

As Concurred by the Senate

**129th General Assembly
Regular Session
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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, Coley**

**Representatives Mecklenborg, Maag, Blessing, Buchy, Combs, Dovilla,
Huffman, Young, Amstutz, Balderson, Beck, Boose, Brenner, Bupp, Carey,
Derickson, Goodwin, Hackett, Hagan, C., Hall, Hayes, Henne, Johnson,
Kozlowski, Landis, Martin, Newbold, Roegner, Ruhl, Sears, Thompson,
Uecker Speaker Batchelder**

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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 a liquor permit premises, or an open 5
air arena, for which a D permit has been issued if 6
the licensee is not consuming beer or intoxicating 7
liquor or under the influence of alcohol or a drug 8
of abuse, to modify the offense of improperly 9
handling firearms in a motor vehicle as it applies 10
to concealed carry licensees, and to authorize the 11
expungement of a prior conviction of improperly 12
handling firearms in a motor vehicle that no 13
longer would be a crime 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 beer or intoxicating liquor 19
in a premises for which a D permit has been issued under Chapter 20
4303. of the Revised Code or in an open air arena for which a 21
permit of that nature has been 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 a premises 36
or an open air arena under Chapter 4303. of the Revised Code while 37
in the premises or open air arena for which the permit was issued 38
if 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 beer or intoxicating liquor 46
or under the influence of alcohol or a drug of abuse, or any agent 47
or employee of that holder who also is a peace officer, as defined 48
in section 2151.3515 of the Revised Code, who is off duty, and who 49
otherwise is authorized to carry firearms while in the course of 50
the officer's official duties and while in the premises or open 51
air arena for which the permit was issued and as long as the agent 52
or employee of that holder is not consuming beer or intoxicating 53
liquor or under the 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 beer or intoxicating liquor or under the 65
influence of alcohol 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 a 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 a liquor permit premises. Except as 106
otherwise provided in this division, illegal possession of a 107

firearm in a liquor permit premises is a felony of the fifth 108
degree. If the offender commits the violation of this section by 109
knowingly carrying or having the firearm concealed on the 110
offender's person or concealed ready at hand, illegal possession 111
of a firearm in a liquor permit premises is a felony of the third 112
degree. 113

(F) As used in this section, "beer" and "intoxicating liquor" 114
have the same meanings as in section 4301.01 of the Revised Code. 115

Sec. 2923.125. (A) Upon the request of a person who wishes to 116
obtain a license to carry a concealed handgun or to renew a 117
license to carry a concealed handgun, a sheriff, as provided in 118
division (I) of this section, shall provide to the person free of 119
charge an application form and the web site address at which the 120
pamphlet described in division (B) of section 109.731 of the 121
Revised Code may be found. A sheriff shall accept a completed 122
application form and the fee, items, materials, and information 123
specified in divisions (B)(1) to (5) of this section at the times 124
and in the manners described in division (I) of this section. 125

(B) An applicant for a license to carry a concealed handgun 126
shall submit a completed application form and all of the following 127
to the sheriff of the county in which the applicant resides or to 128
the sheriff of any county adjacent to the county in which the 129
applicant resides: 130

(1)(a) A nonrefundable license fee as described in either of 131
the following: 132

(i) For an applicant who has been a resident of this state 133
for five or more years, a fee of sixty-seven dollars; 134

(ii) For an applicant who has been a resident of this state 135
for less than five years, a fee of sixty-seven dollars plus the 136
actual cost of having a background check performed by the federal 137

bureau of investigation. 138

(b) No sheriff shall require an applicant to pay for the cost 139
of a background check performed by the bureau of criminal 140
identification and investigation. 141

(c) A sheriff shall waive the payment of the license fee 142
described in division (B)(1)(a) of this section in connection with 143
an initial or renewal application for a license that is submitted 144
by an applicant who is a retired peace officer, a retired person 145
described in division (B)(1)(b) of section 109.77 of the Revised 146
Code, or a retired federal law enforcement officer who, prior to 147
retirement, was authorized under federal law to carry a firearm in 148
the course of duty, unless the retired peace officer, person, or 149
federal law enforcement officer retired as the result of a mental 150
disability. 151

(d) The sheriff shall deposit all fees paid by an applicant 152
under division (B)(1)(a) of this section into the sheriff's 153
concealed handgun license issuance fund established pursuant to 154
section 311.42 of the Revised Code. The county shall distribute 155
the fees in accordance with section 311.42 of the Revised Code. 156

(2) A color photograph of the applicant that was taken within 157
thirty days prior to the date of the application; 158

(3) One or more of the following competency certifications, 159
each of which shall reflect that, regarding a certification 160
described in division (B)(3)(a), (b), (c), (e), or (f) of this 161
section, within the three years immediately preceding the 162
application the applicant has performed that to which the 163
competency certification relates and that, regarding a 164
certification described in division (B)(3)(d) of this section, the 165
applicant currently is an active or reserve member of the armed 166
forces of the United States or within the six years immediately 167
preceding the application the honorable discharge or retirement to 168

which the competency certification relates occurred: 169

(a) An original or photocopy of a certificate of completion 170
of a firearms safety, training, or requalification or firearms 171
safety instructor course, class, or program that was offered by or 172
under the auspices of the national rifle association and that 173
complies with the requirements set forth in division (G) of this 174
section; 175

(b) An original or photocopy of a certificate of completion 176
of a firearms safety, training, or requalification or firearms 177
safety instructor course, class, or program that satisfies all of 178
the following criteria: 179

(i) It was open to members of the general public. 180

(ii) It utilized qualified instructors who were certified by 181
the national rifle association, the executive director of the Ohio 182
peace officer training commission pursuant to section 109.75 or 183
109.78 of the Revised Code, or a governmental official or entity 184
of another state. 185

(iii) It was offered by or under the auspices of a law 186
enforcement agency of this or another state or the United States, 187
a public or private college, university, or other similar 188
postsecondary educational institution located in this or another 189
state, a firearms training school located in this or another 190
state, or another type of public or private entity or organization 191
located in this or another state. 192

(iv) It complies with the requirements set forth in division 193
(G) of this section. 194

(c) An original or photocopy of a certificate of completion 195
of a state, county, municipal, or department of natural resources 196
peace officer training school that is approved by the executive 197
director of the Ohio peace officer training commission pursuant to 198
section 109.75 of the Revised Code and that complies with the 199

requirements set forth in division (G) of this section, or the applicant has satisfactorily completed and been issued a certificate of completion of a basic firearms training program, a firearms requalification training program, or another basic training program described in section 109.78 or 109.801 of the Revised Code that complies with the requirements set forth in division (G) of this section;

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

(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 requalification 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 reviews firearms, dispute resolution, and use of deadly force matters.

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

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

(D)(1) Except as provided in division (D)(3) or (4) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a license to carry a concealed handgun, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the

system, shall issue to the applicant a license to carry a 264
concealed handgun that shall expire as described in division 265
(D)(2)(a) of this section if all of the following apply: 266

(a) The applicant is legally living in the United States, has 267
been a resident of this state for at least forty-five days, and 268
has been a resident of the county in which the person seeks the 269
license or a county adjacent to the county in which the person 270
seeks the license for at least thirty days. For purposes of 271
division (D)(1)(a) of this section: 272

(i) If a person is absent from the United States, from this 273
state, or from a particular county in this state in compliance 274
with military or naval orders as an active or reserve member of 275
the armed forces of the United States and if prior to leaving this 276
state in compliance with those orders the person was legally 277
living in the United States and was a resident of this state, the 278
person, solely by reason of that absence, shall not be considered 279
to have lost the person's status as living in the United States or 280
the person's residence in this state or in the county in which the 281
person was a resident prior to leaving this state in compliance 282
with those orders, without regard to whether or not the person 283
intends to return to this state or to that county, shall not be 284
considered to have acquired a residence in any other state, and 285
shall not be considered to have become a resident of any other 286
state. 287

