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**Sub. H. B. No. 48**

**Representative Maag**

**Cosponsors: Representatives Hood, Retherford, Vitale, Brinkman, Becker, Buchy, LaTourette, Hayes, Thompson, Kraus, Amstutz, Antani, Blessing, Boose, Brenner, Burkley, Conditt, Dovilla, Ginter, Green, Grossman, Hackett, Hambley, Henne, Hill, Huffman, Johnson, T., Koehler, Landis, McClain, McColley, Pelanda, Perales, Ruhl, Schaffer, Sears, Smith, R., Sprague, Terhar, Young, Zeltwanger, Speaker Rosenberger**

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**A BILL**

To amend sections 311.42, 2923.12, 2923.122, and 1  
2923.126 and to enact section 5103.132 of the 2  
Revised Code to modify the prohibition against 3  
carrying a concealed handgun onto institutions 4  
of higher education, day-care facilities, 5  
aircraft, certain government facilities, public 6  
areas of airport terminals, and school safety 7  
zones, to allow a sheriff to use concealed 8  
handgun license fee revenue to purchase 9  
ammunition and firearms, and to authorize 10  
certain children's crisis care facilities to 11  
maintain firearms. 12

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

**Section 1.** That sections 311.42, 2923.12, 2923.122, and 13  
2923.126 be amended and section 5103.132 of the Revised Code be 14  
enacted to read as follows: 15

**Sec. 311.42.** (A) Each county shall establish in the county treasury a sheriff's concealed handgun license issuance expense fund. The sheriff of that county shall deposit into that fund all fees paid by applicants for the issuance or renewal of a concealed handgun license or duplicate concealed handgun license under section 2923.125 of the Revised Code and all fees paid by the person seeking a concealed handgun license on a temporary emergency basis under section 2923.1213 of the Revised Code. The county shall distribute all fees deposited into the fund except forty dollars of each fee paid by an applicant under division (B) of section 2923.125 of the Revised Code, fifteen dollars of each fee paid under section 2923.1213 of the Revised Code, and thirty-five dollars of each fee paid under division (F) of section 2923.125 of the Revised Code to the attorney general to be used to pay the cost of background checks performed by the bureau of criminal identification and investigation and the federal bureau of investigation and to cover administrative costs associated with issuing the license.

(B) The sheriff, with the approval of the board of county commissioners, may expend any county portion of the fees deposited into the sheriff's concealed handgun license issuance expense fund for any of the following:

(1) Any costs incurred by the sheriff in connection with performing any administrative functions related to the issuance of concealed handgun licenses under section 2923.125 or 2923.1213 of the Revised Code, including, but not limited to, personnel expenses and any costs associated with a firearm safety education program, or a firearm training or qualification program that the sheriff chooses to fund;

(2) Ammunition and firearms to be used by the sheriff and

the sheriff's employees. 46

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 47  
concealed on the person's person or concealed ready at hand, any 48  
of the following: 49

(1) A deadly weapon other than a handgun; 50

(2) A handgun other than a dangerous ordnance; 51

(3) A dangerous ordnance. 52

(B) No person who has been issued a concealed handgun 53  
license shall do any of the following: 54

(1) If the person is stopped for a law enforcement purpose 55  
and is carrying a concealed handgun, fail to promptly inform any 56  
law enforcement officer who approaches the person after the 57  
person has been stopped that the person has been issued a 58  
concealed handgun license and that the person then is carrying a 59  
concealed handgun; 60

(2) If the person is stopped for a law enforcement purpose 61  
and is carrying a concealed handgun, knowingly fail to keep the 62  
person's hands in plain sight at any time after any law 63  
enforcement officer begins approaching the person while stopped 64  
and before the law enforcement officer leaves, unless the 65  
failure is pursuant to and in accordance with directions given 66  
by a law enforcement officer; 67

