

**As Reported by the House Federalism and Interstate Relations Committee**

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**Sub. H. B. No. 142**

**Representative Wiggam**

**Cosponsors: Representatives Lipps, Goodman, Kick, Merrin, Hood, Thompson,  
Conditt, Keller, Vitale, Roegner, Koehler, Brinkman, Becker, Seitz, Dean**

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**A BILL**

To amend sections 2923.12, 2923.126, 2923.128, and 1  
2923.16 of the Revised Code to modify the 2  
requirement that a concealed handgun licensee 3  
notify a law enforcement officer that the 4  
licensee is carrying a concealed handgun when 5  
stopped. 6

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

**Section 1.** That sections 2923.12, 2923.126, 2923.128, and 7  
2923.16 of the Revised Code be amended to read as follows: 8

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 9  
concealed on the person's person or concealed ready at hand, any 10  
of the following: 11

(1) A deadly weapon other than a handgun; 12

(2) A handgun other than a dangerous ordnance; 13

(3) A dangerous ordnance. 14

(B) No person who has been issued a concealed handgun 15  
license shall do any of the following: 16

(1) If the person is stopped for a law enforcement purpose 17  
and is carrying a concealed handgun, and a law enforcement 18  
officer requests the person's driver's license or state 19  
identification card, fail to promptly do both of the following: 20

(a) Display the person's concealed handgun license with 21  
the driver's license or state identification card or orally 22  
inform ~~any the~~ law enforcement officer ~~who approaches the person~~ 23  
~~after the person has been stopped,~~ at the same time as 24  
displaying the driver's license or state identification card, 25  
that the person has been issued a concealed handgun license ~~and;~~ 26

(b) Disclose that the person then is carrying a concealed 27  
handgun ~~+~~. 28

(2) If the person is stopped for a law enforcement purpose 29  
and is carrying a concealed handgun, knowingly fail to keep the 30  
person's hands in plain sight at any time after any law 31  
enforcement officer begins approaching the person while stopped 32  
and before the law enforcement officer leaves, unless the 33  
failure is pursuant to and in accordance with directions given 34  
by a law enforcement officer; 35

(3) If the person is stopped for a law enforcement 36  
purpose, if the person is carrying a concealed handgun, and if 37  
the person is approached by any law enforcement officer while 38  
stopped, knowingly remove or attempt to remove the loaded 39  
handgun from the holster, pocket, or other place in which the 40  
person is carrying it, knowingly grasp or hold the loaded 41  
handgun, or knowingly have contact with the loaded handgun by 42  
touching it with the person's hands or fingers at any time after 43  
the law enforcement officer begins approaching and before the 44  
law enforcement officer leaves, unless the person removes, 45  
attempts to remove, grasps, holds, or has contact with the 46

loaded handgun pursuant to and in accordance with directions 47  
given by the law enforcement officer; 48

(4) If the person is stopped for a law enforcement purpose 49  
and is carrying a concealed handgun, knowingly disregard or fail 50  
to comply with any lawful order of any law enforcement officer 51  
given while the person is stopped, including, but not limited 52  
to, a specific order to the person to keep the person's hands in 53  
plain sight. 54

(C) (1) This section does not apply to any of the 55  
following: 56

(a) An officer, agent, or employee of this or any other 57  
state or the United States, or to a law enforcement officer, who 58  
is authorized to carry concealed weapons or dangerous ordnance 59  
or is authorized to carry handguns and is acting within the 60  
scope of the officer's, agent's, or employee's duties; 61

(b) Any person who is employed in this state, who is 62  
authorized to carry concealed weapons or dangerous ordnance or 63  
is authorized to carry handguns, and who is subject to and in 64  
compliance with the requirements of section 109.801 of the 65  
Revised Code, unless the appointing authority of the person has 66  
expressly specified that the exemption provided in division (C) 67  
(1) (b) of this section does not apply to the person; 68

(c) A person's transportation or storage of a firearm, 69  
other than a firearm described in divisions (G) to (M) of 70  
section 2923.11 of the Revised Code, in a motor vehicle for any 71  
lawful purpose if the firearm is not on the actor's person; 72

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

lawful purpose. 76

(2) Division (A)(2) of this section does not apply to any 77  
person who, at the time of the alleged carrying or possession of 78  
a handgun, either is carrying a valid concealed handgun license 79  
or is an active duty member of the armed forces of the United 80  
States and is carrying a valid military identification card and 81  
documentation of successful completion of firearms training that 82  
meets or exceeds the training requirements described in division 83  
(G)(1) of section 2923.125 of the Revised Code, unless the 84  
person knowingly is in a place described in division (B) of 85  
section 2923.126 of the Revised Code. 86

