

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 48**

**Representative Maag**

**Cosponsors: Representatives Hood, Retherford, Vitale, Brinkman, Becker, Buchy,  
LaTourette, Hayes, Thompson, Kraus**

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**A BILL**

To amend sections 2923.12, 2923.122, 2923.126, and 1  
2923.16 of the Revised Code to extend to 2  
handguns affirmative defenses to a charge of 3  
carrying a concealed weapon or having or 4  
transporting a firearm in a motor vehicle, and 5  
to modify the prohibition against carrying a 6  
concealed handgun onto institutions of higher 7  
education, places of worship, day-care 8  
facilities, aircraft, certain government 9  
facilities, public areas of airport terminals 10  
and police stations, and school safety zones. 11

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

**Section 1.** That sections 2923.12, 2923.122, 2923.126, and 12  
2923.16 of the Revised Code be amended to read as follows: 13

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 14  
concealed on the person's person or concealed ready at hand, any 15  
of the following: 16

(1) A deadly weapon other than a handgun; 17

(2) A handgun other than a dangerous ordnance;	18
(3) A dangerous ordnance.	19
(B) No person who has been issued a concealed handgun license shall do any of the following:	20 21
(1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;	22 23 24 25 26 27
(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;	28 29 30 31 32 33 34
(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, 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 at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions	35 36 37 38 39 40 41 42 43 44 45 46

given by the law enforcement officer; 47

(4) If the person is stopped for a law enforcement purpose 48  
and is carrying a concealed handgun, knowingly disregard or fail 49  
to comply with any lawful order of any law enforcement officer 50  
given while the person is stopped, including, but not limited 51  
to, a specific order to the person to keep the person's hands in 52  
plain sight. 53

(C) (1) This section does not apply to any of the 54  
following: 55

(a) An officer, agent, or employee of this or any other 56  
state or the United States, or to a law enforcement officer, who 57  
is authorized to carry concealed weapons or dangerous ordnance 58  
or is authorized to carry handguns and is acting within the 59  
scope of the officer's, agent's, or employee's duties; 60

(b) Any person who is employed in this state, who is 61  
authorized to carry concealed weapons or dangerous ordnance or 62  
is authorized to carry handguns, and who is subject to and in 63  
compliance with the requirements of section 109.801 of the 64  
Revised Code, unless the appointing authority of the person has 65  
expressly specified that the exemption provided in division (C) 66  
(1)(b) of this section does not apply to the person; 67

(c) A person's transportation or storage of a firearm, 68  
other than a firearm described in divisions (G) to (M) of 69  
section 2923.11 of the Revised Code, in a motor vehicle for any 70  
lawful purpose if the firearm is not on the actor's person; 71

(d) A person's storage or possession of a firearm, other 72  
than a firearm described in divisions (G) to (M) of section 73  
2923.11 of the Revised Code, in the actor's own home for any 74  
lawful purpose. 75

(2) Division (A) (2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, is carrying a valid concealed handgun license, unless the person knowingly is in a place described in division (B) of section 2923.126 of the Revised Code.

(D) It is an affirmative defense to a charge under division (A) (1) or (2) of this section of carrying or having control of a weapon other ~~than a handgun and other~~ than a dangerous ordnance that the actor was not otherwise prohibited by law from having the weapon and that any of the following applies:

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

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

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

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

(F) (1) Whoever violates this section is guilty of carrying 105  
concealed weapons. Except as otherwise provided in this division 106  
or division (F) (2) or (3) of this section, carrying concealed 107  
weapons in violation of division (A) of this section is a 108  
misdemeanor of the first degree. Except as otherwise provided in 109  
this division or division (F) (2) or (3) of this section, if the 110  
offender previously has been convicted of a violation of this 111  
section or of any offense of violence, if the weapon involved is 112  
a firearm that is either loaded or for which the offender has 113  
ammunition ready at hand, or if the weapon involved is dangerous 114  
ordnance, carrying concealed weapons in violation of division 115  
(A) of this section is a felony of the fourth degree. Except as 116  
otherwise provided in division (F) (2) of this section, if the 117  
offense is committed aboard an aircraft, or with purpose to 118  
carry a concealed weapon aboard an aircraft, regardless of the 119  
weapon involved, carrying concealed weapons in violation of 120  
division (A) of this section is a felony of the third degree. 121

(2) If a person being arrested for a violation of division 122  
(A) (2) of this section promptly produces a valid concealed 123  
handgun license, and if at the time of the violation the person 124  
was not knowingly in a place described in division (B) of 125  
section 2923.126 of the Revised Code, the officer shall not 126  
arrest the person for a violation of that division. If the 127  
person is not able to promptly produce any concealed handgun 128  
license and if the person is not in a place described in that 129  
section, the officer may arrest the person for a violation of 130  
that division, and the offender shall be punished as follows: 131

(a) The offender shall be guilty of a minor misdemeanor if 132  
both of the following apply: 133

(i) Within ten days after the arrest, the offender 134

presents a concealed handgun license, which license was valid at 135  
the time of the arrest to the law enforcement agency that 136  
employs the arresting officer. 137

(ii) At the time of the arrest, the offender was not 138  
knowingly in a place described in division (B) of section 139  
2923.126 of the Revised Code. 140

(b) The offender shall be guilty of a misdemeanor and 141  
shall be fined five hundred dollars if all of the following 142  
apply: 143

(i) The offender previously had been issued a concealed 144  
handgun license, and that license expired within the two years 145  
immediately preceding the arrest. 146

(ii) Within forty-five days after the arrest, the offender 147  
presents a concealed handgun license to the law enforcement 148  
agency that employed the arresting officer, and the offender 149  
waives in writing the offender's right to a speedy trial on the 150  
charge of the violation that is provided in section 2945.71 of 151  
the Revised Code. 152

(iii) At the time of the commission of the offense, the 153  
offender was not knowingly in a place described in division (B) 154  
of section 2923.126 of the Revised Code. 155

(c) If neither division (F) (2) (a) nor (b) of this section 156  
applies, the offender shall be punished under division (F) (1) or 157  
(3) of this section. 158

