convicted of a violation of this section or of any offense of 791
violence, if the weapon involved is a firearm that is either 792
loaded or for which the offender has ammunition ready at hand, or 793
if the weapon involved is dangerous ordnance, carrying concealed 794
weapons in violation of division (A) of this section is a felony 795
of the fourth degree. Except as otherwise provided in division 796
(F)(2) of this section, if the offense is committed aboard an 797
aircraft, or with purpose to carry a concealed weapon aboard an 798
aircraft, regardless of the weapon involved, carrying concealed 799
weapons in violation of division (A) of this section is a felony 800
of the third degree. 801

(2) If a person being arrested for a violation of division 802
(A)(2) of this section promptly produces a valid ~~license or~~ 803
~~temporary emergency license to carry a concealed handgun issued~~ 804
~~under section 2923.125 or 2923.1213 of the Revised Code or a~~ 805
~~license to carry a concealed handgun that was issued by another~~ 806
~~state with which the attorney general has entered into a~~ 807
~~reciprocity agreement under section 109.69 of the Revised Code~~ 808
license, and if at the time of the violation the person was not 809
knowingly in a place described in division (B) of section 2923.126 810
of the Revised Code, the officer shall not arrest the person for a 811
violation of that division. If the person is not able to promptly 812
produce any ~~of those types of~~ concealed handgun license and if the 813
person is not in a place described in that section, the officer 814
may arrest the person for a violation of that division, and the 815
offender shall be punished as follows: 816

(a) The offender shall be guilty of a minor misdemeanor if 817
both of the following apply: 818

(i) Within ten days after the arrest, the offender presents a 819
~~license or temporary emergency license to carry a concealed~~ 820
~~handgun issued under section 2923.125 or 2923.1213 of the Revised~~ 821
~~Code or a license to carry a concealed handgun that was issued by~~ 822

~~another state with which the attorney general has entered into a~~ 823
~~reciprocity agreement under section 109.69 of the Revised Code~~ 824
license, which license was valid at the time of the arrest to the 825
law enforcement agency that employs the arresting officer. 826

(ii) At the time of the arrest, the offender was not 827
knowingly in a place described in division (B) of section 2923.126 828
of the Revised Code. 829

(b) The offender shall be guilty of a misdemeanor and shall 830
be fined five hundred dollars if all of the following apply: 831

(i) The offender previously had been issued a ~~license to~~ 832
~~carry a concealed handgun under section 2923.125 of the Revised~~ 833
~~Code or a license to carry a concealed handgun that was issued by~~ 834
~~another state with which the attorney general has entered into a~~ 835
~~reciprocity agreement under section 109.69 of the Revised Code and~~ 836
~~that was similar in nature to a license issued under section~~ 837
~~2923.125 of the Revised Code~~, and that license expired within the 838
two years immediately preceding the arrest. 839

(ii) Within forty-five days after the arrest, the offender 840
presents ~~any type of a concealed handgun~~ license identified in 841
~~division (F)(2)(a)(i) of this section~~ to the law enforcement 842
agency that employed the arresting officer, and the offender 843
waives in writing the offender's right to a speedy trial on the 844
charge of the violation that is provided in section 2945.71 of the 845
Revised Code. 846

(iii) At the time of the commission of the offense, the 847
offender was not knowingly in a place described in division (B) of 848
section 2923.126 of the Revised Code. 849

(c) If neither division (F)(2)(a) nor (b) of this section 850
applies, the offender shall be punished under division (F)(1) of 851
this section. 852

(3) Except as otherwise provided in this division, carrying 853

concealed weapons in violation of division (B)(1) of this section 854
is a misdemeanor of the first degree, and, in addition to any 855
other penalty or sanction imposed for a violation of division 856
(B)(1) of this section, the offender's ~~license or temporary~~ 857
~~emergency license to carry a~~ concealed handgun license shall be 858
suspended pursuant to division (A)(2) of section 2923.128 of the 859
Revised Code. If, at the time of the stop of the offender for a 860
law enforcement purpose that was the basis of the violation, any 861
law enforcement officer involved with the stop had actual 862
knowledge that the offender has been issued a ~~license or temporary~~ 863
~~emergency license to carry a~~ concealed handgun license, carrying 864
concealed weapons in violation of division (B)(1) of this section 865
is a minor misdemeanor, and the offender's ~~license or temporary~~ 866
~~emergency license to carry a~~ concealed handgun license shall not 867
be suspended pursuant to division (A)(2) of section 2923.128 of 868
the Revised Code. 869

(4) Carrying concealed weapons in violation of division 870
(B)(2) or (4) of this section is a misdemeanor of the first degree 871
or, if the offender previously has been convicted of or pleaded 872
guilty to a violation of division (B)(2) or (4) of this section, a 873
felony of the fifth degree. In addition to any other penalty or 874
sanction imposed for a misdemeanor violation of division (B)(2) or 875
(4) of this section, the offender's ~~license or temporary emergency~~ 876
~~license to carry a~~ concealed handgun license shall be suspended 877
pursuant to division (A)(2) of section 2923.128 of the Revised 878
Code. 879

(5) Carrying concealed weapons in violation of division 880
(B)(3) of this section is a felony of the fifth degree. 881

(G) If a law enforcement officer stops a person to question 882
the person regarding a possible violation of this section, for a 883
traffic stop, or for any other law enforcement purpose, if the 884
person surrenders a firearm to the officer, either voluntarily or 885

pursuant to a request or demand of the officer, and if the officer 886
does not charge the person with a violation of this section or 887
arrest the person for any offense, the person is not otherwise 888
prohibited by law from possessing the firearm, and the firearm is 889
not contraband, the officer shall return the firearm to the person 890
at the termination of the stop. If a court orders a law 891
enforcement officer to return a firearm to a person pursuant to 892
the requirement set forth in this division, division (B) of 893
section 2923.163 of the Revised Code applies. 894

Sec. 2923.121. (A) No person shall possess a firearm in any 895
room in which any person is consuming beer or intoxicating liquor 896
in a premises for which a D permit has been issued under Chapter 897
4303. of the Revised Code or in an open air arena for which a 898
permit of that nature has been issued. 899

(B)(1) This section does not apply to any of the following: 900

(a) An officer, agent, or employee of this or any other state 901
or the United States, or to a law enforcement officer, who is 902
authorized to carry firearms and is acting within the scope of the 903
officer's, agent's, or employee's duties; 904

(b) Any person who is employed in this state, who is 905
authorized to carry firearms, and who is subject to and in 906
compliance with the requirements of section 109.801 of the Revised 907
Code, unless the appointing authority of the person has expressly 908
specified that the exemption provided in division (B)(1)(b) of 909
this section does not apply to the person; 910

(c) Any room used for the accommodation of guests of a hotel, 911
as defined in section 4301.01 of the Revised Code; 912

(d) The principal holder of a D permit issued for a premises 913
or an open air arena under Chapter 4303. of the Revised Code while 914
in the premises or open air arena for which the permit was issued 915

if the principal holder of the D permit also possesses a valid 916
~~license or temporary emergency license to carry a concealed~~ 917
~~handgun issued to the principal holder under section 2923.125 or~~ 918
~~2923.1213 of the Revised Code or a license to carry a concealed~~ 919
~~handgun that was issued to the principal holder by another state~~ 920
~~with which the attorney general has entered into a reciprocity~~ 921
~~agreement under section 109.69 of the Revised Code~~ license and as 922
long as the principal holder is not consuming beer or intoxicating 923
liquor or under the influence of alcohol or a drug of abuse, or 924
any agent or employee of that holder who also is a peace officer, 925
as defined in section 2151.3515 of the Revised Code, who is off 926
duty, and who otherwise is authorized to carry firearms while in 927
the course of the officer's official duties and while in the 928
premises or open air arena for which the permit was issued and as 929
long as the agent or employee of that holder is not consuming beer 930
or intoxicating liquor or under the influence of alcohol or a drug 931
of abuse. 932

(e) Any person who is carrying a valid ~~license or temporary~~ 933
~~emergency license to carry a concealed handgun issued to the~~ 934
~~person under section 2923.125 or 2923.1213 of the Revised Code or~~ 935
~~a license to carry a concealed handgun that was issued to the~~ 936
~~person by another state with which the attorney general has~~ 937
~~entered into a reciprocity agreement under section 109.69 of the~~ 938
~~Revised Code~~ license, as long as the person is not consuming beer 939
or intoxicating liquor or under the influence of alcohol or a drug 940
of abuse. 941

(2) This section does not prohibit any person who is a member 942
of a veteran's organization, as defined in section 2915.01 of the 943
Revised Code, from possessing a rifle in any room in any premises 944
owned, leased, or otherwise under the control of the veteran's 945
organization, if the rifle is not loaded with live ammunition and 946
if the person otherwise is not prohibited by law from having the 947

rifle. 948

(3) This section does not apply to any person possessing or 949
displaying firearms in any room used to exhibit unloaded firearms 950
for sale or trade in a soldiers' memorial established pursuant to 951
Chapter 345. of the Revised Code, in a convention center, or in 952
any other public meeting place, if the person is an exhibitor, 953
trader, purchaser, or seller of firearms and is not otherwise 954
prohibited by law from possessing, trading, purchasing, or selling 955
the firearms. 956

(C) It is an affirmative defense to a charge under this 957
section of illegal possession of a firearm in a liquor permit 958
premises that involves the possession of a firearm other than a 959
handgun, that the actor was not otherwise prohibited by law from 960
having the firearm, and that any of the following apply: 961

(1) The firearm was carried or kept ready at hand by the 962
actor for defensive purposes, while the actor was engaged in or 963
was going to or from the actor's lawful business or occupation, 964
which business or occupation was of such character or was 965
necessarily carried on in such manner or at such a time or place 966
as to render the actor particularly susceptible to criminal 967
attack, such as would justify a prudent person in going armed. 968

(2) The firearm was carried or kept ready at hand by the 969
actor for defensive purposes, while the actor was engaged in a 970
lawful activity, and had reasonable cause to fear a criminal 971
attack upon the actor or a member of the actor's family, or upon 972
the actor's home, such as would justify a prudent person in going 973
armed. 974

(D) No person who is charged with a violation of this section 975
shall be required to obtain a ~~license or temporary emergency~~ 976
~~license to carry a concealed handgun under section 2923.125 or~~ 977
~~2923.1213 of the Revised Code~~ license as a condition for the 978

dismissal of the charge.	979
(E) Whoever violates this section is guilty of illegal possession of a firearm in a liquor permit premises. Except as otherwise provided in this division, illegal possession of a firearm in a liquor permit premises is a felony of the fifth degree. If the offender commits the violation of this section by knowingly carrying or having the firearm concealed on the offender's person or concealed ready at hand, illegal possession of a firearm in a liquor permit premises is a felony of the third degree.	980 981 982 983 984 985 986 987 988
(F) As used in this section, "beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code.	989 990
Sec. 2923.122. (A) No person shall knowingly convey, or attempt to convey, a deadly weapon or dangerous ordnance into a school safety zone.	991 992 993
(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.	994 995
(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:	996 997
(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.	998 999
(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.	1000 1001 1002
(D)(1) This section does not apply to any of the following:	1003
(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a security officer employed by a board of education or	1004 1005 1006 1007 1008

governing body of a school during the time that the security 1009
officer is on duty pursuant to that contract of employment, or any 1010
other person who has written authorization from the board of 1011
education or governing body of a school to convey deadly weapons 1012
or dangerous ordnance into a school safety zone or to possess a 1013
deadly weapon or dangerous ordnance in a school safety zone and 1014
who conveys or possesses the deadly weapon or dangerous ordnance 1015
in accordance with that authorization; 1016

(b) Any person who is employed in this state, who is 1017
authorized to carry deadly weapons or dangerous ordnance, and who 1018
is subject to and in compliance with the requirements of section 1019
109.801 of the Revised Code, unless the appointing authority of 1020
the person has expressly specified that the exemption provided in 1021
division (D)(1)(b) of this section does not apply to the person. 1022

(2) Division (C) of this section does not apply to premises 1023
upon which home schooling is conducted. Division (C) of this 1024
section also does not apply to a school administrator, teacher, or 1025
employee who possesses an object that is indistinguishable from a 1026
firearm for legitimate school purposes during the course of 1027
employment, a student who uses an object that is indistinguishable 1028
from a firearm under the direction of a school administrator, 1029
teacher, or employee, or any other person who with the express 1030
prior approval of a school administrator possesses an object that 1031
is indistinguishable from a firearm for a legitimate purpose, 1032
including the use of the object in a ceremonial activity, a play, 1033
reenactment, or other dramatic presentation, or a ROTC activity or 1034
another similar use of the object. 1035

(3) This section does not apply to a person who conveys or 1036
attempts to convey a handgun into, or possesses a handgun in, a 1037
school safety zone if, at the time of that conveyance, attempted 1038
conveyance, or possession of the handgun, all of the following 1039
apply: 1040

(a) The person does not enter into a school building or onto school premises and is not at a school activity. 1041
1042

(b) The person is carrying a valid ~~license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code~~ license. 1043
1044
1045
1046
1047
1048
1049

(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B). 1050
1051

(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to (10) of section 2923.126 of the Revised Code. 1052
1053
1054

(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply: 1055
1056
1057
1058
1059

(a) The person is carrying a valid ~~license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code~~ license. 1060
1061
1062
1063
1064
1065
1066

(b) The person is the driver or passenger in a motor vehicle and is in the school safety zone while immediately in the process of picking up or dropping off a child. 1067
1068
1069

(c) The person is not in violation of section 2923.16 of the Revised Code. 1070
1071

(E)(1) Whoever violates division (A) or (B) of this section 1072
is guilty of illegal conveyance or possession of a deadly weapon 1073
or dangerous ordnance in a school safety zone. Except as otherwise 1074
provided in this division, illegal conveyance or possession of a 1075
deadly weapon or dangerous ordnance in a school safety zone is a 1076
felony of the fifth degree. If the offender previously has been 1077
convicted of a violation of this section, illegal conveyance or 1078
possession of a deadly weapon or dangerous ordnance in a school 1079
safety zone is a felony of the fourth degree. 1080

(2) Whoever violates division (C) of this section is guilty 1081
of illegal possession of an object indistinguishable from a 1082
firearm in a school safety zone. Except as otherwise provided in 1083
this division, illegal possession of an object indistinguishable 1084
from a firearm in a school safety zone is a misdemeanor of the 1085
first degree. If the offender previously has been convicted of a 1086
violation of this section, illegal possession of an object 1087
indistinguishable from a firearm in a school safety zone is a 1088
felony of the fifth degree. 1089

(F)(1) In addition to any other penalty imposed upon a person 1090
who is convicted of or pleads guilty to a violation of this 1091
section and subject to division (F)(2) of this section, if the 1092
offender has not attained nineteen years of age, regardless of 1093
whether the offender is attending or is enrolled in a school 1094
operated by a board of education or for which the state board of 1095
education prescribes minimum standards under section 3301.07 of 1096
the Revised Code, the court shall impose upon the offender a class 1097
four suspension of the offender's probationary driver's license, 1098
restricted license, driver's license, commercial driver's license, 1099
temporary instruction permit, or probationary commercial driver's 1100
license that then is in effect from the range specified in 1101
division (A)(4) of section 4510.02 of the Revised Code and shall 1102
deny the offender the issuance of any permit or license of that 1103

type during the period of the suspension. 1104

If the offender is not a resident of this state, the court 1105
shall impose a class four suspension of the nonresident operating 1106
privilege of the offender from the range specified in division 1107
(A)(4) of section 4510.02 of the Revised Code. 1108

(2) If the offender shows good cause why the court should not 1109
suspend one of the types of licenses, permits, or privileges 1110
specified in division (F)(1) of this section or deny the issuance 1111
of one of the temporary instruction permits specified in that 1112
division, the court in its discretion may choose not to impose the 1113
suspension, revocation, or denial required in that division. 1114

(G) As used in this section, "object that is 1115
indistinguishable from a firearm" means an object made, 1116
constructed, or altered so that, to a reasonable person without 1117
specialized training in firearms, the object appears to be a 1118
firearm. 1119

Sec. 2923.123. (A) No person shall knowingly convey or 1120
attempt to convey a deadly weapon or dangerous ordnance into a 1121
courthouse or into another building or structure in which a 1122
courtroom is located. 1123

(B) No person shall knowingly possess or have under the 1124
person's control a deadly weapon or dangerous ordnance in a 1125
courthouse or in another building or structure in which a 1126
courtroom is located. 1127

(C) This section does not apply to any of the following: 1128

(1) Except as provided in division (E) of this section, a 1129
judge of a court of record of this state or a magistrate; 1130