(D) It is an affirmative defense to a charge under 87  
division (A)(1) of this section of carrying or having control of 88  
a weapon other than a handgun and other than a dangerous 89  
ordnance that the actor was not otherwise prohibited by law from 90  
having the weapon and that any of the following applies: 91

(1) The weapon was carried or kept ready at hand by the 92  
actor for defensive purposes while the actor was engaged in or 93  
was going to or from the actor's lawful business or occupation, 94  
which business or occupation was of a character or was 95  
necessarily carried on in a manner or at a time or place as to 96  
render the actor particularly susceptible to criminal attack, 97  
such as would justify a prudent person in going armed. 98

(2) The weapon was carried or kept ready at hand by the 99  
actor for defensive purposes while the actor was engaged in a 100  
lawful activity and had reasonable cause to fear a criminal 101  
attack upon the actor, a member of the actor's family, or the 102  
actor's home, such as would justify a prudent person in going 103  
armed. 104

(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 divisions (F)(2), (6), and (7) 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 divisions (F)(2), (6), and (7) 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 divisions (F)(2) and (6) 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) Except as provided in division (F)(6) of this section, 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 135  
the person is not in a place described in that section, the 136  
officer may arrest the person for a violation of that division, 137  
and the offender shall be punished as follows: 138

(a) The offender shall be guilty of a minor misdemeanor if 139  
both of the following apply: 140

(i) Within ten days after the arrest, the offender 141  
presents a concealed handgun license, which license was valid at 142  
the time of the arrest to the law enforcement agency that 143  
employs the arresting officer. 144

(ii) At the time of the arrest, the offender was not 145  
knowingly in a place described in division (B) of section 146  
2923.126 of the Revised Code. 147

(b) The offender shall be guilty of a misdemeanor and 148  
shall be fined five hundred dollars if all of the following 149  
apply: 150

(i) The offender previously had been issued a concealed 151  
handgun license, and that license expired within the two years 152  
immediately preceding the arrest. 153

(ii) Within forty-five days after the arrest, the offender 154  
presents a concealed handgun license to the law enforcement 155  
agency that employed the arresting officer, and the offender 156  
waives in writing the offender's right to a speedy trial on the 157  
charge of the violation that is provided in section 2945.71 of 158  
the Revised Code. 159

(iii) At the time of the commission of the offense, the 160  
offender was not knowingly in a place described in division (B) 161  
of section 2923.126 of the Revised Code. 162

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this section do not apply, the offender shall be punished under division (F) (1) or (7) of this section.

~~(3) Except as otherwise provided in this division, carrying concealed weapons in violation of division (B) (1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of division (B) (1) of this section, the offender's concealed handgun license shall be suspended pursuant to division (A) (2) of section 2923.128 of the Revised Code. If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying~~  
Carrying concealed weapons in violation of division (B) (1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A) (2) of section 2923.128 of the Revised Code and the offender may be subject to a fine of not more than twenty-five dollars.

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

(5) Carrying concealed weapons in violation of division

(B) (3) of this section is a felony of the fifth degree. 193

(6) If a person being arrested for a violation of division 194  
(A) (2) of this section is an active duty member of the armed 195  
forces of the United States and is carrying a valid military 196  
identification card and documentation of successful completion 197  
of firearms training that meets or exceeds the training 198  
requirements described in division (G) (1) of section 2923.125 of 199  
the Revised Code, and if at the time of the violation the person 200  
was not knowingly in a place described in division (B) of 201  
section 2923.126 of the Revised Code, the officer shall not 202  
arrest the person for a violation of that division. If the 203  
person is not able to promptly produce a valid military 204  
identification card and documentation of successful completion 205  
of firearms training that meets or exceeds the training 206  
requirements described in division (G) (1) of section 2923.125 of 207  
the Revised Code and if the person is not in a place described 208  
in division (B) of section 2923.126 of the Revised Code, the 209  
officer shall issue a citation and the offender shall be 210  
assessed a civil penalty of not more than five hundred dollars. 211  
The citation shall be automatically dismissed and the civil 212  
penalty shall not be assessed if both of the following apply: 213

(a) Within ten days after the issuance of the citation, 214  
the offender presents a valid military identification card and 215  
documentation of successful completion of firearms training that 216  
meets or exceeds the training requirements described in division 217  
(G) (1) of section 2923.125 of the Revised Code, which were both 218  
valid at the time of the issuance of the citation to the law 219  
enforcement agency that employs the citing officer. 220

