

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. S. B. No. 17**

**Senator Schaffer**

**Cosponsors: Senators Jones, Faber, Cafaro, Jordan, Grendell, Daniels,  
Beagle, Seitz, Wilson, Widener, Oelslager, Manning**

**—**

**A B I L L**

To amend sections 2923.121, 2923.125, 2923.128, 1  
2923.16, 2953.321, 2953.33, and 2953.35 and to 2  
enact section 2953.37 of the Revised Code to 3  
permit a concealed carry licensee to possess a 4  
firearm in liquor permit premises, or an open air 5  
arena, for which a D permit has been issued if the 6  
licensee is not consuming liquor or under the 7  
influence of alcohol or a drug of abuse, to modify 8  
the offense of improperly handling firearms in a 9  
motor vehicle as it applies to concealed carry 10  
licensees, and to authorize the expungement of a 11  
prior conviction of improperly handling firearms 12  
in a motor vehicle that no longer would be a crime 13  
under the bill. 14

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

**Section 1.** That sections 2923.121, 2923.125, 2923.128, 15  
2923.16, 2953.321, 2953.33, and 2953.35 be amended and section 16  
2953.37 of the Revised Code be enacted to read as follows: 17

**Sec. 2923.121.** (A) No person shall possess a firearm in any 18

room in which any person is consuming liquor in premises for which 19  
a D permit has been issued under Chapter 4303. of the Revised Code 20  
or in an open air arena for which a permit of that nature has been 21  
issued. 22

(B)(1) This section does not apply to any of the following: 23

(a) An officer, agent, or employee of this or any other state 24  
or the United States, or to a law enforcement officer, who is 25  
authorized to carry firearms and is acting within the scope of the 26  
officer's, agent's, or employee's duties; 27

(b) Any person who is employed in this state, who is 28  
authorized to carry firearms, and who is subject to and in 29  
compliance with the requirements of section 109.801 of the Revised 30  
Code, unless the appointing authority of the person has expressly 31  
specified that the exemption provided in division (B)(1)(b) of 32  
this section does not apply to the person; 33

(c) Any room used for the accommodation of guests of a hotel, 34  
as defined in section 4301.01 of the Revised Code; 35

(d) The principal holder of a D permit issued for premises or 36  
an open air arena under Chapter 4303. of the Revised Code while in 37  
the premises or open air arena for which the permit was issued if 38  
the principal holder of the Dpermit also possesses a valid 39  
license or temporary emergency license to carry a concealed 40  
handgun issued to the principal holder under section 2923.125 or 41  
2923.1213 of the Revised Code or a license to carry a concealed 42  
handgun that was issued to the principal holder by another state 43  
with which the attorney general has entered into a reciprocity 44  
agreement under section 109.69 of the Revised Code and as long as 45  
the principal holder is not consuming liquor or under the 46  
influence of alcohol or a drug of abuse, or any agent or employee 47  
of that holder who also is a peace officer, as defined in section 48  
2151.3515 of the Revised Code, who is off duty, and who otherwise 49

is authorized to carry firearms while in the course of the 50  
officer's official duties and while in the premises or open air 51  
arena for which the permit was issued and as long as the agent or 52  
employee of that holder is not consuming liquor or under the 53  
influence of alcohol or a drug of abuse. 54

(e) Any person who is carrying a valid license or temporary 55  
emergency license to carry a concealed handgun issued to the 56  
person under section 2923.125 or 2923.1213 of the Revised Code or 57  
a license to carry a concealed handgun that was issued to the 58  
person by another state with which the attorney general has 59  
entered into a reciprocity agreement under section 109.69 of the 60  
Revised Code ~~and who possesses the firearm in a retail store with~~ 61  
~~D-6 and D-8 permits issued for that store under sections 4303.182~~ 62  
~~and 4303.184 of the Revised Code or a D-8 permit issued for that~~ 63  
~~store under section 4303.184 of the Revised Code,~~ as long as the 64  
person is not consuming liquor or under the influence of alcohol 65  
or a drug of abuse. 66

(2) This section does not prohibit any person who is a member 67  
of a veteran's organization, as defined in section 2915.01 of the 68  
Revised Code, from possessing a rifle in any room in any premises 69  
owned, leased, or otherwise under the control of the veteran's 70  
organization, if the rifle is not loaded with live ammunition and 71  
if the person otherwise is not prohibited by law from having the 72  
rifle. 73

(3) This section does not apply to any person possessing or 74  
displaying firearms in any room used to exhibit unloaded firearms 75  
for sale or trade in a soldiers' memorial established pursuant to 76  
Chapter 345. of the Revised Code, in a convention center, or in 77  
any other public meeting place, if the person is an exhibitor, 78  
trader, purchaser, or seller of firearms and is not otherwise 79  
prohibited by law from possessing, trading, purchasing, or selling 80  
the firearms. 81

(C) It is an affirmative defense to a charge under this 82  
section of illegal possession of a firearm in liquor permit 83  
premises that involves the possession of a firearm other than a 84  
handgun, that the actor was not otherwise prohibited by law from 85  
having the firearm, and that any of the following apply: 86

(1) The firearm was carried or kept ready at hand by the 87  
actor for defensive purposes, while the actor was engaged in or 88  
was going to or from the actor's lawful business or occupation, 89  
which business or occupation was of such character or was 90  
necessarily carried on in such manner or at such a time or place 91  
as to render the actor particularly susceptible to criminal 92  
attack, such as would justify a prudent person in going armed. 93

(2) The firearm was carried or kept ready at hand by the 94  
actor for defensive purposes, while the actor was engaged in a 95  
lawful activity, and had reasonable cause to fear a criminal 96  
attack upon the actor or a member of the actor's family, or upon 97  
the actor's home, such as would justify a prudent person in going 98  
armed. 99

(D) No person who is charged with a violation of this section 100  
shall be required to obtain a license or temporary emergency 101  
license to carry a concealed handgun under section 2923.125 or 102  
2923.1213 of the Revised Code as a condition for the dismissal of 103  
the charge. 104

(E) Whoever violates this section is guilty of illegal 105  
possession of a firearm in liquor permit premises. Except as 106  
otherwise provided in this division, illegal possession of a 107  
firearm in liquor permit premises is a felony of the fifth degree. 108  
If the offender commits the violation of this section by knowingly 109  
carrying or having the firearm concealed on the offender's person 110  
or concealed ready at hand, illegal possession of a firearm in 111  
liquor permit premises is a felony of the third degree. 112

**Sec. 2923.125.** (A) Upon the request of a person who wishes to 113  
obtain a license to carry a concealed handgun or to renew a 114  
license to carry a concealed handgun, a sheriff, as provided in 115  
division (I) of this section, shall provide to the person free of 116  
charge an application form and the web site address at which the 117  
pamphlet described in division (B) of section 109.731 of the 118  
Revised Code may be found. A sheriff shall accept a completed 119  
application form and the fee, items, materials, and information 120  
specified in divisions (B)(1) to (5) of this section at the times 121  
and in the manners described in division (I) of this section. 122

(B) An applicant for a license to carry a concealed handgun 123  
shall submit a completed application form and all of the following 124  
to the sheriff of the county in which the applicant resides or to 125  
the sheriff of any county adjacent to the county in which the 126  
applicant resides: 127

(1)(a) A nonrefundable license fee as described in either of 128  
the following: 129

(i) For an applicant who has been a resident of this state 130  
for five or more years, a fee of sixty-seven dollars; 131

(ii) For an applicant who has been a resident of this state 132  
for less than five years, a fee of sixty-seven dollars plus the 133  
actual cost of having a background check performed by the federal 134  
bureau of investigation. 135

(b) No sheriff shall require an applicant to pay for the cost 136  
of a background check performed by the bureau of criminal 137  
identification and investigation. 138

(c) A sheriff shall waive the payment of the license fee 139  
described in division (B)(1)(a) of this section in connection with 140  
an initial or renewal application for a license that is submitted 141  
by an applicant who is a retired peace officer, a retired person 142

described in division (B)(1)(b) of section 109.77 of the Revised 143  
Code, or a retired federal law enforcement officer who, prior to 144  
retirement, was authorized under federal law to carry a firearm in 145  
the course of duty, unless the retired peace officer, person, or 146  
federal law enforcement officer retired as the result of a mental 147  
disability. 148

(d) The sheriff shall deposit all fees paid by an applicant 149  
under division (B)(1)(a) of this section into the sheriff's 150  
concealed handgun license issuance fund established pursuant to 151  
section 311.42 of the Revised Code. The county shall distribute 152  
the fees in accordance with section 311.42 of the Revised Code. 153

(2) A color photograph of the applicant that was taken within 154  
thirty days prior to the date of the application; 155