(3) If a person being arrested for a violation of division 159  
(A) (2) of this section is knowingly in a place described in 160  
division (B) (5) of section 2923.126 of the Revised Code, is not 161  
authorized to carry a handgun or have a handgun concealed on the 162  
person's person or concealed ready at hand under that division, 163

and produces a valid concealed handgun license within ten days 164  
after the arrest, the person is guilty of a minor misdemeanor. 165

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

~~(4)~~ (5) Carrying concealed weapons in violation of 181  
division (B)(2) or (4) of this section is a misdemeanor of the 182  
first degree or, if the offender previously has been convicted 183  
of or pleaded guilty to a violation of division (B)(2) or (4) of 184  
this section, a felony of the fifth degree. In addition to any 185  
other penalty or sanction imposed for a misdemeanor violation of 186  
division (B)(2) or (4) of this section, the offender's concealed 187  
handgun license shall be suspended pursuant to division (A)(2) 188  
of section 2923.128 of the Revised Code. 189

~~(5)~~ (6) Carrying concealed weapons in violation of 190  
division (B)(3) of this section is a felony of the fifth degree. 191

(G) If a law enforcement officer stops a person to 192  
question the person regarding a possible violation of this 193

section, for a traffic stop, or for any other law enforcement 194  
purpose, if the person surrenders a firearm to the officer, 195  
either voluntarily or pursuant to a request or demand of the 196  
officer, and if the officer does not charge the person with a 197  
violation of this section or arrest the person for any offense, 198  
the person is not otherwise prohibited by law from possessing 199  
the firearm, and the firearm is not contraband, the officer 200  
shall return the firearm to the person at the termination of the 201  
stop. If a court orders a law enforcement officer to return a 202  
firearm to a person pursuant to the requirement set forth in 203  
this division, division (B) of section 2923.163 of the Revised 204  
Code applies. 205

**Sec. 2923.122.** (A) No person shall knowingly convey, or 206  
attempt to convey, a deadly weapon or dangerous ordnance into a 207  
school safety zone. 208

(B) No person shall knowingly possess a deadly weapon or 209  
dangerous ordnance in a school safety zone. 210

(C) No person shall knowingly possess an object in a 211  
school safety zone if both of the following apply: 212

(1) The object is indistinguishable from a firearm, 213  
whether or not the object is capable of being fired. 214

(2) The person indicates that the person possesses the 215  
object and that it is a firearm, or the person knowingly 216  
displays or brandishes the object and indicates that it is a 217  
firearm. 218

(D) (1) This section does not apply to any of the 219  
following: 220

(a) An officer, agent, or employee of this or any other 221  
state or the United States, or a law enforcement officer, who is 222

authorized to carry deadly weapons or dangerous ordnance and is 223  
acting within the scope of the officer's, agent's, or employee's 224  
duties, a security officer employed by a board of education or 225  
governing body of a school during the time that the security 226  
officer is on duty pursuant to that contract of employment, or 227  
any other person who has written authorization from the board of 228  
education or governing body of a school to convey deadly weapons 229  
or dangerous ordnance into a school safety zone or to possess a 230  
deadly weapon or dangerous ordnance in a school safety zone and 231  
who conveys or possesses the deadly weapon or dangerous ordnance 232  
in accordance with that authorization; 233

(b) Any person who is employed in this state, who is 234  
authorized to carry deadly weapons or dangerous ordnance, and 235  
who is subject to and in compliance with the requirements of 236  
section 109.801 of the Revised Code, unless the appointing 237  
authority of the person has expressly specified that the 238  
exemption provided in division (D) (1) (b) of this section does 239  
not apply to the person. 240

(2) Division (C) of this section does not apply to 241  
premises upon which home schooling is conducted. Division (C) of 242  
this section also does not apply to a school administrator, 243  
teacher, or employee who possesses an object that is 244  
indistinguishable from a firearm for legitimate school purposes 245  
during the course of employment, a student who uses an object 246  
that is indistinguishable from a firearm under the direction of 247  
a school administrator, teacher, or employee, or any other 248  
person who with the express prior approval of a school 249  
administrator possesses an object that is indistinguishable from 250  
a firearm for a legitimate purpose, including the use of the 251  
object in a ceremonial activity, a play, reenactment, or other 252  
dramatic presentation, or a ROTC activity or another similar use 253

of the object. 254

(3) This section does not apply to a person who conveys or 255  
attempts to convey a handgun into, or possesses a handgun in, a 256  
school safety zone if, at the time of that conveyance, attempted 257  
conveyance, or possession of the handgun, all of the following 258  
apply: 259

(a) The person does not enter into a school building or 260  
onto school premises and is not at a school activity. 261

(b) The person is carrying a valid concealed handgun 262  
license. 263

(c) The person is in the school safety zone in accordance 264  
with 18 U.S.C. 922(q)(2)(B). 265

(d) The person is not knowingly in a place described in 266  
division (B)(1) or (B)(3) to ~~(10)~~(6) of section 2923.126 of the 267  
Revised Code. 268

(4) This section does not apply to a person who conveys or 269  
attempts to convey a handgun into, or possesses a handgun in, a 270  
school safety zone if at the time of that conveyance, attempted 271  
conveyance, or possession of the handgun all of the following 272  
apply: 273

(a) The person is carrying a valid concealed handgun 274  
license. 275

(b) The person ~~is the driver or passenger leaves the~~ 276  
handgun in a motor vehicle and is in the school safety zone 277  
~~while immediately in the process of picking up or dropping off a~~ 278  
~~child.~~ 279

(c) The person is not in violation of section 2923.16 of 280  
the Revised Code. 281

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

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

(F) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F) (2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the

range specified in division (A) (4) of section 4510.02 of the Revised Code and shall deny the offender the issuance of any permit or license of that type during the period of the suspension.