(2) A peace officer, officer of a law enforcement agency, or 1131
person who is in either of the following categories: 1132

(a) Except as provided in division (E) of this section, a 1133

peace officer, or an officer of a law enforcement agency of 1134
another state, a political subdivision of another state, or the 1135
United States, who is authorized to carry a deadly weapon or 1136
dangerous ordnance, who possesses or has under that individual's 1137
control a deadly weapon or dangerous ordnance as a requirement of 1138
that individual's duties, and who is acting within the scope of 1139
that individual's duties at the time of that possession or 1140
control; 1141

(b) Except as provided in division (E) of this section, a 1142
person who is employed in this state, who is authorized to carry a 1143
deadly weapon or dangerous ordnance, who possesses or has under 1144
that individual's control a deadly weapon or dangerous ordnance as 1145
a requirement of that person's duties, and who is subject to and 1146
in compliance with the requirements of section 109.801 of the 1147
Revised Code, unless the appointing authority of the person has 1148
expressly specified that the exemption provided in division 1149
(C)(2)(b) of this section does not apply to the person. 1150

(3) A person who conveys, attempts to convey, possesses, or 1151
has under the person's control a deadly weapon or dangerous 1152
ordnance that is to be used as evidence in a pending criminal or 1153
civil action or proceeding; 1154

(4) Except as provided in division (E) of this section, a 1155
bailiff or deputy bailiff of a court of record of this state who 1156
is authorized to carry a firearm pursuant to section 109.77 of the 1157
Revised Code, who possesses or has under that individual's control 1158
a firearm as a requirement of that individual's duties, and who is 1159
acting within the scope of that individual's duties at the time of 1160
that possession or control; 1161

(5) Except as provided in division (E) of this section, a 1162
prosecutor, or a secret service officer appointed by a county 1163
prosecuting attorney, who is authorized to carry a deadly weapon 1164
or dangerous ordnance in the performance of the individual's 1165

duties, who possesses or has under that individual's control a 1166
deadly weapon or dangerous ordnance as a requirement of that 1167
individual's duties, and who is acting within the scope of that 1168
individual's duties at the time of that possession or control; 1169

(6) Except as provided in division (E) of this section, a 1170
person who conveys or attempts to convey a handgun into a 1171
courthouse or into another building or structure in which a 1172
courtroom is located, who, at the time of the conveyance or 1173
attempt, is carrying a valid ~~license or temporary emergency~~ 1174
~~license to carry a concealed handgun issued to the person under~~ 1175
~~section 2923.125 or 2923.1213 of the Revised Code or a license to~~ 1176
~~carry a concealed handgun that was issued by another state with~~ 1177
~~which the attorney general has entered into a reciprocity~~ 1178
~~agreement under section 109.69 of the Revised Code~~ license, and 1179
who transfers possession of the handgun to the officer or 1180
officer's designee who has charge of the courthouse or building. 1181
The officer shall secure the handgun until the licensee is 1182
prepared to leave the premises. The exemption described in this 1183
division applies only if the officer who has charge of the 1184
courthouse or building provides services of the nature described 1185
in this division. An officer who has charge of the courthouse or 1186
building is not required to offer services of the nature described 1187
in this division. 1188

(D)(1) Whoever violates division (A) of this section is 1189
guilty of illegal conveyance of a deadly weapon or dangerous 1190
ordnance into a courthouse. Except as otherwise provided in this 1191
division, illegal conveyance of a deadly weapon or dangerous 1192
ordnance into a courthouse is a felony of the fifth degree. If the 1193
offender previously has been convicted of a violation of division 1194
(A) or (B) of this section, illegal conveyance of a deadly weapon 1195
or dangerous ordnance into a courthouse is a felony of the fourth 1196
degree. 1197

(2) Whoever violates division (B) of this section is guilty 1198
of illegal possession or control of a deadly weapon or dangerous 1199
ordnance in a courthouse. Except as otherwise provided in this 1200
division, illegal possession or control of a deadly weapon or 1201
dangerous ordnance in a courthouse is a felony of the fifth 1202
degree. If the offender previously has been convicted of a 1203
violation of division (A) or (B) of this section, illegal 1204
possession or control of a deadly weapon or dangerous ordnance in 1205
a courthouse is a felony of the fourth degree. 1206

(E) The exemptions described in divisions (C)(1), (2)(a), 1207
(2)(b), (4), (5), and (6) of this section do not apply to any 1208
judge, magistrate, peace officer, officer of a law enforcement 1209
agency, bailiff, deputy bailiff, prosecutor, secret service 1210
officer, or other person described in any of those divisions if a 1211
rule of superintendence or another type of rule adopted by the 1212
supreme court pursuant to Article IV, Ohio Constitution, or an 1213
applicable local rule of court prohibits all persons from 1214
conveying or attempting to convey a deadly weapon or dangerous 1215
ordnance into a courthouse or into another building or structure 1216
in which a courtroom is located or from possessing or having under 1217
one's control a deadly weapon or dangerous ordnance in a 1218
courthouse or in another building or structure in which a 1219
courtroom is located. 1220

(F) As used in this section: 1221

(1) "Magistrate" means an individual who is appointed by a 1222
court of record of this state and who has the powers and may 1223
perform the functions specified in Civil Rule 53, Criminal Rule 1224
19, or Juvenile Rule 40. 1225

(2) "Peace officer" and "prosecutor" have the same meanings 1226
as in section 2935.01 of the Revised Code. 1227

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 1228

the Revised Code:	1229
(A) "Application form" means the application form prescribed pursuant to division (A)(1) of section 109.731 of the Revised Code and includes a copy of that form.	1230 1231 1232
(B) "Competency certification" and "competency certificate" mean a document of the type described in division (B)(3) of section 2923.125 of the Revised Code.	1233 1234 1235
(C) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.	1236 1237
(D) "Licensee" means a person to whom a license to carry a concealed handgun <u>license</u> has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a temporary emergency license to carry a concealed handgun <u>license on a temporary emergency basis</u> has been issued under section 2923.1213 of the Revised Code <u>and a person to whom a concealed handgun license has been issued by another state.</u>	1238 1239 1240 1241 1242 1243 1244 1245
(E) "License fee" or "license renewal fee" means the fee for a license to carry a concealed handgun <u>license</u> or the fee to renew that license that is prescribed pursuant to division (C) of section 109.731 of the Revised Code and that is to be paid by an applicant for a license of that type.	1246 1247 1248 1249 1250
(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	1251 1252
(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.	1253 1254
(H) "Valid license" means a license or temporary emergency license to carry a concealed handgun that has been issued under section 2923.125 or 2923.1213 of the Revised Code, that is currently valid, that is not under a suspension under division	1255 1256 1257 1258

~~(A)(1) of section 2923.128 or under section 2923.1213 of the~~ 1259
~~Revised Code, and that has not been revoked under division (B)(1)~~ 1260
~~of section 2923.128 or under section 2923.1213 of the Revised~~ 1261
~~Code.~~ 1262

~~(I)~~ "Civil protection order" means a protection order issued, 1263
or consent agreement approved, under section 2903.214 or 3113.31 1264
of the Revised Code. 1265

~~(J)~~(I) "Temporary protection order" means a protection order 1266
issued under section 2903.213 or 2919.26 of the Revised Code. 1267

~~(K)~~(J) "Protection order issued by a court of another state" 1268
has the same meaning as in section 2919.27 of the Revised Code. 1269

~~(L)~~(K) "Child day-care center," "type A family day-care home" 1270
and "type B family day-care home" have the same meanings as in 1271
section 5104.01 of the Revised Code. 1272

~~(M)~~(L) "Type C family day-care home" means a family day-care 1273
home authorized to provide child care by Sub. H.B. 62 of the 121st 1274
general assembly, as amended by Am. Sub. S.B. 160 of the 121st 1275
general assembly and Sub. H.B. 407 of the 123rd general assembly. 1276

~~(N)~~(M) "Foreign air transportation," "interstate air 1277
transportation," and "intrastate air transportation" have the same 1278
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 1279

~~(O)~~(N) "Commercial motor vehicle" has the same meaning as in 1280
division (A) of section 4506.25 of the Revised Code. 1281

~~(P)~~(O) "Motor carrier enforcement unit" has the same meaning 1282
as in section 2923.16 of the Revised Code. 1283

Sec. 2923.125. (A) This section applies with respect to the 1284
application for and issuance by this state of concealed handgun 1285
licenses other than concealed handgun licenses on a temporary 1286
emergency basis that are issued under section 2923.1213 of the 1287
Revised Code. Upon the request of a person who wishes to obtain a 1288

~~license to carry a concealed handgun license with respect to which~~ 1289
~~this section applies~~ or to renew a ~~license to carry a concealed~~ 1290
~~handgun license with respect to which this section applies~~, a 1291
sheriff, as provided in division (I) of this section, shall 1292
provide to the person free of charge an application form and the 1293
web site address at which the pamphlet described in division (B) 1294
of section 109.731 of the Revised Code may be found. A sheriff 1295
shall accept a completed application form and the fee, items, 1296
materials, and information specified in divisions (B)(1) to (5) of 1297
this section at the times and in the manners described in division 1298
(I) of this section. 1299

(B) An applicant for a ~~license to carry a concealed handgun~~ 1300
~~license with respect to which this section applies~~ shall submit a 1301
completed application form and all of the following to the sheriff 1302
of the county in which the applicant resides or to the sheriff of 1303
any county adjacent to the county in which the applicant resides: 1304

(1)(a) A nonrefundable license fee as described in either of 1305
the following: 1306

(i) For an applicant who has been a resident of this state 1307
for five or more years, a fee of sixty-seven dollars; 1308

(ii) For an applicant who has been a resident of this state 1309
for less than five years, a fee of sixty-seven dollars plus the 1310
actual cost of having a background check performed by the federal 1311
bureau of investigation. 1312

(b) No sheriff shall require an applicant to pay for the cost 1313
of a background check performed by the bureau of criminal 1314
identification and investigation. 1315

(c) A sheriff shall waive the payment of the license fee 1316
described in division (B)(1)(a) of this section in connection with 1317
an initial or renewal application for a license that is submitted 1318
by an applicant who is a retired peace officer, a retired person 1319

described in division (B)(1)(b) of section 109.77 of the Revised Code, or a retired federal law enforcement officer who, prior to retirement, was authorized under federal law to carry a firearm in the course of duty, unless the retired peace officer, person, or federal law enforcement officer retired as the result of a mental disability.

(d) The sheriff shall deposit all fees paid by an applicant under division (B)(1)(a) of this section into the sheriff's concealed handgun license issuance fund established pursuant to section 311.42 of the Revised Code. The county shall distribute the fees in accordance with section 311.42 of the Revised Code.

(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application;

(3) One or more of the following competency certifications, each of which shall reflect that, regarding a certification described in division (B)(3)(a), (b), (c), (e), or (f) of this section, within the three years immediately preceding the application the applicant has performed that to which the competency certification relates and that, regarding a certification described in division (B)(3)(d) of this section, the applicant currently is an active or reserve member of the armed forces of the United States or within the six years immediately preceding the application the honorable discharge or retirement to which the competency certification relates occurred:

(a) An original or photocopy of a certificate of completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or program that was offered by or under the auspices of the national rifle association and that complies with the requirements set forth in division (G) of this section;

(b) An original or photocopy of a certificate of completion

of a firearms safety, training, or requalification or firearms 1351
safety instructor course, class, or program that satisfies all of 1352
the following criteria: 1353

(i) It was open to members of the general public. 1354

(ii) It utilized qualified instructors who were certified by 1355
the national rifle association, the executive director of the Ohio 1356
peace officer training commission pursuant to section 109.75 or 1357
109.78 of the Revised Code, or a governmental official or entity 1358
of another state. 1359

(iii) It was offered by or under the auspices of a law 1360
enforcement agency of this or another state or the United States, 1361
a public or private college, university, or other similar 1362
postsecondary educational institution located in this or another 1363
state, a firearms training school located in this or another 1364
state, or another type of public or private entity or organization 1365
located in this or another state. 1366

(iv) It complies with the requirements set forth in division 1367
(G) of this section. 1368

(c) An original or photocopy of a certificate of completion 1369
of a state, county, municipal, or department of natural resources 1370
peace officer training school that is approved by the executive 1371
director of the Ohio peace officer training commission pursuant to 1372
section 109.75 of the Revised Code and that complies with the 1373
requirements set forth in division (G) of this section, or the 1374
applicant has satisfactorily completed and been issued a 1375
certificate of completion of a basic firearms training program, a 1376
firearms requalification training program, or another basic 1377
training program described in section 109.78 or 109.801 of the 1378
Revised Code that complies with the requirements set forth in 1379
division (G) of this section; 1380

(d) A document that evidences both of the following: 1381

(i) That the applicant is an active or reserve member of the
armed forces of the United States, was honorably discharged from
military service in the active or reserve armed forces of the
United States, is a retired trooper of the state highway patrol,
or is a retired peace officer or federal law enforcement officer
described in division (B)(1) of this section or a retired person
described in division (B)(1)(b) of section 109.77 of the Revised
Code and division (B)(1) of this section;

(ii) That, through participation in the military service or
through the former employment described in division (B)(3)(d)(i)
of this section, the applicant acquired experience with handling
handguns or other firearms, and the experience so acquired was
equivalent to training that the applicant could have acquired in a
course, class, or program described in division (B)(3)(a), (b), or
(c) of this section.

(e) A certificate or another similar document that evidences
satisfactory completion of a firearms training, safety, or
regualification or firearms safety instructor course, class, or
program that is not otherwise described in division (B)(3)(a),
(b), (c), or (d) of this section, that was conducted by an
instructor who was certified by an official or entity of the
government of this or another state or the United States or by the
national rifle association, and that complies with the
requirements set forth in division (G) of this section;

(f) An affidavit that attests to the applicant's satisfactory
completion of a course, class, or program described in division
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed
by the applicant's instructor or an authorized representative of
the entity that offered the course, class, or program or under
whose auspices the course, class, or program was offered.

(4) A certification by the applicant that the applicant has
read the pamphlet prepared by the Ohio peace officer training

commission pursuant to section 109.731 of the Revised Code that 1414
reviews firearms, dispute resolution, and use of deadly force 1415
matters. 1416

(5) A set of fingerprints of the applicant provided as 1417
described in section 311.41 of the Revised Code through use of an 1418
electronic fingerprint reading device or, if the sheriff to whom 1419
the application is submitted does not possess and does not have 1420
ready access to the use of such a reading device, on a standard 1421
impression sheet prescribed pursuant to division (C)(2) of section 1422
109.572 of the Revised Code. 1423

(C) Upon receipt of ~~an applicant's~~ the completed application 1424
form, supporting documentation, and, if not waived, license fee of 1425
an applicant under this section, a sheriff, in the manner 1426
specified in section 311.41 of the Revised Code, shall conduct or 1427
cause to be conducted the criminal records check and the 1428
incompetency records check described in section 311.41 of the 1429
Revised Code. 1430

(D)(1) Except as provided in division (D)(3) or (4) of this 1431
section, within forty-five days after a sheriff's receipt of an 1432
applicant's completed application form for a ~~license to carry a~~ 1433
concealed handgun license under this section, the supporting 1434
documentation, and, if not waived, the license fee, the sheriff 1435
shall make available through the law enforcement automated data 1436
system in accordance with division (H) of this section the 1437
information described in that division and, upon making the 1438
information available through the system, shall issue to the 1439
applicant a ~~license to carry a~~ concealed handgun license that 1440
shall expire as described in division (D)(2)(a) of this section if 1441
all of the following apply: 1442

(a) The applicant is legally living in the United States, has 1443
been a resident of this state for at least forty-five days, and 1444
has been a resident of the county in which the person seeks the 1445

license or a county adjacent to the county in which the person 1446
seeks the license for at least thirty days. For purposes of 1447
division (D)(1)(a) of this section: 1448

(i) If a person is absent from the United States, from this 1449
state, or from a particular county in this state in compliance 1450
with military or naval orders as an active or reserve member of 1451
the armed forces of the United States and if prior to leaving this 1452
state in compliance with those orders the person was legally 1453
living in the United States and was a resident of this state, the 1454
person, solely by reason of that absence, shall not be considered 1455
to have lost the person's status as living in the United States or 1456
the person's residence in this state or in the county in which the 1457
person was a resident prior to leaving this state in compliance 1458
with those orders, without regard to whether or not the person 1459
intends to return to this state or to that county, shall not be 1460
considered to have acquired a residence in any other state, and 1461
shall not be considered to have become a resident of any other 1462
state. 1463