(3) One or more of the following competency certifications, 156  
each of which shall reflect that, regarding a certification 157  
described in division (B)(3)(a), (b), (c), (e), or (f) of this 158  
section, within the three years immediately preceding the 159  
application the applicant has performed that to which the 160  
competency certification relates and that, regarding a 161  
certification described in division (B)(3)(d) of this section, the 162  
applicant currently is an active or reserve member of the armed 163  
forces of the United States or within the six years immediately 164  
preceding the application the honorable discharge or retirement to 165  
which the competency certification relates occurred: 166

(a) An original or photocopy of a certificate of completion 167  
of a firearms safety, training, or requalification or firearms 168  
safety instructor course, class, or program that was offered by or 169  
under the auspices of the national rifle association and that 170  
complies with the requirements set forth in division (G) of this 171  
section; 172

(b) An original or photocopy of a certificate of completion 173

of a firearms safety, training, or requalification or firearms 174  
safety instructor course, class, or program that satisfies all of 175  
the following criteria: 176

(i) It was open to members of the general public. 177

(ii) It utilized qualified instructors who were certified by 178  
the national rifle association, the executive director of the Ohio 179  
peace officer training commission pursuant to section 109.75 or 180  
109.78 of the Revised Code, or a governmental official or entity 181  
of another state. 182

(iii) It was offered by or under the auspices of a law 183  
enforcement agency of this or another state or the United States, 184  
a public or private college, university, or other similar 185  
postsecondary educational institution located in this or another 186  
state, a firearms training school located in this or another 187  
state, or another type of public or private entity or organization 188  
located in this or another state. 189

(iv) It complies with the requirements set forth in division 190  
(G) of this section. 191

(c) An original or photocopy of a certificate of completion 192  
of a state, county, municipal, or department of natural resources 193  
peace officer training school that is approved by the executive 194  
director of the Ohio peace officer training commission pursuant to 195  
section 109.75 of the Revised Code and that complies with the 196  
requirements set forth in division (G) of this section, or the 197  
applicant has satisfactorily completed and been issued a 198  
certificate of completion of a basic firearms training program, a 199  
firearms requalification training program, or another basic 200  
training program described in section 109.78 or 109.801 of the 201  
Revised Code that complies with the requirements set forth in 202  
division (G) of this section; 203

(d) A document that evidences both of the following: 204

(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 237  
reviews firearms, dispute resolution, and use of deadly force 238  
matters. 239

(5) A set of fingerprints of the applicant provided as 240  
described in section 311.41 of the Revised Code through use of an 241  
electronic fingerprint reading device or, if the sheriff to whom 242  
the application is submitted does not possess and does not have 243  
ready access to the use of such a reading device, on a standard 244  
impression sheet prescribed pursuant to division (C)(2) of section 245  
109.572 of the Revised Code. 246

(C) Upon receipt of an applicant's completed application 247  
form, supporting documentation, and, if not waived, license fee, a 248  
sheriff, in the manner specified in section 311.41 of the Revised 249  
Code, shall conduct or cause to be conducted the criminal records 250  
check and the incompetency records check described in section 251  
311.41 of the Revised Code. 252

(D)(1) Except as provided in division (D)(3) or (4) of this 253  
section, within forty-five days after a sheriff's receipt of an 254  
applicant's completed application form for a license to carry a 255  
concealed handgun, the supporting documentation, and, if not 256  
waived, the license fee, the sheriff shall make available through 257  
the law enforcement automated data system in accordance with 258  
division (H) of this section the information described in that 259  
division and, upon making the information available through the 260  
system, shall issue to the applicant a license to carry a 261  
concealed handgun that shall expire as described in division 262  
(D)(2)(a) of this section if all of the following apply: 263

(a) The applicant is legally living in the United States, has 264  
been a resident of this state for at least forty-five days, and 265  
has been a resident of the county in which the person seeks the 266  
license or a county adjacent to the county in which the person 267  
seeks the license for at least thirty days. For purposes of 268

division (D)(1)(a) of this section: 269

(i) If a person is absent from the United States, from this 270  
state, or from a particular county in this state in compliance 271  
with military or naval orders as an active or reserve member of 272  
the armed forces of the United States and if prior to leaving this 273  
state in compliance with those orders the person was legally 274  
living in the United States and was a resident of this state, the 275  
person, solely by reason of that absence, shall not be considered 276  
to have lost the person's status as living in the United States or 277  
the person's residence in this state or in the county in which the 278  
person was a resident prior to leaving this state in compliance 279  
with those orders, without regard to whether or not the person 280  
intends to return to this state or to that county, shall not be 281  
considered to have acquired a residence in any other state, and 282  
shall not be considered to have become a resident of any other 283  
state. 284

(ii) If a person is present in this state in compliance with 285  
military or naval orders as an active or reserve member of the 286  
armed forces of the United States for at least forty-five days, 287  
the person shall be considered to have been a resident of this 288  
state for that period of at least forty-five days, and, if a 289  
person is present in a county of this state in compliance with 290  
military or naval orders as an active or reserve member of the 291  
armed forces of the United States for at least thirty days, the 292  
person shall be considered to have been a resident of that county 293  
for that period of at least thirty days. 294

(b) The applicant is at least twenty-one years of age. 295

(c) The applicant is not a fugitive from justice. 296

(d) The applicant is not under indictment for or otherwise 297  
charged with a felony; an offense under Chapter 2925., 3719., or 298  
4729. of the Revised Code that involves the illegal possession, 299

use, sale, administration, or distribution of or trafficking in a 300  
drug of abuse; a misdemeanor offense of violence; or a violation 301  
of section 2903.14 or 2923.1211 of the Revised Code. 302

(e) Except as otherwise provided in division (D)(5) of this 303  
section, the applicant has not been convicted of or pleaded guilty 304  
to a felony or an offense under Chapter 2925., 3719., or 4729. of 305  
the Revised Code that involves the illegal possession, use, sale, 306  
administration, or distribution of or trafficking in a drug of 307  
abuse; has not been adjudicated a delinquent child for committing 308  
an act that if committed by an adult would be a felony or would be 309  
an offense under Chapter 2925., 3719., or 4729. of the Revised 310  
Code that involves the illegal possession, use, sale, 311  
administration, or distribution of or trafficking in a drug of 312  
abuse; and has not been convicted of, pleaded guilty to, or 313  
adjudicated a delinquent child for committing a violation of 314  
section 2903.13 of the Revised Code when the victim of the 315  
violation is a peace officer, regardless of whether the applicant 316  
was sentenced under division (C)(3) of that section. 317

(f) Except as otherwise provided in division (D)(5) of this 318  
section, the applicant, within three years of the date of the 319  
application, has not been convicted of or pleaded guilty to a 320  
misdemeanor offense of violence other than a misdemeanor violation 321  
of section 2921.33 of the Revised Code or a violation of section 322  
2903.13 of the Revised Code when the victim of the violation is a 323  
peace officer, or a misdemeanor violation of section 2923.1211 of 324  
the Revised Code; and has not been adjudicated a delinquent child 325  
for committing an act that if committed by an adult would be a 326  
misdemeanor offense of violence other than a misdemeanor violation 327  
of section 2921.33 of the Revised Code or a violation of section 328  
2903.13 of the Revised Code when the victim of the violation is a 329  
peace officer or for committing an act that if committed by an 330  
adult would be a misdemeanor violation of section 2923.1211 of the 331

Revised Code. 332

(g) Except as otherwise provided in division (D)(1)(e) of 333  
this section, the applicant, within five years of the date of the 334  
application, has not been convicted of, pleaded guilty to, or 335  
adjudicated a delinquent child for committing two or more 336  
violations of section 2903.13 or 2903.14 of the Revised Code. 337

(h) Except as otherwise provided in division (D)(5) of this 338  
section, the applicant, within ten years of the date of the 339  
application, has not been convicted of, pleaded guilty to, or 340  
adjudicated a delinquent child for committing a violation of 341  
section 2921.33 of the Revised Code. 342

(i) The applicant has not been adjudicated as a mental 343  
defective, has not been committed to any mental institution, is 344  
not under adjudication of mental incompetence, has not been found 345  
by a court to be a mentally ill person subject to hospitalization 346  
by court order, and is not an involuntary patient other than one 347  
who is a patient only for purposes of observation. As used in this 348  
division, "mentally ill person subject to hospitalization by court 349  
order" and "patient" have the same meanings as in section 5122.01 350  
of the Revised Code. 351

(j) The applicant is not currently subject to a civil 352  
protection order, a temporary protection order, or a protection 353  
order issued by a court of another state. 354

(k) The applicant certifies that the applicant desires a 355  
legal means to carry a concealed handgun for defense of the 356  
applicant or a member of the applicant's family while engaged in 357  
lawful activity. 358

(l) The applicant submits a competency certification of the 359  
type described in division (B)(3) of this section and submits a 360  
certification of the type described in division (B)(4) of this 361  
section regarding the applicant's reading of the pamphlet prepared 362

by the Ohio peace officer training commission pursuant to section 363  
109.731 of the Revised Code. 364