(3) If the person is stopped for a law enforcement 68  
purpose, if the person is carrying a concealed handgun, and if 69  
the person is approached by any law enforcement officer while 70  
stopped, knowingly remove or attempt to remove the loaded 71  
handgun from the holster, pocket, or other place in which the 72  
person is carrying it, knowingly grasp or hold the loaded 73

handgun, or knowingly have contact with the loaded handgun by 74  
touching it with the person's hands or fingers at any time after 75  
the law enforcement officer begins approaching and before the 76  
law enforcement officer leaves, unless the person removes, 77  
attempts to remove, grasps, holds, or has contact with the 78  
loaded handgun pursuant to and in accordance with directions 79  
given by the law enforcement officer; 80

(4) If the person is stopped for a law enforcement purpose 81  
and is carrying a concealed handgun, knowingly disregard or fail 82  
to comply with any lawful order of any law enforcement officer 83  
given while the person is stopped, including, but not limited 84  
to, a specific order to the person to keep the person's hands in 85  
plain sight. 86

(C) (1) This section does not apply to any of the 87  
following: 88

(a) An officer, agent, or employee of this or any other 89  
state or the United States, or to a law enforcement officer, who 90  
is authorized to carry concealed weapons or dangerous ordnance 91  
or is authorized to carry handguns and is acting within the 92  
scope of the officer's, agent's, or employee's duties; 93

(b) Any person who is employed in this state, who is 94  
authorized to carry concealed weapons or dangerous ordnance or 95  
is authorized to carry handguns, and who is subject to and in 96  
compliance with the requirements of section 109.801 of the 97  
Revised Code, unless the appointing authority of the person has 98  
expressly specified that the exemption provided in division (C) 99  
(1) (b) of this section does not apply to the person; 100

(c) A person's transportation or storage of a firearm, 101  
other than a firearm described in divisions (G) to (M) of 102

section 2923.11 of the Revised Code, in a motor vehicle for any 103  
lawful purpose if the firearm is not on the actor's person; 104

(d) A person's storage or possession of a firearm, other 105  
than a firearm described in divisions (G) to (M) of section 106  
2923.11 of the Revised Code, in the actor's own home for any 107  
lawful purpose. 108

(2) Division (A) (2) of this section does not apply to any 109  
person who, at the time of the alleged carrying or possession of 110  
a handgun, is carrying a valid concealed handgun license, unless 111  
the person knowingly is in a place described in division (B) of 112  
section 2923.126 of the Revised Code. 113

(D) It is an affirmative defense to a charge under 114  
division (A) (1) of this section of carrying or having control of 115  
a weapon other than a handgun and other than a dangerous 116  
ordnance that the actor was not otherwise prohibited by law from 117  
having the weapon and that any of the following applies: 118

(1) The weapon was carried or kept ready at hand by the 119  
actor for defensive purposes while the actor was engaged in or 120  
was going to or from the actor's lawful business or occupation, 121  
which business or occupation was of a character or was 122  
necessarily carried on in a manner or at a time or place as to 123  
render the actor particularly susceptible to criminal attack, 124  
such as would justify a prudent person in going armed. 125

(2) The weapon was carried or kept ready at hand by the 126  
actor for defensive purposes while the actor was engaged in a 127  
lawful activity and had reasonable cause to fear a criminal 128  
attack upon the actor, a member of the actor's family, or the 129  
actor's home, such as would justify a prudent person in going 130  
armed. 131

(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 concealed weapons. Except as otherwise provided in this division or division (F) (2) or (3) of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or division (F) (2) or (3) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony of the fourth degree. Except as otherwise provided in division (F) (2) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (A) of this section is a felony of the third degree.