(ii) If a person is present in this state in compliance with 1464
military or naval orders as an active or reserve member of the 1465
armed forces of the United States for at least forty-five days, 1466
the person shall be considered to have been a resident of this 1467
state for that period of at least forty-five days, and, if a 1468
person is present in a county of this state in compliance with 1469
military or naval orders as an active or reserve member of the 1470
armed forces of the United States for at least thirty days, the 1471
person shall be considered to have been a resident of that county 1472
for that period of at least thirty days. 1473

(b) The applicant is at least twenty-one years of age. 1474

(c) The applicant is not a fugitive from justice. 1475

(d) The applicant is not under indictment for or otherwise 1476

charged with a felony; an offense under Chapter 2925., 3719., or 1477
4729. of the Revised Code that involves the illegal possession, 1478
use, sale, administration, or distribution of or trafficking in a 1479
drug of abuse; a misdemeanor offense of violence; or a violation 1480
of section 2903.14 or 2923.1211 of the Revised Code. 1481

(e) Except as otherwise provided in division (D)(5) of this 1482
section, the applicant has not been convicted of or pleaded guilty 1483
to a felony or an offense under Chapter 2925., 3719., or 4729. of 1484
the Revised Code that involves the illegal possession, use, sale, 1485
administration, or distribution of or trafficking in a drug of 1486
abuse; has not been adjudicated a delinquent child for committing 1487
an act that if committed by an adult would be a felony or would be 1488
an offense under Chapter 2925., 3719., or 4729. of the Revised 1489
Code that involves the illegal possession, use, sale, 1490
administration, or distribution of or trafficking in a drug of 1491
abuse; and has not been convicted of, pleaded guilty to, or 1492
adjudicated a delinquent child for committing a violation of 1493
section 2903.13 of the Revised Code when the victim of the 1494
violation is a peace officer, regardless of whether the applicant 1495
was sentenced under division (C)(3) of that section. 1496

(f) Except as otherwise provided in division (D)(5) of this 1497
section, the applicant, within three years of the date of the 1498
application, has not been convicted of or pleaded guilty to a 1499
misdemeanor offense of violence other than a misdemeanor violation 1500
of section 2921.33 of the Revised Code or a violation of section 1501
2903.13 of the Revised Code when the victim of the violation is a 1502
peace officer, or a misdemeanor violation of section 2923.1211 of 1503
the Revised Code; and has not been adjudicated a delinquent child 1504
for committing an act that if committed by an adult would be a 1505
misdemeanor offense of violence other than a misdemeanor violation 1506
of section 2921.33 of the Revised Code or a violation of section 1507
2903.13 of the Revised Code when the victim of the violation is a 1508

peace officer or for committing an act that if committed by an 1509
adult would be a misdemeanor violation of section 2923.1211 of the 1510
Revised Code. 1511

(g) Except as otherwise provided in division (D)(1)(e) of 1512
this section, the applicant, within five years of the date of the 1513
application, has not been convicted of, pleaded guilty to, or 1514
adjudicated a delinquent child for committing two or more 1515
violations of section 2903.13 or 2903.14 of the Revised Code. 1516

(h) Except as otherwise provided in division (D)(5) of this 1517
section, the applicant, within ten years of the date of the 1518
application, has not been convicted of, pleaded guilty to, or 1519
adjudicated a delinquent child for committing a violation of 1520
section 2921.33 of the Revised Code. 1521

(i) The applicant has not been adjudicated as a mental 1522
defective, has not been committed to any mental institution, is 1523
not under adjudication of mental incompetence, has not been found 1524
by a court to be a mentally ill person subject to hospitalization 1525
by court order, and is not an involuntary patient other than one 1526
who is a patient only for purposes of observation. As used in this 1527
division, "mentally ill person subject to hospitalization by court 1528
order" and "patient" have the same meanings as in section 5122.01 1529
of the Revised Code. 1530

(j) The applicant is not currently subject to a civil 1531
protection order, a temporary protection order, or a protection 1532
order issued by a court of another state. 1533

(k) The applicant certifies that the applicant desires a 1534
legal means to carry a concealed handgun for defense of the 1535
applicant or a member of the applicant's family while engaged in 1536
lawful activity. 1537

(l) The applicant submits a competency certification of the 1538
type described in division (B)(3) of this section and submits a 1539

certification of the type described in division (B)(4) of this 1540
section regarding the applicant's reading of the pamphlet prepared 1541
by the Ohio peace officer training commission pursuant to section 1542
109.731 of the Revised Code. 1543

(m) The applicant currently is not subject to a suspension 1544
imposed under division (A)(2) of section 2923.128 of the Revised 1545
Code of a ~~license to carry a concealed handgun, or a temporary~~ 1546
~~emergency license to carry a concealed handgun,~~ license that 1547
previously was issued to the applicant under this section or 1548
section 2923.1213 of the Revised Code. 1549

(2)(a) A ~~license to carry a concealed handgun~~ license that a 1550
sheriff issues under division (D)(1) of this section ~~on or after~~ 1551
~~March 14, 2007,~~ shall expire five years after the date of 1552
issuance. A ~~license to carry a concealed handgun that a sheriff~~ 1553
~~issued under division (D)(1) of this section prior to March 14,~~ 1554
~~2007, shall expire four years after the date of issuance.~~ 1555

If a sheriff issues a license under this section, the sheriff 1556
shall place on the license a unique combination of letters and 1557
numbers identifying the license in accordance with the procedure 1558
prescribed by the Ohio peace officer training commission pursuant 1559
to section 109.731 of the Revised Code. 1560

(b) If a sheriff denies an application under this section 1561
because the applicant does not satisfy the criteria described in 1562
division (D)(1) of this section, the sheriff shall specify the 1563
grounds for the denial in a written notice to the applicant. The 1564
applicant may appeal the denial pursuant to section 119.12 of the 1565
Revised Code in the county served by the sheriff who denied the 1566
application. If the denial was as a result of the criminal records 1567
check conducted pursuant to section 311.41 of the Revised Code and 1568
if, pursuant to section 2923.127 of the Revised Code, the 1569
applicant challenges the criminal records check results using the 1570
appropriate challenge and review procedure specified in that 1571

section, the time for filing the appeal pursuant to section 119.12 1572
of the Revised Code and this division is tolled during the 1573
pendency of the request or the challenge and review. If the court 1574
in an appeal under section 119.12 of the Revised Code and this 1575
division enters a judgment sustaining the sheriff's refusal to 1576
grant to the applicant a ~~license to carry a~~ concealed handgun 1577
license, the applicant may file a new application beginning one 1578
year after the judgment is entered. If the court enters a judgment 1579
in favor of the applicant, that judgment shall not restrict the 1580
authority of a sheriff to suspend or revoke the license pursuant 1581
to section 2923.128 or 2923.1213 of the Revised Code or to refuse 1582
to renew the license for any proper cause that may occur after the 1583
date the judgment is entered. In the appeal, the court shall have 1584
full power to dispose of all costs. 1585

(3) If the sheriff with whom an application for a ~~license to~~ 1586
~~carry a~~ concealed handgun license was filed under this section 1587
becomes aware that the applicant has been arrested for or 1588
otherwise charged with an offense that would disqualify the 1589
applicant from holding the license, the sheriff shall suspend the 1590
processing of the application until the disposition of the case 1591
arising from the arrest or charge. 1592

(4) If the sheriff determines that the applicant is legally 1593
living in the United States and is a resident of the county in 1594
which the applicant seeks the license or of an adjacent county but 1595
does not yet meet the residency requirements described in division 1596
(D)(1)(a) of this section, the sheriff shall not deny the license 1597
because of the residency requirements but shall not issue the 1598
license until the applicant meets those residency requirements. 1599

(5) If an applicant has been convicted of or pleaded guilty 1600
to an offense identified in division (D)(1)(e), (f), or (h) of 1601
this section or has been adjudicated a delinquent child for 1602
committing an act or violation identified in any of those 1603

divisions, and if a court has ordered the sealing or expungement 1604
of the records of that conviction, guilty plea, or adjudication 1605
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1606
2953.36, or section 2953.37 of the Revised Code or a court has 1607
granted the applicant relief pursuant to section 2923.14 of the 1608
Revised Code from the disability imposed pursuant to section 1609
2923.13 of the Revised Code relative to that conviction, guilty 1610
plea, or adjudication, the sheriff with whom the application was 1611
submitted shall not consider the conviction, guilty plea, or 1612
adjudication in making a determination under division (D)(1) or 1613
(F) of this section or, in relation to an application for a 1614
~~temporary emergency license to carry a concealed handgun license~~ 1615
on a temporary emergency basis submitted under section 2923.1213 1616
of the Revised Code, in making a determination under division 1617
(B)(2) of that section. 1618

(E) If a ~~license to carry a~~ concealed handgun license issued 1619
under this section is lost or is destroyed, the licensee may 1620
obtain from the sheriff who issued that license a duplicate 1621
license upon the payment of a fee of fifteen dollars and the 1622
submission of an affidavit attesting to the loss or destruction of 1623
the license. The sheriff, in accordance with the procedures 1624
prescribed in section 109.731 of the Revised Code, shall place on 1625
the replacement license a combination of identifying numbers 1626
different from the combination on the license that is being 1627
replaced. 1628

(F)(1) A licensee who wishes to renew a ~~license to carry a~~ 1629
concealed handgun license issued under this section shall do so 1630
not earlier than ninety days before the expiration date of the 1631
license or at any time after the expiration date of the license by 1632
filing with the sheriff of the county in which the applicant 1633
resides or with the sheriff of an adjacent county an application 1634
for renewal of the license obtained pursuant to division (D) of 1635

this section, a certification by the applicant that, subsequent to 1636
the issuance of the license, the applicant has reread the pamphlet 1637
prepared by the Ohio peace officer training commission pursuant to 1638
section 109.731 of the Revised Code that reviews firearms, dispute 1639
resolution, and use of deadly force matters, and a nonrefundable 1640
license renewal fee in an amount determined pursuant to division 1641
(F)(4) of this section unless the fee is waived, ~~and one of the~~ 1642
~~following:~~ 1643

~~(a) If the licensee previously has not renewed a license to 1644
carry a concealed handgun issued under this section, proof that 1645
the licensee at one time had a competency certification of the 1646
type described in division (B)(3) of this section. A valid 1647
license, expired license, or any other previously issued license 1648
that has not been revoked is prima facie evidence that the 1649
licensee at one time had a competency certification of the type 1650
described in division (B)(3) of this section.~~ 1651

~~(b) If the licensee previously has renewed a license to carry 1652
a concealed handgun issued under this section, a renewed 1653
competency certification of the type described in division (C)(4) 1654
of this section.~~ 1655

(2) A sheriff shall accept a completed renewal application, 1656
the license renewal fee, and the information specified in division 1657
(F)(1) of this section at the times and in the manners described 1658
in division (I) of this section. Upon receipt of a completed 1659
renewal application, of certification that the applicant has 1660
reread the specified pamphlet prepared by the Ohio peace officer 1661
training commission, ~~of proof of a prior competency certification~~ 1662
~~for an initial renewal or of a renewed competency certification~~ 1663
~~for a second or subsequent renewal,~~ and of a license renewal fee 1664
unless the fee is waived, a sheriff, in the manner specified in 1665
section 311.41 of the Revised Code shall conduct or cause to be 1666
conducted the criminal records check and the incompetency records 1667

check described in section 311.41 of the Revised Code. The sheriff 1668
shall renew the license if the sheriff determines that the 1669
applicant continues to satisfy the requirements described in 1670
division (D)(1) of this section, except that the applicant is not 1671
required to meet the requirements of division (D)(1)(1) of this 1672
section. A renewed license ~~that is renewed on or after March 14,~~ 1673
~~2007,~~ shall expire five years after the date of issuance, ~~and a~~ 1674
~~renewed license that is renewed prior to March 14, 2007, shall~~ 1675
~~expire four years after the date of issuance.~~ A renewed license is 1676
subject to division (E) of this section and sections 2923.126 and 1677
2923.128 of the Revised Code. A sheriff shall comply with 1678
divisions (D)(2) to (4) of this section when the circumstances 1679
described in those divisions apply to a requested license renewal. 1680
If a sheriff denies the renewal of ~~a license to carry~~ a concealed 1681
handgun license, the applicant may appeal the denial, or challenge 1682
the criminal record check results that were the basis of the 1683
denial if applicable, in the same manner as specified in division 1684
(D)(2)(b) of this section and in section 2923.127 of the Revised 1685
Code, regarding the denial of a license under this section. 1686

(3) A renewal application submitted pursuant to division (F) 1687
of this section shall only require the licensee to list on the 1688
application form information and matters occurring since the date 1689
of the licensee's last application for a license pursuant to 1690
division (B) or (F) of this section. A sheriff conducting the 1691
criminal records check and the incompetency records check 1692
described in section 311.41 of the Revised Code shall conduct the 1693
check only from the date of the licensee's last application for a 1694
license pursuant to division (B) or (F) of this section through 1695
the date of the renewal application submitted pursuant to division 1696
(F) of this section. 1697

(4) An applicant for a renewal ~~license to carry a~~ concealed 1698
handgun license under this section shall submit to the sheriff of 1699

the county in which the applicant resides or to the sheriff of any 1700
county adjacent to the county in which the applicant resides a 1701
nonrefundable license fee as described in either of the following: 1702

(a) For an applicant who has been a resident of this state 1703
for five or more years, a fee of fifty dollars; 1704

(b) For an applicant who has been a resident of this state 1705
for less than five years, a fee of fifty dollars plus the actual 1706
cost of having a background check performed by the federal bureau 1707
of investigation. 1708

(G)(1) Each course, class, or program described in division 1709
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 1710
person who takes the course, class, or program the web site 1711
address at which the pamphlet prepared by the Ohio peace officer 1712
training commission pursuant to section 109.731 of the Revised 1713
Code that reviews firearms, dispute resolution, and use of deadly 1714
force matters may be found. Each such course, class, or program 1715
described in one of those divisions shall include at least twelve 1716
hours of training in the safe handling and use of a firearm that 1717
shall include all of the following: 1718

(a) At least ten hours of training on the following matters: 1719

(i) The ability to name, explain, and demonstrate the rules 1720
for safe handling of a handgun and proper storage practices for 1721
handguns and ammunition; 1722

(ii) The ability to demonstrate and explain how to handle 1723
ammunition in a safe manner; 1724

(iii) The ability to demonstrate the knowledge, skills, and 1725
attitude necessary to shoot a handgun in a safe manner; 1726

(iv) Gun handling training. 1727

(b) At least two hours of training that consists of range 1728
time and live-fire training. 1729

(2) To satisfactorily complete the course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section, the applicant shall pass a competency examination that shall include both of the following:

(a) A written section on the ability to name and explain the rules for the safe handling of a handgun and proper storage practices for handguns and ammunition;

(b) A physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.

(3) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall be dated and shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G)(1) of this section and that the applicant passed the competency examination described in division (G)(2) of this section.