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

(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in division (F) (1) of this section or deny the issuance of one of the temporary instruction permits specified in that division, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that division, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

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

**Sec. 2923.126.** (A) A concealed handgun license that is issued under section 2923.125 of the Revised Code shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B) and (C) of this section, a licensee who has been issued a concealed handgun license under section

2923.125 or 2923.1213 of the Revised Code may carry a concealed 343  
handgun anywhere in this state if the licensee also carries a 344  
valid license and valid identification when the licensee is in 345  
actual possession of a concealed handgun. The licensee shall 346  
give notice of any change in the licensee's residence address to 347  
the sheriff who issued the license within forty-five days after 348  
that change. 349

If a licensee is the driver or an occupant of a motor 350  
vehicle that is stopped as the result of a traffic stop or a 351  
stop for another law enforcement purpose and if the licensee is 352  
transporting or has a loaded handgun in the motor vehicle at 353  
that time, the licensee shall promptly inform any law 354  
enforcement officer who approaches the vehicle while stopped 355  
that the licensee has been issued a concealed handgun license 356  
and that the licensee currently possesses or has a loaded 357  
handgun; the licensee shall not knowingly disregard or fail to 358  
comply with lawful orders of a law enforcement officer given 359  
while the motor vehicle is stopped, knowingly fail to remain in 360  
the motor vehicle while stopped, or knowingly fail to keep the 361  
licensee's hands in plain sight after any law enforcement 362  
officer begins approaching the licensee while stopped and before 363  
the officer leaves, unless directed otherwise by a law 364  
enforcement officer; and the licensee shall not knowingly have 365  
contact with the loaded handgun by touching it with the 366  
licensee's hands or fingers, in any manner in violation of 367  
division (E) of section 2923.16 of the Revised Code, after any 368  
law enforcement officer begins approaching the licensee while 369  
stopped and before the officer leaves. Additionally, if a 370  
licensee is the driver or an occupant of a commercial motor 371  
vehicle that is stopped by an employee of the motor carrier 372  
enforcement unit for the purposes defined in section 5503.04 of 373

the Revised Code and if the licensee is transporting or has a 374  
loaded handgun in the commercial motor vehicle at that time, the 375  
licensee shall promptly inform the employee of the unit who 376  
approaches the vehicle while stopped that the licensee has been 377  
issued a concealed handgun license and that the licensee 378  
currently possesses or has a loaded handgun. 379

If a licensee is stopped for a law enforcement purpose and 380  
if the licensee is carrying a concealed handgun at the time the 381  
officer approaches, the licensee shall promptly inform any law 382  
enforcement officer who approaches the licensee while stopped 383  
that the licensee has been issued a concealed handgun license 384  
and that the licensee currently is carrying a concealed handgun; 385  
the licensee shall not knowingly disregard or fail to comply 386  
with lawful orders of a law enforcement officer given while the 387  
licensee is stopped or knowingly fail to keep the licensee's 388  
hands in plain sight after any law enforcement officer begins 389  
approaching the licensee while stopped and before the officer 390  
leaves, unless directed otherwise by a law enforcement officer; 391  
and the licensee shall not knowingly remove, attempt to remove, 392  
grasp, or hold the loaded handgun or knowingly have contact with 393  
the loaded handgun by touching it with the licensee's hands or 394  
fingers, in any manner in violation of division (B) of section 395  
2923.12 of the Revised Code, after any law enforcement officer 396  
begins approaching the licensee while stopped and before the 397  
officer leaves. 398

(B) A valid concealed handgun license does not authorize 399  
the licensee to carry a concealed handgun in any manner 400  
prohibited under division (B) of section 2923.12 of the Revised 401  
Code or in any manner prohibited under section 2923.16 of the 402  
Revised Code. A valid license does not authorize the licensee to 403  
carry a concealed handgun into any of the following places: 404

(1) ~~Any area of a~~ police station, sheriff's office, or 405  
state highway patrol station, ~~to which the public does not have~~ 406  
~~access;~~ premises controlled by the bureau of criminal 407  
identification and investigation; ~~a~~ a state correctional 408  
institution, jail, workhouse, or other detention facility; ~~any~~ 409  
~~area of an airport passenger terminal, that is beyond a~~ 410  
~~passenger or property screening checkpoint or to which access is~~ 411  
~~restricted through security measures by the airport authority or~~ 412  
~~a public agency;~~ or an institution that is maintained, operated, 413  
managed, and governed pursuant to division (A) of section 414  
5119.14 of the Revised Code or division (A) (1) of section 415  
5123.03 of the Revised Code; 416

(2) A school safety zone if the licensee's carrying the 417  
concealed handgun is in violation of section 2923.122 of the 418  
Revised Code; 419

(3) A courthouse or another building or structure in which 420  
a courtroom is located, in violation of section 2923.123 of the 421  
Revised Code; 422

(4) Any premises or open air arena for which a D permit 423  
has been issued under Chapter 4303. of the Revised Code if the 424  
licensee's carrying the concealed handgun is in violation of 425  
section 2923.121 of the Revised Code; 426

(5) Any premises owned or leased by any public or private 427  
college, university, or other institution of higher education, 428  
unless the handgun is in a locked motor vehicle or the licensee 429  
is in the immediate process of placing the handgun in a locked 430  
motor vehicle or unless the licensee is carrying the concealed 431  
handgun pursuant to a written policy, rule, or other 432  
authorization that is adopted by the institution's board of 433  
trustees or other governing body and that authorizes specific 434

individuals or classes of individuals to carry a concealed 435  
handgun on the premises; 436

~~(6) Any church, synagogue, mosque, or other place of~~ 437  
~~worship, unless the church, synagogue, mosque, or other place of~~ 438  
~~worship posts or permits otherwise;~~ 439

~~(7) A child day care center, a type A family day care~~ 440  
~~home, or a type B family day care home, except that this~~ 441  
~~division does not prohibit a licensee who resides in a type A~~ 442  
~~family day care home or a type B family day care home from~~ 443  
~~carrying a concealed handgun at any time in any part of the home~~ 444  
~~that is not dedicated or used for day care purposes, or from~~ 445  
~~carrying a concealed handgun in a part of the home that is~~ 446  
~~dedicated or used for day care purposes at any time during which~~ 447  
~~no children, other than children of that licensee, are in the~~ 448  
~~home;~~ 449

