

As Passed by the Senate

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Sub. S. B. No. 17

Senator Schaffer

**Cosponsors: Senators Jones, Faber, Cafaro, Jordan, Grendell, Daniels,
Beagle, Seitz, Wilson, Widener, Oelslager, Manning, Cates, Hite, Niehaus,
Obhof, Stewart**

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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 D permit 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 205
armed forces of the United States, was honorably discharged from 206
military service in the active or reserve armed forces of the 207
United States, is a retired trooper of the state highway patrol, 208
or is a retired peace officer or federal law enforcement officer 209
described in division (B)(1) of this section or a retired person 210
described in division (B)(1)(b) of section 109.77 of the Revised 211
Code and division (B)(1) of this section; 212

(ii) That, through participation in the military service or 213
through the former employment described in division (B)(3)(d)(i) 214
of this section, the applicant acquired experience with handling 215
handguns or other firearms, and the experience so acquired was 216
equivalent to training that the applicant could have acquired in a 217
course, class, or program described in division (B)(3)(a), (b), or 218
(c) of this section. 219

(e) A certificate or another similar document that evidences 220
satisfactory completion of a firearms training, safety, or 221
requalification or firearms safety instructor course, class, or 222
program that is not otherwise described in division (B)(3)(a), 223
(b), (c), or (d) of this section, that was conducted by an 224
instructor who was certified by an official or entity of the 225
government of this or another state or the United States or by the 226
national rifle association, and that complies with the 227
requirements set forth in division (G) of this section; 228

(f) An affidavit that attests to the applicant's satisfactory 229
completion of a course, class, or program described in division 230
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 231
by the applicant's instructor or an authorized representative of 232
the entity that offered the course, class, or program or under 233
whose auspices the course, class, or program was offered. 234

(4) A certification by the applicant that the applicant has 235
read the pamphlet prepared by the Ohio peace officer training 236
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 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code.

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

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

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)(1) 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 competency. 583
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(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. 585
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(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. 599
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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 610
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Code or with a violation of section 2923.15 of the Revised Code or 614
becomes subject to a temporary protection order or to a protection 615
order issued by a court of another state that is substantially 616
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 649
convicted of or pleads guilty to the offense described in that 650
division, irrespective of when the sheriff notifies the licensee 651
under division (A)(3) of this section. If the suspension is 652
imposed for a misdemeanor violation of division (B)(1) or (2) of 653
section 2923.12 of the Revised Code or of division (E)(1), (2), or 654
(3) or (4) of section 2923.16 of the Revised Code, it shall end on 655
the date that is one year after the date that the licensee is 656
convicted of or pleads guilty to that violation. If the suspension 657
is imposed for a misdemeanor violation of division (B)(4) of 658
section 2923.12 of the Revised Code or of division (E)(4), (5) of 659
section 2923.16 of the Revised Code, it shall end on the date that 660
is two years after the date that the licensee is convicted of or 661
pleads guilty to that violation. If the licensee's license was 662
issued under section 2923.125 of the Revised Code and the license 663
remains valid after the suspension ends as described in this 664
division, when the suspension ends, the sheriff shall return the 665
license to the licensee. If the licensee's license was issued 666
under section 2923.125 of the Revised Code and the license expires 667
before the suspension ends as described in this division, or if 668
the licensee's license was issued under section 2923.1213 of the 669
Revised Code, the licensee is not eligible to apply for a new 670
license under section 2923.125 or 2923.1213 of the Revised Code or 671
to renew the license under section 2923.125 of the Revised Code 672
until after the suspension ends as described in this division. 673

(c) The license of a licensee who is convicted of or pleads 674
guilty to a violation of division (B)(1) of section 2923.12 or 675
division (E)(3), (1) or (2) of section 2923.16 of the Revised Code 676
shall not be suspended pursuant to division (A)(2)(a) of this 677

section if, at the time of the stop of the licensee for a law 678
enforcement purpose, for a traffic stop, or for a purpose defined 679
in section 5503.34 of the Revised Code that was the basis of the 680
violation, any law enforcement officer involved with the stop or 681
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
licensee did not satisfy the eligibility requirements of division
(D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the
Revised Code.