~~(4) A person who previously has received a competency certification as described in division (B)(3) of this section, or who previously has received a renewed competency certification as described in this division, may obtain a renewed competency certification pursuant to this division. If the person previously has received a competency certification or previously has received a renewed competency certification, the person may obtain a renewed competency certification from an entity that offers a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section by passing a test that demonstrates that the person is range competent. In these circumstances, the person is not required to attend the course, class, or program or to take the competency examination described in division (G)(2) of this section for the renewed competency certification in order to~~

~~be eligible to receive a renewed competency certification. A 1762
renewed competency certification issued under this division shall 1763
be dated and shall attest that the person has demonstrated range 1764
competency. 1765~~

(H) Upon deciding to issue a concealed handgun license, 1766
deciding to issue a replacement concealed handgun license, or 1767
deciding to renew a ~~license to carry a~~ concealed handgun license 1768
pursuant to this section, and before actually issuing or renewing 1769
the license, the sheriff shall make available through the law 1770
enforcement automated data system all information contained on the 1771
license. If the license subsequently is suspended under division 1772
(A)(1) or (2) of section 2923.128 of the Revised Code, revoked 1773
pursuant to division (B)(1) of section 2923.128 of the Revised 1774
Code, or lost or destroyed, the sheriff also shall make available 1775
through the law enforcement automated data system a notation of 1776
that fact. The superintendent of the state highway patrol shall 1777
ensure that the law enforcement automated data system is so 1778
configured as to permit the transmission through the system of the 1779
information specified in this division. 1780

(I) A sheriff shall accept a completed application form or 1781
renewal application, and the fee, items, materials, and 1782
information specified in divisions (B)(1) to (5) or division (F) 1783
of this section, whichever is applicable, and shall provide an 1784
application form or renewal application to any person during at 1785
least fifteen hours a week and shall provide the web site address 1786
at which the pamphlet described in division (B) of section 109.731 1787
of the Revised Code may be found at any time, upon request. The 1788
sheriff shall post notice of the hours during which the sheriff is 1789
available to accept or provide the information described in this 1790
division. 1791

Sec. 2923.126. (A) A ~~license to carry a~~ concealed handgun 1792

license that is issued under section 2923.125 of the Revised Code 1793
~~on or after March 14, 2007,~~ shall expire five years after the date 1794
of issuance, ~~and a license that is so issued prior to March 14,~~ 1795
~~2007, shall expire four years after the date of issuance.~~ A 1796
licensee who has been issued a license under that section shall be 1797
granted a grace period of thirty days after the licensee's license 1798
expires during which the licensee's license remains valid. Except 1799
as provided in divisions (B) and (C) of this section, a licensee 1800
who has been issued a concealed handgun license under section 1801
2923.125 or 2923.1213 of the Revised Code may carry a concealed 1802
handgun anywhere in this state if the licensee also carries a 1803
valid license and valid identification when the licensee is in 1804
actual possession of a concealed handgun. The licensee shall give 1805
notice of any change in the licensee's residence address to the 1806
sheriff who issued the license within forty-five days after that 1807
change. 1808

If a licensee is the driver or an occupant of a motor vehicle 1809
that is stopped as the result of a traffic stop or a stop for 1810
another law enforcement purpose and if the licensee is 1811
transporting or has a loaded handgun in the motor vehicle at that 1812
time, the licensee shall promptly inform any law enforcement 1813
officer who approaches the vehicle while stopped that the licensee 1814
has been issued a ~~license or temporary emergency license to carry~~ 1815
a concealed handgun license and that the licensee currently 1816
possesses or has a loaded handgun; the licensee shall not 1817
knowingly disregard or fail to comply with lawful orders of a law 1818
enforcement officer given while the motor vehicle is stopped, 1819
knowingly fail to remain in the motor vehicle while stopped, or 1820
knowingly fail to keep the licensee's hands in plain sight after 1821
any law enforcement officer begins approaching the licensee while 1822
stopped and before the officer leaves, unless directed otherwise 1823
by a law enforcement officer; and the licensee shall not knowingly 1824
~~remove, attempt to remove, grasp, or hold the loaded handgun or~~ 1825

knowingly have contact with the loaded handgun by touching it with 1826
the licensee's hands or fingers, in any manner in violation of 1827
division (E) of section 2923.16 of the Revised Code, after any law 1828
enforcement officer begins approaching the licensee while stopped 1829
and before the officer leaves. Additionally, if a licensee is the 1830
driver or an occupant of a commercial motor vehicle that is 1831
stopped by an employee of the motor carrier enforcement unit for 1832
the purposes defined in section 5503.04 of the Revised Code and if 1833
the licensee is transporting or has a loaded handgun in the 1834
commercial motor vehicle at that time, the licensee shall promptly 1835
inform the employee of the unit who approaches the vehicle while 1836
stopped that the licensee has been issued a ~~license or temporary~~ 1837
~~emergency license to carry a~~ concealed handgun license and that 1838
the licensee currently possesses or has a loaded handgun. 1839

If a licensee is stopped for a law enforcement purpose and if 1840
the licensee is carrying a concealed handgun at the time the 1841
officer approaches, the licensee shall promptly inform any law 1842
enforcement officer who approaches the licensee while stopped that 1843
the licensee has been issued a ~~license or temporary emergency~~ 1844
~~license to carry a~~ concealed handgun license and that the licensee 1845
currently is carrying a concealed handgun; the licensee shall not 1846
knowingly disregard or fail to comply with lawful orders of a law 1847
enforcement officer given while the licensee is stopped or 1848
knowingly fail to keep the licensee's hands in plain sight after 1849
any law enforcement officer begins approaching the licensee while 1850
stopped and before the officer leaves, unless directed otherwise 1851
by a law enforcement officer; and the licensee shall not knowingly 1852
remove, attempt to remove, grasp, or hold the loaded handgun or 1853
knowingly have contact with the loaded handgun by touching it with 1854
the licensee's hands or fingers, in any manner in violation of 1855
division (B) of section 2923.12 of the Revised Code, after any law 1856
enforcement officer begins approaching the licensee while stopped 1857
and before the officer leaves. 1858

(B) A valid concealed handgun license ~~issued under section~~ 1859
~~2923.125 or 2923.1213 of the Revised Code~~ does not authorize the 1860
licensee to carry a concealed handgun in any manner prohibited 1861
under division (B) of section 2923.12 of the Revised Code or in 1862
any manner prohibited under section 2923.16 of the Revised Code. A 1863
valid license does not authorize the licensee to carry a concealed 1864
handgun into any of the following places: 1865

(1) A police station, sheriff's office, or state highway 1866
patrol station, premises controlled by the bureau of criminal 1867
identification and investigation, a state correctional 1868
institution, jail, workhouse, or other detention facility, an 1869
airport passenger terminal, or an institution that is maintained, 1870
operated, managed, and governed pursuant to division (A) of 1871
section 5119.02 of the Revised Code or division (A)(1) of section 1872
5123.03 of the Revised Code; 1873

(2) A school safety zone if the licensee's carrying the 1874
concealed handgun is in violation of section 2923.122 of the 1875
Revised Code; 1876

(3) A courthouse or another building or structure in which a 1877
courtroom is located, in violation of section 2923.123 of the 1878
Revised Code; 1879

(4) Any premises or open air arena for which a D permit has 1880
been issued under Chapter 4303. of the Revised Code if the 1881
licensee's carrying the concealed handgun is in violation of 1882
section 2923.121 of the Revised Code; 1883

(5) Any premises owned or leased by any public or private 1884
college, university, or other institution of higher education, 1885
unless the handgun is in a locked motor vehicle or the licensee is 1886
in the immediate process of placing the handgun in a locked motor 1887
vehicle; 1888

(6) Any church, synagogue, mosque, or other place of worship, 1889

unless the church, synagogue, mosque, or other place of worship 1890
posts or permits otherwise; 1891

(7) A child day-care center, a type A family day-care home, a 1892
type B family day-care home, or a type C family day-care home, 1893
except that this division does not prohibit a licensee who resides 1894
in a type A family day-care home, a type B family day-care home, 1895
or a type C family day-care home from carrying a concealed handgun 1896
at any time in any part of the home that is not dedicated or used 1897
for day-care purposes, or from carrying a concealed handgun in a 1898
part of the home that is dedicated or used for day-care purposes 1899
at any time during which no children, other than children of that 1900
licensee, are in the home; 1901

(8) An aircraft that is in, or intended for operation in, 1902
foreign air transportation, interstate air transportation, 1903
intrastate air transportation, or the transportation of mail by 1904
aircraft; 1905

(9) Any building that is a government facility of this state 1906
or a political subdivision of this state and that is not a 1907
building that is used primarily as a shelter, restroom, parking 1908
facility for motor vehicles, or rest facility and is not a 1909
courthouse or other building or structure in which a courtroom is 1910
located that is subject to division (B)(3) of this section; 1911

(10) A place in which federal law prohibits the carrying of 1912
handguns. 1913

(C)(1) Nothing in this section shall negate or restrict a 1914
rule, policy, or practice of a private employer that is not a 1915
private college, university, or other institution of higher 1916
education concerning or prohibiting the presence of firearms on 1917
the private employer's premises or property, including motor 1918
vehicles owned by the private employer. Nothing in this section 1919
shall require a private employer of that nature to adopt a rule, 1920

policy, or practice concerning or prohibiting the presence of 1921
firearms on the private employer's premises or property, including 1922
motor vehicles owned by the private employer. 1923

(2)(a) A private employer shall be immune from liability in a 1924
civil action for any injury, death, or loss to person or property 1925
that allegedly was caused by or related to a licensee bringing a 1926
handgun onto the premises or property of the private employer, 1927
including motor vehicles owned by the private employer, unless the 1928
private employer acted with malicious purpose. A private employer 1929
is immune from liability in a civil action for any injury, death, 1930
or loss to person or property that allegedly was caused by or 1931
related to the private employer's decision to permit a licensee to 1932
bring, or prohibit a licensee from bringing, a handgun onto the 1933
premises or property of the private employer. As used in this 1934
division, "private employer" includes a private college, 1935
university, or other institution of higher education. 1936

(b) A political subdivision shall be immune from liability in 1937
a civil action, to the extent and in the manner provided in 1938
Chapter 2744. of the Revised Code, for any injury, death, or loss 1939
to person or property that allegedly was caused by or related to a 1940
licensee bringing a handgun onto any premises or property owned, 1941
leased, or otherwise under the control of the political 1942
subdivision. As used in this division, "political subdivision" has 1943
the same meaning as in section 2744.01 of the Revised Code. 1944

(3)(a) Except as provided in division (C)(3)(b) of this 1945
section, the owner or person in control of private land or 1946
premises, and a private person or entity leasing land or premises 1947
owned by the state, the United States, or a political subdivision 1948
of the state or the United States, may post a sign in a 1949
conspicuous location on that land or on those premises prohibiting 1950
persons from carrying firearms or concealed firearms on or onto 1951
that land or those premises. Except as otherwise provided in this 1952

division, a person who knowingly violates a posted prohibition of 1953
that nature is guilty of criminal trespass in violation of 1954
division (A)(4) of section 2911.21 of the Revised Code and is 1955
guilty of a misdemeanor of the fourth degree. If a person 1956
knowingly violates a posted prohibition of that nature and the 1957
posted land or premises primarily was a parking lot or other 1958
parking facility, the person is not guilty of criminal trespass in 1959
violation of division (A)(4) of section 2911.21 of the Revised 1960
Code and instead is subject only to a civil cause of action for 1961
trespass based on the violation. 1962

(b) A landlord may not prohibit or restrict a tenant who is a 1963
licensee and who on or after ~~the effective date of this amendment~~ 1964
September 9, 2008, enters into a rental agreement with the 1965
landlord for the use of residential premises, and the tenant's 1966
guest while the tenant is present, from lawfully carrying or 1967
possessing a handgun on those residential premises. 1968

(c) As used in division (C)(3) of this section: 1969

(i) "Residential premises" has the same meaning as in section 1970
5321.01 of the Revised Code, except "residential premises" does 1971
not include a dwelling unit that is owned or operated by a college 1972
or university. 1973

(ii) "Landlord," "tenant," and "rental agreement" have the 1974
same meanings as in section 5321.01 of the Revised Code. 1975

(D) A person who holds a ~~license to carry a~~ concealed handgun 1976
~~that was~~ license issued ~~pursuant to the law of~~ by another state 1977
that is recognized by the attorney general pursuant to a 1978
~~reciprocity agreement entered into pursuant to~~ section 109.69 of 1979
the Revised Code has the same right to carry a concealed handgun 1980
in this state as a person who was issued a ~~license to carry a~~ 1981
concealed handgun license under section 2923.125 of the Revised 1982
Code and is subject to the same restrictions that apply to a 1983

person who carries a license issued under that section. 1984

(E) A peace officer has the same right to carry a concealed 1985
handgun in this state as a person who was issued a ~~license to~~ 1986
~~carry a~~ concealed handgun license under section 2923.125 of the 1987
Revised Code. For purposes of reciprocity with other states, a 1988
peace officer shall be considered to be a licensee in this state. 1989

(F)(1) A qualified retired peace officer who possesses a 1990
retired peace officer identification card issued pursuant to 1991
division (F)(2) of this section and a valid firearms 1992
requalification certification issued pursuant to division (F)(3) 1993
of this section has the same right to carry a concealed handgun in 1994
this state as a person who was issued a ~~license to carry a~~ 1995
concealed handgun license under section 2923.125 of the Revised 1996
Code and is subject to the same restrictions that apply to a 1997
person who carries a license issued under that section. For 1998
purposes of reciprocity with other states, a qualified retired 1999
peace officer who possesses a retired peace officer identification 2000
card issued pursuant to division (F)(2) of this section and a 2001
valid firearms requalification certification issued pursuant to 2002
division (F)(3) of this section shall be considered to be a 2003
licensee in this state. 2004

(2)(a) Each public agency of this state or of a political 2005
subdivision of this state that is served by one or more peace 2006
officers shall issue a retired peace officer identification card 2007
to any person who retired from service as a peace officer with 2008
that agency, if the issuance is in accordance with the agency's 2009
policies and procedures and if the person, with respect to the 2010
person's service with that agency, satisfies all of the following: 2011

(i) The person retired in good standing from service as a 2012
peace officer with the public agency, and the retirement was not 2013
for reasons of mental instability. 2014

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

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

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

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law

enforcement officers who serve the agency, the agency may comply 2047
with division (F)(2)(a) of this section by issuing the same 2048
credentials to persons who retired from service as a peace officer 2049
with the agency and who satisfy the criteria set forth in 2050
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 2051
credentials so issued to retired peace officers are stamped with 2052
the word "RETIRED." 2053

(c) A public agency of this state or of a political 2054
subdivision of this state may charge persons who retired from 2055
service as a peace officer with the agency a reasonable fee for 2056
issuing to the person a retired peace officer identification card 2057
pursuant to division (F)(2)(a) of this section. 2058

(3) If a person retired from service as a peace officer with 2059
a public agency of this state or of a political subdivision of 2060
this state and the person satisfies the criteria set forth in 2061
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 2062
may provide the retired peace officer with the opportunity to 2063
attend a firearms requalification program that is approved for 2064
purposes of firearms requalification required under section 2065
109.801 of the Revised Code. The retired peace officer may be 2066
required to pay the cost of the course. 2067

If a retired peace officer who satisfies the criteria set 2068
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 2069
firearms requalification program that is approved for purposes of 2070
firearms requalification required under section 109.801 of the 2071
Revised Code, the retired peace officer's successful completion of 2072
the firearms requalification program requalifies the retired peace 2073
officer for purposes of division (F) of this section for five 2074
years from the date on which the program was successfully 2075
completed, and the requalification is valid during that five-year 2076
period. If a retired peace officer who satisfies the criteria set 2077
forth in divisions (F)(2)(a)(i) to (iv) of this section 2078

satisfactorily completes such a firearms requalification program, 2079
the retired peace officer shall be issued a firearms 2080
requalification certification that identifies the retired peace 2081
officer by name, identifies the entity that taught the program, 2082
specifies that the retired peace officer successfully completed 2083
the program, specifies the date on which the course was 2084
successfully completed, and specifies that the requalification is 2085
valid for five years from that date of successful completion. The 2086
firearms requalification certification for a retired peace officer 2087
may be included in the retired peace officer identification card 2088
issued to the retired peace officer under division (F)(2) of this 2089
section. 2090

A retired peace officer who attends a firearms 2091
requalification program that is approved for purposes of firearms 2092
requalification required under section 109.801 of the Revised Code 2093
may be required to pay the cost of the program. 2094

(G) As used in this section: 2095

(1) "Qualified retired peace officer" means a person who 2096
satisfies all of the following: 2097

(a) The person satisfies the criteria set forth in divisions 2098
(F)(2)(a)(i) to (v) of this section. 2099

(b) The person is not under the influence of alcohol or 2100
another intoxicating or hallucinatory drug or substance. 2101

(c) The person is not prohibited by federal law from 2102
receiving firearms. 2103

(2) "Retired peace officer identification card" means an 2104
identification card that is issued pursuant to division (F)(2) of 2105
this section to a person who is a retired peace officer. 2106

(3) "Government facility of this state or a political 2107
subdivision of this state" means any of the following: 2108

(a) A building or part of a building that is owned or leased 2109
by the government of this state or a political subdivision of this 2110
state and where employees of the government of this state or the 2111
political subdivision regularly are present for the purpose of 2112
performing their official duties as employees of the state or 2113
political subdivision; 2114

(b) The office of a deputy registrar serving pursuant to 2115
Chapter 4503. of the Revised Code that is used to perform deputy 2116
registrar functions. 2117

Sec. 2923.127. (A) If a sheriff denies an application for a 2118
~~license to carry a~~ concealed handgun license under section 2119
2923.125 of the Revised Code, denies the renewal of a ~~license to~~ 2120
~~carry a~~ concealed handgun license under that section, or denies an 2121
application for a ~~temporary emergency license to carry a~~ concealed 2122
handgun license on a temporary emergency basis under section 2123
2923.1213 of the Revised Code as a result of the criminal records 2124
check conducted pursuant to section 311.41 of the Revised Code and 2125
if the applicant believes the denial was based on incorrect 2126
information reported by the source the sheriff used in conducting 2127
the criminal records check, the applicant may challenge the 2128
criminal records check results using whichever of the following is 2129
applicable: 2130

(1) If the bureau of criminal identification and 2131
investigation performed the criminal records check, by using the 2132
bureau's existing challenge and review procedures; 2133