(m) The applicant currently is not subject to a suspension 365  
imposed under division (A)(2) of section 2923.128 of the Revised 366  
Code of a license to carry a concealed handgun, or a temporary 367  
emergency license to carry a concealed handgun, that previously 368  
was issued to the applicant under this section or section 369  
2923.1213 of the Revised Code. 370

(2)(a) A license to carry a concealed handgun that a sheriff 371  
issues under division (D)(1) of this section on or after March 14, 372  
2007, shall expire five years after the date of issuance. A 373  
license to carry a concealed handgun that a sheriff issued under 374  
division (D)(1) of this section prior to March 14, 2007, shall 375  
expire four years after the date of issuance. 376

If a sheriff issues a license under this section, the sheriff 377  
shall place on the license a unique combination of letters and 378  
numbers identifying the license in accordance with the procedure 379  
prescribed by the Ohio peace officer training commission pursuant 380  
to section 109.731 of the Revised Code. 381

(b) If a sheriff denies an application under this section 382  
because the applicant does not satisfy the criteria described in 383  
division (D)(1) of this section, the sheriff shall specify the 384  
grounds for the denial in a written notice to the applicant. The 385  
applicant may appeal the denial pursuant to section 119.12 of the 386  
Revised Code in the county served by the sheriff who denied the 387  
application. If the denial was as a result of the criminal records 388  
check conducted pursuant to section 311.41 of the Revised Code and 389  
if, pursuant to section 2923.127 of the Revised Code, the 390  
applicant challenges the criminal records check results using the 391  
appropriate challenge and review procedure specified in that 392  
section, the time for filing the appeal pursuant to section 119.12 393  
of the Revised Code and this division is tolled during the 394

pendency of the request or the challenge and review. If the court 395  
in an appeal under section 119.12 of the Revised Code and this 396  
division enters a judgment sustaining the sheriff's refusal to 397  
grant to the applicant a license to carry a concealed handgun, the 398  
applicant may file a new application beginning one year after the 399  
judgment is entered. If the court enters a judgment in favor of 400  
the applicant, that judgment shall not restrict the authority of a 401  
sheriff to suspend or revoke the license pursuant to section 402  
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 403  
the license for any proper cause that may occur after the date the 404  
judgment is entered. In the appeal, the court shall have full 405  
power to dispose of all costs. 406

(3) If the sheriff with whom an application for a license to 407  
carry a concealed handgun was filed under this section becomes 408  
aware that the applicant has been arrested for or otherwise 409  
charged with an offense that would disqualify the applicant from 410  
holding the license, the sheriff shall suspend the processing of 411  
the application until the disposition of the case arising from the 412  
arrest or charge. 413

(4) If the sheriff determines that the applicant is legally 414  
living in the United States and is a resident of the county in 415  
which the applicant seeks the license or of an adjacent county but 416  
does not yet meet the residency requirements described in division 417  
(D)(1)(a) of this section, the sheriff shall not deny the license 418  
because of the residency requirements but shall not issue the 419  
license until the applicant meets those residency requirements. 420

(5) If an applicant has been convicted of or pleaded guilty 421  
to an offense identified in division (D)(1)(e), (f), or (h) of 422  
this section or has been adjudicated a delinquent child for 423  
committing an act or violation identified in any of those 424  
divisions, and if a court has ordered the sealing or expungement 425  
of the records of that conviction, guilty plea, or adjudication 426

pursuant to sections 2151.355 to 2151.358 ~~or~~, sections 2953.31 to 427  
2953.36, or section 2953.37 of the Revised Code or a court has 428  
granted the applicant relief pursuant to section 2923.14 of the 429  
Revised Code from the disability imposed pursuant to section 430  
2923.13 of the Revised Code relative to that conviction, guilty 431  
plea, or adjudication, the sheriff with whom the application was 432  
submitted shall not consider the conviction, guilty plea, or 433  
adjudication in making a determination under division (D)(1) or 434  
(F) of this section or, in relation to an application for a 435  
temporary emergency license to carry a concealed handgun submitted 436  
under section 2923.1213 of the Revised Code, in making a 437  
determination under division (B)(2) of that section. 438

(E) If a license to carry a concealed handgun issued under 439  
this section is lost or is destroyed, the licensee may obtain from 440  
the sheriff who issued that license a duplicate license upon the 441  
payment of a fee of fifteen dollars and the submission of an 442  
affidavit attesting to the loss or destruction of the license. The 443  
sheriff, in accordance with the procedures prescribed in section 444  
109.731 of the Revised Code, shall place on the replacement 445  
license a combination of identifying numbers different from the 446  
combination on the license that is being replaced. 447

(F)(1) A licensee who wishes to renew a license to carry a 448  
concealed handgun issued under this section shall do so not 449  
earlier than ninety days before the expiration date of the license 450  
or at any time after the expiration date of the license by filing 451  
with the sheriff of the county in which the applicant resides or 452  
with the sheriff of an adjacent county an application for renewal 453  
of the license obtained pursuant to division (D) of this section, 454  
a certification by the applicant that, subsequent to the issuance 455  
of the license, the applicant has reread the pamphlet prepared by 456  
the Ohio peace officer training commission pursuant to section 457  
109.731 of the Revised Code that reviews firearms, dispute 458

resolution, and use of deadly force matters, a nonrefundable 459  
license renewal fee in an amount determined pursuant to division 460  
(F)(4) of this section unless the fee is waived, and one of the 461  
following: 462

(a) If the licensee previously has not renewed a license to 463  
carry a concealed handgun issued under this section, proof that 464  
the licensee at one time had a competency certification of the 465  
type described in division (B)(3) of this section. A valid 466  
license, expired license, or any other previously issued license 467  
that has not been revoked is prima-facie evidence that the 468  
licensee at one time had a competency certification of the type 469  
described in division (B)(3) of this section. 470

(b) If the licensee previously has renewed a license to carry 471  
a concealed handgun issued under this section, a renewed 472  
competency certification of the type described in division (G)(4) 473  
of this section. 474

(2) A sheriff shall accept a completed renewal application, 475  
the license renewal fee, and information specified in division 476  
(F)(1) of this section at the times and in the manners described 477  
in division (I) of this section. Upon receipt of a completed 478  
renewal application, of certification that the applicant has 479  
reread the specified pamphlet prepared by the Ohio peace officer 480  
training commission, of proof of a prior competency certification 481  
for an initial renewal or of a renewed competency certification 482  
for a second or subsequent renewal, and of a license renewal fee 483  
unless the fee is waived, a sheriff, in the manner specified in 484  
section 311.41 of the Revised Code shall conduct or cause to be 485  
conducted the criminal records check and the incompetency records 486  
check described in section 311.41 of the Revised Code. The sheriff 487  
shall renew the license if the sheriff determines that the 488  
applicant continues to satisfy the requirements described in 489  
division (D)(1) of this section, except that the applicant is not 490



required to meet the requirements of division (D)(1)(l) of this 491  
section. A renewed license that is renewed on or after March 14, 492  
2007, shall expire five years after the date of issuance, and a 493  
renewed license that is renewed prior to March 14, 2007, shall 494  
expire four years after the date of issuance. A renewed license is 495  
subject to division (E) of this section and sections 2923.126 and 496  
2923.128 of the Revised Code. A sheriff shall comply with 497  
divisions (D)(2) to (4) of this section when the circumstances 498  
described in those divisions apply to a requested license renewal. 499  
If a sheriff denies the renewal of a license to carry a concealed 500  
handgun, the applicant may appeal the denial, or challenge the 501  
criminal record check results that were the basis of the denial if 502  
applicable, in the same manner as specified in division (D)(2)(b) 503  
of this section and in section 2923.127 of the Revised Code, 504  
regarding the denial of a license under this section. 505

(3) A renewal application submitted pursuant to division (F) 506  
of this section shall only require the licensee to list on the 507  
application form information and matters occurring since the date 508  
of the licensee's last application for a license pursuant to 509  
division (B) or (F) of this section. A sheriff conducting the 510  
criminal records check and the incompetency records check 511  
described in section 311.41 of the Revised Code shall conduct the 512  
check only from the date of the licensee's last application for a 513  
license pursuant to division (B) or (F) of this section through 514  
the date of the renewal application submitted pursuant to division 515  
(F) of this section. 516

(4) An applicant for a renewal license to carry a concealed 517  
handgun shall submit to the sheriff of the county in which the 518  
applicant resides or to the sheriff of any county adjacent to the 519  
county in which the applicant resides a nonrefundable license fee 520  
as described in either of the following: 521

(a) For an applicant who has been a resident of this state 522

for five or more years, a fee of fifty dollars; 523

(b) For an applicant who has been a resident of this state 524  
for less than five years, a fee of fifty dollars plus the actual 525  
cost of having a background check performed by the federal bureau 526  
of investigation. 527

(G)(1) Each course, class, or program described in division 528  
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 529  
person who takes the course, class, or program the web site 530  
address at which the pamphlet prepared by the Ohio peace officer 531  
training commission pursuant to section 109.731 of the Revised 532  
Code that reviews firearms, dispute resolution, and use of deadly 533  
force matters may be found. Each such course, class, or program 534  
described in one of those divisions shall include at least twelve 535  
hours of training in the safe handling and use of a firearm that 536  
shall include all of the following: 537