(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 741
2923.1213 of the Revised Code, subject to division (C) of this 742
section, the sheriff who issued the license or temporary emergency 743
license to carry a concealed handgun to the licensee shall notify 744
the licensee, by certified mail, return receipt requested, at the 745
licensee's last known residence address that the license or 746
temporary emergency license is subject to revocation and that the 747
licensee may come to the sheriff's office and contest the 748
sheriff's proposed revocation within fourteen days of the date on 749
which the notice was mailed. After the fourteen-day period and 750
after consideration of any information that the licensee provides 751
during that period, if the sheriff determines on the basis of the 752
information of which the sheriff is aware that the licensee is 753
described in division (B)(1) of this section and no longer 754
satisfies the requirements described in division (D)(1) of section 755
2923.125 of the Revised Code that are applicable to the licensee's 756
type of license, the sheriff shall revoke the license or temporary 757
emergency license, notify the licensee of that fact, and require 758
the licensee to surrender the license or temporary emergency 759
license. Upon revoking the license or temporary emergency license, 760
the sheriff also shall comply with division (H) of section 761
2923.125 of the Revised Code. 762

(C) If a sheriff who issues a license or temporary emergency 763
license to carry a concealed handgun to a licensee under section 764
2923.125 or 2923.1213 of the Revised Code becomes aware that at 765
the time of the issuance of the license or temporary emergency 766
license the licensee had been convicted of or pleaded guilty to an 767
offense identified in division (D)(1)(e), (f), or (h) of section 768
2923.125 of the Revised Code or had been adjudicated a delinquent 769
child for committing an act or violation identified in any of 770
those divisions or becomes aware that on or after the date on 771
which the license or temporary emergency license was issued the 772
licensee has been convicted of or pleaded guilty to an offense 773

identified in division (A)(2)(a) or (B)(1)(c) of this section, the 774
sheriff shall not consider that conviction, guilty plea, or 775
adjudication as having occurred for purposes of divisions (A)(2), 776
(A)(3), (B)(1), and (B)(2) of this section if a court has ordered 777
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 vehicle permit issued under section 1533.103 of the Revised Code by the chief of the division of wildlife.

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

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

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

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

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

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

(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.

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

(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. 990
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(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 container that is in plain sight and that has a lid, a cover, or a closing mechanism with a zipper, snap, or buckle, which lid, cover, or closing mechanism must be opened for a person to gain access to the handgun.~~ 1022
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~~(iii) The handgun is securely encased by being stored in a closed glove compartment or vehicle console or in a case that is locked.~~ 1027
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(6) Divisions (B) and (C) of this section do not apply to a person if all of the following apply: 1030
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(a) The person possesses a valid electric-powered all-purpose vehicle permit issued under section 1533.103 of the Revised Code by the chief of the division of wildlife. 1032
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(b) The person is on or in an electric-powered all-purpose vehicle as defined in section 1531.01 of the Revised Code or a motor vehicle during the open hunting season for a wild quadruped or game bird. 1035
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(c) The person is on or in an electric-powered all-purpose vehicle as defined in section 1531.01 of the Revised Code or a motor vehicle that is parked on a road that is owned or administered by the division of wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign. 1039
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(G)(1) The affirmative defenses authorized in divisions (D)(1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (B) or (C) of this section that involves a firearm other than a handgun. 1044
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(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the 1048
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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 enforcement unit in the department of public safety, division of state highway patrol, that is created by section 5503.34 of the Revised Code.

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

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

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

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

(3) A law enforcement agency that possesses investigatory work product may permit another law enforcement agency to use that work product in the investigation of another offense if the facts

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 2953.51 of the Revised Code. 1302
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(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code. 1304
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(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense. 1306
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(B) Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to the effective date of this section and who is authorized by division (H)(2)(a) of that section to file an application under this section for the expungement of the conviction record may apply to the sentencing court for the expungement of the record of conviction. The person may file the application at any time on or after the effective date of this section. The application shall do all of the following: 1308
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(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of or plea of guilty to that offense, and the court in which the conviction occurred or the plea of guilty was entered; 1318
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(2) Include evidence that the offense was a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to the effective date of this section and that the applicant is authorized by division (H)(2)(a) of that section to file an application under this section; 1322
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(3) Include a request for expungement of the record of conviction of that offense under this section. 1327
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(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 1329
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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