(b) At the time of the citation, the offender was not 221  
knowingly in a place described in division (B) of section 222



2923.126 of the Revised Code.	223
(7) If a person being arrested for a violation of division	224
(A) (2) of this section is knowingly in a place described in	225
division (B) (5) of section 2923.126 of the Revised Code and is	226
not authorized to carry a handgun or have a handgun concealed on	227
the person's person or concealed ready at hand under that	228
division, the penalty shall be as follows:	229
(a) Except as otherwise provided in this division, if the	230
person produces a valid concealed handgun license within ten	231
days after the arrest and has not previously been convicted or	232
pleaded guilty to a violation of division (A) (2) of this	233
section, the person is guilty of a minor misdemeanor;	234
(b) Except as otherwise provided in this division, if the	235
person has previously been convicted of or pleaded guilty to a	236
violation of division (A) (2) of this section, the person is	237
guilty of a misdemeanor of the fourth degree;	238
(c) Except as otherwise provided in this division, if the	239
person has previously been convicted of or pleaded guilty to two	240
violations of division (A) (2) of this section, the person is	241
guilty of a misdemeanor of the third degree;	242
(d) Except as otherwise provided in this division, if the	243
person has previously been convicted of or pleaded guilty to	244
three or more violations of division (A) (2) of this section, or	245
convicted of or pleaded guilty to any offense of violence, if	246
the weapon involved is a firearm that is either loaded or for	247
which the offender has ammunition ready at hand, or if the	248
weapon involved is a dangerous ordnance, the person is guilty of	249
a misdemeanor of the second degree.	250
(G) If a law enforcement officer stops a person to	251

question the person regarding a possible violation of this 252  
section, for a traffic stop, or for any other law enforcement 253  
purpose, if the person surrenders a firearm to the officer, 254  
either voluntarily or pursuant to a request or demand of the 255  
officer, and if the officer does not charge the person with a 256  
violation of this section or arrest the person for any offense, 257  
the person is not otherwise prohibited by law from possessing 258  
the firearm, and the firearm is not contraband, the officer 259  
shall return the firearm to the person at the termination of the 260  
stop. If a court orders a law enforcement officer to return a 261  
firearm to a person pursuant to the requirement set forth in 262  
this division, division (B) of section 2923.163 of the Revised 263  
Code applies. 264

**Sec. 2923.126.** (A) (1) A concealed handgun license that is 265  
issued under section 2923.125 of the Revised Code shall expire 266  
five years after the date of issuance. A licensee who has been 267  
issued a license under that section shall be granted a grace 268  
period of thirty days after the licensee's license expires 269  
during which the licensee's license remains valid. Except as 270  
provided in divisions (B) and (C) of this section, a licensee 271  
who has been issued a concealed handgun license under section 272  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 273  
handgun anywhere in this state if the licensee also carries a 274  
valid license and valid identification when the licensee is in 275  
actual possession of a concealed handgun. The licensee shall 276  
give notice of any change in the licensee's residence address to 277  
the sheriff who issued the license within forty-five days after 278  
that change. 279

(2) If a licensee is the driver or an occupant of a motor 280  
vehicle that is stopped as the result of a traffic stop or a 281  
stop for another law enforcement purpose ~~and~~, if the licensee 282

is transporting or has a loaded handgun in the motor vehicle at 283  
that time, and if a law enforcement officer requests the 284  
licensee's driver's license or state identification card, the 285  
licensee shall ~~promptly display the licensee's concealed handgun~~ 286  
license with the driver's license or state identification card 287  
or orally inform any the law enforcement officer who approaches 288  
the vehicle while stopped, at the same time as displaying the 289  
driver's license or state identification card, that the licensee 290  
has been issued a concealed handgun license, and shall disclose 291  
that the licensee currently possesses or has a loaded handgun; 292  
the licensee shall not knowingly disregard or fail to comply 293  
with lawful orders of a law enforcement officer given while the 294  
motor vehicle is stopped, knowingly fail to remain in the motor 295  
vehicle while stopped, or knowingly fail to keep the licensee's 296  
hands in plain sight after any law enforcement officer begins 297  
approaching the licensee while stopped and before the officer 298  
leaves, unless directed otherwise by a law enforcement officer; 299  
and the licensee shall not knowingly have contact with the 300  
loaded handgun by touching it with the licensee's hands or 301  
fingers, in any manner in violation of division (E) of section 302  
2923.16 of the Revised Code, after any law enforcement officer 303  
begins approaching the licensee while stopped and before the 304  
officer leaves. ~~Additionally, if~~ 305