(2) If a person being arrested for a violation of division (A) (2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that

section, the officer may arrest the person for a violation of 162  
that division, and the offender shall be punished as follows: 163

(a) The offender shall be guilty of a minor misdemeanor if 164  
both of the following apply: 165

(i) Within ten days after the arrest, the offender 166  
presents a concealed handgun license, which license was valid at 167  
the time of the arrest to the law enforcement agency that 168  
employs the arresting officer. 169

(ii) At the time of the arrest, the offender was not 170  
knowingly in a place described in division (B) of section 171  
2923.126 of the Revised Code. 172

(b) The offender shall be guilty of a misdemeanor and 173  
shall be fined five hundred dollars if all of the following 174  
apply: 175

(i) The offender previously had been issued a concealed 176  
handgun license, and that license expired within the two years 177  
immediately preceding the arrest. 178

(ii) Within forty-five days after the arrest, the offender 179  
presents a concealed handgun license to the law enforcement 180  
agency that employed the arresting officer, and the offender 181  
waives in writing the offender's right to a speedy trial on the 182  
charge of the violation that is provided in section 2945.71 of 183  
the Revised Code. 184

(iii) At the time of the commission of the offense, the 185  
offender was not knowingly in a place described in division (B) 186  
of section 2923.126 of the Revised Code. 187

(c) If neither division (F) (2) (a) nor (b) of this section 188  
applies, the offender shall be punished under division (F) (1) or 189

(3) of this section. 190

(3) If a person being arrested for a violation of division 191  
(A) (2) of this section is knowingly in a place described in 192  
division (B) (5) of section 2923.126 of the Revised Code and is 193  
not authorized to carry a handgun or have a handgun concealed on 194  
the person's person or concealed ready at hand under that 195  
division, the penalty shall be as follows: 196

(a) Except as otherwise provided in this division, if the 197  
person produces a valid concealed handgun license within ten 198  
days after the arrest and has not previously been convicted or 199  
pleaded guilty to a violation of division (A) (2) of this 200  
section, the person is guilty of a minor misdemeanor; 201

(b) Except as otherwise provided in this division, if the 202  
person has previously been convicted of or pleaded guilty to a 203  
violation of division (A) (2) of this section, the person is 204  
guilty of a misdemeanor of the fourth degree; 205

(c) Except as otherwise provided in this division, if the 206  
person has previously been convicted of or pleaded guilty to two 207  
violations of division (A) (2) of this section, the person is 208  
guilty of a misdemeanor of the third degree; 209

(d) Except as otherwise provided in this division, if the 210  
person has previously been convicted of or pleaded guilty to 211  
three or more violations of division (A) (2) of this section, or 212  
convicted of or pleaded guilty to any offense of violence, if 213  
the weapon involved is a firearm that is either loaded or for 214  
which the offender has ammunition ready at hand, or if the 215  
weapon involved is a dangerous ordnance, the person is guilty of 216  
a misdemeanor of the second degree. 217

(4) Except as otherwise provided in this division, 218



carrying concealed weapons in violation of division (B) (1) of 219  
this section is a misdemeanor of the first degree, and, in 220  
addition to any other penalty or sanction imposed for a 221  
violation of division (B) (1) of this section, the offender's 222  
concealed handgun license shall be suspended pursuant to 223  
division (A) (2) of section 2923.128 of the Revised Code. If, at 224  
the time of the stop of the offender for a law enforcement 225  
purpose that was the basis of the violation, any law enforcement 226  
officer involved with the stop had actual knowledge that the 227  
offender has been issued a concealed handgun license, carrying 228  
concealed weapons in violation of division (B) (1) of this 229  
section is a minor misdemeanor, and the offender's concealed 230  
handgun license shall not be suspended pursuant to division (A) 231  
(2) of section 2923.128 of the Revised Code. 232

~~(4)~~ (5) Carrying concealed weapons in violation of 233  
division (B) (2) or (4) of this section is a misdemeanor of the 234  
first degree or, if the offender previously has been convicted 235  
of or pleaded guilty to a violation of division (B) (2) or (4) of 236  
this section, a felony of the fifth degree. In addition to any 237  
other penalty or sanction imposed for a misdemeanor violation of 238  
division (B) (2) or (4) of this section, the offender's concealed 239  
handgun license shall be suspended pursuant to division (A) (2) 240  
of section 2923.128 of the Revised Code. 241