(a) At least ten hours of training on the following matters: 538

(i) The ability to name, explain, and demonstrate the rules 539  
for safe handling of a handgun and proper storage practices for 540  
handguns and ammunition; 541

(ii) The ability to demonstrate and explain how to handle 542  
ammunition in a safe manner; 543

(iii) The ability to demonstrate the knowledge, skills, and 544  
attitude necessary to shoot a handgun in a safe manner; 545

(iv) Gun handling training. 546

(b) At least two hours of training that consists of range 547  
time and live-fire training. 548

(2) To satisfactorily complete the course, class, or program 549  
described in division (B)(3)(a), (b), (c), or (e) of this section, 550  
the applicant shall pass a competency examination that shall 551  
include both of the following: 552

(a) A written section on the ability to name and explain the 553  
rules for the safe handling of a handgun and proper storage 554  
practices for handguns and ammunition; 555

(b) A physical demonstration of competence in the use of a 556  
handgun and in the rules for safe handling and storage of a 557  
handgun and a physical demonstration of the attitude necessary to 558  
shoot a handgun in a safe manner. 559

(3) The competency certification described in division 560  
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 561  
shall attest that the course, class, or program the applicant 562  
successfully completed met the requirements described in division 563  
(G)(1) of this section and that the applicant passed the 564  
competency examination described in division (G)(2) of this 565  
section. 566

(4) A person who previously has received a competency 567  
certification as described in division (B)(3) of this section, or 568  
who previously has received a renewed competency certification as 569  
described in this division, may obtain a renewed competency 570  
certification pursuant to this division. If the person previously 571  
has received a competency certification or previously has received 572  
a renewed competency certification, the person may obtain a 573  
renewed competency certification from an entity that offers a 574  
course, class, or program described in division (B)(3)(a), (b), 575  
(c), or (e) of this section by passing a test that demonstrates 576  
that the person is range competent. In these circumstances, the 577  
person is not required to attend the course, class, or program or 578  
to take the competency examination described in division (G)(2) of 579  
this section for the renewed competency certification in order to 580  
be eligible to receive a renewed competency certification. A 581  
renewed competency certification issued under this division shall 582  
be dated and shall attest that the person has demonstrated range 583  
competency. 584

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

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

**Sec. 2923.128.** (A)(1)(a) If a licensee holding a valid license issued under section 2923.125 or 2923.1213 of the Revised Code is arrested for or otherwise charged with an offense described in division (D)(1)(d) of section 2923.125 of the Revised Code or with a violation of section 2923.15 of the Revised Code or becomes subject to a temporary protection order or to a protection order issued by a court of another state that is substantially

equivalent to a temporary protection order, the sheriff who issued 617  
the license or temporary emergency license shall suspend it and 618  
shall comply with division (A)(3) of this section upon becoming 619  
aware of the arrest, charge, or protection order. Upon suspending 620  
the license or temporary emergency license, the sheriff also shall 621  
comply with division (H) of section 2923.125 of the Revised Code. 622

(b) A suspension under division (A)(1)(a) of this section 623  
shall be considered as beginning on the date that the licensee is 624  
arrested for or otherwise charged with an offense described in 625  
that division or on the date the appropriate court issued the 626  
protection order described in that division, irrespective of when 627  
the sheriff notifies the licensee under division (A)(3) of this 628  
section. The suspension shall end on the date on which the charges 629  
are dismissed or the licensee is found not guilty of the offense 630  
described in division (A)(1)(a) of this section or, subject to 631  
division (B) of this section, on the date the appropriate court 632  
terminates the protection order described in that division. If the 633  
suspension so ends, the sheriff shall return the license or 634  
temporary emergency license to the licensee. 635

(2)(a) If a licensee holding a valid license issued under 636  
section 2923.125 or 2923.1213 of the Revised Code is convicted of 637  
or pleads guilty to a misdemeanor violation of division (B)(1), 638  
(2), or (4) of section 2923.12 of the Revised Code or of division 639  
(E)(1), (2), (3), ~~(4)~~, or ~~(6)~~(5) of section 2923.16 of the Revised 640  
Code, except as provided in division (A)(2)(c) of this section and 641  
subject to division (C) of this section, the sheriff who issued 642  
the license or temporary emergency license shall suspend it and 643  
shall comply with division (A)(3) of this section upon becoming 644  
aware of the conviction or guilty plea. Upon suspending the 645  
license or temporary emergency license, the sheriff also shall 646  
comply with division (H) of section 2923.125 of the Revised Code. 647

(b) A suspension under division (A)(2)(a) of this section 648

shall be considered as beginning on the date that the licensee is  
convicted of or pleads guilty to the offense described in that  
division, irrespective of when the sheriff notifies the licensee  
under division (A)(3) of this section. If the suspension is  
imposed for a misdemeanor violation of division (B)(1) or (2) of  
section 2923.12 of the Revised Code or of division (E)(1), (2), or  
(3) ~~or (4)~~ of section 2923.16 of the Revised Code, it shall end on  
the date that is one year after the date that the licensee is  
convicted of or pleads guilty to that violation. If the suspension  
is imposed for a misdemeanor violation of division (B)(4) of  
section 2923.12 of the Revised Code or of division (E)~~(4)~~(5) of  
section 2923.16 of the Revised Code, it shall end on the date that  
is two years after the date that the licensee is convicted of or  
pleads guilty to that violation. If the licensee's license was  
issued under section 2923.125 of the Revised Code and the license  
remains valid after the suspension ends as described in this  
division, when the suspension ends, the sheriff shall return the  
license to the licensee. If the licensee's license was issued  
under section 2923.125 of the Revised Code and the license expires  
before the suspension ends as described in this division, or if  
the licensee's license was issued under section 2923.1213 of the  
Revised Code, the licensee is not eligible to apply for a new  
license under section 2923.125 or 2923.1213 of the Revised Code or  
to renew the license under section 2923.125 of the Revised Code  
until after the suspension ends as described in this division.

(c) The license of a licensee who is convicted of or pleads  
guilty to a violation of division (B)(1) of section 2923.12 or  
division (E)~~(3)~~(1) or (2) of section 2923.16 of the Revised Code  
shall not be suspended pursuant to division (A)(2)(a) of this  
section if, at the time of the stop of the licensee for a law  
enforcement purpose, for a traffic stop, or for a purpose defined  
in section 5503.34 of the Revised Code that was the basis of the  
violation, any law enforcement officer involved with the stop or

the employee of the motor carrier enforcement unit who made the 682  
stop had actual knowledge of the licensee's status as a licensee. 683

(3) Upon becoming aware of an arrest, charge, or protection 684  
order described in division (A)(1)(a) of this section with respect 685  
to a licensee who was issued a license under section 2923.125 or 686  
2923.1213 of the Revised Code, or a conviction of or plea of 687  
guilty to a misdemeanor offense described in division (A)(2)(a) of 688  
this section with respect to a licensee who was issued a license 689  
under either section and with respect to which division (A)(2)(c) 690  
of this section does not apply, subject to division (C) of this 691  
section, the sheriff who issued the licensee's license or 692  
temporary emergency license to carry a concealed handgun shall 693  
notify the licensee, by certified mail, return receipt requested, 694  
at the licensee's last known residence address that the license or 695  
temporary emergency license has been suspended and that the 696  
licensee is required to surrender the license or temporary 697  
emergency license at the sheriff's office within ten days of the 698  
date on which the notice was mailed. If the suspension is pursuant 699  
to division (A)(2) of this section, the notice shall identify the 700  
date on which the suspension ends. 701

(B)(1) A sheriff who issues a license or temporary emergency 702  
license to carry a concealed handgun to a licensee under section 703  
2923.125 or 2923.1213 of the Revised Code shall revoke the license 704  
or temporary emergency license in accordance with division (B)(2) 705  
of this section upon becoming aware that the licensee satisfies 706  
any of the following: 707

(a) The licensee is under twenty-one years of age. 708

(b) Subject to division (C) of this section, at the time of 709  
the issuance of the license or temporary emergency license, the 710  
licensee did not satisfy the eligibility requirements of division 711  
(D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the 712  
Revised Code. 713

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

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

(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 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  
emergency license, notify the licensee of that fact, and require  
the licensee to surrender the license or temporary emergency  
license. Upon revoking the license or temporary emergency license,  
the sheriff also shall comply with division (H) of section  
2923.125 of the Revised Code.