(3) If a licensee is the driver or an occupant of a 306  
commercial motor vehicle that is stopped by an employee of the 307  
motor carrier enforcement unit for the purposes defined in 308  
section 5503.34 of the Revised Code ~~and,~~ if the licensee is 309  
transporting or has a loaded handgun in the commercial motor 310  
vehicle at that time, and if the employee of the unit requests 311  
the licensee's driver's license or state identification card, 312  
the licensee shall ~~promptly display the licensee's concealed~~ 313

handgun license with the driver's license or state 314  
identification card or orally inform the employee of the unit 315  
~~who approaches the vehicle while stopped,~~ at the same time as 316  
displaying the driver's license or state identification card, 317  
that the licensee has been issued a concealed handgun license, 318  
and shall disclose that the licensee currently possesses or has 319  
a loaded handgun. 320

(4) If a licensee is stopped for a law enforcement purpose 321  
~~and,~~ if the licensee is carrying a concealed handgun at the 322  
time the officer approaches, and if a law enforcement officer 323  
requests the licensee's driver's license or state identification 324  
card, the licensee shall ~~promptly display the licensee's~~ 325  
concealed handgun license with the driver's license or state 326  
identification card or orally inform ~~any the~~ law enforcement 327  
officer ~~who approaches the licensee while stopped,~~ at the same 328  
time as displaying the driver's license or state identification 329  
card, that the licensee has been issued a concealed handgun 330  
license, and shall disclose that the licensee currently is 331  
carrying a concealed handgun; the licensee shall not knowingly 332  
disregard or fail to comply with lawful orders of a law 333  
enforcement officer given while the licensee is stopped or 334  
knowingly fail to keep the licensee's hands in plain sight after 335  
any law enforcement officer begins approaching the licensee 336  
while stopped and before the officer leaves, unless directed 337  
otherwise by a law enforcement officer; and the licensee shall 338  
not knowingly remove, attempt to remove, grasp, or hold the 339  
loaded handgun or knowingly have contact with the loaded handgun 340  
by touching it with the licensee's hands or fingers, in any 341  
manner in violation of division (B) of section 2923.12 of the 342  
Revised Code, after any law enforcement officer begins 343  
approaching the licensee while stopped and before the officer 344

leaves. 345

(B) A valid concealed handgun license does not authorize 346  
the licensee to carry a concealed handgun in any manner 347  
prohibited under division (B) of section 2923.12 of the Revised 348  
Code or in any manner prohibited under section 2923.16 of the 349  
Revised Code. A valid license does not authorize the licensee to 350  
carry a concealed handgun into any of the following places: 351

(1) A police station, sheriff's office, or state highway 352  
patrol station, premises controlled by the bureau of criminal 353  
identification and investigation; a state correctional 354  
institution, jail, workhouse, or other detention facility; any 355  
area of an airport passenger terminal that is beyond a passenger 356  
or property screening checkpoint or to which access is 357  
restricted through security measures by the airport authority or 358  
a public agency; or an institution that is maintained, operated, 359  
managed, and governed pursuant to division (A) of section 360  
5119.14 of the Revised Code or division (A) (1) of section 361  
5123.03 of the Revised Code; 362

(2) A school safety zone if the licensee's carrying the 363  
concealed handgun is in violation of section 2923.122 of the 364  
Revised Code; 365

(3) A courthouse or another building or structure in which 366  
a courtroom is located, in violation of section 2923.123 of the 367  
Revised Code; 368

(4) Any premises or open air arena for which a D permit 369  
has been issued under Chapter 4303. of the Revised Code if the 370  
licensee's carrying the concealed handgun is in violation of 371  
section 2923.121 of the Revised Code; 372

(5) Any premises owned or leased by any public or private 373

college, university, or other institution of higher education, 374  
unless the handgun is in a locked motor vehicle or the licensee 375  
is in the immediate process of placing the handgun in a locked 376  
motor vehicle or unless the licensee is carrying the concealed 377  
handgun pursuant to a written policy, rule, or other 378  
authorization that is adopted by the institution's board of 379  
trustees or other governing body and that authorizes specific 380  
individuals or classes of individuals to carry a concealed 381  
handgun on the premises; 382

(6) Any church, synagogue, mosque, or other place of 383  
worship, unless the church, synagogue, mosque, or other place of 384  
worship posts or permits otherwise; 385