~~(5)~~ (6) Carrying concealed weapons in violation of 242  
division (B) (3) of this section is a felony of the fifth degree. 243

(G) If a law enforcement officer stops a person to 244  
question the person regarding a possible violation of this 245  
section, for a traffic stop, or for any other law enforcement 246  
purpose, if the person surrenders a firearm to the officer, 247  
either voluntarily or pursuant to a request or demand of the 248

officer, and if the officer does not charge the person with a 249  
violation of this section or arrest the person for any offense, 250  
the person is not otherwise prohibited by law from possessing 251  
the firearm, and the firearm is not contraband, the officer 252  
shall return the firearm to the person at the termination of the 253  
stop. If a court orders a law enforcement officer to return a 254  
firearm to a person pursuant to the requirement set forth in 255  
this division, division (B) of section 2923.163 of the Revised 256  
Code applies. 257

**Sec. 2923.122.** (A) No person shall knowingly convey, or 258  
attempt to convey, a deadly weapon or dangerous ordnance into a 259  
school safety zone. 260

(B) No person shall knowingly possess a deadly weapon or 261  
dangerous ordnance in a school safety zone. 262

(C) No person shall knowingly possess an object in a 263  
school safety zone if both of the following apply: 264

(1) The object is indistinguishable from a firearm, 265  
whether or not the object is capable of being fired. 266

(2) The person indicates that the person possesses the 267  
object and that it is a firearm, or the person knowingly 268  
displays or brandishes the object and indicates that it is a 269  
firearm. 270

(D) (1) This section does not apply to any of the 271  
following: 272

(a) An officer, agent, or employee of this or any other 273  
state or the United States, or a law enforcement officer, who is 274  
authorized to carry deadly weapons or dangerous ordnance ~~and is~~ 275  
~~acting within the scope of the officer's, agent's, or employee's~~ 276  
~~duties~~, a security officer employed by a board of education or 277

governing body of a school during the time that the security 278  
officer is on duty pursuant to that contract of employment, or 279  
any other person who has written authorization from the board of 280  
education or governing body of a school to convey deadly weapons 281  
or dangerous ordnance into a school safety zone or to possess a 282  
deadly weapon or dangerous ordnance in a school safety zone and 283  
who conveys or possesses the deadly weapon or dangerous ordnance 284  
in accordance with that authorization; 285

(b) Any person who is employed in this state, who is 286  
authorized to carry deadly weapons or dangerous ordnance, and 287  
who is subject to and in compliance with the requirements of 288  
section 109.801 of the Revised Code, unless the appointing 289  
authority of the person has expressly specified that the 290  
exemption provided in division (D)(1)(b) of this section does 291  
not apply to the person. 292

(2) Division (C) of this section does not apply to 293  
premises upon which home schooling is conducted. Division (C) of 294  
this section also does not apply to a school administrator, 295  
teacher, or employee who possesses an object that is 296  
indistinguishable from a firearm for legitimate school purposes 297  
during the course of employment, a student who uses an object 298  
that is indistinguishable from a firearm under the direction of 299  
a school administrator, teacher, or employee, or any other 300  
person who with the express prior approval of a school 301  
administrator possesses an object that is indistinguishable from 302  
a firearm for a legitimate purpose, including the use of the 303  
object in a ceremonial activity, a play, reenactment, or other 304  
dramatic presentation, school safety training, or a ROTC 305  
activity or another similar use of the object. 306

(3) This section does not apply to a person who conveys or 307

attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:

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

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

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

(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to ~~(10)~~(8) of section 2923.126 of the Revised Code.

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

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

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

~~(c) The person is not in violation of section 2923.16 of the Revised Code handgun does not leave the motor vehicle.~~

(d) If the person exits the motor vehicle, the person locks the motor vehicle.