(C) If a sheriff who issues a license or temporary emergency  
license to carry a concealed handgun to a licensee under section  
2923.125 or 2923.1213 of the Revised Code becomes aware that at  
the time of the issuance of the license or temporary emergency  
license the licensee had been convicted of or pleaded guilty to an  
offense identified in division (D)(1)(e), (f), or (h) of section  
2923.125 of the Revised Code or had been adjudicated a delinquent  
child for committing an act or violation identified in any of  
those divisions or becomes aware that on or after the date on  
which the license or temporary emergency license was issued the  
licensee has been convicted of or pleaded guilty to an offense  
identified in division (A)(2)(a) or (B)(1)(c) of this section, the  
sheriff shall not consider that conviction, guilty plea, or  
adjudication as having occurred for purposes of divisions (A)(2),  
(A)(3), (B)(1), and (B)(2) of this section if a court has ordered

the sealing or expungement of the records of that conviction, 778  
guilty plea, or adjudication pursuant to sections 2151.355 to 779  
2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a 780  
court has granted the licensee relief pursuant to section 2923.14 781  
of the Revised Code from the disability imposed pursuant to 782  
section 2923.13 of the Revised Code relative to that conviction, 783  
guilty plea, or adjudication. 784

(D) As used in this section, "motor carrier enforcement unit" 785  
has the same meaning as in section 2923.16 of the Revised Code. 786

**Sec. 2923.16.** (A) No person shall knowingly discharge a 787  
firearm while in or on a motor vehicle. 788

(B) No person shall knowingly transport or have a loaded 789  
firearm in a motor vehicle in such a manner that the firearm is 790  
accessible to the operator or any passenger without leaving the 791  
vehicle. 792

(C) No person shall knowingly transport or have a firearm in 793  
a motor vehicle, unless the person may lawfully possess that 794  
firearm under applicable law of this state or the United States, 795  
the firearm is unloaded, and the firearm is carried in one of the 796  
following ways: 797

(1) In a closed package, box, or case; 798

(2) In a compartment that can be reached only by leaving the 799  
vehicle; 800

(3) In plain sight and secured in a rack or holder made for 801  
the purpose; 802

(4) If the firearm is at least twenty-four inches in overall 803  
length as measured from the muzzle to the part of the stock 804  
furthest from the muzzle and if the barrel is at least eighteen 805  
inches in length, either in plain sight with the action open or 806  
the weapon stripped, or, if the firearm is of a type on which the 807

action will not stay open or which cannot easily be stripped, in 808  
plain sight. 809

(D) No person shall knowingly transport or have a loaded 810  
handgun in a motor vehicle if, at the time of that transportation 811  
or possession, any of the following applies: 812

(1) The person is under the influence of alcohol, a drug of 813  
abuse, or a combination of them. 814

(2) The person's whole blood, blood serum or plasma, breath, 815  
or urine contains a concentration of alcohol, a listed controlled 816  
substance, or a listed metabolite of a controlled substance 817  
prohibited for persons operating a vehicle, as specified in 818  
division (A) of section 4511.19 of the Revised Code, regardless of 819  
whether the person at the time of the transportation or possession 820  
as described in this division is the operator of or a passenger in 821  
the motor vehicle. 822

(E) No person who has been issued a license or temporary 823  
emergency license to carry a concealed handgun under section 824  
2923.125 or 2923.1213 of the Revised Code ~~shall do any of the~~ 825  
~~following:~~ 826

~~(1) Knowingly transport or have a loaded handgun in a motor 827  
vehicle unless one of the following applies:~~ 828

~~(a) The loaded handgun is in a holster on the person's 829  
person. 830~~

~~(b) The loaded handgun is in a closed case, bag, box, or 831  
other container that is in plain sight and that has a lid, a 832  
cover, or a closing mechanism with a zipper, snap, or buckle, 833  
which lid, cover, or closing mechanism must be opened for a person 834  
to gain access to the handgun. 835~~

~~(c) The loaded handgun is securely encased by being stored in 836  
a closed glove compartment or vehicle console or in a case that is 837~~

locked. 838

~~(2) If the person is transporting or has a loaded handgun in 839  
a motor vehicle in a manner authorized under division (E)(1) of 840  
this section, knowingly remove or attempt to remove the loaded 841  
handgun from the holster, case, bag, box, container, or glove 842  
compartment, knowingly grasp or hold the loaded handgun, or 843  
knowingly have contact with the loaded handgun by touching it with 844  
the person's hands or fingers while the motor vehicle is being 845  
operated on a street, highway, or public property unless the 846  
person removes, attempts to remove, grasps, holds, or has the 847  
contact with the loaded handgun pursuant to and in accordance with 848  
directions given by a law enforcement officer; 849~~

~~(3) If the person or a license to carry a concealed handgun 850  
that was issued to the person by another state with which the 851  
attorney general has entered into a reciprocity agreement under 852  
section 109.69 of the Revised Code, who is the driver or an 853  
occupant of a motor vehicle that is stopped as a result of a 854  
traffic stop or a stop for another law enforcement purpose or is 855  
the driver or an occupant of a commercial motor vehicle that is 856  
stopped by an employee of the motor carrier enforcement unit for 857  
the purposes defined in section 5503.34 of the Revised Code, and 858  
~~if the person who~~ is transporting or has a loaded handgun in the 859  
motor vehicle or commercial motor vehicle in any manner, ~~fail to~~ 860  
shall do any of the following ~~that is applicable:~~ 861~~

~~(a) If the person is the driver or an occupant of a motor 862  
vehicle stopped as a result of a traffic stop or a stop for 863  
another law enforcement purpose, fail (1) Fail to promptly inform 864  
any law enforcement officer who approaches the vehicle while 865  
stopped that the person has been issued a license or temporary 866  
emergency license to carry a concealed handgun and that the person 867  
then possesses or has a loaded handgun in the motor vehicle; 868~~

~~(b) If the person is the driver or an occupant of a 869~~

~~commercial motor vehicle stopped by an employee of the motor~~ 870  
~~carrier enforcement unit for any of the defined purposes, fail (2)~~ 871  
Fail to promptly inform the employee of the unit who approaches 872  
the vehicle while stopped that the person has been issued a 873  
license or temporary emergency license to carry a concealed 874  
handgun and that the person then possesses or has a loaded handgun 875  
in the commercial motor vehicle- 876

~~(4) If the person is the driver or an occupant of a motor~~ 877  
~~vehicle that is stopped as a result of a traffic stop or a stop~~ 878  
~~for another law enforcement purpose and if the person is~~ 879  
~~transporting or has a loaded handgun in the motor vehicle in any~~ 880  
~~manner, knowingly;~~ 881

(3) Knowingly fail to remain in the motor vehicle while 882  
stopped or knowingly fail to keep the person's hands in plain 883  
sight at any time after any law enforcement officer begins 884  
approaching the person while stopped and before the law 885  
enforcement officer leaves, unless the failure is pursuant to and 886  
in accordance with directions given by a law enforcement officer; 887

~~(5) If the person is the driver or an occupant of a motor~~ 888  
~~vehicle that is stopped as a result of a traffic stop or a stop~~ 889  
~~for another law enforcement purpose, if the person is transporting~~ 890  
~~or has a loaded handgun in the motor vehicle in a manner~~ 891  
~~authorized under division (E)(1) of this section, and if the~~ 892  
~~person is approached by any law enforcement officer while stopped,~~ 893  
~~knowingly remove or attempt to remove the loaded handgun from the~~ 894  
~~holster, case, bag, box, container, or glove compartment,~~ 895  
~~knowingly grasp or hold the loaded handgun, or knowingly (4)~~ 896  
Knowingly have contact with the loaded handgun by touching it with 897  
the person's hands or fingers in the motor vehicle at any time 898  
after the law enforcement officer begins approaching and before 899  
the law enforcement officer leaves, unless the person removes, 900  
attempts to remove, grasps, holds, or has contact with the loaded 901

handgun pursuant to and in accordance with directions given by the 902  
law enforcement officer; 903

~~(6) If the person is the driver or an occupant of a motor 904~~  
~~vehicle that is stopped as a result of a traffic stop or a stop 905~~  
~~for another law enforcement purpose and if the person is 906~~  
~~transporting or has a loaded handgun in the motor vehicle in any 907~~  
~~manner, knowingly (5) Knowingly~~ disregard or fail to comply with 908  
any lawful order of any law enforcement officer given while the 909  
motor vehicle is stopped, including, but not limited to, a 910  
specific order to the person to keep the person's hands in plain 911  
sight. 912

(F)(1) Divisions (A), (B), (C), and (E) of this section do 913  
not apply to any of the following: 914

(a) An officer, agent, or employee of this or any other state 915  
or the United States, or a law enforcement officer, when 916  
authorized to carry or have loaded or accessible firearms in motor 917  
vehicles and acting within the scope of the officer's, agent's, or 918  
employee's duties; 919

(b) Any person who is employed in this state, who is 920  
authorized to carry or have loaded or accessible firearms in motor 921  
vehicles, and who is subject to and in compliance with the 922  
requirements of section 109.801 of the Revised Code, unless the 923  
appointing authority of the person has expressly specified that 924  
the exemption provided in division (F)(1)(b) of this section does 925  
not apply to the person. 926

(2) Division (A) of this section does not apply to a person 927  
if all of the following circumstances apply: 928