~~(8) An aircraft that is in, or intended for operation in,~~ 450  
~~foreign air transportation, interstate air transportation,~~ 451  
~~intrastate air transportation, or the transportation of mail by~~ 452  
~~aircraft;~~ 453

~~(9) Any building that is a government facility of this~~ 454  
~~state or a political subdivision of this state and that is not a~~ 455  
~~building that is used primarily as a shelter, restroom, parking~~ 456  
~~facility for motor vehicles, or rest facility and is not a~~ 457  
~~courthouse or other building or structure in which a courtroom~~ 458  
~~is located that is subject to division (B) (3) of this section;~~ 459

~~(10) A place in which federal law prohibits the carrying~~ 460  
~~of handguns.~~ 461

(C) (1) Nothing in this section shall negate or restrict a 462  
rule, policy, or practice of a private employer that is not a 463

private college, university, or other institution of higher 464  
education concerning or prohibiting the presence of firearms on 465  
the private employer's premises or property, including motor 466  
vehicles owned by the private employer. Nothing in this section 467  
shall require a private employer of that nature to adopt a rule, 468  
policy, or practice concerning or prohibiting the presence of 469  
firearms on the private employer's premises or property, 470  
including motor vehicles owned by the private employer. 471

(2) (a) A private employer shall be immune from liability 472  
in a civil action for any injury, death, or loss to person or 473  
property that allegedly was caused by or related to a licensee 474  
bringing a handgun onto the premises or property of the private 475  
employer, including motor vehicles owned by the private 476  
employer, unless the private employer acted with malicious 477  
purpose. A private employer is immune from liability in a civil 478  
action for any injury, death, or loss to person or property that 479  
allegedly was caused by or related to the private employer's 480  
decision to permit a licensee to bring, or prohibit a licensee 481  
from bringing, a handgun onto the premises or property of the 482  
private employer. ~~As used in this division, "private employer"~~ 483  
~~includes a private college, university, or other institution of~~ 484  
~~higher education.~~ 485

(b) A political subdivision shall be immune from liability 486  
in a civil action, to the extent and in the manner provided in 487  
Chapter 2744. of the Revised Code, for any injury, death, or 488  
loss to person or property that allegedly was caused by or 489  
related to a licensee bringing a handgun onto any premises or 490  
property owned, leased, or otherwise under the control of the 491  
political subdivision. As used in this division, "political 492  
subdivision" has the same meaning as in section 2744.01 of the 493  
Revised Code. 494

(c) An institution of higher education shall be immune 495  
from liability in a civil action for any injury, death, or loss 496  
to person or property that allegedly was caused by or related to 497  
a licensee bringing a handgun onto the premises of the 498  
institution, including motor vehicles owned by the institution, 499  
unless the institution acted with malicious purpose. An 500  
institution of higher education is immune from liability in a 501  
civil action for any injury, death, or loss to person or 502  
property that allegedly was caused by or related to the 503  
institution's decision to permit a licensee or class of 504  
licensees to bring a handgun onto the premises of the 505  
institution. 506

(3) (a) Except as provided in division (C) (3) (b) of this 507  
section, the owner or person in control of private land or 508  
premises, and a private person or entity leasing land or 509  
premises owned by the state, the United States, or a political 510  
subdivision of the state or the United States, may post a sign 511  
in a conspicuous location on that land or on those premises 512  
prohibiting persons from carrying firearms or concealed firearms 513  
on or onto that land or those premises. Except as otherwise 514  
provided in this division, a person who knowingly violates a 515  
posted prohibition of that nature is guilty of criminal trespass 516  
in violation of division (A) (4) of section 2911.21 of the 517  
Revised Code and is guilty of a misdemeanor of the fourth 518  
degree. If a person knowingly violates a posted prohibition of 519  
that nature and the posted land or premises primarily was a 520  
parking lot or other parking facility, the person is not guilty 521  
of criminal trespass in violation of division (A) (4) of section 522  
2911.21 of the Revised Code and instead is subject only to a 523  
civil cause of action for trespass based on the violation. 524

(b) A landlord may not prohibit or restrict a tenant who 525

is a licensee and who on or after September 9, 2008, enters into 526  
a rental agreement with the landlord for the use of residential 527  
premises, and the tenant's guest while the tenant is present, 528  
from lawfully carrying or possessing a handgun on those 529  
residential premises. 530

(c) As used in division (C) (3) of this section: 531

(i) "Residential premises" has the same meaning as in 532  
section 5321.01 of the Revised Code, except "residential 533  
premises" does not include a dwelling unit that is owned or 534  
operated by a college or university. 535

(ii) "Landlord," "tenant," and "rental agreement" have the 536  
same meanings as in section 5321.01 of the Revised Code. 537

(D) A person who holds a concealed handgun license issued 538  
by another state that is recognized by the attorney general 539  
pursuant to a reciprocity agreement entered into pursuant to 540  
section 109.69 of the Revised Code has the same right to carry a 541  
concealed handgun in this state as a person who was issued a 542  
concealed handgun license under section 2923.125 of the Revised 543  
Code and is subject to the same restrictions that apply to a 544  
person who carries a license issued under that section. 545

(E) A peace officer has the same right to carry a 546  
concealed handgun in this state as a person who was issued a 547  
concealed handgun license under section 2923.125 of the Revised 548  
Code. For purposes of reciprocity with other states, a peace 549  
officer shall be considered to be a licensee in this state. 550

(F) (1) A qualified retired peace officer who possesses a 551  
retired peace officer identification card issued pursuant to 552  
division (F) (2) of this section and a valid firearms 553  
requalification certification issued pursuant to division (F) (3) 554

of this section has the same right to carry a concealed handgun 555  
in this state as a person who was issued a concealed handgun 556  
license under section 2923.125 of the Revised Code and is 557  
subject to the same restrictions that apply to a person who 558  
carries a license issued under that section. For purposes of 559  
reciprocity with other states, a qualified retired peace officer 560  
who possesses a retired peace officer identification card issued 561  
pursuant to division (F) (2) of this section and a valid firearms 562  
requalification certification issued pursuant to division (F) (3) 563  
of this section shall be considered to be a licensee in this 564  
state. 565