(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 397  
handgun anywhere in this state if the licensee also carries a 398  
valid license and valid identification when the licensee is in 399  
actual possession of a concealed handgun. The licensee shall 400  
give notice of any change in the licensee's residence address to 401  
the sheriff who issued the license within forty-five days after 402  
that change. 403

If a licensee is the driver or an occupant of a motor 404  
vehicle that is stopped as the result of a traffic stop or a 405  
stop for another law enforcement purpose and if the licensee is 406  
transporting or has a loaded handgun in the motor vehicle at 407  
that time, the licensee shall promptly inform any law 408  
enforcement officer who approaches the vehicle while stopped 409  
that the licensee has been issued a concealed handgun license 410  
and that the licensee currently possesses or has a loaded 411  
handgun; the licensee shall not knowingly disregard or fail to 412  
comply with lawful orders of a law enforcement officer given 413  
while the motor vehicle is stopped, knowingly fail to remain in 414  
the motor vehicle while stopped, or knowingly fail to keep the 415  
licensee's hands in plain sight after any law enforcement 416  
officer begins approaching the licensee while stopped and before 417  
the officer leaves, unless directed otherwise by a law 418  
enforcement officer; and the licensee shall not knowingly have 419  
contact with the loaded handgun by touching it with the 420  
licensee's hands or fingers, in any manner in violation of 421  
division (E) of section 2923.16 of the Revised Code, after any 422  
law enforcement officer begins approaching the licensee while 423  
stopped and before the officer leaves. Additionally, if a 424  
licensee is the driver or an occupant of a commercial motor 425  
vehicle that is stopped by an employee of the motor carrier 426  
enforcement unit for the purposes defined in section 5503.04 of 427

the Revised Code and if the licensee is transporting or has a 428  
loaded handgun in the commercial motor vehicle at that time, the 429  
licensee shall promptly inform the employee of the unit who 430  
approaches the vehicle while stopped that the licensee has been 431  
issued a concealed handgun license and that the licensee 432  
currently possesses or has a loaded handgun. 433

If a licensee is stopped for a law enforcement purpose and 434  
if the licensee is carrying a concealed handgun at the time the 435  
officer approaches, the licensee shall promptly inform any law 436  
enforcement officer who approaches the licensee while stopped 437  
that the licensee has been issued a concealed handgun license 438  
and that the licensee currently is carrying a concealed handgun; 439  
the licensee shall not knowingly disregard or fail to comply 440  
with lawful orders of a law enforcement officer given while the 441  
licensee is stopped or knowingly fail to keep the licensee's 442  
hands in plain sight after any law enforcement officer begins 443  
approaching the licensee while stopped and before the officer 444  
leaves, unless directed otherwise by a law enforcement officer; 445  
and the licensee shall not knowingly remove, attempt to remove, 446  
grasp, or hold the loaded handgun or knowingly have contact with 447  
the loaded handgun by touching it with the licensee's hands or 448  
fingers, in any manner in violation of division (B) of section 449  
2923.12 of the Revised Code, after any law enforcement officer 450  
begins approaching the licensee while stopped and before the 451  
officer leaves. 452

(B) A valid concealed handgun license does not authorize 453  
the licensee to carry a concealed handgun in any manner 454  
prohibited under division (B) of section 2923.12 of the Revised 455  
Code or in any manner prohibited under section 2923.16 of the 456  
Revised Code. A valid license does not authorize the licensee to 457  
carry a concealed handgun into any of the following places: 458



(1) A police station, sheriff's office, or state highway patrol station; premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal, that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section 5119.14 of the Revised Code or division (A) (1) of section 5123.03 of the Revised Code;

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

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

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

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

handgun on the premises; 489

(6) Any church, synagogue, mosque, or other place of 490  
worship, unless the church, synagogue, mosque, or other place of 491  
worship posts or permits otherwise; 492