(a) The person discharges a firearm from a motor vehicle at a 929  
coyote or groundhog, the discharge is not during the deer gun 930  
hunting season as set by the chief of the division of wildlife of 931  
the department of natural resources, and the discharge at the 932

coyote or groundhog, but for the operation of this section, is 933  
lawful. 934

(b) The motor vehicle from which the person discharges the 935  
firearm is on real property that is located in an unincorporated 936  
area of a township and that either is zoned for agriculture or is 937  
used for agriculture. 938

(c) The person owns the real property described in division 939  
(F)(2)(b) of this section, is the spouse or a child of another 940  
person who owns that real property, is a tenant of another person 941  
who owns that real property, or is the spouse or a child of a 942  
tenant of another person who owns that real property. 943

(d) The person does not discharge the firearm in any of the 944  
following manners: 945

(i) While under the influence of alcohol, a drug of abuse, or 946  
alcohol and a drug of abuse; 947

(ii) In the direction of a street, highway, or other public 948  
or private property used by the public for vehicular traffic or 949  
parking; 950

(iii) At or into an occupied structure that is a permanent or 951  
temporary habitation; 952

(iv) In the commission of any violation of law, including, 953  
but not limited to, a felony that includes, as an essential 954  
element, purposely or knowingly causing or attempting to cause the 955  
death of or physical harm to another and that was committed by 956  
discharging a firearm from a motor vehicle. 957

(3) Division (A) of this section does not apply to a person 958  
if all of the following apply: 959

(a) The person possesses a valid electric-powered all-purpose 960  
vehicle permit issued under section 1533.103 of the Revised Code 961  
by the chief of the division of wildlife. 962

(b) The person discharges a firearm at a wild quadruped or 963  
game bird as defined in section 1531.01 of the Revised Code during 964  
the open hunting season for the applicable wild quadruped or game 965  
bird. 966

(c) The person discharges a firearm from a stationary 967  
electric-powered all-purpose vehicle as defined in section 1531.01 968  
of the Revised Code or a motor vehicle that is parked on a road 969  
that is owned or administered by the division of wildlife, 970  
provided that the road is identified by an electric-powered 971  
all-purpose vehicle sign. 972

(d) The person does not discharge the firearm in any of the 973  
following manners: 974

(i) While under the influence of alcohol, a drug of abuse, or 975  
alcohol and a drug of abuse; 976

(ii) In the direction of a street, a highway, or other public 977  
or private property that is used by the public for vehicular 978  
traffic or parking; 979

(iii) At or into an occupied structure that is a permanent or 980  
temporary habitation; 981

(iv) In the commission of any violation of law, including, 982  
but not limited to, a felony that includes, as an essential 983  
element, purposely or knowingly causing or attempting to cause the 984  
death of or physical harm to another and that was committed by 985  
discharging a firearm from a motor vehicle. 986

(4) Divisions (B) and (C) of this section do not apply to a 987  
person if all of the following circumstances apply: 988

(a) At the time of the alleged violation of either of those 989  
divisions, the person is the operator of or a passenger in a motor 990  
vehicle. 991

(b) The motor vehicle is on real property that is located in 992



an unincorporated area of a township and that either is zoned for 993  
agriculture or is used for agriculture. 994

(c) The person owns the real property described in division 995  
(D)(4)(b) of this section, is the spouse or a child of another 996  
person who owns that real property, is a tenant of another person 997  
who owns that real property, or is the spouse or a child of a 998  
tenant of another person who owns that real property. 999

(d) The person, prior to arriving at the real property 1000  
described in division (D)(4)(b) of this section, did not transport 1001  
or possess a firearm in the motor vehicle in a manner prohibited 1002  
by division (B) or (C) of this section while the motor vehicle was 1003  
being operated on a street, highway, or other public or private 1004  
property used by the public for vehicular traffic or parking. 1005

(5) Divisions (B) and (C) of this section do not apply to a 1006  
person who transports or possesses a handgun in a motor vehicle 1007  
if, at the time of that transportation or possession, ~~all~~ both of 1008  
the following apply: 1009

(a) The person transporting or possessing the handgun is 1010  
carrying a valid license or temporary emergency license to carry a 1011  
concealed handgun issued to the person under section 2923.125 or 1012  
2923.1213 of the Revised Code or a license to carry a concealed 1013  
handgun that was issued by another state with which the attorney 1014  
general has entered into a reciprocity agreement under section 1015  
109.69 of the Revised Code. 1016

(b) The person transporting or possessing the handgun is not 1017  
knowingly in a place described in division (B) of section 2923.126 1018  
of the Revised Code. 1019

~~(c) One of the following applies:~~ 1020

~~(i) The handgun is in a holster on the person's person.~~ 1021

~~(ii) The handgun is in a closed case, bag, box, or other~~ 1022

~~container that is in plain sight and that has a lid, a cover, or a~~ 1023  
~~closing mechanism with a zipper, snap, or buckle, which lid,~~ 1024  
~~cover, or closing mechanism must be opened for a person to gain~~ 1025  
~~access to the handgun.~~ 1026

~~(iii) The handgun is securely encased by being stored in a~~ 1027  
~~closed glove compartment or vehicle console or in a case that is~~ 1028  
~~locked.~~ 1029

(6) Divisions (B) and (C) of this section do not apply to a 1030  
person if all of the following apply: 1031

(a) The person possesses a valid electric-powered all-purpose 1032  
vehicle permit issued under section 1533.103 of the Revised Code 1033  
by the chief of the division of wildlife. 1034

(b) The person is on or in an electric-powered all-purpose 1035  
vehicle as defined in section 1531.01 of the Revised Code or a 1036  
motor vehicle during the open hunting season for a wild quadruped 1037  
or game bird. 1038

(c) The person is on or in an electric-powered all-purpose 1039  
vehicle as defined in section 1531.01 of the Revised Code or a 1040  
motor vehicle that is parked on a road that is owned or 1041  
administered by the division of wildlife, provided that the road 1042  
is identified by an electric-powered all-purpose vehicle sign. 1043

(G)(1) The affirmative defenses authorized in divisions 1044  
(D)(1) and (2) of section 2923.12 of the Revised Code are 1045  
affirmative defenses to a charge under division (B) or (C) of this 1046  
section that involves a firearm other than a handgun. 1047

(2) It is an affirmative defense to a charge under division 1048  
(B) or (C) of this section of improperly handling firearms in a 1049  
motor vehicle that the actor transported or had the firearm in the 1050  
motor vehicle for any lawful purpose and while the motor vehicle 1051  
was on the actor's own property, provided that this affirmative 1052  
defense is not available unless the person, immediately prior to 1053

arriving at the actor's own property, did not transport or possess 1054  
the firearm in a motor vehicle in a manner prohibited by division 1055  
(B) or (C) of this section while the motor vehicle was being 1056  
operated on a street, highway, or other public or private property 1057  
used by the public for vehicular traffic. 1058

(H)(1) No person who is charged with a violation of division 1059  
(B), (C), or (D) of this section shall be required to obtain a 1060  
license or temporary emergency license to carry a concealed 1061  
handgun under section 2923.125 or 2923.1213 of the Revised Code as 1062  
a condition for the dismissal of the charge. 1063

(2)(a) If a person is convicted of, was convicted of, pleads 1064  
guilty to, or has pleaded guilty to a violation of division (E) of 1065  
this section as it existed prior to the effective date of this 1066  
amendment and if the conduct that was the basis of the violation 1067  
no longer would be a violation of division (E) of this section on 1068  
or after the effective date of this amendment, the person may file 1069  
an application under section 2953.37 of the Revised Code 1070  
requesting the expungement of the record of conviction. 1071

If a person is convicted of, was convicted of, pleads guilty 1072  
to, or has pleaded guilty to a violation of division (B) or (C) of 1073  
this section as the division existed prior to the effective date 1074  
of this amendment and if the conduct that was the basis of the 1075  
violation no longer would be a violation of division (B) or (C) of 1076  
this section on or after the effective date of this amendment due 1077  
to the application of division (F)(5) of this section as it exists 1078  
on and after the effective date of this amendment, the person may 1079  
file an application under section 2953.37 of the Revised Code 1080  
requesting the expungement of the record of conviction. 1081

(b) The attorney general shall develop a public media 1082  
advisory that summarizes the expungement procedure established 1083  
under section 2953.37 of the Revised Code and the offenders 1084  
identified in division (H)(2)(a) of this section who are 1085

authorized to apply for the expungement. Within thirty days after 1086  
the effective date of this amendment, the attorney general shall 1087  
provide a copy of the advisory to each daily newspaper published 1088  
in this state and each television station that broadcasts in this 1089  
state. The attorney general may provide the advisory in a tangible 1090  
form, an electronic form, or in both tangible and electronic 1091  
forms. 1092