(2) (a) Each public agency of this state or of a political 566  
subdivision of this state that is served by one or more peace 567  
officers shall issue a retired peace officer identification card 568  
to any person who retired from service as a peace officer with 569  
that agency, if the issuance is in accordance with the agency's 570  
policies and procedures and if the person, with respect to the 571  
person's service with that agency, satisfies all of the 572  
following: 573

(i) The person retired in good standing from service as a 574  
peace officer with the public agency, and the retirement was not 575  
for reasons of mental instability. 576

(ii) Before retiring from service as a peace officer with 577  
that agency, the person was authorized to engage in or supervise 578  
the prevention, detection, investigation, or prosecution of, or 579  
the incarceration of any person for, any violation of law and 580  
the person had statutory powers of arrest. 581

(iii) At the time of the person's retirement as a peace 582  
officer with that agency, the person was trained and qualified 583  
to carry firearms in the performance of the peace officer's 584

duties. 585

(iv) Before retiring from service as a peace officer with 586  
that agency, the person was regularly employed as a peace 587  
officer for an aggregate of fifteen years or more, or, in the 588  
alternative, the person retired from service as a peace officer 589  
with that agency, after completing any applicable probationary 590  
period of that service, due to a service-connected disability, 591  
as determined by the agency. 592

(b) A retired peace officer identification card issued to 593  
a person under division (F) (2) (a) of this section shall identify 594  
the person by name, contain a photograph of the person, identify 595  
the public agency of this state or of the political subdivision 596  
of this state from which the person retired as a peace officer 597  
and that is issuing the identification card, and specify that 598  
the person retired in good standing from service as a peace 599  
officer with the issuing public agency and satisfies the 600  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 601  
section. In addition to the required content specified in this 602  
division, a retired peace officer identification card issued to 603  
a person under division (F) (2) (a) of this section may include 604  
the firearms requalification certification described in division 605  
(F) (3) of this section, and if the identification card includes 606  
that certification, the identification card shall serve as the 607  
firearms requalification certification for the retired peace 608  
officer. If the issuing public agency issues credentials to 609  
active law enforcement officers who serve the agency, the agency 610  
may comply with division (F) (2) (a) of this section by issuing 611  
the same credentials to persons who retired from service as a 612  
peace officer with the agency and who satisfy the criteria set 613  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 614  
provided that the credentials so issued to retired peace 615

officers are stamped with the word "RETIRED." 616

(c) A public agency of this state or of a political 617  
subdivision of this state may charge persons who retired from 618  
service as a peace officer with the agency a reasonable fee for 619  
issuing to the person a retired peace officer identification 620  
card pursuant to division (F) (2) (a) of this section. 621

(3) If a person retired from service as a peace officer 622  
with a public agency of this state or of a political subdivision 623  
of this state and the person satisfies the criteria set forth in 624  
divisions (F) (2) (a) (i) to (iv) of this section, the public 625  
agency may provide the retired peace officer with the 626  
opportunity to attend a firearms requalification program that is 627  
approved for purposes of firearms requalification required under 628  
section 109.801 of the Revised Code. The retired peace officer 629  
may be required to pay the cost of the course. 630

If a retired peace officer who satisfies the criteria set 631  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 632  
a firearms requalification program that is approved for purposes 633  
of firearms requalification required under section 109.801 of 634  
the Revised Code, the retired peace officer's successful 635  
completion of the firearms requalification program requalifies 636  
the retired peace officer for purposes of division (F) of this 637  
section for five years from the date on which the program was 638  
successfully completed, and the requalification is valid during 639  
that five-year period. If a retired peace officer who satisfies 640  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 641  
section satisfactorily completes such a firearms requalification 642  
program, the retired peace officer shall be issued a firearms 643  
requalification certification that identifies the retired peace 644  
officer by name, identifies the entity that taught the program, 645

specifies that the retired peace officer successfully completed 646  
the program, specifies the date on which the course was 647  
successfully completed, and specifies that the requalification 648  
is valid for five years from that date of successful completion. 649  
The firearms requalification certification for a retired peace 650  
officer may be included in the retired peace officer 651  
identification card issued to the retired peace officer under 652  
division (F) (2) of this section. 653

A retired peace officer who attends a firearms 654  
requalification program that is approved for purposes of 655  
firearms requalification required under section 109.801 of the 656  
Revised Code may be required to pay the cost of the program. 657

(G) As used in this section: 658

(1) "Qualified retired peace officer" means a person who 659  
satisfies all of the following: 660

(a) The person satisfies the criteria set forth in 661  
divisions (F) (2) (a) (i) to (v) of this section. 662

(b) The person is not under the influence of alcohol or 663  
another intoxicating or hallucinatory drug or substance. 664

(c) The person is not prohibited by federal law from 665  
receiving firearms. 666

(2) "Retired peace officer identification card" means an 667  
identification card that is issued pursuant to division (F) (2) 668  
of this section to a person who is a retired peace officer. 669

(3) "Government facility of this state or a political 670  
subdivision of this state" means any of the following: 671

(a) A building or part of a building that is owned or 672  
leased by the government of this state or a political 673

subdivision of this state and where employees of the government 674  
of this state or the political subdivision regularly are present 675  
for the purpose of performing their official duties as employees 676  
of the state or political subdivision; 677

(b) The office of a deputy registrar serving pursuant to 678  
Chapter 4503. of the Revised Code that is used to perform deputy 679  
registrar functions. 680

**Sec. 2923.16.** (A) No person shall knowingly discharge a 681  
firearm while in or on a motor vehicle. 682

(B) No person shall knowingly transport or have a loaded 683  
firearm in a motor vehicle in such a manner that the firearm is 684  
accessible to the operator or any passenger without leaving the 685  
vehicle. 686