(2) If division (A)(1) of this section does not apply, by 2134
using the existing challenge and review procedure of the sheriff 2135
who denied the application or, if the sheriff does not have a 2136
challenge and review procedure, by using the challenge and review 2137
procedure prescribed by the bureau of criminal identification and 2138
investigation pursuant to division (B) of this section. 2139

(B) The bureau of criminal identification and investigation 2140
shall prescribe a challenge and review procedure for applicants to 2141
use to challenge criminal records checks under division (A)(2) of 2142
this section in counties in which the sheriff with whom ~~the an~~ 2143
~~application for a license to carry a concealed handgun or for the~~ 2144
~~renewal of a license to carry a concealed handgun was filed or~~ 2145
~~with whom the application for a temporary emergency license to~~ 2146
~~carry a concealed handgun was~~ of a type described in division (A) 2147
of this section was filed or submitted does not have an existing 2148
challenge and review procedure. 2149

Sec. 2923.128. (A)(1)(a) If a licensee holding a valid 2150
concealed handgun license ~~issued under section 2923.125 or~~ 2151
~~2923.1213 of the Revised Code~~ is arrested for or otherwise charged 2152
with an offense described in division (D)(1)(d) of section 2153
2923.125 of the Revised Code or with a violation of section 2154
2923.15 of the Revised Code or becomes subject to a temporary 2155
protection order or to a protection order issued by a court of 2156
another state that is substantially equivalent to a temporary 2157
protection order, the sheriff who issued the license ~~or temporary~~ 2158
~~emergency license~~ shall suspend it and shall comply with division 2159
(A)(3) of this section upon becoming aware of the arrest, charge, 2160
or protection order. Upon suspending the license ~~or temporary~~ 2161
~~emergency license~~, the sheriff also shall comply with division (H) 2162
of section 2923.125 of the Revised Code. 2163

(b) A suspension under division (A)(1)(a) of this section 2164
shall be considered as beginning on the date that the licensee is 2165
arrested for or otherwise charged with an offense described in 2166
that division or on the date the appropriate court issued the 2167
protection order described in that division, irrespective of when 2168
the sheriff notifies the licensee under division (A)(3) of this 2169
section. The suspension shall end on the date on which the charges 2170
are dismissed or the licensee is found not guilty of the offense 2171

described in division (A)(1)(a) of this section or, subject to 2172
division (B) of this section, on the date the appropriate court 2173
terminates the protection order described in that division. If the 2174
suspension so ends, the sheriff shall return the license or 2175
temporary emergency license to the licensee. 2176

(2)(a) If a licensee holding a valid concealed handgun 2177
license ~~issued under section 2923.125 or 2923.1213 of the Revised~~ 2178
~~Code~~ is convicted of or pleads guilty to a misdemeanor violation 2179
of division (B)(1), (2), or (4) of section 2923.12 of the Revised 2180
Code or of division (E)(1), (2), (3), or (5) of section 2923.16 of 2181
the Revised Code, except as provided in division (A)(2)(c) of this 2182
section and subject to division (C) of this section, the sheriff 2183
who issued the license ~~or temporary emergency license~~ shall 2184
suspend it and shall comply with division (A)(3) of this section 2185
upon becoming aware of the conviction or guilty plea. Upon 2186
suspending the license ~~or temporary emergency license~~, the sheriff 2187
also shall comply with division (H) of section 2923.125 of the 2188
Revised Code. 2189

(b) A suspension under division (A)(2)(a) of this section 2190
shall be considered as beginning on the date that the licensee is 2191
convicted of or pleads guilty to the offense described in that 2192
division, irrespective of when the sheriff notifies the licensee 2193
under division (A)(3) of this section. If the suspension is 2194
imposed for a misdemeanor violation of division (B)(1) or (2) of 2195
section 2923.12 of the Revised Code or of division (E)(1), (2), or 2196
(3) of section 2923.16 of the Revised Code, it shall end on the 2197
date that is one year after the date that the licensee is 2198
convicted of or pleads guilty to that violation. If the suspension 2199
is imposed for a misdemeanor violation of division (B)(4) of 2200
section 2923.12 of the Revised Code or of division (E)(5) of 2201
section 2923.16 of the Revised Code, it shall end on the date that 2202
is two years after the date that the licensee is convicted of or 2203

pleads guilty to that violation. If the licensee's license was 2204
issued under section 2923.125 of the Revised Code and the license 2205
remains valid after the suspension ends as described in this 2206
division, when the suspension ends, the sheriff shall return the 2207
license to the licensee. If the licensee's license was issued 2208
under section 2923.125 of the Revised Code and the license expires 2209
before the suspension ends as described in this division, or if 2210
the licensee's license was issued under section 2923.1213 of the 2211
Revised Code, the licensee is not eligible to apply for a new 2212
license under section 2923.125 or 2923.1213 of the Revised Code or 2213
to renew the license under section 2923.125 of the Revised Code 2214
until after the suspension ends as described in this division. 2215

(c) The license of a licensee who is convicted of or pleads 2216
guilty to a violation of division (B)(1) of section 2923.12 or 2217
division (E)(1) or (2) of section 2923.16 of the Revised Code 2218
shall not be suspended pursuant to division (A)(2)(a) of this 2219
section if, at the time of the stop of the licensee for a law 2220
enforcement purpose, for a traffic stop, or for a purpose defined 2221
in section 5503.34 of the Revised Code that was the basis of the 2222
violation, any law enforcement officer involved with the stop or 2223
the employee of the motor carrier enforcement unit who made the 2224
stop had actual knowledge of the licensee's status as a licensee. 2225

(3) Upon becoming aware of an arrest, charge, or protection 2226
order described in division (A)(1)(a) of this section with respect 2227
to a licensee who was issued a concealed handgun license ~~under~~ 2228
~~section 2923.125 or 2923.1213 of the Revised Code~~, or a conviction 2229
of or plea of guilty to a misdemeanor offense described in 2230
division (A)(2)(a) of this section with respect to a licensee who 2231
was issued a concealed handgun license ~~under either section~~ and 2232
with respect to which division (A)(2)(c) of this section does not 2233
apply, subject to division (C) of this section, the sheriff who 2234
issued the licensee's license ~~or temporary emergency license to~~ 2235

~~carry a concealed handgun~~ shall notify the licensee, by certified 2236
mail, return receipt requested, at the licensee's last known 2237
residence address that the license ~~or temporary emergency license~~ 2238
has been suspended and that the licensee is required to surrender 2239
the license ~~or temporary emergency license~~ at the sheriff's office 2240
within ten days of the date on which the notice was mailed. If the 2241
suspension is pursuant to division (A)(2) of this section, the 2242
notice shall identify the date on which the suspension ends. 2243

(B)(1) A sheriff who issues a concealed handgun license ~~or~~ 2244
~~temporary emergency license to carry a concealed handgun~~ to a 2245
licensee ~~under section 2923.125 or 2923.1213 of the Revised Code~~ 2246
shall revoke the license ~~or temporary emergency license~~ in 2247
accordance with division (B)(2) of this section upon becoming 2248
aware that the licensee satisfies any of the following: 2249

(a) The licensee is under twenty-one years of age. 2250

(b) Subject to division (C) of this section, at the time of 2251
the issuance of the license ~~or temporary emergency license~~, the 2252
licensee did not satisfy the eligibility requirements of division 2253
(D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the 2254
Revised Code. 2255

(c) Subject to division (C) of this section, on or after the 2256
date on which the license ~~or temporary emergency license~~ was 2257
issued, the licensee is convicted of or pleads guilty to a 2258
violation of section 2923.15 of the Revised Code or an offense 2259
described in division (D)(1)(e), (f), (g), or (h) of section 2260
2923.125 of the Revised Code. 2261

(d) On or after the date on which the license ~~or temporary~~ 2262
~~emergency license~~ was issued, the licensee becomes subject to a 2263
civil protection order or to a protection order issued by a court 2264
of another state that is substantially equivalent to a civil 2265
protection order. 2266

(e) The licensee knowingly carries a concealed handgun into a place that the licensee knows is an unauthorized place specified in division (B) of section 2923.126 of the Revised Code.

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

(g) At the time of the issuance of the license ~~or temporary emergency license~~, the licensee did not meet the residency requirements described in division (D)(1) of section 2923.125 of the Revised Code and currently does not meet the residency requirements described in that division.

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

(2) Upon becoming aware of any circumstance listed in division (B)(1) of this section that applies to a particular licensee who was issued a concealed handgun license ~~under section 2923.125 or 2923.1213 of the Revised Code~~, subject to division (C) of this section, the sheriff who issued the license ~~or temporary emergency license to carry a concealed handgun~~ to the licensee shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license ~~or temporary emergency license~~ is subject to revocation and that the licensee may come to the sheriff's office and contest the sheriff's proposed revocation within fourteen days of the date on which the notice was mailed. After the fourteen-day period and after consideration of any information that the licensee provides during that period, if the sheriff determines on the basis of the information of which the sheriff is aware that the licensee is described in division (B)(1) of this section and no longer satisfies the requirements described in division (D)(1) of section 2923.125 of the Revised Code that are applicable to the licensee's

type of license, the sheriff shall revoke the license ~~or temporary~~ 2299
~~emergency license~~, notify the licensee of that fact, and require 2300
the licensee to surrender the license ~~or temporary emergency~~ 2301
~~license~~. Upon revoking the license ~~or temporary emergency license~~, 2302
the sheriff also shall comply with division (H) of section 2303
2923.125 of the Revised Code. 2304

(C) If a sheriff who issues a ~~license or temporary emergency~~ 2305
~~license to carry a concealed handgun license~~ to a licensee under 2306
~~section 2923.125 or 2923.1213 of the Revised Code~~ becomes aware 2307
that at the time of the issuance of the license ~~or temporary~~ 2308
~~emergency license~~ the licensee had been convicted of or pleaded 2309
guilty to an offense identified in division (D)(1)(e), (f), or (h) 2310
of section 2923.125 of the Revised Code or had been adjudicated a 2311
delinquent child for committing an act or violation identified in 2312
any of those divisions or becomes aware that on or after the date 2313
on which the license ~~or temporary emergency license~~ was issued the 2314
licensee has been convicted of or pleaded guilty to an offense 2315
identified in division (A)(2)(a) or (B)(1)(c) of this section, the 2316
sheriff shall not consider that conviction, guilty plea, or 2317
adjudication as having occurred for purposes of divisions (A)(2), 2318
(A)(3), (B)(1), and (B)(2) of this section if a court has ordered 2319
the sealing or expungement of the records of that conviction, 2320
guilty plea, or adjudication pursuant to sections 2151.355 to 2321
2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a 2322
court has granted the licensee relief pursuant to section 2923.14 2323
of the Revised Code from the disability imposed pursuant to 2324
section 2923.13 of the Revised Code relative to that conviction, 2325
guilty plea, or adjudication. 2326

(D) As used in this section, "motor carrier enforcement unit" 2327
has the same meaning as in section 2923.16 of the Revised Code. 2328

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 2329

bureau of criminal identification and investigation, the employees 2330
of the bureau, the Ohio peace officer training commission, or the 2331
employees of the commission make a good faith effort in performing 2332
the duties imposed upon the sheriff, the superintendent, the 2333
bureau's employees, the commission, or the commission's employees 2334
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 2335
Revised Code, in addition to the personal immunity provided by 2336
section 9.86 of the Revised Code or division (A)(6) of section 2337
2744.03 of the Revised Code and the governmental immunity of 2338
sections 2744.02 and 2744.03 of the Revised Code and in addition 2339
to any other immunity possessed by the bureau, the commission, and 2340
their employees, the sheriff, the sheriff's office, the county in 2341
which the sheriff has jurisdiction, the bureau, the superintendent 2342
of the bureau, the bureau's employees, the commission, and the 2343
commission's employees are immune from liability in a civil action 2344
for injury, death, or loss to person or property that allegedly 2345
was caused by or related to any of the following: 2346

(a) The issuance, renewal, suspension, or revocation of a 2347
~~license to carry a concealed handgun or the issuance, suspension,~~ 2348
~~or revocation of a temporary emergency license to carry a~~ 2349
concealed handgun license; 2350

(b) The failure to issue, renew, suspend, or revoke a ~~license~~ 2351
~~to carry a concealed handgun or the failure to issue, suspend, or~~ 2352
~~revoke a temporary emergency license to carry a concealed handgun~~ 2353
license; 2354

(c) Any action or misconduct with a handgun committed by a 2355
licensee. 2356

(2) Any action of a sheriff relating to the issuance, 2357
renewal, suspension, or revocation of a ~~license to carry a~~ 2358
~~concealed handgun or the issuance, suspension, or revocation of a~~ 2359
~~temporary emergency license to carry a concealed handgun~~ license 2360
shall be considered to be a governmental function for purposes of 2361

Chapter 2744. of the Revised Code. 2362

(3) An entity that or instructor who provides a competency 2363
certification of a type described in division (B)(3) of section 2364
2923.125 of the Revised Code is immune from civil liability that 2365
might otherwise be incurred or imposed for any death or any injury 2366
or loss to person or property that is caused by or related to a 2367
person to whom the entity or instructor has issued the competency 2368
certificate if all of the following apply: 2369

(a) The alleged liability of the entity or instructor relates 2370
to the training provided in the course, class, or program covered 2371
by the competency certificate. 2372

(b) The entity or instructor makes a good faith effort in 2373
determining whether the person has satisfactorily completed the 2374
course, class, or program and makes a good faith effort in 2375
assessing the person in the competency examination conducted 2376
pursuant to division (G)(2) of section 2923.125 of the Revised 2377
Code. 2378

(c) The entity or instructor did not issue the competency 2379
certificate with malicious purpose, in bad faith, or in a wanton 2380
or reckless manner. 2381

(4) An entity that or instructor who, prior to the effective 2382
date of this amendment, provides a renewed competency 2383
certification of a type described in division (G)(4) of section 2384
2923.125 of the Revised Code as it existed prior to the effective 2385
date of this amendment is immune from civil liability that might 2386
otherwise be incurred or imposed for any death or any injury or 2387
loss to person or property that is caused by or related to a 2388
person to whom the entity or instructor has issued the renewed 2389
competency certificate if all of the following apply: 2390

(a) The entity or instructor makes a good faith effort in 2391
assessing the person in the physical demonstrations or the 2392

competency examination conducted pursuant to division (G)(4) of 2393
section 2923.125 of the Revised Code as it existed prior to the 2394
effective date of this amendment. 2395

(b) The entity or instructor did not issue the renewed 2396
competency certificate with malicious purpose, in bad faith, or in 2397
a wanton or reckless manner. 2398

(5) A law enforcement agency that employs a peace officer is 2399
immune from liability in a civil action to recover damages for 2400
injury, death, or loss to person or property allegedly caused by 2401
any act of that peace officer if the act occurred while the peace 2402
officer carried a concealed handgun and was off duty and if the 2403
act allegedly involved the peace officer's use of the concealed 2404
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 2405
Code apply to any civil action involving a peace officer's use of 2406
a concealed handgun in the performance of the peace officer's 2407
official duties while the peace officer is off duty. 2408

(B)(1) Notwithstanding section 149.43 of the Revised Code, 2409
except as provided in division (B)(2) of this section, the records 2410
that a sheriff keeps relative to the issuance, renewal, 2411
suspension, or revocation of a ~~license to carry a concealed~~ 2412
~~handgun or the issuance, suspension, or revocation of a temporary~~ 2413
~~emergency license to carry a concealed handgun~~ license, including, 2414
but not limited to, completed applications for the issuance or 2415
renewal of a license, completed affidavits submitted regarding an 2416
application for a license on a temporary emergency license basis, 2417
reports of criminal records checks and incompetency records checks 2418
under section 311.41 of the Revised Code, and applicants' social 2419
security numbers and fingerprints that are obtained under division 2420
(A) of section 311.41 of the Revised Code, are confidential and 2421
are not public records. Except as provided in division (B)(2) of 2422
this section, no person shall release or otherwise disseminate 2423
records that are confidential under this division unless required 2424

to do so pursuant to a court order. 2425

(2)(a) A journalist, on or after April 8, 2004, may submit to 2426
a sheriff a signed, written request to view the name, county of 2427
residence, and date of birth of each person to whom the sheriff 2428
has issued a ~~license or replacement license to carry a concealed~~ 2429
~~handgun, renewed a license to carry a concealed handgun, or issued~~ 2430
~~a temporary emergency license or replacement temporary emergency~~ 2431
~~license to carry a concealed handgun under section 2923.125 or~~ 2432
~~2923.1213 of the Revised Code~~ license, or a signed, written 2433
request to view the name, county of residence, and date of birth 2434
of each person for whom the sheriff has suspended or revoked a 2435
~~license to carry a concealed handgun or a temporary emergency~~ 2436
~~license to carry a concealed handgun under section 2923.128 of the~~ 2437
~~Revised Code~~ license. The request shall include the journalist's 2438
name and title, shall include the name and address of the 2439
journalist's employer, and shall state that disclosure of the 2440
information sought would be in the public interest. If a 2441
journalist submits a signed, written request to the sheriff to 2442
view the information described in this division, the sheriff shall 2443
grant the journalist's request. The journalist shall not copy the 2444
name, county of residence, or date of birth of each person to or 2445
for whom the sheriff has issued, suspended, or revoked a license 2446
described in this division. 2447