(ii) If a person is present in this state in compliance with 288
military or naval orders as an active or reserve member of the 289
armed forces of the United States for at least forty-five days, 290
the person shall be considered to have been a resident of this 291
state for that period of at least forty-five days, and, if a 292
person is present in a county of this state in compliance with 293
military or naval orders as an active or reserve member of the 294
armed forces of the United States for at least thirty days, the 295

person shall be considered to have been a resident of that county 296
for that period of at least thirty days. 297

(b) The applicant is at least twenty-one years of age. 298

(c) The applicant is not a fugitive from justice. 299

(d) The applicant is not under indictment for or otherwise 300
charged with a felony; an offense under Chapter 2925., 3719., or 301
4729. of the Revised Code that involves the illegal possession, 302
use, sale, administration, or distribution of or trafficking in a 303
drug of abuse; a misdemeanor offense of violence; or a violation 304
of section 2903.14 or 2923.1211 of the Revised Code. 305

(e) Except as otherwise provided in division (D)(5) of this 306
section, the applicant has not been convicted of or pleaded guilty 307
to a felony or an offense under Chapter 2925., 3719., or 4729. of 308
the Revised Code that involves the illegal possession, use, sale, 309
administration, or distribution of or trafficking in a drug of 310
abuse; has not been adjudicated a delinquent child for committing 311
an act that if committed by an adult would be a felony or would be 312
an offense under Chapter 2925., 3719., or 4729. of the Revised 313
Code that involves the illegal possession, use, sale, 314
administration, or distribution of or trafficking in a drug of 315
abuse; and has not been convicted of, pleaded guilty to, or 316
adjudicated a delinquent child for committing a violation of 317
section 2903.13 of the Revised Code when the victim of the 318
violation is a peace officer, regardless of whether the applicant 319
was sentenced under division (C)(3) of that section. 320

(f) Except as otherwise provided in division (D)(5) of this 321
section, the applicant, within three years of the date of the 322
application, has not been convicted of or pleaded guilty to a 323
misdemeanor offense of violence other than a misdemeanor violation 324
of section 2921.33 of the Revised Code or a violation of section 325
2903.13 of the Revised Code when the victim of the violation is a 326

peace officer, or a misdemeanor violation of section 2923.1211 of 327
the Revised Code; and has not been adjudicated a delinquent child 328
for committing an act that if committed by an adult would be a 329
misdemeanor offense of violence other than a misdemeanor violation 330
of section 2921.33 of the Revised Code or a violation of section 331
2903.13 of the Revised Code when the victim of the violation is a 332
peace officer or for committing an act that if committed by an 333
adult would be a misdemeanor violation of section 2923.1211 of the 334
Revised Code. 335

(g) Except as otherwise provided in division (D)(1)(e) of 336
this section, the applicant, within five years of the date of the 337
application, has not been convicted of, pleaded guilty to, or 338
adjudicated a delinquent child for committing two or more 339
violations of section 2903.13 or 2903.14 of the Revised Code. 340

(h) Except as otherwise provided in division (D)(5) of this 341
section, the applicant, within ten years of the date of the 342
application, has not been convicted of, pleaded guilty to, or 343
adjudicated a delinquent child for committing a violation of 344
section 2921.33 of the Revised Code. 345

(i) The applicant has not been adjudicated as a mental 346
defective, has not been committed to any mental institution, is 347
not under adjudication of mental incompetence, has not been found 348
by a court to be a mentally ill person subject to hospitalization 349
by court order, and is not an involuntary patient other than one 350
who is a patient only for purposes of observation. As used in this 351
division, "mentally ill person subject to hospitalization by court 352
order" and "patient" have the same meanings as in section 5122.01 353
of the Revised Code. 354

(j) The applicant is not currently subject to a civil 355
protection order, a temporary protection order, or a protection 356
order issued by a court of another state. 357

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

(l) The applicant submits a competency certification of the type described in division (B)(3) of this section and submits a certification of the type described in division (B)(4) of this section regarding the applicant's reading of the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

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

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

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

(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The

applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check results using the appropriate challenge and review procedure specified in that section, the time for filing the appeal pursuant to section 119.12 of the Revised Code and this division is tolled during the pendency of the request or the challenge and review. If the court in an appeal under section 119.12 of the Revised Code and this division enters a judgment sustaining the sheriff's refusal to grant to the applicant a license to carry a concealed handgun, the applicant may file a new application beginning one year after the judgment is entered. If the court enters a judgment in favor of the applicant, that judgment shall not restrict the authority of a sheriff to suspend or revoke the license pursuant to section 2923.128 or 2923.1213 of the Revised Code or to refuse to renew the license for any proper cause that may occur after the date the judgment is entered. In the appeal, the court shall have full power to dispose of all costs.

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

(4) If the sheriff determines that the applicant is legally living in the United States and is a resident of the county in which the applicant seeks the license or of an adjacent county but does not yet meet the residency requirements described in division

(D)(1)(a) of this section, the sheriff shall not deny the license 421
because of the residency requirements but shall not issue the 422
license until the applicant meets those residency requirements. 423

(5) If an applicant has been convicted of or pleaded guilty 424
to an offense identified in division (D)(1)(e), (f), or (h) of 425
this section or has been adjudicated a delinquent child for 426
committing an act or violation identified in any of those 427
divisions, and if a court has ordered the sealing or expungement 428
of the records of that conviction, guilty plea, or adjudication 429
pursuant to sections 2151.355 to 2151.358 ~~or~~ sections 2953.31 to 430
2953.36, or section 2953.37 of the Revised Code or a court has 431
granted the applicant relief pursuant to section 2923.14 of the 432
Revised Code from the disability imposed pursuant to section 433
2923.13 of the Revised Code relative to that conviction, guilty 434
plea, or adjudication, the sheriff with whom the application was 435
submitted shall not consider the conviction, guilty plea, or 436
adjudication in making a determination under division (D)(1) or 437
(F) of this section or, in relation to an application for a 438
temporary emergency license to carry a concealed handgun submitted 439
under section 2923.1213 of the Revised Code, in making a 440
determination under division (B)(2) of that section. 441

(E) If a license to carry a concealed handgun issued under 442
this section is lost or is destroyed, the licensee may obtain from 443
the sheriff who issued that license a duplicate license upon the 444
payment of a fee of fifteen dollars and the submission of an 445
affidavit attesting to the loss or destruction of the license. The 446
sheriff, in accordance with the procedures prescribed in section 447
109.731 of the Revised Code, shall place on the replacement 448
license a combination of identifying numbers different from the 449
combination on the license that is being replaced. 450

(F)(1) A licensee who wishes to renew a license to carry a 451
concealed handgun issued under this section shall do so not 452

earlier than ninety days before the expiration date of the license 453
or at any time after the expiration date of the license by filing 454
with the sheriff of the county in which the applicant resides or 455
with the sheriff of an adjacent county an application for renewal 456
of the license obtained pursuant to division (D) of this section, 457
a certification by the applicant that, subsequent to the issuance 458
of the license, the applicant has reread the pamphlet prepared by 459
the Ohio peace officer training commission pursuant to section 460
109.731 of the Revised Code that reviews firearms, dispute 461
resolution, and use of deadly force matters, a nonrefundable 462
license renewal fee in an amount determined pursuant to division 463
(F)(4) of this section unless the fee is waived, and one of the 464
following: 465

(a) If the licensee previously has not renewed a license to 466
carry a concealed handgun issued under this section, proof that 467
the licensee at one time had a competency certification of the 468
type described in division (B)(3) of this section. A valid 469
license, expired license, or any other previously issued license 470
that has not been revoked is prima-facie evidence that the 471
licensee at one time had a competency certification of the type 472
described in division (B)(3) of this section. 473

(b) If the licensee previously has renewed a license to carry 474
a concealed handgun issued under this section, a renewed 475
competency certification of the type described in division (G)(4) 476
of this section. 477