(C) No person shall knowingly transport or have a firearm 687  
in a motor vehicle, unless the person may lawfully possess that 688  
firearm under applicable law of this state or the United States, 689  
the firearm is unloaded, and the firearm is carried in one of 690  
the following ways: 691

(1) In a closed package, box, or case; 692

(2) In a compartment that can be reached only by leaving 693  
the vehicle; 694

(3) In plain sight and secured in a rack or holder made 695  
for the purpose; 696

(4) If the firearm is at least twenty-four inches in 697  
overall length as measured from the muzzle to the part of the 698  
stock furthest from the muzzle and if the barrel is at least 699  
eighteen inches in length, either in plain sight with the action 700  
open or the weapon stripped, or, if the firearm is of a type on 701

which the action will not stay open or which cannot easily be 702  
stripped, in plain sight. 703

(D) No person shall knowingly transport or have a loaded 704  
handgun in a motor vehicle if, at the time of that 705  
transportation or possession, any of the following applies: 706

(1) The person is under the influence of alcohol, a drug 707  
of abuse, or a combination of them. 708

(2) The person's whole blood, blood serum or plasma, 709  
breath, or urine contains a concentration of alcohol, a listed 710  
controlled substance, or a listed metabolite of a controlled 711  
substance prohibited for persons operating a vehicle, as 712  
specified in division (A) of section 4511.19 of the Revised 713  
Code, regardless of whether the person at the time of the 714  
transportation or possession as described in this division is 715  
the operator of or a passenger in the motor vehicle. 716

(E) No person who has been issued a concealed handgun 717  
license, who is the driver or an occupant of a motor vehicle 718  
that is stopped as a result of a traffic stop or a stop for 719  
another law enforcement purpose or is the driver or an occupant 720  
of a commercial motor vehicle that is stopped by an employee of 721  
the motor carrier enforcement unit for the purposes defined in 722  
section 5503.34 of the Revised Code, and who is transporting or 723  
has a loaded handgun in the motor vehicle or commercial motor 724  
vehicle in any manner, shall do any of the following: 725

(1) Fail to promptly inform any law enforcement officer 726  
who approaches the vehicle while stopped that the person has 727  
been issued a concealed handgun license and that the person then 728  
possesses or has a loaded handgun in the motor vehicle; 729

(2) Fail to promptly inform the employee of the unit who 730

approaches the vehicle while stopped that the person has been 731  
issued a concealed handgun license and that the person then 732  
possesses or has a loaded handgun in the commercial motor 733  
vehicle; 734

(3) Knowingly fail to remain in the motor vehicle while 735  
stopped or knowingly fail to keep the person's hands in plain 736  
sight at any time after any law enforcement officer begins 737  
approaching the person while stopped and before the law 738  
enforcement officer leaves, unless the failure is pursuant to 739  
and in accordance with directions given by a law enforcement 740  
officer; 741

(4) Knowingly have contact with the loaded handgun by 742  
touching it with the person's hands or fingers in the motor 743  
vehicle at any time after the law enforcement officer begins 744  
approaching and before the law enforcement officer leaves, 745  
unless the person has contact with the loaded handgun pursuant 746  
to and in accordance with directions given by the law 747  
enforcement officer; 748

(5) Knowingly disregard or fail to comply with any lawful 749  
order of any law enforcement officer given while the motor 750  
vehicle is stopped, including, but not limited to, a specific 751  
order to the person to keep the person's hands in plain sight. 752

(F) (1) Divisions (A), (B), (C), and (E) of this section do 753  
not apply to any of the following: 754

(a) An officer, agent, or employee of this or any other 755  
state or the United States, or a law enforcement officer, when 756  
authorized to carry or have loaded or accessible firearms in 757  
motor vehicles and acting within the scope of the officer's, 758  
agent's, or employee's duties; 759

(b) Any person who is employed in this state, who is 760  
authorized to carry or have loaded or accessible firearms in 761  
motor vehicles, and who is subject to and in compliance with the 762  
requirements of section 109.801 of the Revised Code, unless the 763  
appointing authority of the person has expressly specified that 764  
the exemption provided in division (F)(1)(b) of this section 765  
does not apply to the person. 766

(2) Division (A) of this section does not apply to a 767  
person if all of the following circumstances apply: 768

(a) The person discharges a firearm from a motor vehicle 769  
at a coyote or groundhog, the discharge is not during the deer 770  
gun hunting season as set by the chief of the division of 771  
wildlife of the department of natural resources, and the 772  
discharge at the coyote or groundhog, but for the operation of 773  
this section, is lawful. 774

(b) The motor vehicle from which the person discharges the 775  
firearm is on real property that is located in an unincorporated 776  
area of a township and that either is zoned for agriculture or 777  
is used for agriculture. 778

(c) The person owns the real property described in 779  
division (F)(2)(b) of this section, is the spouse or a child of 780  
another person who owns that real property, is a tenant of 781  
another person who owns that real property, or is the spouse or 782  
a child of a tenant of another person who owns that real 783  
property. 784

(d) The person does not discharge the firearm in any of 785  
the following manners: 786

(i) While under the influence of alcohol, a drug of abuse, 787  
or alcohol and a drug of abuse; 788

(ii) In the direction of a street, highway, or other 789  
public or private property used by the public for vehicular 790  
traffic or parking; 791

(iii) At or into an occupied structure that is a permanent 792  
or temporary habitation; 793

(iv) In the commission of any violation of law, including, 794  
but not limited to, a felony that includes, as an essential 795  
element, purposely or knowingly causing or attempting to cause 796  
the death of or physical harm to another and that was committed 797  
by discharging a firearm from a motor vehicle. 798

(3) Division (A) of this section does not apply to a 799  
person if all of the following apply: 800

(a) The person possesses a valid electric-powered all- 801  
purpose vehicle permit issued under section 1533.103 of the 802  
Revised Code by the chief of the division of wildlife. 803