(b) As used in division (B)(2) of this section, "journalist" 2448
means a person engaged in, connected with, or employed by any news 2449
medium, including a newspaper, magazine, press association, news 2450
agency, or wire service, a radio or television station, or a 2451
similar medium, for the purpose of gathering, processing, 2452
transmitting, compiling, editing, or disseminating information for 2453
the general public. 2454

(C) Each sheriff shall report to the Ohio peace officer 2455
training commission the number of ~~licenses to carry a concealed~~ 2456

handgun licenses that the sheriff issued, renewed, suspended, 2457
revoked, or denied under section 2923.125 of the Revised Code 2458
during the previous quarter of the calendar year, the number of 2459
applications for those licenses for which processing was suspended 2460
in accordance with division (D)(3) of section 2923.125 of the 2461
Revised Code during the previous quarter of the calendar year, and 2462
the number of concealed handgun licenses on a temporary emergency 2463
licenses to carry a concealed handgun basis that the sheriff 2464
issued, suspended, revoked, or denied under section 2923.1213 of 2465
the Revised Code during the previous quarter of the calendar year. 2466
The sheriff shall not include in the report the name or any other 2467
identifying information of an applicant or licensee. The sheriff 2468
shall report that information in a manner that permits the 2469
commission to maintain the statistics described in division ~~(D)~~(C) 2470
of section 109.731 of the Revised Code and to timely prepare the 2471
statistical report described in that division. The information 2472
that is received by the commission under this division is a public 2473
record kept by the commission for the purposes of section 149.43 2474
of the Revised Code. 2475

(D) Law enforcement agencies may use the information a 2476
sheriff makes available through the use of the law enforcement 2477
automated data system pursuant to division (H) of section 2923.125 2478
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 2479
for law enforcement purposes only. The information is confidential 2480
and is not a public record. A person who releases or otherwise 2481
disseminates this information obtained through the law enforcement 2482
automated data system in a manner not described in this division 2483
is guilty of a violation of section 2913.04 of the Revised Code. 2484

(E) Whoever violates division (B) of this section is guilty 2485
of illegal release of confidential concealed handgun license 2486
records, a felony of the fifth degree. In addition to any 2487
penalties imposed under Chapter 2929. of the Revised Code for a 2488

violation of division (B) of this section or a violation of 2489
section 2913.04 of the Revised Code described in division (D) of 2490
this section, if the offender is a sheriff, an employee of a 2491
sheriff, or any other public officer or employee, and if the 2492
violation was willful and deliberate, the offender shall be 2493
subject to a civil fine of one thousand dollars. Any person who is 2494
harmed by a violation of division (B) or (C) of this section or a 2495
violation of section 2913.04 of the Revised Code described in 2496
division (D) of this section has a private cause of action against 2497
the offender for any injury, death, or loss to person or property 2498
that is a proximate result of the violation and may recover court 2499
costs and attorney's fees related to the action. 2500

Sec. 2923.1210. The application for a ~~license to carry a~~ 2501
concealed handgun license or for the renewal of a license of that 2502
nature that is to be used under section 2923.125 of the Revised 2503
Code shall conform substantially to the following forms: 2504

"Ohio Peace APPLICATION FOR A LICENSE TO 2505
Officer CARRY A CONCEALED HANDGUN
Training
Commission

 Please Type or Print in Ink 2506

SECTION I. 2507

This application will not be processed unless 2508
all applicable questions have been answered and
until all required supporting documents as
described in division (B) or (F) of section
2923.125 of the Ohio Revised Code and, unless
waived, a cashier's check, certified check, or
money order in the amount of the applicable
license fee or license renewal fee have been
submitted. FEES ARE NONREFUNDABLE.

SECTION II. 2509

Name:	2510
Last	2511
First	2512
Middle	2513
.....	2514
Social Security Number:	2515
Current Residence:	2516
Street	2517
City	2518
State	2519
County	2520
Zip	2521
.....	2522
Mailing Address (If Different From Above):	2523
Street	2524
City	2525
State	2526
Zip	2527
.....	2528
Date of Birth	2529
Place of Birth	2530
Sex	2531
Race	2532
Residence	2533
Telephone	2534
...../...../.....	2535
.....	2536
.....	2537
.....	2538
.....	2539
.....	2540
SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO	2541
(1)(a) Are you legally living in the United States?	2542
..... YES	2543
..... NO	2544
(b) Have you been a resident of Ohio for at least forty-five days and have you been a resident for thirty days of the county with whose sheriff you are filing this application or of a county adjacent to that county?	2545
..... YES	2546
..... NO	2547
(2) Are you at least twenty-one years of age?	2548
..... YES	2549
..... NO	2550
(3) Are you a fugitive from justice?	2551
..... YES	2552
..... NO	2553
(4) Are you under indictment for a felony, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to a felony, or, except for a delinquent child	2554

adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult?

(5) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult? YES NO 2528

(6) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult?

(6) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the YES NO 2529

disability pursuant to section 2923.14 of the

Revised Code, have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of possessing a revoked or suspended concealed handgun license, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult?

(7) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting

.... YES NO 2530

arrest?

(8)(a) Are you under indictment for or YES NO 2531
otherwise charged with assault or negligent
assault?

(b) Have you been convicted of, pleaded guilty YES NO 2532
to, or adjudicated a delinquent child two or
more times for committing assault or negligent
assault within five years of the date of this
application?

(c) Except for a conviction, guilty plea, or YES NO 2533
delinquent child adjudication the records of
which a court has ordered sealed or expunged
or relative to which a court has granted
relief from disability pursuant to section
2923.14 of the Revised Code, have you ever
been convicted of, pleaded guilty to, or
adjudicated a delinquent child for assaulting
a peace officer?

(9)(a) Have you ever been adjudicated as a YES NO 2534
mental defective?

(b) Have you ever been committed to a mental YES NO 2535
institution?

(10) Are you currently subject to a civil YES NO 2536
protection order, a temporary protection
order, or a protection order issued by a court
of another state?

(11) Are you currently subject to a suspension YES NO 2537
imposed under division (A)(2) of section
2923.128 of the Revised Code of a ~~license to~~
~~carry a concealed handgun, or a temporary~~
~~emergency license to carry a concealed~~
handgun, license that previously was issued to
you?

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY 2538
PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH 2539
PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU 2540
ATTAINED EIGHTEEN YEARS OF AGE AND UNTIL YOU COMMENCED YOUR 2541
RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM, 2542
AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED 2543
MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT 2544
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT 2545
AT THE END OF THIS SECTION. 2546

Residence 1: 2547

Street	City	State	County	Zip	
.....	2548
.....	2549
Dates of residence at this address					2550

Residence 2: 2551

Street	City	State	County	Zip	
.....	2552
.....	2553
Dates of residence at this address					2554

Residence 3: 2555

Street	City	State	County	Zip	
.....	2556
.....	2557
Dates of residence at this address					2558

Residence 4: 2559

Street	City	State	County	Zip	
.....	2560
.....	2561
Dates of residence at this address					2562

SECTION V. 2563

YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY ANSWERING THE 2564
QUESTION POSED IN PART (1) AND, IF THE ANSWER TO THE QUESTION IS 2565
"YES," BY PROVIDING IN PART (2) THE INFORMATION SPECIFIED. IF YOU 2566
NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT 2567
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT 2568

AT THE END OF THIS SECTION.	2569
(1) Have you previously applied in any county YES NO in Ohio or in any other state for a license to carry a concealed handgun or a temporary emergency license to carry a concealed handgun <u>license</u> ?	2570
(2) If your answer to the question in part (1) of this section of the application is "yes," you must complete this part by listing each county in Ohio, and each other state, in which you previously applied for either type of a license and, to the best of your knowledge, the date on which you made the application.	2571 2572 2573 2574 2575
Previous application made in (insert name of Ohio county or other state) on (insert date of application.)	2576 2577 2578
Previous application made in (insert name of Ohio county or other state) on (insert date of application.)	2579 2580 2581
Previous application made in (insert name of Ohio county or other state) on (insert date of application.)	2582 2583 2584
Previous application made in (insert name of Ohio county or other state) on (insert date of application.)	2585 2586 2587
SECTION VI.	2588
AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.	2589 2590 2591 2592 2593
(1) I have read the pamphlet that explains the Ohio firearms laws,	2594

that provides instruction in dispute resolution and explains 2595
the Ohio laws related to that matter, and that provides 2596
information regarding all aspects of the use of deadly force 2597
with a firearm, and I am knowledgeable of the provisions of 2598
those laws and of the information on those matters. 2599

(2) I desire a legal means to carry a concealed handgun for 2600
defense of myself or a member of my family while engaged in 2601
lawful activity. 2602

(3) I have never been convicted of or pleaded guilty to a crime of 2603
violence in the state of Ohio or elsewhere (if you have been 2604
convicted of or pleaded guilty to such a crime, but the 2605
records of that conviction or guilty plea have been sealed or 2606
expunged by court order or a court has granted relief 2607
pursuant to section 2923.14 of the Revised Code from the 2608
disability imposed pursuant to section 2923.13 of the Revised 2609
Code relative to that conviction or guilty plea, you may 2610
treat the conviction or guilty plea for purposes of this 2611
paragraph as if it never had occurred). I am of sound mind. I 2612
hereby certify that the statements contained herein are true 2613
and correct to the best of my knowledge and belief. I 2614
understand that if I knowingly make any false statements 2615
herein I am subject to penalties prescribed by law. I 2616
authorize the sheriff or the sheriff's designee to inspect 2617
only those records or documents relevant to information 2618
required for this application. 2619

(4) The information contained in this application and all attached 2620
documents are true and correct to the best of my knowledge. 2621
..... 2622
Signature of Applicant" 2623

"Ohio Peace APPLICATION TO RENEW A LICENSE 2624
Officer TO CARRY A CONCEALED HANDGUN
Training

resident for thirty days of the county with whose sheriff you are filing this application or of a county adjacent to that county?

(2) Are you at least twenty-one years of age? YES NO 2644

(3) Are you a fugitive from justice? YES NO 2645

(4) Are you under indictment for a felony, or, YES NO 2646

except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to a felony, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult?

(5) Are you under indictment for or otherwise YES NO 2647

charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or, except for a delinquent child adjudication the

records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult?

(6) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of possessing a revoked or suspended concealed handgun license, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult? YES NO 2648

(7) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult?

(7) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from YES NO 2649

which a court has granted relief from

disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting arrest?

(8)(a) Are you under indictment for or otherwise charged with assault or negligent assault? YES NO 2650

(b) Have you been convicted of, pleaded guilty to, or adjudicated a delinquent child two or more times for committing assault or negligent assault within five years of the date of this application? YES NO 2651

(c) Except for a conviction, guilty plea, or delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of, pleaded guilty to, or adjudicated a delinquent child for assaulting a peace officer? YES NO 2652

(9)(a) Have you ever been adjudicated as a mental defective? YES NO 2653

(b) Have you ever been committed to a mental institution? YES NO 2654

(10) Are you currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state? YES NO 2655

(11) Are you currently subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a ~~license to carry a concealed handgun, or a temporary emergency license to carry a concealed handgun,~~ license that previously was issued to you? YES NO 2656

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU LAST APPLIED FOR AN OHIO CONCEALED HANDGUN LICENSE THROUGH THE TIME YOU COMMENCED YOUR RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM, AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT AT THE END OF THIS SECTION. 2657
2658
2659
2660
2661
2662
2663
2664
2665

Residence 1: 2666
Street City State County Zip 2667
. 2668
Dates of residence at this address 2669

Residence 2: 2670
Street City State County Zip 2671
. 2672
Dates of residence at this address 2673

Residence 3: 2674
Street City State County Zip 2675

.....	2676
Dates of residence at this address	2677
Residence 4:	2678
Street City State County Zip	2679
.....	2680
Dates of residence at this address	2681
SECTION V.	2682
YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY ANSWERING THE	2683
QUESTION POSED IN PART (1) AND, IF THE ANSWER TO THE QUESTION IS	2684
"YES," BY PROVIDING IN PART (2) THE INFORMATION SPECIFIED. IF YOU	2685
NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT	2686
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT	2687
AT THE END OF THIS SECTION.	2688
(1) Have you previously applied in any county YES NO	2689
in Ohio or in any other state for a license to	
carry a concealed handgun or a temporary	
emergency license to carry a concealed handgun	
<u>license</u> ?	
(2) If your answer to the question in part (1) of this section of	2690
the application is "yes," you must complete this part by listing	2691
each county in Ohio, and each other state, in which you previously	2692
applied for either type of a license and, to the best of your	2693
knowledge, the date on which you made the application.	2694
Previous application made in (insert name of Ohio	2695
county or other state) on (insert date of	2696
application.)	2697
Previous application made in (insert name of Ohio	2698
county or other state) on (insert date of	2699
application.)	2700
Previous application made in (insert name of Ohio	2701
county or other state) on (insert date of	2702

application.)	2703
Previous application made in (insert name of Ohio county or other state) on (insert date of application.)	2704 2705 2706
SECTION VI.	2707
AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.	2708 2709 2710 2711 2712
(1) I have read the pamphlet that explains the Ohio firearms laws, that provides instruction in dispute resolution and explains the Ohio laws related to that matter, and that provides information regarding all aspects of the use of deadly force with a firearm, and I am knowledgeable of the provisions of those laws and of the information on those matters.	2713 2714 2715 2716 2717 2718
(2) I desire a legal means to carry a concealed handgun for defense of myself or a member of my family while engaged in lawful activity.	2719 2720 2721
(3) I have never been convicted of or pleaded guilty to a crime of violence in the state of Ohio or elsewhere (if you have been convicted of or pleaded guilty to such a crime, but the records of that conviction or guilty plea have been sealed or expunged by court order or a court has granted relief pursuant to section 2923.14 of the Revised Code from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction or guilty plea, you may treat the conviction or guilty plea for purposes of this paragraph as if it never had occurred). I am of sound mind. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I	2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733

understand that if I knowingly make any false statements 2734
herein I am subject to penalties prescribed by law. I 2735
authorize the sheriff or the sheriff's designee to inspect 2736
only those records or documents relevant to information 2737
required for this application. 2738

(4) The information contained in this application and all attached 2739
documents are true and correct to the best of my knowledge. 2740
..... 2741
Signature of Applicant" 2742

Sec. 2923.1211. (A) No person shall alter a ~~license or~~ 2743
~~temporary emergency license to carry a~~ concealed handgun ~~that was~~ 2744
~~issued pursuant to section 2923.125 or 2923.1213 of the Revised~~ 2745
Code license or create a fictitious document that purports to be a 2746
license of that nature. 2747

(B) No person, except in the performance of official duties, 2748
shall possess a ~~license to carry a~~ concealed handgun license that 2749
was issued and that has been revoked or suspended ~~pursuant to~~ 2750
~~section 2923.128 of the Revised Code or a temporary emergency~~ 2751
~~license to carry a concealed handgun that was issued and that has~~ 2752
~~been revoked pursuant to section 2923.1213 of the Revised Code.~~ 2753

(C) Whoever violates division (A) of this section is guilty 2754
of falsification of a concealed handgun license, a felony of the 2755
fifth degree. Whoever violates division (B) of this section is 2756
guilty of possessing a revoked or suspended concealed handgun 2757
license, a misdemeanor of the third degree. 2758

Sec. 2923.1213. (A) As used in this section: 2759

(1) "Evidence of imminent danger" means any of the following: 2760

(a) A statement sworn by the person seeking to carry a 2761
concealed handgun that is made under threat of perjury and that 2762
states that the person has reasonable cause to fear a criminal 2763

attack upon the person or a member of the person's family, such as 2764
would justify a prudent person in going armed; 2765

(b) A written document prepared by a governmental entity or 2766
public official describing the facts that give the person seeking 2767
to carry a concealed handgun reasonable cause to fear a criminal 2768
attack upon the person or a member of the person's family, such as 2769
would justify a prudent person in going armed. Written documents 2770
of this nature include, but are not limited to, any temporary 2771
protection order, civil protection order, protection order issued 2772
by another state, or other court order, any court report, and any 2773
report filed with or made by a law enforcement agency or 2774
prosecutor. 2775