~~(7) A child day care center, a type A family day care 493  
home, or a type B family day care home, except that this 494  
division does not prohibit a licensee who resides in a type A- 495  
family day care home or a type B family day care home from 496  
carrying a concealed handgun at any time in any part of the home- 497  
that is not dedicated or used for day care purposes, or from 498  
carrying a concealed handgun in a part of the home that is- 499  
dedicated or used for day care purposes at any time during which 500  
no children, other than children of that licensee, are in the- 501  
home; 502~~

~~(8) An aircraft that is in, or intended for operation in, 503  
foreign air transportation, interstate air transportation, 504  
intrastate air transportation, or the transportation of mail by- 505  
aircraft; 506~~

~~(9) Any building that is a government facility of this 507  
state or a political subdivision of this state and that is not a 508  
building that is used primarily as a shelter, restroom, parking- 509  
facility for motor vehicles, or rest facility and is not a 510  
courthouse or other building or structure in which a courtroom- 511  
is located that is subject to division (B)(3) of this section to 512  
which, during the building's normal hours of operation, access 513  
is restricted at the main point of entry by the continuous 514  
posting of security personnel and the use of security screening 515  
measures; 516~~

~~(10)-(8) A place in which federal law prohibits the 517~~

carrying of handguns. 518

(C) (1) Nothing in this section shall negate or restrict a 519  
rule, policy, or practice of a private employer that is not a 520  
private college, university, or other institution of higher 521  
education concerning or prohibiting the presence of firearms on 522  
the private employer's premises or property, including motor 523  
vehicles owned by the private employer. Nothing in this section 524  
shall require a private employer of that nature to adopt a rule, 525  
policy, or practice concerning or prohibiting the presence of 526  
firearms on the private employer's premises or property, 527  
including motor vehicles owned by the private employer. 528

(2) (a) A private employer shall be immune from liability 529  
in a civil action for any injury, death, or loss to person or 530  
property that allegedly was caused by or related to a licensee 531  
bringing a handgun onto the premises or property of the private 532  
employer, including motor vehicles owned by the private 533  
employer, unless the private employer acted with malicious 534  
purpose. A private employer is immune from liability in a civil 535  
action for any injury, death, or loss to person or property that 536  
allegedly was caused by or related to the private employer's 537  
decision to permit a licensee to bring, or prohibit a licensee 538  
from bringing, a handgun onto the premises or property of the 539  
private employer. ~~As used in this division, "private employer"~~ 540  
~~includes a private college, university, or other institution of~~ 541  
~~higher education.~~ 542

(b) A political subdivision shall be immune from liability 543  
in a civil action, to the extent and in the manner provided in 544  
Chapter 2744. of the Revised Code, for any injury, death, or 545  
loss to person or property that allegedly was caused by or 546  
related to a licensee bringing a handgun onto any premises or 547

property owned, leased, or otherwise under the control of the 548  
political subdivision. As used in this division, "political 549  
subdivision" has the same meaning as in section 2744.01 of the 550  
Revised Code. 551

(c) An institution of higher education shall be immune 552  
from liability in a civil action for any injury, death, or loss 553  
to person or property that allegedly was caused by or related to 554  
a licensee bringing a handgun onto the premises of the 555  
institution, including motor vehicles owned by the institution, 556  
unless the institution acted with malicious purpose. An 557  
institution of higher education is immune from liability in a 558  
civil action for any injury, death, or loss to person or 559  
property that allegedly was caused by or related to the 560  
institution's decision to permit a licensee or class of 561  
licensees to bring a handgun onto the premises of the 562  
institution. 563