(b) The person discharges a firearm at a wild quadruped or 804  
game bird as defined in section 1531.01 of the Revised Code 805  
during the open hunting season for the applicable wild quadruped 806  
or game bird. 807

(c) The person discharges a firearm from a stationary 808  
electric-powered all-purpose vehicle as defined in section 809  
1531.01 of the Revised Code or a motor vehicle that is parked on 810  
a road that is owned or administered by the division of 811  
wildlife, provided that the road is identified by an electric- 812  
powered all-purpose vehicle sign. 813

(d) The person does not discharge the firearm in any of 814  
the following manners: 815

(i) While under the influence of alcohol, a drug of abuse, 816

or alcohol and a drug of abuse; 817

(ii) In the direction of a street, a highway, or other 818  
public or private property that is used by the public for 819  
vehicular traffic or parking; 820

(iii) At or into an occupied structure that is a permanent 821  
or temporary habitation; 822

(iv) In the commission of any violation of law, including, 823  
but not limited to, a felony that includes, as an essential 824  
element, purposely or knowingly causing or attempting to cause 825  
the death of or physical harm to another and that was committed 826  
by discharging a firearm from a motor vehicle. 827

(4) Divisions (B) and (C) of this section do not apply to 828  
a person if all of the following circumstances apply: 829

(a) At the time of the alleged violation of either of 830  
those divisions, the person is the operator of or a passenger in 831  
a motor vehicle. 832

(b) The motor vehicle is on real property that is located 833  
in an unincorporated area of a township and that either is zoned 834  
for agriculture or is used for agriculture. 835

(c) The person owns the real property described in 836  
division (D) (4) (b) of this section, is the spouse or a child of 837  
another person who owns that real property, is a tenant of 838  
another person who owns that real property, or is the spouse or 839  
a child of a tenant of another person who owns that real 840  
property. 841

(d) The person, prior to arriving at the real property 842  
described in division (D) (4) (b) of this section, did not 843  
transport or possess a firearm in the motor vehicle in a manner 844

prohibited by division (B) or (C) of this section while the 845  
motor vehicle was being operated on a street, highway, or other 846  
public or private property used by the public for vehicular 847  
traffic or parking. 848

(5) Divisions (B) and (C) of this section do not apply to 849  
a person who transports or possesses a handgun in a motor 850  
vehicle if, at the time of that transportation or possession, 851  
both of the following apply: 852

(a) The person transporting or possessing the handgun is 853  
carrying a valid concealed handgun license. 854

(b) The person transporting or possessing the handgun is 855  
not knowingly in a place described in division (B) of section 856  
2923.126 of the Revised Code. 857

(6) Divisions (B) and (C) of this section do not apply to 858  
a person if all of the following apply: 859

(a) The person possesses a valid electric-powered all- 860  
purpose vehicle permit issued under section 1533.103 of the 861  
Revised Code by the chief of the division of wildlife. 862

(b) The person is on or in an electric-powered all-purpose 863  
vehicle as defined in section 1531.01 of the Revised Code or a 864  
motor vehicle during the open hunting season for a wild 865  
quadruped or game bird. 866

(c) The person is on or in an electric-powered all-purpose 867  
vehicle as defined in section 1531.01 of the Revised Code or a 868  
motor vehicle that is parked on a road that is owned or 869  
administered by the division of wildlife, provided that the road 870  
is identified by an electric-powered all-purpose vehicle sign. 871

(7) Nothing in this section prohibits or restricts a 872

person from possessing, storing, or leaving a firearm in a 873  
locked motor vehicle that is parked in the state underground 874  
parking garage at the state capitol building or in the parking 875  
garage at the Riffe center for government and the arts in 876  
Columbus, if the person's transportation and possession of the 877  
firearm in the motor vehicle while traveling to the premises or 878  
facility was not in violation of division (A), (B), (C), (D), or 879  
(E) of this section or any other provision of the Revised Code. 880

(G) (1) The affirmative defenses authorized in divisions 881  
(D) (1) and (2) of section 2923.12 of the Revised Code are 882  
affirmative defenses to a charge under division (B) or (C) of 883  
this section ~~that involves a firearm other than a handgun.~~ 884

(2) It is an affirmative defense to a charge under 885  
division (B) or (C) of this section of improperly handling 886  
firearms in a motor vehicle that the actor transported or had 887  
the firearm in the motor vehicle for any lawful purpose and 888  
while the motor vehicle was on the actor's own property, 889  
provided that this affirmative defense is not available unless 890  
the person, immediately prior to arriving at the actor's own 891  
property, did not transport or possess the firearm in a motor 892  
vehicle in a manner prohibited by division (B) or (C) of this 893  
section while the motor vehicle was being operated on a street, 894  
highway, or other public or private property used by the public 895  
for vehicular traffic. 896

(H) (1) No person who is charged with a violation of 897  
division (B), (C), or (D) of this section shall be required to 898  
obtain a concealed handgun license as a condition for the 899  
dismissal of the charge. 900

(2) (a) If a person is convicted of, was convicted of, 901  
pleads guilty to, or has pleaded guilty to a violation of 902

division (E) of this section as it existed prior to September 903  
30, 2011, and if the conduct that was the basis of the violation 904  
no longer would be a violation of division (E) of this section 905  
on or after September 30, 2011, the person may file an 906  
application under section 2953.37 of the Revised Code requesting 907  
the expungement of the record of conviction. 908

If a person is convicted of, was convicted of, pleads 909  
guilty to, or has pleaded guilty to a violation of division (B) 910  
or (C) of this section as the division existed prior to 911  
September 30, 2011, and if the conduct that was the basis of the 912  
violation no longer would be a violation of division (B) or (C) 913  
of this section on or after September 30, 2011, due to the 914  
application of division (F)(5) of this section as it exists on 915  
and after September 30, 2011, the person may file an application 916  
under section 2953.37 of the Revised Code requesting the 917  
expungement of the record of conviction. 918