(2) A sheriff shall accept a completed renewal application, 478
the license renewal fee, and information specified in division 479
(F)(1) of this section at the times and in the manners described 480
in division (I) of this section. Upon receipt of a completed 481
renewal application, of certification that the applicant has 482
reread the specified pamphlet prepared by the Ohio peace officer 483
training commission, of proof of a prior competency certification 484

for an initial renewal or of a renewed competency certification 485
for a second or subsequent renewal, and of a license renewal fee 486
unless the fee is waived, a sheriff, in the manner specified in 487
section 311.41 of the Revised Code shall conduct or cause to be 488
conducted the criminal records check and the incompetency records 489
check described in section 311.41 of the Revised Code. The sheriff 490
shall renew the license if the sheriff determines that the 491
applicant continues to satisfy the requirements described in 492
division (D)(1) of this section, except that the applicant is not 493
required to meet the requirements of division (D)(1)(1) of this 494
section. A renewed license that is renewed on or after March 14, 495
2007, shall expire five years after the date of issuance, and a 496
renewed license that is renewed prior to March 14, 2007, shall 497
expire four years after the date of issuance. A renewed license is 498
subject to division (E) of this section and sections 2923.126 and 499
2923.128 of the Revised Code. A sheriff shall comply with 500
divisions (D)(2) to (4) of this section when the circumstances 501
described in those divisions apply to a requested license renewal. 502
If a sheriff denies the renewal of a license to carry a concealed 503
handgun, the applicant may appeal the denial, or challenge the 504
criminal record check results that were the basis of the denial if 505
applicable, in the same manner as specified in division (D)(2)(b) 506
of this section and in section 2923.127 of the Revised Code, 507
regarding the denial of a license under this section. 508

(3) A renewal application submitted pursuant to division (F) 509
of this section shall only require the licensee to list on the 510
application form information and matters occurring since the date 511
of the licensee's last application for a license pursuant to 512
division (B) or (F) of this section. A sheriff conducting the 513
criminal records check and the incompetency records check 514
described in section 311.41 of the Revised Code shall conduct the 515
check only from the date of the licensee's last application for a 516
license pursuant to division (B) or (F) of this section through 517

the date of the renewal application submitted pursuant to division 518
(F) of this section. 519

(4) An applicant for a renewal license to carry a concealed 520
handgun shall submit to the sheriff of the county in which the 521
applicant resides or to the sheriff of any county adjacent to the 522
county in which the applicant resides a nonrefundable license fee 523
as described in either of the following: 524

(a) For an applicant who has been a resident of this state 525
for five or more years, a fee of fifty dollars; 526

(b) For an applicant who has been a resident of this state 527
for less than five years, a fee of fifty dollars plus the actual 528
cost of having a background check performed by the federal bureau 529
of investigation. 530

(G)(1) Each course, class, or program described in division 531
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 532
person who takes the course, class, or program the web site 533
address at which the pamphlet prepared by the Ohio peace officer 534
training commission pursuant to section 109.731 of the Revised 535
Code that reviews firearms, dispute resolution, and use of deadly 536
force matters may be found. Each such course, class, or program 537
described in one of those divisions shall include at least twelve 538
hours of training in the safe handling and use of a firearm that 539
shall include all of the following: 540

(a) At least ten hours of training on the following matters: 541

(i) The ability to name, explain, and demonstrate the rules 542
for safe handling of a handgun and proper storage practices for 543
handguns and ammunition; 544

(ii) The ability to demonstrate and explain how to handle 545
ammunition in a safe manner; 546

(iii) The ability to demonstrate the knowledge, skills, and 547

attitude necessary to shoot a handgun in a safe manner; 548

(iv) Gun handling training. 549

(b) At least two hours of training that consists of range 550
time and live-fire training. 551

(2) To satisfactorily complete the course, class, or program 552
described in division (B)(3)(a), (b), (c), or (e) of this section, 553
the applicant shall pass a competency examination that shall 554
include both of the following: 555

(a) A written section on the ability to name and explain the 556
rules for the safe handling of a handgun and proper storage 557
practices for handguns and ammunition; 558

(b) A physical demonstration of competence in the use of a 559
handgun and in the rules for safe handling and storage of a 560
handgun and a physical demonstration of the attitude necessary to 561
shoot a handgun in a safe manner. 562

(3) The competency certification described in division 563
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 564
shall attest that the course, class, or program the applicant 565
successfully completed met the requirements described in division 566
(G)(1) of this section and that the applicant passed the 567
competency examination described in division (G)(2) of this 568
section. 569

(4) A person who previously has received a competency 570
certification as described in division (B)(3) of this section, or 571
who previously has received a renewed competency certification as 572
described in this division, may obtain a renewed competency 573
certification pursuant to this division. If the person previously 574
has received a competency certification or previously has received 575
a renewed competency certification, the person may obtain a 576
renewed competency certification from an entity that offers a 577
course, class, or program described in division (B)(3)(a), (b), 578

(c), or (e) of this section by passing a test that demonstrates 579
that the person is range competent. In these circumstances, the 580
person is not required to attend the course, class, or program or 581
to take the competency examination described in division (G)(2) of 582
this section for the renewed competency certification in order to 583
be eligible to receive a renewed competency certification. A 584
renewed competency certification issued under this division shall 585
be dated and shall attest that the person has demonstrated range 586
competency. 587

(H) Upon deciding to issue a license, deciding to issue a 588
replacement license, or deciding to renew a license to carry a 589
concealed handgun pursuant to this section, and before actually 590
issuing or renewing the license, the sheriff shall make available 591
through the law enforcement automated data system all information 592
contained on the license. If the license subsequently is suspended 593
under division (A)(1) or (2) of section 2923.128 of the Revised 594
Code, revoked pursuant to division (B)(1) of section 2923.128 of 595
the Revised Code, or lost or destroyed, the sheriff also shall 596
make available through the law enforcement automated data system a 597
notation of that fact. The superintendent of the state highway 598
patrol shall ensure that the law enforcement automated data system 599
is so configured as to permit the transmission through the system 600
of the information specified in this division. 601

(I) A sheriff shall accept a completed application form or 602
renewal application, and the fee, items, materials, and 603
information specified in divisions (B)(1) to (5) or division (F) 604
of this section, whichever is applicable, and shall provide an 605
application form or renewal application to any person during at 606
least fifteen hours a week and shall provide the web site address 607
at which the pamphlet described in division (B) of section 109.731 608
of the Revised Code may be found at any time, upon request. The 609
sheriff shall post notice of the hours during which the sheriff is 610

available to accept or provide the information described in this 611
division. 612

Sec. 2923.128. (A)(1)(a) If a licensee holding a valid 613
license issued under section 2923.125 or 2923.1213 of the Revised 614
Code is arrested for or otherwise charged with an offense 615
described in division (D)(1)(d) of section 2923.125 of the Revised 616
Code or with a violation of section 2923.15 of the Revised Code or 617
becomes subject to a temporary protection order or to a protection 618
order issued by a court of another state that is substantially 619
equivalent to a temporary protection order, the sheriff who issued 620
the license or temporary emergency license shall suspend it and 621
shall comply with division (A)(3) of this section upon becoming 622
aware of the arrest, charge, or protection order. Upon suspending 623
the license or temporary emergency license, the sheriff also shall 624
comply with division (H) of section 2923.125 of the Revised Code. 625

(b) A suspension under division (A)(1)(a) of this section 626
shall be considered as beginning on the date that the licensee is 627
arrested for or otherwise charged with an offense described in 628
that division or on the date the appropriate court issued the 629
protection order described in that division, irrespective of when 630
the sheriff notifies the licensee under division (A)(3) of this 631
section. The suspension shall end on the date on which the charges 632
are dismissed or the licensee is found not guilty of the offense 633
described in division (A)(1)(a) of this section or, subject to 634
division (B) of this section, on the date the appropriate court 635
terminates the protection order described in that division. If the 636
suspension so ends, the sheriff shall return the license or 637
temporary emergency license to the licensee. 638

(2)(a) If a licensee holding a valid license issued under 639
section 2923.125 or 2923.1213 of the Revised Code is convicted of 640
or pleads guilty to a misdemeanor violation of division (B)(1), 641