(I) Whoever violates this section is guilty of improperly 1093  
handling firearms in a motor vehicle. Violation of division (A) of 1094  
this section is a felony of the fourth degree. Violation of 1095  
division (C) of this section is a misdemeanor of the fourth 1096  
degree. A violation of division (D) of this section is a felony of 1097  
the fifth degree or, if the loaded handgun is concealed on the 1098  
person's person, a felony of the fourth degree. Except as 1099  
otherwise provided in this division, a violation of division 1100  
(E)~~(3)~~(1) or (2) of this section is a misdemeanor of the first 1101  
degree, and, in addition to any other penalty or sanction imposed 1102  
for the violation, the offender's license or temporary emergency 1103  
license to carry a concealed handgun shall be suspended pursuant 1104  
to division (A)(2) of section 2923.128 of the Revised Code. If at 1105  
the time of the stop of the offender for a traffic stop, for 1106  
another law enforcement purpose, or for a purpose defined in 1107  
section 5503.34 of the Revised Code that was the basis of the 1108  
violation any law enforcement officer involved with the stop or 1109  
the employee of the motor carrier enforcement unit who made the 1110  
stop had actual knowledge of the offender's status as a licensee, 1111  
a violation of division (E)~~(3)~~(1) or (2) of this section is a 1112  
minor misdemeanor, and the offender's license or temporary 1113  
emergency license to carry a concealed handgun shall not be 1114  
suspended pursuant to division (A)(2) of section 2923.128 of the 1115  
Revised Code. A violation of division (E)~~(1)~~, ~~(2)~~, or ~~(5)~~(4) of 1116  
this section is a felony of the fifth degree. A violation of 1117  
division (E)~~(4)~~(3) or ~~(6)~~(5) of this section is a misdemeanor of 1118

the first degree or, if the offender previously has been convicted 1119  
of or pleaded guilty to a violation of division (E)~~(4)~~(3) or 1120  
~~(6)~~(5) of this section, a felony of the fifth degree. In addition 1121  
to any other penalty or sanction imposed for a misdemeanor 1122  
violation of division (E)~~(4)~~(3) or ~~(6)~~(5) of this section, the 1123  
offender's license or temporary emergency license to carry a 1124  
concealed handgun shall be suspended pursuant to division (A)(2) 1125  
of section 2923.128 of the Revised Code. A violation of division 1126  
(B) of this section is ~~whichever of the following is applicable:~~ 1127

~~(1) If, at the time of the transportation or possession in 1128  
violation of division (B) of this section, the offender was 1129  
carrying a valid license or temporary emergency license to carry a 1130  
concealed handgun issued to the offender under section 2923.125 or 1131  
2923.1213 of the Revised Code or a license to carry a concealed 1132  
handgun that was issued by another state with which the attorney 1133  
general has entered into a reciprocity agreement under section 1134  
109.69 of the Revised Code and the offender was not knowingly in a 1135  
place described in division (B) of section 2923.126 of the Revised 1136  
Code, the violation is a misdemeanor of the first degree or, if 1137  
the offender previously has been convicted of or pleaded guilty to 1138  
a violation of division (B) of this section, a felony of the 1139  
fourth degree.~~ 1140

~~(2) If division (I)(1) of this section does not apply, a 1141  
felony of the fourth degree.~~ 1142

(J) If a law enforcement officer stops a motor vehicle for a 1143  
traffic stop or any other purpose, if any person in the motor 1144  
vehicle surrenders a firearm to the officer, either voluntarily or 1145  
pursuant to a request or demand of the officer, and if the officer 1146  
does not charge the person with a violation of this section or 1147  
arrest the person for any offense, the person is not otherwise 1148  
prohibited by law from possessing the firearm, and the firearm is 1149  
not contraband, the officer shall return the firearm to the person 1150

at the termination of the stop. If a court orders a law 1151  
enforcement officer to return a firearm to a person pursuant to 1152  
the requirement set forth in this division, division (B) of 1153  
section 2923.163 of the Revised Code applies. 1154

(K) As used in this section: 1155

(1) "Motor vehicle," "street," and "highway" have the same 1156  
meanings as in section 4511.01 of the Revised Code. 1157

(2) "Occupied structure" has the same meaning as in section 1158  
2909.01 of the Revised Code. 1159

(3) "Agriculture" has the same meaning as in section 519.01 1160  
of the Revised Code. 1161

(4) "Tenant" has the same meaning as in section 1531.01 of 1162  
the Revised Code. 1163

(5) "Unloaded" means any of the following: 1164

(a) No ammunition is in the firearm in question, and no 1165  
ammunition is loaded into a magazine or speed loader that may be 1166  
used with the firearm in question and that is located anywhere 1167  
within the vehicle in question, without regard to where ammunition 1168  
otherwise is located within the vehicle in question. For the 1169  
purposes of division (K)(5)(a) of this section, ammunition held in 1170  
stripper-clips or in en-bloc clips is not considered ammunition 1171  
that is loaded into a magazine or speed loader. 1172

(b) With respect to a firearm employing a percussion cap, 1173  
flintlock, or other obsolete ignition system, when the weapon is 1174  
uncapped or when the priming charge is removed from the pan. 1175

(6) "Commercial motor vehicle" has the same meaning as in 1176  
division (A) of section 4506.25 of the Revised Code. 1177

(7) "Motor carrier enforcement unit" means the motor carrier 1178  
enforcement unit in the department of public safety, division of 1179  
state highway patrol, that is created by section 5503.34 of the 1180

Revised Code. 1181

**Sec. 2953.321.** (A) As used in this section, "investigatory 1182  
work product" means any records or reports of a law enforcement 1183  
officer or agency that are excepted from the definition of 1184  
"official records" contained in section 2953.51 of the Revised 1185  
Code and that pertain to a case the records of which have been 1186  
ordered sealed pursuant to division (C)(2) of section 2953.32 of 1187  
the Revised Code or have been ordered expunged pursuant to 1188  
division (D)(2) of section 2953.37 of the Revised Code. 1189

(B) Upon the issuance of an order by a court pursuant to 1190  
division (C)(2) of section 2953.32 of the Revised Code directing 1191  
that all official records pertaining to a case be sealed or an 1192  
order by a court pursuant to division (D)(2) of section 2953.37 of 1193  
the Revised Code directing that all official records pertaining to 1194  
a case be expunged: 1195

(1) Every law enforcement officer who possesses investigatory 1196  
work product immediately shall deliver that work product to the 1197  
law enforcement officer's employing law enforcement agency. 1198

(2) Except as provided in division (B)(3) of this section, 1199  
every law enforcement agency that possesses investigatory work 1200  
product shall close that work product to all persons who are not 1201  
directly employed by the law enforcement agency and shall treat 1202  
that work product, in relation to all persons other than those who 1203  
are directly employed by the law enforcement agency, as if it did 1204  
not exist and never had existed. 1205

(3) A law enforcement agency that possesses investigatory 1206  
work product may permit another law enforcement agency to use that 1207  
work product in the investigation of another offense if the facts 1208  
incident to the offense being investigated by the other law 1209  
enforcement agency and the facts incident to an offense that is 1210  
the subject of the case are reasonably similar. The agency that 1211

permits the use of investigatory work product may provide the 1212  
other agency with the name of the person who is the subject of the 1213  
case if it believes that the name of the person is necessary to 1214  
the conduct of the investigation by the other agency. 1215

(C)(1) Except as provided in division (B)(3) of this section, 1216  
no law enforcement officer or other person employed by a law 1217  
enforcement agency shall knowingly release, disseminate, or 1218  
otherwise make the investigatory work product or any information 1219  
contained in that work product available to, or discuss any 1220  
information contained in it with, any person not employed by the 1221  
employing law enforcement agency. 1222

(2) No law enforcement agency, or person employed by a law 1223  
enforcement agency, that receives investigatory work product 1224  
pursuant to division (B)(3) of this section shall use that work 1225  
product for any purpose other than the investigation of the 1226  
offense for which it was obtained from the other law enforcement 1227  
agency, or disclose the name of the person who is the subject of 1228  
the work product except when necessary for the conduct of the 1229  
investigation of the offense, or the prosecution of the person for 1230  
committing the offense, for which it was obtained from the other 1231  
law enforcement agency. 1232

(3) It is not a violation of division (C)(1) or (2) of this 1233  
section for the bureau of criminal identification and 1234  
investigation or any authorized employee of the bureau 1235  
participating in the investigation of criminal activity to 1236  
release, disseminate, or otherwise make available to, or discuss 1237  
with, a person directly employed by a law enforcement agency DNA 1238  
records collected in the DNA database or fingerprints filed for 1239  
record by the superintendent of the bureau of criminal 1240  
identification and investigation. 1241

(D) Whoever violates division (C)(1) or (2) of this section 1242  
is guilty of divulging confidential investigatory work product, a 1243



misdemeanor of the fourth degree. 1244

**Sec. 2953.33.** (A) ~~Except~~ An order issued under section 1245  
2953.37 of the Revised Code to expunge the record of a person's 1246  
conviction or, except as provided in division (G) of section 1247  
2953.32 of the Revised Code, an order issued under that section to 1248  
seal the record of a person's conviction restores the person who 1249  
is the subject of the order to all rights and privileges not 1250  
otherwise restored by termination of the sentence or community 1251  
control sanction or by final release on parole or post-release 1252  
control. 1253