(3) (a) Except as provided in division (C) (3) (b) of this 564  
section, the owner or person in control of private land or 565  
premises, and a private person or entity leasing land or 566  
premises owned by the state, the United States, or a political 567  
subdivision of the state or the United States, may post a sign 568  
in a conspicuous location on that land or on those premises 569  
prohibiting persons from carrying firearms or concealed firearms 570  
on or onto that land or those premises. Except as otherwise 571  
provided in this division, a person who knowingly violates a 572  
posted prohibition of that nature is guilty of criminal trespass 573  
in violation of division (A) (4) of section 2911.21 of the 574  
Revised Code and is guilty of a misdemeanor of the fourth 575  
degree. If a person knowingly violates a posted prohibition of 576  
that nature and the posted land or premises primarily was a 577  
parking lot or other parking facility, the person is not guilty 578

of criminal trespass in violation of division (A) (4) of section 579  
2911.21 of the Revised Code and instead is subject only to a 580  
civil cause of action for trespass based on the violation. 581

If a person knowingly violates a posted prohibition of the 582  
nature described in this division and the posted land or 583  
premises is a child day-care center, type A family day-care 584  
home, or type B family day-care home, unless the person is a 585  
licensee who resides in a type A family day-care home or type B 586  
family day-care home, the person is guilty of aggravated 587  
trespass in violation of section 2911.211 of the Revised Code. 588  
Except as otherwise provided in this division, the offender is 589  
guilty of a misdemeanor of the first degree. If the person 590  
previously has been convicted of a violation of this division or 591  
of any offense of violence, if the weapon involved is a firearm 592  
that is either loaded or for which the offender has ammunition 593  
ready at hand, or if the weapon involved is dangerous ordnance, 594  
the offender is guilty of a felony of the fourth degree. 595

(b) A landlord may not prohibit or restrict a tenant who 596  
is a licensee and who on or after September 9, 2008, enters into 597  
a rental agreement with the landlord for the use of residential 598  
premises, and the tenant's guest while the tenant is present, 599  
from lawfully carrying or possessing a handgun on those 600  
residential premises. 601

(c) As used in division (C) (3) of this section: 602

(i) "Residential premises" has the same meaning as in 603  
section 5321.01 of the Revised Code, except "residential 604  
premises" does not include a dwelling unit that is owned or 605  
operated by a college or university. 606

(ii) "Landlord," "tenant," and "rental agreement" have the 607

same meanings as in section 5321.01 of the Revised Code. 608

(D) A person who holds a concealed handgun license issued 609  
by another state that is recognized by the attorney general 610  
pursuant to a reciprocity agreement entered into pursuant to 611  
section 109.69 of the Revised Code has the same right to carry a 612  
concealed handgun in this state as a person who was issued a 613  
concealed handgun license under section 2923.125 of the Revised 614  
Code and is subject to the same restrictions that apply to a 615  
person who carries a license issued under that section. 616

(E) A peace officer has the same right to carry a 617  
concealed handgun in this state as a person who was issued a 618  
concealed handgun license under section 2923.125 of the Revised 619  
Code. For purposes of reciprocity with other states, a peace 620  
officer shall be considered to be a licensee in this state. 621

(F) (1) A qualified retired peace officer who possesses a 622  
retired peace officer identification card issued pursuant to 623  
division (F) (2) of this section and a valid firearms 624  
requalification certification issued pursuant to division (F) (3) 625  
of this section has the same right to carry a concealed handgun 626  
in this state as a person who was issued a concealed handgun 627  
license under section 2923.125 of the Revised Code and is 628  
subject to the same restrictions that apply to a person who 629  
carries a license issued under that section. For purposes of 630  
reciprocity with other states, a qualified retired peace officer 631  
who possesses a retired peace officer identification card issued 632  
pursuant to division (F) (2) of this section and a valid firearms 633  
requalification certification issued pursuant to division (F) (3) 634  
of this section shall be considered to be a licensee in this 635  
state. 636