(2), or (4) of section 2923.12 of the Revised Code or of division 642
(E)(1), (2), (3), ~~(4)~~, or ~~(6)~~(5) of section 2923.16 of the Revised 643
Code, except as provided in division (A)(2)(c) of this section and 644
subject to division (C) of this section, the sheriff who issued 645
the license or temporary emergency license shall suspend it and 646
shall comply with division (A)(3) of this section upon becoming 647
aware of the conviction or guilty plea. Upon suspending the 648
license or temporary emergency license, the sheriff also shall 649
comply with division (H) of section 2923.125 of the Revised Code. 650

(b) A suspension under division (A)(2)(a) of this section 651
shall be considered as beginning on the date that the licensee is 652
convicted of or pleads guilty to the offense described in that 653
division, irrespective of when the sheriff notifies the licensee 654
under division (A)(3) of this section. If the suspension is 655
imposed for a misdemeanor violation of division (B)(1) or (2) of 656
section 2923.12 of the Revised Code or of division (E)(1), (2), or 657
(3) ~~or (4)~~ of section 2923.16 of the Revised Code, it shall end on 658
the date that is one year after the date that the licensee is 659
convicted of or pleads guilty to that violation. If the suspension 660
is imposed for a misdemeanor violation of division (B)(4) of 661
section 2923.12 of the Revised Code or of division (E)~~(6)~~(5) of 662
section 2923.16 of the Revised Code, it shall end on the date that 663
is two years after the date that the licensee is convicted of or 664
pleads guilty to that violation. If the licensee's license was 665
issued under section 2923.125 of the Revised Code and the license 666
remains valid after the suspension ends as described in this 667
division, when the suspension ends, the sheriff shall return the 668
license to the licensee. If the licensee's license was issued 669
under section 2923.125 of the Revised Code and the license expires 670
before the suspension ends as described in this division, or if 671
the licensee's license was issued under section 2923.1213 of the 672
Revised Code, the licensee is not eligible to apply for a new 673
license under section 2923.125 or 2923.1213 of the Revised Code or 674

to renew the license under section 2923.125 of the Revised Code 675
until after the suspension ends as described in this division. 676

(c) The license of a licensee who is convicted of or pleads 677
guilty to a violation of division (B)(1) of section 2923.12 or 678
division (E)~~(3)~~(1) or (2) of section 2923.16 of the Revised Code 679
shall not be suspended pursuant to division (A)(2)(a) of this 680
section if, at the time of the stop of the licensee for a law 681
enforcement purpose, for a traffic stop, or for a purpose defined 682
in section 5503.34 of the Revised Code that was the basis of the 683
violation, any law enforcement officer involved with the stop or 684
the employee of the motor carrier enforcement unit who made the 685
stop had actual knowledge of the licensee's status as a licensee. 686

(3) Upon becoming aware of an arrest, charge, or protection 687
order described in division (A)(1)(a) of this section with respect 688
to a licensee who was issued a license under section 2923.125 or 689
2923.1213 of the Revised Code, or a conviction of or plea of 690
guilty to a misdemeanor offense described in division (A)(2)(a) of 691
this section with respect to a licensee who was issued a license 692
under either section and with respect to which division (A)(2)(c) 693
of this section does not apply, subject to division (C) of this 694
section, the sheriff who issued the licensee's license or 695
temporary emergency license to carry a concealed handgun shall 696
notify the licensee, by certified mail, return receipt requested, 697
at the licensee's last known residence address that the license or 698
temporary emergency license has been suspended and that the 699
licensee is required to surrender the license or temporary 700
emergency license at the sheriff's office within ten days of the 701
date on which the notice was mailed. If the suspension is pursuant 702
to division (A)(2) of this section, the notice shall identify the 703
date on which the suspension ends. 704

(B)(1) A sheriff who issues a license or temporary emergency 705
license to carry a concealed handgun to a licensee under section 706

2923.125 or 2923.1213 of the Revised Code shall revoke the license 707
or temporary emergency license in accordance with division (B)(2) 708
of this section upon becoming aware that the licensee satisfies 709
any of the following: 710

(a) The licensee is under twenty-one years of age. 711

(b) Subject to division (C) of this section, at the time of 712
the issuance of the license or temporary emergency license, the 713
licensee did not satisfy the eligibility requirements of division 714
(D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the 715
Revised Code. 716

(c) Subject to division (C) of this section, on or after the 717
date on which the license or temporary emergency license was 718
issued, the licensee is convicted of or pleads guilty to a 719
violation of section 2923.15 of the Revised Code or an offense 720
described in division (D)(1)(e), (f), (g), or (h) of section 721
2923.125 of the Revised Code. 722

(d) On or after the date on which the license or temporary 723
emergency license was issued, the licensee becomes subject to a 724
civil protection order or to a protection order issued by a court 725
of another state that is substantially equivalent to a civil 726
protection order. 727

(e) The licensee knowingly carries a concealed handgun into a 728
place that the licensee knows is an unauthorized place specified 729
in division (B) of section 2923.126 of the Revised Code. 730

(f) On or after the date on which the license or temporary 731
emergency license was issued, the licensee is adjudicated as a 732
mental defective or is committed to a mental institution. 733

(g) At the time of the issuance of the license or temporary 734
emergency license, the licensee did not meet the residency 735
requirements described in division (D)(1) of section 2923.125 of 736
the Revised Code and currently does not meet the residency 737

requirements described in that division. 738

(h) Regarding a license issued under section 2923.125 of the 739
Revised Code, the competency certificate the licensee submitted 740
was forged or otherwise was fraudulent. 741

(2) Upon becoming aware of any circumstance listed in 742
division (B)(1) of this section that applies to a particular 743
licensee who was issued a license under section 2923.125 or 744
2923.1213 of the Revised Code, subject to division (C) of this 745
section, the sheriff who issued the license or temporary emergency 746
license to carry a concealed handgun to the licensee shall notify 747
the licensee, by certified mail, return receipt requested, at the 748
licensee's last known residence address that the license or 749
temporary emergency license is subject to revocation and that the 750
licensee may come to the sheriff's office and contest the 751
sheriff's proposed revocation within fourteen days of the date on 752
which the notice was mailed. After the fourteen-day period and 753
after consideration of any information that the licensee provides 754
during that period, if the sheriff determines on the basis of the 755
information of which the sheriff is aware that the licensee is 756
described in division (B)(1) of this section and no longer 757
satisfies the requirements described in division (D)(1) of section 758
2923.125 of the Revised Code that are applicable to the licensee's 759
type of license, the sheriff shall revoke the license or temporary 760
emergency license, notify the licensee of that fact, and require 761
the licensee to surrender the license or temporary emergency 762
license. Upon revoking the license or temporary emergency license, 763
the sheriff also shall comply with division (H) of section 764
2923.125 of the Revised Code. 765

(C) If a sheriff who issues a license or temporary emergency 766
license to carry a concealed handgun to a licensee under section 767
2923.125 or 2923.1213 of the Revised Code becomes aware that at 768
the time of the issuance of the license or temporary emergency 769

license the licensee had been convicted of or pleaded guilty to an 770
offense identified in division (D)(1)(e), (f), or (h) of section 771
2923.125 of the Revised Code or had been adjudicated a delinquent 772
child for committing an act or violation identified in any of 773
those divisions or becomes aware that on or after the date on 774
which the license or temporary emergency license was issued the 775
licensee has been convicted of or pleaded guilty to an offense 776
identified in division (A)(2)(a) or (B)(1)(c) of this section, the 777
sheriff shall not consider that conviction, guilty plea, or 778
adjudication as having occurred for purposes of divisions (A)(2), 779
(A)(3), (B)(1), and (B)(2) of this section if a court has ordered 780
the sealing or expungement of the records of that conviction, 781
guilty plea, or adjudication pursuant to sections 2151.355 to 782
2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a 783
court has granted the licensee relief pursuant to section 2923.14 784
of the Revised Code from the disability imposed pursuant to 785
section 2923.13 of the Revised Code relative to that conviction, 786
guilty plea, or adjudication. 787