(B)(1) In any application for employment, license, or other 1254  
right or privilege, any appearance as a witness, or any other 1255  
inquiry, except as provided in division (E) of section 2953.32 and 1256  
in section 3319.292 of the Revised Code and subject to division 1257  
(B)(2) of this section, a person may be questioned only with 1258  
respect to convictions not sealed, bail forfeitures not expunged 1259  
under section 2953.42 of the Revised Code as it existed prior to 1260  
June 29, 1988, and bail forfeitures not sealed, unless the 1261  
question bears a direct and substantial relationship to the 1262  
position for which the person is being considered. 1263

(2) A person may not be questioned in any application, 1264  
appearance, or inquiry of a type described in division (B)(1) of 1265  
this section with respect to any conviction expunged under section 1266  
2953.37 of the Revised Code. 1267

**Sec. 2953.35.** (A) Except as authorized by divisions (D), (E), 1268  
and (F) of section 2953.32 of the Revised Code or by Chapter 2950. 1269  
of the Revised Code, any officer or employee of the state, or a 1270  
political subdivision of the state, who releases or otherwise 1271  
disseminates or makes available for any purpose involving 1272  
employment, bonding, or licensing in connection with any business, 1273

trade, or profession to any person, or to any department, agency, 1274  
or other instrumentality of the state, or any political 1275  
subdivision of the state, any information or other data concerning 1276  
any arrest, complaint, indictment, trial, hearing, adjudication, 1277  
conviction, or correctional supervision the records with respect 1278  
to which the officer or employee had knowledge of were sealed by 1279  
an existing order issued pursuant to sections 2953.31 to 2953.36 1280  
of the Revised Code, were expunged by an order issued pursuant to 1281  
section 2953.37 of the Revised Code, or were expunged by an order 1282  
issued pursuant to section 2953.42 of the Revised Code as it 1283  
existed prior to June 29, 1988, is guilty of divulging 1284  
confidential information, a misdemeanor of the fourth degree. 1285

(B) Any person who, in violation of section 2953.32 of the 1286  
Revised Code, uses, disseminates, or otherwise makes available any 1287  
index prepared pursuant to division (F) of section 2953.32 of the 1288  
Revised Code is guilty of a misdemeanor of the fourth degree. 1289

(C) It is not a violation of this section for the bureau of 1290  
criminal identification and investigation or any authorized 1291  
employee of the bureau participating in the investigation of 1292  
criminal activity to release, disseminate, or otherwise make 1293  
available to, or discuss with, a person directly employed by a law 1294  
enforcement agency DNA records collected in the DNA database or 1295  
fingerprints filed for record by the superintendent of the bureau 1296  
of criminal identification and investigation. 1297

**Sec. 2953.37.** (A) As used in this section: 1298

(1) "Expunge" means to destroy, delete, and erase a record as 1299  
appropriate for the record's physical or electronic form or 1300  
characteristic so that the record is permanently irretrievable. 1301

(2) "Official records" has the same meaning as in section 1302  
2953.51 of the Revised Code. 1303

(3) "Prosecutor" has the same meaning as in section 2953.31 1304  
of the Revised Code. 1305

(4) "Record of conviction" means the record related to a 1306  
conviction of or plea of guilty to an offense. 1307

(B) Any person who is convicted of, was convicted of, pleads 1308  
guilty to, or has pleaded guilty to a violation of division (B), 1309  
(C), or (E) of section 2923.16 of the Revised Code as the division 1310  
existed prior to the effective date of this section and who is 1311  
authorized by division (H)(2)(a) of that section to file an 1312  
application under this section for the expungement of the 1313  
conviction record may apply to the sentencing court for the 1314  
expungement of the record of conviction. The person may file the 1315  
application at any time on or after the effective date of this 1316  
section. The application shall do all of the following: 1317

(1) Identify the applicant, the offense for which the 1318  
expungement is sought, the date of the conviction of or plea of 1319  
guilty to that offense, and the court in which the conviction 1320  
occurred or the plea of guilty was entered; 1321

(2) Include evidence that the offense was a violation of 1322  
division (B), (C), or (E) of section 2923.16 of the Revised Code 1323  
as the division existed prior to the effective date of this 1324  
section and that the applicant is authorized by division (H)(2)(a) 1325  
of that section to file an application under this section; 1326

(3) Include a request for expungement of the record of 1327  
conviction of that offense under this section. 1328

(C) Upon the filing of an application under division (B) of 1329  
this section and the payment of the fee described in division 1330  
(D)(3) of this section if applicable, the court shall set a date 1331  
for a hearing and shall notify the prosecutor for the case of the 1332  
hearing on the application. The prosecutor may object to the 1333  
granting of the application by filing an objection with the court 1334

prior to the date set for the hearing. The prosecutor shall 1335  
specify in the objection the reasons for believing a denial of the 1336  
application is justified. The court shall direct its regular 1337  
probation officer, a state probation officer, or the department of 1338  
probation of the county in which the applicant resides to make 1339  
inquiries and written reports as the court requires concerning the 1340  
applicant. The court shall hold the hearing scheduled under this 1341  
division. 1342

(D)(1) At the hearing held under division (C) of this 1343  
section, the court shall do each of the following: 1344

(a) Determine whether the applicant has been convicted of or 1345  
pleaded guilty to a violation of division (E) of section 2923.16 1346  
of the Revised Code as the division existed prior to the effective 1347  
date of this section and whether the conduct that was the basis of 1348  
the violation no longer would be a violation of that division on 1349  
or after the effective date of this section; 1350

(b) Determine whether the applicant has been convicted of or 1351  
pleaded guilty to a violation of division (B) or (C) of section 1352  
2923.16 of the Revised Code as the division existed prior to the 1353  
effective date of this section and whether the conduct that was 1354  
the basis of the violation no longer would be a violation of that 1355  
division on or after the effective date of this section due to the 1356  
application of division (F)(5) of that section as it exists on and 1357  
after the effective date of this section; 1358

(c) If the prosecutor has filed an objection in accordance 1359  
with division (C) of this section, consider the reasons against 1360  
granting the application specified by the prosecutor in the 1361  
objection; 1362

(d) Weigh the interests of the applicant in having the 1363  
records pertaining to the applicant's conviction or guilty plea 1364  
expunged against the legitimate needs, if any, of the government 1365

to maintain those records. 1366

(2)(a) The court may order the expungement of all official 1367  
records pertaining to the case and the deletion of all index 1368  
references to the case and, if it does order the expungement, 1369  
shall send notice of the order to each public office or agency 1370  
that the court has reason to believe may have an official record 1371  
pertaining to the case if the court, after complying with division 1372  
(D)(1) of this section, determines both of the following: 1373

(i) That the applicant has been convicted of or pleaded 1374  
guilty to a violation of division (E) of section 2923.16 of the 1375  
Revised Code as it existed prior to the effective date of this 1376  
section and the conduct that was the basis of the violation no 1377  
longer would be a violation of that division on or after the 1378  
effective date of this section, or that the applicant has been 1379  
convicted of or pleaded guilty to a violation of division (B) or 1380  
(C) of section 2923.16 of the Revised Code as the division existed 1381  
prior to the effective date of this section and the conduct that 1382  
was the basis of the violation no longer would be a violation of 1383  
that division on or after the effective date of this section due 1384  
to the application of division (F)(5) of that section as it exists 1385  
on and after the effective date of this section; 1386

(ii) That the interests of the applicant in having the 1387  
records pertaining to the applicant's conviction or guilty plea 1388  
expunged are not outweighed by any legitimate needs of the 1389  
government to maintain those records. 1390

(b) The proceedings in the case that is the subject of an 1391  
order issued under division (D)(2)(a) of this section shall be 1392  
considered not to have occurred and the conviction or guilty plea 1393  
of the person who is the subject of the proceedings shall be 1394  
expunged. The record of the conviction shall not be used for any 1395  
purpose, including, but not limited to, a criminal records check 1396  
under section 109.572 of the Revised Code or a determination under 1397

section 2923.125 or 2923.1212 of the Revised Code of eligibility 1398  
for a license or temporary emergency license to carry a concealed 1399  
handgun. The applicant may, and the court shall, reply that no 1400  
record exists with respect to the applicant upon any inquiry into 1401  
the matter. 1402

(3) Upon the filing of an application under this section, the 1403  
applicant, unless indigent, shall pay a fee of fifty dollars. The 1404  
court shall pay thirty dollars of the fee into the state treasury 1405  
and shall pay twenty dollars of the fee into the county general 1406  
revenue fund. 1407

**Section 2.** That existing sections 2923.121, 2923.125, 1408  
2923.128, 2923.16, 2953.321, 2953.33, and 2953.35 of the Revised 1409  
Code are hereby repealed. 1410