(2) (a) Each public agency of this state or of a political 637

subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

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

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

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

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

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify

the public agency of this state or of the political subdivision 667  
of this state from which the person retired as a peace officer 668  
and that is issuing the identification card, and specify that 669  
the person retired in good standing from service as a peace 670  
officer with the issuing public agency and satisfies the 671  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 672  
section. In addition to the required content specified in this 673  
division, a retired peace officer identification card issued to 674  
a person under division (F) (2) (a) of this section may include 675  
the firearms requalification certification described in division 676  
(F) (3) of this section, and if the identification card includes 677  
that certification, the identification card shall serve as the 678  
firearms requalification certification for the retired peace 679  
officer. If the issuing public agency issues credentials to 680  
active law enforcement officers who serve the agency, the agency 681  
may comply with division (F) (2) (a) of this section by issuing 682  
the same credentials to persons who retired from service as a 683  
peace officer with the agency and who satisfy the criteria set 684  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 685  
provided that the credentials so issued to retired peace 686  
officers are stamped with the word "RETIRED." 687

(c) A public agency of this state or of a political 688  
subdivision of this state may charge persons who retired from 689  
service as a peace officer with the agency a reasonable fee for 690  
issuing to the person a retired peace officer identification 691  
card pursuant to division (F) (2) (a) of this section. 692

(3) If a person retired from service as a peace officer 693  
with a public agency of this state or of a political subdivision 694  
of this state and the person satisfies the criteria set forth in 695  
divisions (F) (2) (a) (i) to (iv) of this section, the public 696  
agency may provide the retired peace officer with the 697



opportunity to attend a firearms requalification program that is 698  
approved for purposes of firearms requalification required under 699  
section 109.801 of the Revised Code. The retired peace officer 700  
may be required to pay the cost of the course. 701

If a retired peace officer who satisfies the criteria set 702  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 703  
a firearms requalification program that is approved for purposes 704  
of firearms requalification required under section 109.801 of 705  
the Revised Code, the retired peace officer's successful 706  
completion of the firearms requalification program requalifies 707  
the retired peace officer for purposes of division (F) of this 708  
section for five years from the date on which the program was 709  
successfully completed, and the requalification is valid during 710  
that five-year period. If a retired peace officer who satisfies 711  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 712  
section satisfactorily completes such a firearms requalification 713  
program, the retired peace officer shall be issued a firearms 714  
requalification certification that identifies the retired peace 715  
officer by name, identifies the entity that taught the program, 716  
specifies that the retired peace officer successfully completed 717  
the program, specifies the date on which the course was 718  
successfully completed, and specifies that the requalification 719  
is valid for five years from that date of successful completion. 720  
The firearms requalification certification for a retired peace 721  
officer may be included in the retired peace officer 722  
identification card issued to the retired peace officer under 723  
division (F) (2) of this section. 724

A retired peace officer who attends a firearms 725  
requalification program that is approved for purposes of 726  
firearms requalification required under section 109.801 of the 727  
Revised Code may be required to pay the cost of the program. 728

(G) As used in this section:	729
(1) "Qualified retired peace officer" means a person who satisfies all of the following:	730 731
(a) The person satisfies the criteria set forth in divisions (F) (2) (a) (i) to (v) of this section.	732 733
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	734 735
(c) The person is not prohibited by federal law from receiving firearms.	736 737
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer.	738 739 740
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	741 742
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	743 744 745 746 747 748
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	749 750 751
<u>(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.</u>	752 753
<u>Sec. 5103.132. (A) As used in this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code.</u>	754 755

(B) A children's crisis care facility that has as its primary purpose the provision of residential and other care to infants who are born drug exposed and that regularly maintains on its premises schedule II controlled substances, as defined in section 3719.01 of the Revised Code, may do both of the following:

(1) Maintain firearms at the facility;

(2) Permit security personnel to bear firearms while on the grounds of the facility.

**Section 2.** That existing sections 311.42, 2923.12, 2923.122, and 2923.126 of the Revised Code are hereby repealed.

**Section 3.** Section 2923.122 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.