(D) As used in this section, "motor carrier enforcement unit" 788
has the same meaning as in section 2923.16 of the Revised Code. 789

Sec. 2923.16. (A) No person shall knowingly discharge a 790
firearm while in or on a motor vehicle. 791

(B) No person shall knowingly transport or have a loaded 792
firearm in a motor vehicle in such a manner that the firearm is 793
accessible to the operator or any passenger without leaving the 794
vehicle. 795

(C) No person shall knowingly transport or have a firearm in 796
a motor vehicle, unless the person may lawfully possess that 797
firearm under applicable law of this state or the United States, 798
the firearm is unloaded, and the firearm is carried in one of the 799
following ways: 800

- (1) In a closed package, box, or case; 801
- (2) In a compartment that can be reached only by leaving the 802
vehicle; 803
- (3) In plain sight and secured in a rack or holder made for 804
the purpose; 805
- (4) If the firearm is at least twenty-four inches in overall 806
length as measured from the muzzle to the part of the stock 807
furthest from the muzzle and if the barrel is at least eighteen 808
inches in length, either in plain sight with the action open or 809
the weapon stripped, or, if the firearm is of a type on which the 810
action will not stay open or which cannot easily be stripped, in 811
plain sight. 812
- (D) No person shall knowingly transport or have a loaded 813
handgun in a motor vehicle if, at the time of that transportation 814
or possession, any of the following applies: 815
- (1) The person is under the influence of alcohol, a drug of 816
abuse, or a combination of them. 817
- (2) The person's whole blood, blood serum or plasma, breath, 818
or urine contains a concentration of alcohol, a listed controlled 819
substance, or a listed metabolite of a controlled substance 820
prohibited for persons operating a vehicle, as specified in 821
division (A) of section 4511.19 of the Revised Code, regardless of 822
whether the person at the time of the transportation or possession 823
as described in this division is the operator of or a passenger in 824
the motor vehicle. 825
- (E) No person who has been issued a license or temporary 826
emergency license to carry a concealed handgun under section 827
2923.125 or 2923.1213 of the Revised Code ~~shall do any of the~~ 828
~~following:~~ 829
- ~~(1) Knowingly transport or have a loaded handgun in a motor~~ 830

~~vehicle unless one of the following applies:~~ 831

~~(a) The loaded handgun is in a holster on the person's
person.~~ 832
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~~(b) The loaded 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.~~ 834
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~~(c) The loaded handgun is securely encased by being stored in
a closed glove compartment or vehicle console or in a case that is
locked.~~ 839
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~~(2) If the person is transporting or has a loaded handgun in
a motor vehicle in a manner authorized under division (E)(1) of
this section, knowingly remove or attempt to remove the loaded
handgun from the holster, case, bag, box, container, or glove
compartment, knowingly grasp or hold the loaded handgun, or
knowingly have contact with the loaded handgun by touching it with
the person's hands or fingers while the motor vehicle is being
operated on a street, highway, or public property unless the
person removes, attempts to remove, grasps, holds, or has the
contact with the loaded handgun pursuant to and in accordance with
directions given by a law enforcement officer;~~ 842
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~~(3) If the person or a license to carry a concealed handgun
that was issued to the person by another state with which the
attorney general has entered into a reciprocity agreement under
section 109.69 of the Revised Code, who is the driver or an
occupant of a motor vehicle that is stopped as a result of a
traffic stop or a stop for another law enforcement purpose or is
the driver or an occupant of a commercial motor vehicle that is
stopped by an employee of the motor carrier enforcement unit for
the purposes defined in section 5503.34 of the Revised Code, and~~ 853
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~~if the person who~~ is transporting or has a loaded handgun in the 862
motor vehicle or commercial motor vehicle in any manner, ~~fail to~~ 863
shall do any of the following ~~that is applicable:~~ 864

~~(a) If the person is the driver or an occupant of a motor~~ 865
~~vehicle stopped as a result of a traffic stop or a stop for~~ 866
~~another law enforcement purpose, fail~~ (1) Fail to promptly inform 867
any law enforcement officer who approaches the vehicle while 868
stopped that the person has been issued a license or temporary 869
emergency license to carry a concealed handgun and that the person 870
then possesses or has a loaded handgun in the motor vehicle; 871

~~(b) If the person is the driver or an occupant of a~~ 872
~~commercial motor vehicle stopped by an employee of the motor~~ 873
~~carrier enforcement unit for any of the defined purposes, fail~~ (2) 874
Fail to promptly inform the employee of the unit who approaches 875
the vehicle while stopped that the person has been issued a 876
license or temporary emergency license to carry a concealed 877
handgun and that the person then possesses or has a loaded handgun 878
in the commercial motor vehicle. 879

~~(4) If the person is the driver or an occupant of a motor~~ 880
~~vehicle that is stopped as a result of a traffic stop or a stop~~ 881
~~for another law enforcement purpose and if the person is~~ 882
~~transporting or has a loaded handgun in the motor vehicle in any~~ 883
~~manner, knowingly;~~ 884

(3) Knowingly fail to remain in the motor vehicle while 885
stopped or knowingly fail to keep the person's hands in plain 886
sight at any time after any law enforcement officer begins 887
approaching the person while stopped and before the law 888
enforcement officer leaves, unless the failure is pursuant to and 889
in accordance with directions given by a law enforcement officer; 890

~~(5) If the person is the driver or an occupant of a motor~~ 891
~~vehicle that is stopped as a result of a traffic stop or a stop~~ 892

~~for another law enforcement purpose, if the person is transporting~~ 893
~~or has a loaded handgun in the motor vehicle in a manner~~ 894
~~authorized under division (E)(1) of this section, and if the~~ 895
~~person is approached by any law enforcement officer while stopped,~~ 896
~~knowingly remove or attempt to remove the loaded handgun from the~~ 897
~~holster, case, bag, box, container, or glove compartment,~~ 898
~~knowingly grasp or hold the loaded handgun, or knowingly (4)~~ 899
Knowingly have contact with the loaded handgun by touching it with 900
the person's hands or fingers in the motor vehicle at any time 901
after the law enforcement officer begins approaching and before 902
the law enforcement officer leaves, unless the person removes, 903
attempts to remove, grasps, holds, or has contact with the loaded 904
handgun pursuant to and in accordance with directions given by the 905
law enforcement officer; 906

~~(6) If the person is the driver or an occupant of a motor~~ 907
~~vehicle that is stopped as a result of a traffic stop or a stop~~ 908
~~for another law enforcement purpose and if the person is~~ 909
~~transporting or has a loaded handgun in the motor vehicle in any~~ 910
~~manner, knowingly (5) Knowingly~~ disregard or fail to comply with 911
any lawful order of any law enforcement officer given while the 912
motor vehicle is stopped, including, but not limited to, a 913
specific order to the person to keep the person's hands in plain 914
sight. 915

(F)(1) Divisions (A), (B), (C), and (E) of this section do 916
not apply to any of the following: 917

(a) An officer, agent, or employee of this or any other state 918
or the United States, or a law enforcement officer, when 919
authorized to carry or have loaded or accessible firearms in motor 920
vehicles and acting within the scope of the officer's, agent's, or 921
employee's duties; 922

(b) Any person who is employed in this state, who is 923
authorized to carry or have loaded or accessible firearms in motor 924

vehicles, and who is subject to and in compliance with the 925
requirements of section 109.801 of the Revised Code, unless the 926
appointing authority of the person has expressly specified that 927
the exemption provided in division (F)(1)(b) of this section does 928
not apply to the person. 929

(2) Division (A) of this section does not apply to a person 930
if all of the following circumstances apply: 931

(a) The person discharges a firearm from a motor vehicle at a 932
coyote or groundhog, the discharge is not during the deer gun 933
hunting season as set by the chief of the division of wildlife of 934
the department of natural resources, and the discharge at the 935
coyote or groundhog, but for the operation of this section, is 936
lawful. 937