(b) The attorney general shall develop a public media 919  
advisory that summarizes the expungement procedure established 920  
under section 2953.37 of the Revised Code and the offenders 921  
identified in division (H)(2)(a) of this section who are 922  
authorized to apply for the expungement. Within thirty days 923  
after September 30, 2011, the attorney general shall provide a 924  
copy of the advisory to each daily newspaper published in this 925  
state and each television station that broadcasts in this state. 926  
The attorney general may provide the advisory in a tangible 927  
form, an electronic form, or in both tangible and electronic 928  
forms. 929

(I) Whoever violates this section is guilty of improperly 930  
handling firearms in a motor vehicle. Violation of division (A) 931  
of this section is a felony of the fourth degree. Violation of 932

division (C) of this section is a misdemeanor of the fourth 933  
degree. A violation of division (D) of this section is a felony 934  
of the fifth degree or, if the loaded handgun is concealed on 935  
the person's person, a felony of the fourth degree. Except as 936  
otherwise provided in this division, a violation of division (E) 937  
(1) or (2) of this section is a misdemeanor of the first degree, 938  
and, in addition to any other penalty or sanction imposed for 939  
the violation, the offender's concealed handgun license shall be 940  
suspended pursuant to division (A) (2) of section 2923.128 of the 941  
Revised Code. If at the time of the stop of the offender for a 942  
traffic stop, for another law enforcement purpose, or for a 943  
purpose defined in section 5503.34 of the Revised Code that was 944  
the basis of the violation any law enforcement officer involved 945  
with the stop or the employee of the motor carrier enforcement 946  
unit who made the stop had actual knowledge of the offender's 947  
status as a licensee, a violation of division (E) (1) or (2) of 948  
this section is a minor misdemeanor, and the offender's 949  
concealed handgun license shall not be suspended pursuant to 950  
division (A) (2) of section 2923.128 of the Revised Code. A 951  
violation of division (E) (4) of this section is a felony of the 952  
fifth degree. A violation of division (E) (3) or (5) of this 953  
section is a misdemeanor of the first degree or, if the offender 954  
previously has been convicted of or pleaded guilty to a 955  
violation of division (E) (3) or (5) of this section, a felony of 956  
the fifth degree. In addition to any other penalty or sanction 957  
imposed for a misdemeanor violation of division (E) (3) or (5) of 958  
this section, the offender's concealed handgun license shall be 959  
suspended pursuant to division (A) (2) of section 2923.128 of the 960  
Revised Code. A violation of division (B) of this section is a 961  
felony of the fourth degree. 962

(J) If a law enforcement officer stops a motor vehicle for 963

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

(K) As used in this section:

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

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

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

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

(5) (a) "Unloaded" means, with respect to a firearm other than a firearm described in division (K) (6) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:

(i) There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

(ii) Any magazine or speed loader that contains ammunition 992  
and that may be used with the firearm in question is stored in a 993  
compartment within the vehicle in question that cannot be 994  
accessed without leaving the vehicle or is stored in a container 995  
that provides complete and separate enclosure. 996

(b) For the purposes of division (K) (5) (a) (ii) of this 997  
section, a "container that provides complete and separate 998  
enclosure" includes, but is not limited to, any of the 999  
following: 1000

(i) A package, box, or case with multiple compartments, as 1001  
long as the loaded magazine or speed loader and the firearm in 1002  
question either are in separate compartments within the package, 1003  
box, or case, or, if they are in the same compartment, the 1004  
magazine or speed loader is contained within a separate 1005  
enclosure in that compartment that does not contain the firearm 1006  
and that closes using a snap, button, buckle, zipper, hook and 1007  
loop closing mechanism, or other fastener that must be opened to 1008  
access the contents or the firearm is contained within a 1009  
separate enclosure of that nature in that compartment that does 1010  
not contain the magazine or speed loader; 1011

(ii) A pocket or other enclosure on the person of the 1012  
person in question that closes using a snap, button, buckle, 1013  
zipper, hook and loop closing mechanism, or other fastener that 1014  
must be opened to access the contents. 1015

(c) For the purposes of divisions (K) (5) (a) and (b) of 1016  
this section, ammunition held in stripper-clips or in en-bloc 1017  
clips is not considered ammunition that is loaded into a 1018  
magazine or speed loader. 1019

(6) "Unloaded" means, with respect to a firearm employing 1020

a percussion cap, flintlock, or other obsolete ignition system, 1021  
when the weapon is uncapped or when the priming charge is 1022  
removed from the pan. 1023

(7) "Commercial motor vehicle" has the same meaning as in 1024  
division (A) of section 4506.25 of the Revised Code. 1025

(8) "Motor carrier enforcement unit" means the motor 1026  
carrier enforcement unit in the department of public safety, 1027  
division of state highway patrol, that is created by section 1028  
5503.34 of the Revised Code. 1029

(L) Divisions (K) (5) (a) and (b) of this section do not 1030  
affect the authority of a person who is carrying a valid 1031  
concealed handgun license to have one or more magazines or speed 1032  
loaders containing ammunition anywhere in a vehicle, without 1033  
being transported as described in those divisions, as long as no 1034  
ammunition is in a firearm, other than a handgun, in the vehicle 1035  
other than as permitted under any other provision of this 1036  
chapter. A person who is carrying a valid concealed handgun 1037  
license may have one or more magazines or speed loaders 1038  
containing ammunition anywhere in a vehicle without further 1039  
restriction, as long as no ammunition is in a firearm, other 1040  
than a handgun, in the vehicle other than as permitted under any 1041  
provision of this chapter. 1042

**Section 2.** That existing sections 2923.12, 2923.122, 1043  
2923.126, and 2923.16 of the Revised Code are hereby repealed. 1044

**Section 3.** Section 2923.122 of the Revised Code is 1045  
presented in this act as a composite of the section as amended 1046  
by both Am. Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th 1047  
General Assembly. The General Assembly, applying the principle 1048  
stated in division (B) of section 1.52 of the Revised Code that 1049

amendments are to be harmonized if reasonably capable of	1050
simultaneous operation, finds that the composite is the	1051
resulting version of the section in effect prior to the	1052
effective date of the section as presented in this act.	1053