(2) "Prosecutor" has the same meaning as in section 2935.01 2776
of the Revised Code. 2777

(B)(1) A person seeking a ~~temporary emergency license to~~ 2778
~~carry~~ a concealed handgun license on a temporary basis shall 2779
submit to the sheriff of the county in which the person resides 2780
all of the following: 2781

(a) Evidence of imminent danger to the person or a member of 2782
the person's family; 2783

(b) A sworn affidavit that contains all of the information 2784
required to be on the license and attesting that the person is 2785
legally living in the United States; is at least twenty-one years 2786
of age; is not a fugitive from justice; is not under indictment 2787
for or otherwise charged with an offense identified in division 2788
(D)(1)(d) of section 2923.125 of the Revised Code; has not been 2789
convicted of or pleaded guilty to an offense, and has not been 2790
adjudicated a delinquent child for committing an act, identified 2791
in division (D)(1)(e) of that section and to which division (B)(3) 2792
of this section does not apply; within three years of the date of 2793
the submission, has not been convicted of or pleaded guilty to an 2794

offense, and has not been adjudicated a delinquent child for 2795
committing an act, identified in division (D)(1)(f) of that 2796
section and to which division (B)(3) of this section does not 2797
apply; within five years of the date of the submission, has not 2798
been convicted of, pleaded guilty, or adjudicated a delinquent 2799
child for committing two or more violations identified in division 2800
(D)(1)(g) of that section; within ten years of the date of the 2801
submission, has not been convicted of, pleaded guilty, or 2802
adjudicated a delinquent child for committing a violation 2803
identified in division (D)(1)(h) of that section and to which 2804
division (B)(3) of this section does not apply; has not been 2805
adjudicated as a mental defective, has not been committed to any 2806
mental institution, is not under adjudication of mental 2807
incompetence, has not been found by a court to be a mentally ill 2808
person subject to hospitalization by court order, and is not an 2809
involuntary patient other than one who is a patient only for 2810
purposes of observation, as described in division (D)(1)(i) of 2811
that section; is not currently subject to a civil protection 2812
order, a temporary protection order, or a protection order issued 2813
by a court of another state, as described in division (D)(1)(j) of 2814
that section; and is not currently subject to a suspension imposed 2815
under division (A)(2) of section 2923.128 of the Revised Code of a 2816
~~license to carry a concealed handgun, or a temporary emergency~~ 2817
~~license to carry a concealed handgun,~~ license that previously was 2818
issued to the person; 2819

(c) A nonrefundable temporary emergency license fee as 2820
described in either of the following: 2821

(i) For an applicant who has been a resident of this state 2822
for five or more years, a fee of fifteen dollars plus the actual 2823
cost of having a background check performed by the bureau of 2824
criminal identification and investigation pursuant to section 2825
311.41 of the Revised Code; 2826

(ii) For an applicant who has been a resident of this state 2827
for less than five years, a fee of fifteen dollars plus the actual 2828
cost of having background checks performed by the federal bureau 2829
of investigation and the bureau of criminal identification and 2830
investigation pursuant to section 311.41 of the Revised Code. 2831

(d) A set of fingerprints of the applicant provided as 2832
described in section 311.41 of the Revised Code through use of an 2833
electronic fingerprint reading device or, if the sheriff to whom 2834
the application is submitted does not possess and does not have 2835
ready access to the use of an electronic fingerprint reading 2836
device, on a standard impression sheet prescribed pursuant to 2837
division (C)(2) of section 109.572 of the Revised Code. If the 2838
fingerprints are provided on a standard impression sheet, the 2839
person also shall provide the person's social security number to 2840
the sheriff. 2841

(2) A sheriff shall accept the evidence of imminent danger, 2842
the sworn affidavit, the fee, and the set of fingerprints required 2843
under division (B)(1) of this section at the times and in the 2844
manners described in division (I) of this section. Upon receipt of 2845
the evidence of imminent danger, the sworn affidavit, the fee, and 2846
the set of fingerprints required under division (B)(1) of this 2847
section, the sheriff, in the manner specified in section 311.41 of 2848
the Revised Code, immediately shall conduct or cause to be 2849
conducted the criminal records check and the incompetency records 2850
check described in section 311.41 of the Revised Code. Immediately 2851
upon receipt of the results of the records checks, the sheriff 2852
shall review the information and shall determine whether the 2853
criteria set forth in divisions (D)(1)(a) to (j) and (m) of 2854
section 2923.125 of the Revised Code apply regarding the person. 2855
If the sheriff determines that all of criteria set forth in 2856
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the 2857
Revised Code apply regarding the person, the sheriff shall 2858

immediately make available through the law enforcement automated 2859
data system all information that will be contained on the 2860
temporary emergency license for the person if one is issued, and 2861
the superintendent of the state highway patrol shall ensure that 2862
the system is so configured as to permit the transmission through 2863
the system of that information. Upon making that information 2864
available through the law enforcement automated data system, the 2865
sheriff shall immediately issue to the person a ~~temporary~~ 2866
~~emergency license to carry a concealed handgun~~ license on a 2867
temporary emergency basis. 2868

If the sheriff denies the issuance of a ~~temporary emergency~~ 2869
license on a temporary emergency basis to the person, the sheriff 2870
shall specify the grounds for the denial in a written notice to 2871
the person. The person may appeal the denial, or challenge 2872
criminal records check results that were the basis of the denial 2873
if applicable, in the same manners specified in division (D)(2) of 2874
section 2923.125 and in section 2923.127 of the Revised Code, 2875
regarding the denial of an application for a ~~license to carry a~~ 2876
concealed handgun license under that section. 2877

The ~~temporary emergency~~ license on a temporary emergency 2878
basis issued under this division shall be in the form, and shall 2879
include all of the information, described in divisions (A)(2) and 2880
(5) of section 109.731 of the Revised Code, and also shall include 2881
a unique combination of identifying letters and numbers in 2882
accordance with division (A)(4) of that section. 2883

The ~~temporary emergency~~ license on a temporary emergency 2884
basis issued under this division is valid for ninety days and may 2885
not be renewed. A person who has been issued a ~~temporary emergency~~ 2886
license on a temporary emergency basis under this division shall 2887
not be issued another ~~temporary emergency~~ license on a temporary 2888
emergency basis unless at least four years has expired since the 2889
issuance of the prior ~~temporary emergency~~ license on a temporary 2890

emergency basis. 2891

(3) If a person seeking a ~~temporary emergency license to~~ 2892
~~carry~~ a concealed handgun license on a temporary emergency basis 2893
has been convicted of or pleaded guilty to an offense identified 2894
in division (D)(1)(e), (f), or (h) of section 2923.125 of the 2895
Revised Code or has been adjudicated a delinquent child for 2896
committing an act or violation identified in any of those 2897
divisions, and if a court has ordered the sealing or expungement 2898
of the records of that conviction, guilty plea, or adjudication 2899
pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 2900
2953.36 of the Revised Code or a court has granted the applicant 2901
relief pursuant to section 2923.14 of the Revised Code from the 2902
disability imposed pursuant to section 2923.13 of the Revised Code 2903
relative to that conviction, guilty plea, or adjudication, the 2904
conviction, guilty plea, or adjudication shall not be relevant for 2905
purposes of the sworn affidavit described in division (B)(1)(b) of 2906
this section, and the person may complete, and swear to the truth 2907
of, the affidavit as if the conviction, guilty plea, or 2908
adjudication never had occurred. 2909

(4) The sheriff shall waive the payment pursuant to division 2910
(B)(1)(c) of this section of the license fee in connection with an 2911
application that is submitted by an applicant who is a retired 2912
peace officer, a retired person described in division (B)(1)(b) of 2913
section 109.77 of the Revised Code, or a retired federal law 2914
enforcement officer who, prior to retirement, was authorized under 2915
federal law to carry a firearm in the course of duty, unless the 2916
retired peace officer, person, or federal law enforcement officer 2917
retired as the result of a mental disability. 2918

The sheriff shall deposit all fees paid by an applicant under 2919
division (B)(1)(c) of this section into the sheriff's concealed 2920
handgun license issuance fund established pursuant to section 2921
311.42 of the Revised Code. 2922

(C) A person who holds a ~~temporary emergency license to carry~~ 2923
a concealed handgun license on a temporary emergency basis has the 2924
same right to carry a concealed handgun as a person who was issued 2925
a ~~license to carry a concealed handgun license~~ under section 2926
2923.125 of the Revised Code, and any exceptions to the 2927
prohibitions contained in section 1547.69 and sections 2923.12 to 2928
2923.16 of the Revised Code for a licensee under section 2923.125 2929
of the Revised Code apply to a licensee under this section. The 2930
person is subject to the same restrictions, and to all other 2931
procedures, duties, and sanctions, that apply to a person who 2932
carries a license issued under section 2923.125 of the Revised 2933
Code, other than the license renewal procedures set forth in that 2934
section. 2935

(D) A sheriff who issues a ~~temporary emergency license to~~ 2936
~~carry a concealed handgun license on a temporary emergency basis~~ 2937
under this section shall not require a person seeking to carry a 2938
concealed handgun in accordance with this section to submit a 2939
competency certificate as a prerequisite for issuing the license 2940
and shall comply with division (H) of section 2923.125 of the 2941
Revised Code in regards to the license. The sheriff shall suspend 2942
or revoke the license in accordance with section 2923.128 of the 2943
Revised Code. In addition to the suspension or revocation 2944
procedures set forth in section 2923.128 of the Revised Code, the 2945
sheriff may revoke the license upon receiving information, 2946
verifiable by public documents, that the person is not eligible to 2947
possess a firearm under either the laws of this state or of the 2948
United States or that the person committed perjury in obtaining 2949
the license; if the sheriff revokes a license under this 2950
additional authority, the sheriff shall notify the person, by 2951
certified mail, return receipt requested, at the person's last 2952
known residence address that the license has been revoked and that 2953
the person is required to surrender the license at the sheriff's 2954
office within ten days of the date on which the notice was mailed. 2955

Division (H) of section 2923.125 of the Revised Code applies 2956
regarding any suspension or revocation of a ~~temporary emergency~~ 2957
~~license to carry a~~ concealed handgun license on a temporary 2958
emergency basis. 2959

(E) A sheriff who issues a ~~temporary emergency license to~~ 2960
~~carry a~~ concealed handgun license on a temporary emergency basis 2961
under this section shall retain, for the entire period during 2962
which the ~~temporary emergency~~ license is in effect, the evidence 2963
of imminent danger that the person submitted to the sheriff and 2964
that was the basis for the license, or a copy of that evidence, as 2965
appropriate. 2966

(F) If a ~~temporary emergency license to carry a~~ concealed 2967
handgun license on a temporary emergency basis issued under this 2968
section is lost or is destroyed, the licensee may obtain from the 2969
sheriff who issued that license a duplicate license upon the 2970
payment of a fee of fifteen dollars and the submission of an 2971
affidavit attesting to the loss or destruction of the license. The 2972
sheriff, in accordance with the procedures prescribed in section 2973
109.731 of the Revised Code, shall place on the replacement 2974
license a combination of identifying numbers different from the 2975
combination on the license that is being replaced. 2976

(G) The Ohio peace officer training commission shall 2977
prescribe, and shall make available to sheriffs, a standard form 2978
to be used under division (B) of this section by a person who 2979
applies for a ~~temporary emergency license to carry a~~ concealed 2980
handgun license on a temporary emergency basis on the basis of 2981
imminent danger of a type described in division (A)(1)(a) of this 2982
section. 2983

(H) A sheriff who receives any fees paid by a person under 2984
this section shall deposit all fees so paid into the sheriff's 2985
concealed handgun license issuance expense fund established under 2986
section 311.42 of the Revised Code. 2987

(I) A sheriff shall accept evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section at any time during normal business hours. In no case shall a sheriff require an appointment, or designate a specific period of time, for the submission or acceptance of evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section, or for the provision to any person of a standard form to be used for a person to apply for a ~~temporary emergency license to carry a~~ concealed handgun license on a temporary emergency basis.

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

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

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

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

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

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

(4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen

inches in length, either in plain sight with the action open or 3018
the weapon stripped, or, if the firearm is of a type on which the 3019
action will not stay open or which cannot easily be stripped, in 3020
plain sight. 3021

(D) No person shall knowingly transport or have a loaded 3022
handgun in a motor vehicle if, at the time of that transportation 3023
or possession, any of the following applies: 3024

(1) The person is under the influence of alcohol, a drug of 3025
abuse, or a combination of them. 3026

(2) The person's whole blood, blood serum or plasma, breath, 3027
or urine contains a concentration of alcohol, a listed controlled 3028
substance, or a listed metabolite of a controlled substance 3029
prohibited for persons operating a vehicle, as specified in 3030
division (A) of section 4511.19 of the Revised Code, regardless of 3031
whether the person at the time of the transportation or possession 3032
as described in this division is the operator of or a passenger in 3033
the motor vehicle. 3034

(E) No person who has been issued a ~~license or temporary~~ 3035
~~emergency license to carry a concealed handgun under section~~ 3036
~~2923.125 or 2923.1213 of the Revised Code or a license to carry a~~ 3037
~~concealed handgun that was issued to the person by another state~~ 3038
~~with which the attorney general has entered into a reciprocity~~ 3039
~~agreement under section 109.69 of the Revised Code~~ license, who is 3040
the driver or an occupant of a motor vehicle that is stopped as a 3041
result of a traffic stop or a stop for another law enforcement 3042
purpose or is the driver or an occupant of a commercial motor 3043
vehicle that is stopped by an employee of the motor carrier 3044
enforcement unit for the purposes defined in section 5503.34 of 3045
the Revised Code, and who is transporting or has a loaded handgun 3046
in the motor vehicle or commercial motor vehicle in any manner, 3047
shall do any of the following: 3048

(1) Fail to promptly inform any law enforcement officer who 3049
approaches the vehicle while stopped that the person has been 3050
issued a ~~license or temporary emergency license to carry a~~ 3051
concealed handgun license and that the person then possesses or 3052
has a loaded handgun in the motor vehicle; 3053

(2) Fail to promptly inform the employee of the unit who 3054
approaches the vehicle while stopped that the person has been 3055
issued a ~~license or temporary emergency license to carry a~~ 3056
concealed handgun license and that the person then possesses or 3057
has a loaded handgun in the commercial motor vehicle; 3058

(3) Knowingly fail to remain in the motor vehicle while 3059
stopped or knowingly fail to keep the person's hands in plain 3060
sight at any time after any law enforcement officer begins 3061
approaching the person while stopped and before the law 3062
enforcement officer leaves, unless the failure is pursuant to and 3063
in accordance with directions given by a law enforcement officer; 3064

(4) Knowingly have contact with the loaded handgun by 3065
touching it with the person's hands or fingers in the motor 3066
vehicle at any time after the law enforcement officer begins 3067
approaching and before the law enforcement officer leaves, unless 3068
the person ~~removes, attempts to remove, grasps, holds, or has~~ 3069
contact with the loaded handgun pursuant to and in accordance with 3070
directions given by the law enforcement officer; 3071

(5) Knowingly disregard or fail to comply with any lawful 3072
order of any law enforcement officer given while the motor vehicle 3073
is stopped, including, but not limited to, a specific order to the 3074
person to keep the person's hands in plain sight. 3075

(F)(1) Divisions (A), (B), (C), and (E) of this section do 3076
not apply to any of the following: 3077

(a) An officer, agent, or employee of this or any other state 3078
or the United States, or a law enforcement officer, when 3079

authorized to carry or have loaded or accessible firearms in motor 3080
vehicles and acting within the scope of the officer's, agent's, or 3081
employee's duties; 3082

(b) Any person who is employed in this state, who is 3083
authorized to carry or have loaded or accessible firearms in motor 3084
vehicles, and who is subject to and in compliance with the 3085
requirements of section 109.801 of the Revised Code, unless the 3086
appointing authority of the person has expressly specified that 3087
the exemption provided in division (F)(1)(b) of this section does 3088
not apply to the person. 3089

(2) Division (A) of this section does not apply to a person 3090
if all of the following circumstances apply: 3091

(a) The person discharges a firearm from a motor vehicle at a 3092
coyote or groundhog, the discharge is not during the deer gun 3093
hunting season as set by the chief of the division of wildlife of 3094
the department of natural resources, and the discharge at the 3095
coyote or groundhog, but for the operation of this section, is 3096
lawful. 3097

(b) The motor vehicle from which the person discharges the 3098
firearm is on real property that is located in an unincorporated 3099
area of a township and that either is zoned for agriculture or is 3100
used for agriculture. 3101