(b) The motor vehicle from which the person discharges the 938
firearm is on real property that is located in an unincorporated 939
area of a township and that either is zoned for agriculture or is 940
used for agriculture. 941

(c) The person owns the real property described in division 942
(F)(2)(b) of this section, is the spouse or a child of another 943
person who owns that real property, is a tenant of another person 944
who owns that real property, or is the spouse or a child of a 945
tenant of another person who owns that real property. 946

(d) The person does not discharge the firearm in any of the 947
following manners: 948

(i) While under the influence of alcohol, a drug of abuse, or 949
alcohol and a drug of abuse; 950

(ii) In the direction of a street, highway, or other public 951
or private property used by the public for vehicular traffic or 952
parking; 953

(iii) At or into an occupied structure that is a permanent or 954

temporary habitation;	955
(iv) In the commission of any violation of law, including,	956
but not limited to, a felony that includes, as an essential	957
element, purposely or knowingly causing or attempting to cause the	958
death of or physical harm to another and that was committed by	959
discharging a firearm from a motor vehicle.	960
(3) Division (A) of this section does not apply to a person	961
if all of the following apply:	962
(a) The person possesses a valid electric-powered all-purpose	963
vehicle permit issued under section 1533.103 of the Revised Code	964
by the chief of the division of wildlife.	965
(b) The person discharges a firearm at a wild quadruped or	966
game bird as defined in section 1531.01 of the Revised Code during	967
the open hunting season for the applicable wild quadruped or game	968
bird.	969
(c) The person discharges a firearm from a stationary	970
electric-powered all-purpose vehicle as defined in section 1531.01	971
of the Revised Code or a motor vehicle that is parked on a road	972
that is owned or administered by the division of wildlife,	973
provided that the road is identified by an electric-powered	974
all-purpose vehicle sign.	975
(d) The person does not discharge the firearm in any of the	976
following manners:	977
(i) While under the influence of alcohol, a drug of abuse, or	978
alcohol and a drug of abuse;	979
(ii) In the direction of a street, a highway, or other public	980
or private property that is used by the public for vehicular	981
traffic or parking;	982
(iii) At or into an occupied structure that is a permanent or	983
temporary habitation;	984

(iv) In the commission of any violation of law, including, 985
but not limited to, a felony that includes, as an essential 986
element, purposely or knowingly causing or attempting to cause the 987
death of or physical harm to another and that was committed by 988
discharging a firearm from a motor vehicle. 989

(4) Divisions (B) and (C) of this section do not apply to a 990
person if all of the following circumstances apply: 991

(a) At the time of the alleged violation of either of those 992
divisions, the person is the operator of or a passenger in a motor 993
vehicle. 994

(b) The motor vehicle is on real property that is located in 995
an unincorporated area of a township and that either is zoned for 996
agriculture or is used for agriculture. 997

(c) The person owns the real property described in division 998
(D)(4)(b) of this section, is the spouse or a child of another 999
person who owns that real property, is a tenant of another person 1000
who owns that real property, or is the spouse or a child of a 1001
tenant of another person who owns that real property. 1002

(d) The person, prior to arriving at the real property 1003
described in division (D)(4)(b) of this section, did not transport 1004
or possess a firearm in the motor vehicle in a manner prohibited 1005
by division (B) or (C) of this section while the motor vehicle was 1006
being operated on a street, highway, or other public or private 1007
property used by the public for vehicular traffic or parking. 1008

(5) Divisions (B) and (C) of this section do not apply to a 1009
person who transports or possesses a handgun in a motor vehicle 1010
if, at the time of that transportation or possession, ~~all~~ both of 1011
the following apply: 1012

(a) The person transporting or possessing the handgun is 1013
carrying a valid license or temporary emergency license to carry a 1014
concealed handgun issued to the person under section 2923.125 or 1015

2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code.

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

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

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

~~(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.~~

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

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

(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 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.

(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. 1046

(G)(1) The affirmative defenses authorized in divisions 1047
(D)(1) and (2) of section 2923.12 of the Revised Code are 1048
affirmative defenses to a charge under division (B) or (C) of this 1049
section that involves a firearm other than a handgun. 1050

(2) It is an affirmative defense to a charge under division 1051
(B) or (C) of this section of improperly handling firearms in a 1052
motor vehicle that the actor transported or had the firearm in the 1053
motor vehicle for any lawful purpose and while the motor vehicle 1054
was on the actor's own property, provided that this affirmative 1055
defense is not available unless the person, immediately prior to 1056
arriving at the actor's own property, did not transport or possess 1057
the firearm in a motor vehicle in a manner prohibited by division 1058
(B) or (C) of this section while the motor vehicle was being 1059
operated on a street, highway, or other public or private property 1060
used by the public for vehicular traffic. 1061

(H)(1) No person who is charged with a violation of division 1062
(B), (C), or (D) of this section shall be required to obtain a 1063
license or temporary emergency license to carry a concealed 1064
handgun under section 2923.125 or 2923.1213 of the Revised Code as 1065
a condition for the dismissal of the charge. 1066

(2)(a) If a person is convicted of, was convicted of, pleads 1067
guilty to, or has pleaded guilty to a violation of division (E) of 1068
this section as it existed prior to the effective date of this 1069
amendment and if the conduct that was the basis of the violation 1070
no longer would be a violation of division (E) of this section on 1071
or after the effective date of this amendment, the person may file 1072
an application under section 2953.37 of the Revised Code 1073
requesting the expungement of the record of conviction. 1074

If a person is convicted of, was convicted of, pleads guilty 1075
to, or has pleaded guilty to a violation of division (B) or (C) of 1076

this section as the division existed prior to the effective date 1077
of this amendment and if the conduct that was the basis of the 1078
violation no longer would be a violation of division (B) or (C) of 1079
this section on or after the effective date of this amendment due 1080
to the application of division (F)(5) of this section as it exists 1081
on and after the effective date of this amendment, the person may 1082
file an application under section 2953.37 of the Revised Code 1083
requesting the expungement of the record of conviction. 1084

(b) The attorney general shall develop a public media 1085
advisory that summarizes the expungement procedure established 1086
under section 2953.37 of the Revised Code and the offenders 1087
identified in division (H)(2)(a) of this section who are 1088
authorized to apply for the expungement. Within thirty days after 1089
the effective date of this amendment, the attorney general shall 1090
provide a copy of the advisory to each daily newspaper published 1091
in this state and each television station that broadcasts in this 1092
state. The attorney general may provide the advisory in a tangible 1093
form, an electronic form, or in both tangible and electronic 1094
forms. 1095

(I) Whoever violates this section is guilty of improperly 1096
handling firearms in a motor vehicle. Violation of division (A) of 1097
this section is a felony of the fourth degree. Violation of 1098
division (C) of this section is a misdemeanor of the fourth 1099
degree. A violation of division (D) of this section is a felony of 1100
the fifth degree or, if the loaded handgun is concealed on the 1101
person's person, a felony of the fourth degree. Except as 1102
otherwise provided in this division, a violation of division 1103
(E)~~(3)~~(1) or (2) of this section is a misdemeanor of the first 1104
degree, and, in addition to any other penalty or sanction imposed 1105
for the violation, the offender's license or temporary emergency 1106
license to carry a concealed handgun shall be suspended pursuant 1107
to division (A)(2) of section 2923.128 of the Revised Code. If at 1108

the time of the stop of the offender for a traffic stop, for 1109
another law enforcement purpose, or for a purpose defined in 1110
section 5503.34 of the Revised Code that was the basis of the 1111
violation any law enforcement officer involved with the stop or 1112
the employee of the motor carrier enforcement unit who made the 1113
stop had actual knowledge of the offender's status as a licensee, 1114
a violation of division (E)~~(3)~~(1) or (2) of this section is a 1115
minor misdemeanor, and the offender's license or temporary 1116
emergency license to carry a concealed handgun shall not be 1117
suspended pursuant to division (A)(2) of section 2923.128 of the 1118
Revised Code. A violation of division (E)~~(1), (2), or (5)~~(4) of 1119
this section is a felony of the fifth degree. A violation of 1120
division (E)~~(4)~~(3) or ~~(6)~~(5) of this section is a misdemeanor of 1121
the first degree or, if the offender previously has been convicted 1122
of or pleaded guilty to a violation of division (E)~~(4)~~(3) or 1123
~~(6)~~(5) of this section, a felony of the fifth degree. In addition 1124
to any other penalty or sanction imposed for a misdemeanor 1125
violation of division (E)~~(4)~~(3) or ~~(6)~~(5) of this section, the 1126
offender's license or temporary emergency license to carry a 1127
concealed handgun shall be suspended pursuant to division (A)(2) 1128
of section 2923.128 of the Revised Code. A violation of division 1129
(B) of this section is ~~whichever of the following is applicable:~~ 1130

~~(1) If, at the time of the transportation or possession in 1131
violation of division (B) of this section, the offender was 1132
carrying a valid license or temporary emergency license to carry a 1133
concealed handgun issued to the offender under section 2923.125 or 1134
2923.1213 of the Revised Code or a license to carry a concealed 1135
handgun that was issued by another state with which the attorney 1136
general has entered into a reciprocity agreement under section 1137
109.69 of the Revised Code and the offender was not knowingly in a 1138
place described in division (B) of section 2923.126 of the Revised 1139
Code, the violation is a misdemeanor of the first degree or, if 1140
the offender previously has been convicted of or pleaded guilty to 1141~~

~~a violation of division (B) of this section, a felony of the
fourth degree.~~ 1142
1143

~~(2) If division (I)(1) of this section does not apply, a
felony of the fourth degree.~~ 1144
1145

(J) If a law enforcement officer stops a motor vehicle for a 1146
traffic stop or any other purpose, if any person in the motor 1147
vehicle surrenders a firearm to the officer, either voluntarily or 1148
pursuant to a request or demand of the officer, and if the officer 1149
does not charge the person with a violation of this section or 1150
arrest the person for any offense, the person is not otherwise 1151
prohibited by law from possessing the firearm, and the firearm is 1152
not contraband, the officer shall return the firearm to the person 1153
at the termination of the stop. If a court orders a law 1154
enforcement officer to return a firearm to a person pursuant to 1155
the requirement set forth in this division, division (B) of 1156
section 2923.163 of the Revised Code applies. 1157

(K) As used in this section: 1158

(1) "Motor vehicle," "street," and "highway" have the same 1159
meanings as in section 4511.01 of the Revised Code. 1160

(2) "Occupied structure" has the same meaning as in section 1161
2909.01 of the Revised Code. 1162

(3) "Agriculture" has the same meaning as in section 519.01 1163
of the Revised Code. 1164

(4) "Tenant" has the same meaning as in section 1531.01 of 1165
the Revised Code. 1166

(5) "Unloaded" means any of the following: 1167

(a) No ammunition is in the firearm in question, and no 1168
ammunition is loaded into a magazine or speed loader that may be 1169
used with the firearm in question and that is located anywhere 1170
within the vehicle in question, without regard to where ammunition 1171

otherwise is located within the vehicle in question. For the 1172
purposes of division (K)(5)(a) of this section, ammunition held in 1173
stripper-clips or in en-bloc clips is not considered ammunition 1174
that is loaded into a magazine or speed loader. 1175

(b) With respect to a firearm employing a percussion cap, 1176
flintlock, or other obsolete ignition system, when the weapon is 1177
uncapped or when the priming charge is removed from the pan. 1178

(6) "Commercial motor vehicle" has the same meaning as in 1179
division (A) of section 4506.25 of the Revised Code. 1180

(7) "Motor carrier enforcement unit" means the motor carrier 1181
enforcement unit in the department of public safety, division of 1182
state highway patrol, that is created by section 5503.34 of the 1183
Revised Code. 1184

Sec. 2953.321. (A) As used in this section, "investigatory 1185
work product" means any records or reports of a law enforcement 1186
officer or agency that are excepted from the definition of 1187
"official records" contained in section 2953.51 of the Revised 1188
Code and that pertain to a case the records of which have been 1189
ordered sealed pursuant to division (C)(2) of section 2953.32 of 1190
the Revised Code or have been ordered expunged pursuant to 1191
division (D)(2) of section 2953.37 of the Revised Code. 1192

(B) Upon the issuance of an order by a court pursuant to 1193
division (C)(2) of section 2953.32 of the Revised Code directing 1194
that all official records pertaining to a case be sealed or an 1195
order by a court pursuant to division (D)(2) of section 2953.37 of 1196
the Revised Code directing that all official records pertaining to 1197
a case be expunged: 1198

(1) Every law enforcement officer who possesses investigatory 1199
work product immediately shall deliver that work product to the 1200
law enforcement officer's employing law enforcement agency. 1201

(2) Except as provided in division (B)(3) of this section, 1202
every law enforcement agency that possesses investigatory work 1203
product shall close that work product to all persons who are not 1204
directly employed by the law enforcement agency and shall treat 1205
that work product, in relation to all persons other than those who 1206
are directly employed by the law enforcement agency, as if it did 1207
not exist and never had existed. 1208

(3) A law enforcement agency that possesses investigatory 1209
work product may permit another law enforcement agency to use that 1210
work product in the investigation of another offense if the facts 1211
incident to the offense being investigated by the other law 1212
enforcement agency and the facts incident to an offense that is 1213
the subject of the case are reasonably similar. The agency that 1214
permits the use of investigatory work product may provide the 1215
other agency with the name of the person who is the subject of the 1216
case if it believes that the name of the person is necessary to 1217
the conduct of the investigation by the other agency. 1218

(C)(1) Except as provided in division (B)(3) of this section, 1219
no law enforcement officer or other person employed by a law 1220
enforcement agency shall knowingly release, disseminate, or 1221
otherwise make the investigatory work product or any information 1222
contained in that work product available to, or discuss any 1223
information contained in it with, any person not employed by the 1224
employing law enforcement agency. 1225

(2) No law enforcement agency, or person employed by a law 1226
enforcement agency, that receives investigatory work product 1227
pursuant to division (B)(3) of this section shall use that work 1228
product for any purpose other than the investigation of the 1229
offense for which it was obtained from the other law enforcement 1230
agency, or disclose the name of the person who is the subject of 1231
the work product except when necessary for the conduct of the 1232
investigation of the offense, or the prosecution of the person for 1233

committing the offense, for which it was obtained from the other 1234
law enforcement agency. 1235

(3) It is not a violation of division (C)(1) or (2) of this 1236
section for the bureau of criminal identification and 1237
investigation or any authorized employee of the bureau 1238
participating in the investigation of criminal activity to 1239
release, disseminate, or otherwise make available to, or discuss 1240
with, a person directly employed by a law enforcement agency DNA 1241
records collected in the DNA database or fingerprints filed for 1242
record by the superintendent of the bureau of criminal 1243
identification and investigation. 1244

(D) Whoever violates division (C)(1) or (2) of this section 1245
is guilty of divulging confidential investigatory work product, a 1246
misdemeanor of the fourth degree. 1247

Sec. 2953.33. (A) ~~Except~~ An order issued under section 1248
2953.37 of the Revised Code to expunge the record of a person's 1249
conviction or, except as provided in division (G) of section 1250
2953.32 of the Revised Code, an order issued under that section to 1251
seal the record of a person's conviction restores the person who 1252
is the subject of the order to all rights and privileges not 1253
otherwise restored by termination of the sentence or community 1254
control sanction or by final release on parole or post-release 1255
control. 1256

(B)(1) In any application for employment, license, or other 1257
right or privilege, any appearance as a witness, or any other 1258
inquiry, except as provided in division (E) of section 2953.32 and 1259
in section 3319.292 of the Revised Code and subject to division 1260
(B)(2) of this section, a person may be questioned only with 1261
respect to convictions not sealed, bail forfeitures not expunged 1262
under section 2953.42 of the Revised Code as it existed prior to 1263
June 29, 1988, and bail forfeitures not sealed, unless the 1264

question bears a direct and substantial relationship to the 1265
position for which the person is being considered. 1266