(c) The person owns the real property described in division 3102
(F)(2)(b) of this section, is the spouse or a child of another 3103
person who owns that real property, is a tenant of another person 3104
who owns that real property, or is the spouse or a child of a 3105
tenant of another person who owns that real property. 3106

(d) The person does not discharge the firearm in any of the 3107
following manners: 3108

(i) While under the influence of alcohol, a drug of abuse, or 3109
alcohol and a drug of abuse; 3110

(ii) In the direction of a street, highway, or other public	3111
or private property used by the public for vehicular traffic or	3112
parking;	3113
(iii) At or into an occupied structure that is a permanent or	3114
temporary habitation;	3115
(iv) In the commission of any violation of law, including,	3116
but not limited to, a felony that includes, as an essential	3117
element, purposely or knowingly causing or attempting to cause the	3118
death of or physical harm to another and that was committed by	3119
discharging a firearm from a motor vehicle.	3120
(3) Division (A) of this section does not apply to a person	3121
if all of the following apply:	3122
(a) The person possesses a valid electric-powered all-purpose	3123
vehicle permit issued under section 1533.103 of the Revised Code	3124
by the chief of the division of wildlife.	3125
(b) The person discharges a firearm at a wild quadruped or	3126
game bird as defined in section 1531.01 of the Revised Code during	3127
the open hunting season for the applicable wild quadruped or game	3128
bird.	3129
(c) The person discharges a firearm from a stationary	3130
electric-powered all-purpose vehicle as defined in section 1531.01	3131
of the Revised Code or a motor vehicle that is parked on a road	3132
that is owned or administered by the division of wildlife,	3133
provided that the road is identified by an electric-powered	3134
all-purpose vehicle sign.	3135
(d) The person does not discharge the firearm in any of the	3136
following manners:	3137
(i) While under the influence of alcohol, a drug of abuse, or	3138
alcohol and a drug of abuse;	3139
(ii) In the direction of a street, a highway, or other public	3140

or private property that is used by the public for vehicular traffic or parking; 3141
3142

(iii) At or into an occupied structure that is a permanent or temporary habitation; 3143
3144

(iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle. 3145
3146
3147
3148
3149

(4) Divisions (B) and (C) of this section do not apply to a person if all of the following circumstances apply: 3150
3151

(a) At the time of the alleged violation of either of those divisions, the person is the operator of or a passenger in a motor vehicle. 3152
3153
3154

(b) The motor vehicle is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture. 3155
3156
3157

(c) The person owns the real property described in division (D)(4)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property. 3158
3159
3160
3161
3162

(d) The person, prior to arriving at the real property described in division (D)(4)(b) of this section, did not transport or possess a firearm in the motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic or parking. 3163
3164
3165
3166
3167
3168

(5) Divisions (B) and (C) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle 3169
3170

if, at the time of that transportation or possession, both of the 3171
following apply: 3172

(a) The person transporting or possessing the handgun is 3173
carrying a valid ~~license or temporary emergency license to carry a~~ 3174
~~concealed handgun issued to the person under section 2923.125 or~~ 3175
~~2923.1213 of the Revised Code or a license to carry a concealed~~ 3176
~~handgun that was issued by another state with which the attorney~~ 3177
~~general has entered into a reciprocity agreement under section~~ 3178
~~109.69 of the Revised Code~~ license. 3179

(b) The person transporting or possessing the handgun is not 3180
knowingly in a place described in division (B) of section 2923.126 3181
of the Revised Code. 3182

(6) Divisions (B) and (C) of this section do not apply to a 3183
person if all of the following apply: 3184

(a) The person possesses a valid electric-powered all-purpose 3185
vehicle permit issued under section 1533.103 of the Revised Code 3186
by the chief of the division of wildlife. 3187

(b) The person is on or in an electric-powered all-purpose 3188
vehicle as defined in section 1531.01 of the Revised Code or a 3189
motor vehicle during the open hunting season for a wild quadruped 3190
or game bird. 3191

(c) The person is on or in an electric-powered all-purpose 3192
vehicle as defined in section 1531.01 of the Revised Code or a 3193
motor vehicle that is parked on a road that is owned or 3194
administered by the division of wildlife, provided that the road 3195
is identified by an electric-powered all-purpose vehicle sign. 3196

(G)(1) The affirmative defenses authorized in divisions 3197
(D)(1) and (2) of section 2923.12 of the Revised Code are 3198
affirmative defenses to a charge under division (B) or (C) of this 3199
section that involves a firearm other than a handgun. 3200

(2) It is an affirmative defense to a charge under division 3201
(B) or (C) of this section of improperly handling firearms in a 3202
motor vehicle that the actor transported or had the firearm in the 3203
motor vehicle for any lawful purpose and while the motor vehicle 3204
was on the actor's own property, provided that this affirmative 3205
defense is not available unless the person, immediately prior to 3206
arriving at the actor's own property, did not transport or possess 3207
the firearm in a motor vehicle in a manner prohibited by division 3208
(B) or (C) of this section while the motor vehicle was being 3209
operated on a street, highway, or other public or private property 3210
used by the public for vehicular traffic. 3211

(H)(1) No person who is charged with a violation of division 3212
(B), (C), or (D) of this section shall be required to obtain a 3213
~~license or temporary emergency license to carry a~~ concealed 3214
handgun ~~under section 2923.125 or 2923.1213 of the Revised Code~~ 3215
license as a condition for the dismissal of the charge. 3216

(2)(a) If a person is convicted of, was convicted of, pleads 3217
guilty to, or has pleaded guilty to a violation of division (E) of 3218
this section as it existed prior to ~~the effective date of this~~ 3219
~~amendment~~ September 30, 2011, and if the conduct that was the 3220
basis of the violation no longer would be a violation of division 3221
(E) of this section on or after ~~the effective date of this~~ 3222
~~amendment~~ September 30, 2011, the person may file an application 3223
under section 2953.37 of the Revised Code requesting the 3224
expungement of the record of conviction. 3225

If a person is convicted of, was convicted of, pleads guilty 3226
to, or has pleaded guilty to a violation of division (B) or (C) of 3227
this section as the division existed prior to ~~the effective date~~ 3228
~~of this amendment~~ September 30, 2011, and if the conduct that was 3229
the basis of the violation no longer would be a violation of 3230
division (B) or (C) of this section on or after ~~the effective date~~ 3231
~~of this amendment~~ September 30, 2011, due to the application of 3232

division (F)(5) of this section as it exists on and after ~~the~~ 3233
~~effective date of this amendment~~ September 30, 2011, the person 3234
may file an application under section 2953.37 of the Revised Code 3235
requesting the expungement of the record of conviction. 3236

(b) The attorney general shall develop a public media 3237
advisory that summarizes the expungement procedure established 3238
under section 2953.37 of the Revised Code and the offenders 3239
identified in division (H)(2)(a) of this section who are 3240
authorized to apply for the expungement. Within thirty days after 3241
~~the effective date of this amendment~~ September 30, 2011, the 3242
attorney general shall provide a copy of the advisory to each 3243
daily newspaper published in this state and each television 3244
station that broadcasts in this state. The attorney general may 3245
provide the advisory in a tangible form, an electronic form, or in 3246
both tangible and electronic forms. 3247

(I) Whoever violates this section is guilty of improperly 3248
handling firearms in a motor vehicle. Violation of division (A) of 3249
this section is a felony of the fourth degree. Violation of 3250
division (C) of this section is a misdemeanor of the fourth 3251
degree. A violation of division (D) of this section is a felony of 3252
the fifth degree or, if the loaded handgun is concealed on the 3253
person's person, a felony of the fourth degree. Except as 3254
otherwise provided in this division, a violation of division 3255
(E)(1) or (2) of this section is a misdemeanor of the first 3256
degree, and, in addition to any other penalty or sanction imposed 3257
for the violation, the offender's ~~license or temporary emergency~~ 3258
~~license to carry~~ a concealed handgun license shall be suspended 3259
pursuant to division (A)(2) of section 2923.128 of the Revised 3260
Code. If at the time of the stop of the offender for a traffic 3261
stop, for another law enforcement purpose, or for a purpose 3262
defined in section 5503.34 of the Revised Code that was the basis 3263
of the violation any law enforcement officer involved with the 3264

stop or the employee of the motor carrier enforcement unit who 3265
made the stop had actual knowledge of the offender's status as a 3266
licensee, a violation of division (E)(1) or (2) of this section is 3267
a minor misdemeanor, and the offender's ~~license or temporary~~ 3268
~~emergency license to carry a~~ concealed handgun license shall not 3269
be suspended pursuant to division (A)(2) of section 2923.128 of 3270
the Revised Code. A violation of division (E)(4) of this section 3271
is a felony of the fifth degree. A violation of division (E)(3) or 3272
(5) of this section is a misdemeanor of the first degree or, if 3273
the offender previously has been convicted of or pleaded guilty to 3274
a violation of division (E)(3) or (5) of this section, a felony of 3275
the fifth degree. In addition to any other penalty or sanction 3276
imposed for a misdemeanor violation of division (E)(3) or (5) of 3277
this section, the offender's ~~license or temporary emergency~~ 3278
~~license to carry a~~ concealed handgun license shall be suspended 3279
pursuant to division (A)(2) of section 2923.128 of the Revised 3280
Code. A violation of division (B) of this section is a felony of 3281
the fourth degree. 3282

(J) If a law enforcement officer stops a motor vehicle for a 3283
traffic stop or any other purpose, if any person in the motor 3284
vehicle surrenders a firearm to the officer, either voluntarily or 3285
pursuant to a request or demand of the officer, and if the officer 3286
does not charge the person with a violation of this section or 3287
arrest the person for any offense, the person is not otherwise 3288
prohibited by law from possessing the firearm, and the firearm is 3289
not contraband, the officer shall return the firearm to the person 3290
at the termination of the stop. If a court orders a law 3291
enforcement officer to return a firearm to a person pursuant to 3292
the requirement set forth in this division, division (B) of 3293
section 2923.163 of the Revised Code applies. 3294

(K) As used in this section: 3295

(1) "Motor vehicle," "street," and "highway" have the same 3296

meanings as in section 4511.01 of the Revised Code. 3297

(2) "Occupied structure" has the same meaning as in section 3298
2909.01 of the Revised Code. 3299

(3) "Agriculture" has the same meaning as in section 519.01 3300
of the Revised Code. 3301

(4) "Tenant" has the same meaning as in section 1531.01 of 3302
the Revised Code. 3303

(5) "Unloaded" means any of the following: 3304

(a) No ammunition is in the firearm in question, and no 3305
ammunition is loaded into a magazine or speed loader that ~~may be~~ 3306
~~used with~~ is inserted into the firearm in question and that is 3307
located anywhere within the vehicle in question, without regard to 3308
where ~~ammunition~~ the loaded magazine or speed loader otherwise is 3309
located within the vehicle in question. For the purposes of 3310
division (K)(5)(a) of this section, ammunition held in 3311
stripper-clips or in en-bloc clips is not considered ammunition 3312
that is loaded into a magazine or speed loader. 3313

(b) With respect to a firearm employing a percussion cap, 3314
flintlock, or other obsolete ignition system, when the weapon is 3315
uncapped or when the priming charge is removed from the pan. 3316

(6) "Commercial motor vehicle" has the same meaning as in 3317
division (A) of section 4506.25 of the Revised Code. 3318

(7) "Motor carrier enforcement unit" means the motor carrier 3319
enforcement unit in the department of public safety, division of 3320
state highway patrol, that is created by section 5503.34 of the 3321
Revised Code. 3322

Sec. 2953.37. (A) As used in this section: 3323

(1) "Expunge" means to destroy, delete, and erase a record as 3324
appropriate for the record's physical or electronic form or 3325

characteristic so that the record is permanently irretrievable. 3326

(2) "Official records" has the same meaning as in section 3327
2953.51 of the Revised Code. 3328

(3) "Prosecutor" has the same meaning as in section 2953.31 3329
of the Revised Code. 3330

(4) "Record of conviction" means the record related to a 3331
conviction of or plea of guilty to an offense. 3332

(B) Any person who is convicted of, was convicted of, pleads 3333
guilty to, or has pleaded guilty to a violation of division (B), 3334
(C), or (E) of section 2923.16 of the Revised Code as the division 3335
existed prior to ~~the effective date of this section~~ September 30, 3336
2011, and who is authorized by division (H)(2)(a) of that section 3337
to file an application under this section for the expungement of 3338
the conviction record may apply to the sentencing court for the 3339
expungement of the record of conviction. The person may file the 3340
application at any time on or after ~~the effective date of this~~ 3341
~~section~~ September 30, 2011. The application shall do all of the 3342
following: 3343

(1) Identify the applicant, the offense for which the 3344
expungement is sought, the date of the conviction of or plea of 3345
guilty to that offense, and the court in which the conviction 3346
occurred or the plea of guilty was entered; 3347

(2) Include evidence that the offense was a violation of 3348
division (B), (C), or (E) of section 2923.16 of the Revised Code 3349
as the division existed prior to ~~the effective date of this~~ 3350
~~section~~ September 30, 2011, and that the applicant is authorized 3351
by division (H)(2)(a) of that section to file an application under 3352
this section; 3353

(3) Include a request for expungement of the record of 3354
conviction of that offense under this section. 3355

(C) Upon the filing of an application under division (B) of this section and the payment of the fee described in division (D)(3) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division.

(D)(1) At the hearing held under division (C) of this section, the court shall do each of the following:

(a) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the Revised Code as the division existed prior to ~~the effective date of this section~~ September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after ~~the effective date of this section~~ September 30, 2011;

(b) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to ~~the effective date of this section~~ September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after ~~the effective date of this section~~ September 30, 2011, due to the application of division (F)(5) of that section as it exists on and after ~~the effective date of this section~~ September 30, 2011;

(c) If the prosecutor has filed an objection in accordance 3388
with division (C) of this section, consider the reasons against 3389
granting the application specified by the prosecutor in the 3390
objection; 3391

(d) Weigh the interests of the applicant in having the 3392
records pertaining to the applicant's conviction or guilty plea 3393
expunged against the legitimate needs, if any, of the government 3394
to maintain those records. 3395

(2)(a) The court may order the expungement of all official 3396
records pertaining to the case and the deletion of all index 3397
references to the case and, if it does order the expungement, 3398
shall send notice of the order to each public office or agency 3399
that the court has reason to believe may have an official record 3400
pertaining to the case if the court, after complying with division 3401
(D)(1) of this section, determines both of the following: 3402

(i) That the applicant has been convicted of or pleaded 3403
guilty to a violation of division (E) of section 2923.16 of the 3404
Revised Code as it existed prior to ~~the effective date of this~~ 3405
~~section~~ September 30, 2011, and the conduct that was the basis of 3406
the violation no longer would be a violation of that division on 3407
or after ~~the effective date of this section~~ September 30, 2011, or 3408
that the applicant has been convicted of or pleaded guilty to a 3409
violation of division (B) or (C) of section 2923.16 of the Revised 3410
Code as the division existed prior to ~~the effective date of this~~ 3411
~~section~~ September 30, 2011, and the conduct that was the basis of 3412
the violation no longer would be a violation of that division on 3413
or after ~~the effective date of this section~~ September 30, 2011, 3414
due to the application of division (F)(5) of that section as it 3415
exists on and after ~~the effective date of this section~~ September 3416
30, 2011; 3417

(ii) That the interests of the applicant in having the 3418
records pertaining to the applicant's conviction or guilty plea 3419

expunged are not outweighed by any legitimate needs of the 3420
government to maintain those records. 3421

(b) The proceedings in the case that is the subject of an 3422
order issued under division (D)(2)(a) of this section shall be 3423
considered not to have occurred and the conviction or guilty plea 3424
of the person who is the subject of the proceedings shall be 3425
expunged. The record of the conviction shall not be used for any 3426
purpose, including, but not limited to, a criminal records check 3427
under section 109.572 of the Revised Code or a determination under 3428
section 2923.125 or 2923.1212 of the Revised Code of eligibility 3429
for a ~~license or temporary emergency license to carry a concealed~~ 3430
handgun license. The applicant may, and the court shall, reply 3431
that no record exists with respect to the applicant upon any 3432
inquiry into the matter. 3433

(3) Upon the filing of an application under this section, the 3434
applicant, unless indigent, shall pay a fee of fifty dollars. The 3435
court shall pay thirty dollars of the fee into the state treasury 3436
and shall pay twenty dollars of the fee into the county general 3437
revenue fund. 3438

Section 2. That existing sections 109.69, 109.731, 311.41, 3439
311.42, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 3440
2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 3441
2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, and 2953.37 of 3442
the Revised Code are hereby repealed. 3443