(2) A person may not be questioned in any application, 1267
appearance, or inquiry of a type described in division (B)(1) of 1268
this section with respect to any conviction expunged under section 1269
2953.37 of the Revised Code. 1270

Sec. 2953.35. (A) Except as authorized by divisions (D), (E), 1271
and (F) of section 2953.32 of the Revised Code or by Chapter 2950. 1272
of the Revised Code, any officer or employee of the state, or a 1273
political subdivision of the state, who releases or otherwise 1274
disseminates or makes available for any purpose involving 1275
employment, bonding, or licensing in connection with any business, 1276
trade, or profession to any person, or to any department, agency, 1277
or other instrumentality of the state, or any political 1278
subdivision of the state, any information or other data concerning 1279
any arrest, complaint, indictment, trial, hearing, adjudication, 1280
conviction, or correctional supervision the records with respect 1281
to which the officer or employee had knowledge of were sealed by 1282
an existing order issued pursuant to sections 2953.31 to 2953.36 1283
of the Revised Code, were expunged by an order issued pursuant to 1284
section 2953.37 of the Revised Code, or were expunged by an order 1285
issued pursuant to section 2953.42 of the Revised Code as it 1286
existed prior to June 29, 1988, is guilty of divulging 1287
confidential information, a misdemeanor of the fourth degree. 1288

(B) Any person who, in violation of section 2953.32 of the 1289
Revised Code, uses, disseminates, or otherwise makes available any 1290
index prepared pursuant to division (F) of section 2953.32 of the 1291
Revised Code is guilty of a misdemeanor of the fourth degree. 1292

(C) It is not a violation of this section for the bureau of 1293
criminal identification and investigation or any authorized 1294
employee of the bureau participating in the investigation of 1295

criminal activity to release, disseminate, or otherwise make 1296
available to, or discuss with, a person directly employed by a law 1297
enforcement agency DNA records collected in the DNA database or 1298
fingerprints filed for record by the superintendent of the bureau 1299
of criminal identification and investigation. 1300

Sec. 2953.37. (A) As used in this section: 1301

(1) "Expunge" means to destroy, delete, and erase a record as 1302
appropriate for the record's physical or electronic form or 1303
characteristic so that the record is permanently irretrievable. 1304

(2) "Official records" has the same meaning as in section 1305
2953.51 of the Revised Code. 1306

(3) "Prosecutor" has the same meaning as in section 2953.31 1307
of the Revised Code. 1308

(4) "Record of conviction" means the record related to a 1309
conviction of or plea of guilty to an offense. 1310

(B) Any person who is convicted of, was convicted of, pleads 1311
guilty to, or has pleaded guilty to a violation of division (B), 1312
(C), or (E) of section 2923.16 of the Revised Code as the division 1313
existed prior to the effective date of this section and who is 1314
authorized by division (H)(2)(a) of that section to file an 1315
application under this section for the expungement of the 1316
conviction record may apply to the sentencing court for the 1317
expungement of the record of conviction. The person may file the 1318
application at any time on or after the effective date of this 1319
section. The application shall do all of the following: 1320

(1) Identify the applicant, the offense for which the 1321
expungement is sought, the date of the conviction of or plea of 1322
guilty to that offense, and the court in which the conviction 1323
occurred or the plea of guilty was entered; 1324

(2) Include evidence that the offense was a violation of 1325

division (B), (C), or (E) of section 2923.16 of the Revised Code 1326
as the division existed prior to the effective date of this 1327
section and that the applicant is authorized by division (H)(2)(a) 1328
of that section to file an application under this section; 1329

(3) Include a request for expungement of the record of 1330
conviction of that offense under this section. 1331

(C) Upon the filing of an application under division (B) of 1332
this section and the payment of the fee described in division 1333
(D)(3) of this section if applicable, the court shall set a date 1334
for a hearing and shall notify the prosecutor for the case of the 1335
hearing on the application. The prosecutor may object to the 1336
granting of the application by filing an objection with the court 1337
prior to the date set for the hearing. The prosecutor shall 1338
specify in the objection the reasons for believing a denial of the 1339
application is justified. The court shall direct its regular 1340
probation officer, a state probation officer, or the department of 1341
probation of the county in which the applicant resides to make 1342
inquiries and written reports as the court requires concerning the 1343
applicant. The court shall hold the hearing scheduled under this 1344
division. 1345

(D)(1) At the hearing held under division (C) of this 1346
section, the court shall do each of the following: 1347

(a) Determine whether the applicant has been convicted of or 1348
pleaded guilty to a violation of division (E) of section 2923.16 1349
of the Revised Code as the division existed prior to the effective 1350
date of this section and whether the conduct that was the basis of 1351
the violation no longer would be a violation of that division on 1352
or after the effective date of this section; 1353

(b) Determine whether the applicant has been convicted of or 1354
pleaded guilty to a violation of division (B) or (C) of section 1355
2923.16 of the Revised Code as the division existed prior to the 1356

effective date of this section and whether the conduct that was 1357
the basis of the violation no longer would be a violation of that 1358
division on or after the effective date of this section due to the 1359
application of division (F)(5) of that section as it exists on and 1360
after the effective date of this section; 1361

(c) If the prosecutor has filed an objection in accordance 1362
with division (C) of this section, consider the reasons against 1363
granting the application specified by the prosecutor in the 1364
objection; 1365

(d) Weigh the interests of the applicant in having the 1366
records pertaining to the applicant's conviction or guilty plea 1367
expunged against the legitimate needs, if any, of the government 1368
to maintain those records. 1369

(2)(a) The court may order the expungement of all official 1370
records pertaining to the case and the deletion of all index 1371
references to the case and, if it does order the expungement, 1372
shall send notice of the order to each public office or agency 1373
that the court has reason to believe may have an official record 1374
pertaining to the case if the court, after complying with division 1375
(D)(1) of this section, determines both of the following: 1376

(i) That the applicant has been convicted of or pleaded 1377
guilty to a violation of division (E) of section 2923.16 of the 1378
Revised Code as it existed prior to the effective date of this 1379
section and the conduct that was the basis of the violation no 1380
longer would be a violation of that division on or after the 1381
effective date of this section, or that the applicant has been 1382
convicted of or pleaded guilty to a violation of division (B) or 1383
(C) of section 2923.16 of the Revised Code as the division existed 1384
prior to the effective date of this section and the conduct that 1385
was the basis of the violation no longer would be a violation of 1386
that division on or after the effective date of this section due 1387
to the application of division (F)(5) of that section as it exists 1388

on and after the effective date of this section; 1389

(ii) That the interests of the applicant in having the 1390
records pertaining to the applicant's conviction or guilty plea 1391
expunged are not outweighed by any legitimate needs of the 1392
government to maintain those records. 1393

(b) The proceedings in the case that is the subject of an 1394
order issued under division (D)(2)(a) of this section shall be 1395
considered not to have occurred and the conviction or guilty plea 1396
of the person who is the subject of the proceedings shall be 1397
expunged. The record of the conviction shall not be used for any 1398
purpose, including, but not limited to, a criminal records check 1399
under section 109.572 of the Revised Code or a determination under 1400
section 2923.125 or 2923.1212 of the Revised Code of eligibility 1401
for a license or temporary emergency license to carry a concealed 1402
handgun. The applicant may, and the court shall, reply that no 1403
record exists with respect to the applicant upon any inquiry into 1404
the matter. 1405

(3) Upon the filing of an application under this section, the 1406
applicant, unless indigent, shall pay a fee of fifty dollars. The 1407
court shall pay thirty dollars of the fee into the state treasury 1408
and shall pay twenty dollars of the fee into the county general 1409
revenue fund. 1410

Section 2. That existing sections 2923.121, 2923.125, 1411
2923.128, 2923.16, 2953.321, 2953.33, and 2953.35 of the Revised 1412
Code are hereby repealed. 1413