(7) Any building that is a government facility of this 386  
state or a political subdivision of this state and that is not a 387  
building that is used primarily as a shelter, restroom, parking 388  
facility for motor vehicles, or rest facility and is not a 389  
courthouse or other building or structure in which a courtroom 390  
is located that is subject to division (B)(3) of this section, 391  
unless the governing body with authority over the building has 392  
enacted a statute, ordinance, or policy that permits a licensee 393  
to carry a concealed handgun into the building; 394

(8) A place in which federal law prohibits the carrying of 395  
handguns. 396

(C)(1) Nothing in this section shall negate or restrict a 397  
rule, policy, or practice of a private employer that is not a 398  
private college, university, or other institution of higher 399  
education concerning or prohibiting the presence of firearms on 400  
the private employer's premises or property, including motor 401  
vehicles owned by the private employer. Nothing in this section 402  
shall require a private employer of that nature to adopt a rule, 403

policy, or practice concerning or prohibiting the presence of 404  
firearms on the private employer's premises or property, 405  
including motor vehicles owned by the private employer. 406

(2) (a) A private employer shall be immune from liability 407  
in a civil action for any injury, death, or loss to person or 408  
property that allegedly was caused by or related to a licensee 409  
bringing a handgun onto the premises or property of the private 410  
employer, including motor vehicles owned by the private 411  
employer, unless the private employer acted with malicious 412  
purpose. A private employer is immune from liability in a civil 413  
action for any injury, death, or loss to person or property that 414  
allegedly was caused by or related to the private employer's 415  
decision to permit a licensee to bring, or prohibit a licensee 416  
from bringing, a handgun onto the premises or property of the 417  
private employer. 418

(b) A political subdivision shall be immune from liability 419  
in a civil action, to the extent and in the manner provided in 420  
Chapter 2744. of the Revised Code, for any injury, death, or 421  
loss to person or property that allegedly was caused by or 422  
related to a licensee bringing a handgun onto any premises or 423  
property owned, leased, or otherwise under the control of the 424  
political subdivision. As used in this division, "political 425  
subdivision" has the same meaning as in section 2744.01 of the 426  
Revised Code. 427

(c) An institution of higher education shall be immune 428  
from liability in a civil action for any injury, death, or loss 429  
to person or property that allegedly was caused by or related to 430  
a licensee bringing a handgun onto the premises of the 431  
institution, including motor vehicles owned by the institution, 432  
unless the institution acted with malicious purpose. An 433

institution of higher education is immune from liability in a 434  
civil action for any injury, death, or loss to person or 435  
property that allegedly was caused by or related to the 436  
institution's decision to permit a licensee or class of 437  
licensees to bring a handgun onto the premises of the 438  
institution. 439

(3) (a) Except as provided in division (C) (3) (b) of this 440  
section, the owner or person in control of private land or 441  
premises, and a private person or entity leasing land or 442  
premises owned by the state, the United States, or a political 443  
subdivision of the state or the United States, may post a sign 444  
in a conspicuous location on that land or on those premises 445  
prohibiting persons from carrying firearms or concealed firearms 446  
on or onto that land or those premises. Except as otherwise 447  
provided in this division, a person who knowingly violates a 448  
posted prohibition of that nature is guilty of criminal trespass 449  
in violation of division (A) (4) of section 2911.21 of the 450  
Revised Code and is guilty of a misdemeanor of the fourth 451  
degree. If a person knowingly violates a posted prohibition of 452  
that nature and the posted land or premises primarily was a 453  
parking lot or other parking facility, the person is not guilty 454  
of criminal trespass under section 2911.21 of the Revised Code 455  
or under any other criminal law of this state or criminal law, 456  
ordinance, or resolution of a political subdivision of this 457  
state, and instead is subject only to a civil cause of action 458  
for trespass based on the violation. 459

If a person knowingly violates a posted prohibition of the 460  
nature described in this division and the posted land or 461  
premises is a child day-care center, type A family day-care 462  
home, or type B family day-care home, unless the person is a 463  
licensee who resides in a type A family day-care home or type B 464



family day-care home, the person is guilty of aggravated 465  
trespass in violation of section 2911.211 of the Revised Code. 466  
Except as otherwise provided in this division, the offender is 467  
guilty of a misdemeanor of the first degree. If the person 468  
previously has been convicted of a violation of this division or 469  
of any offense of violence, if the weapon involved is a firearm 470  
that is either loaded or for which the offender has ammunition 471  
ready at hand, or if the weapon involved is dangerous ordnance, 472  
the offender is guilty of a felony of the fourth degree. 473

(b) A landlord may not prohibit or restrict a tenant who 474  
is a licensee and who on or after September 9, 2008, enters into 475  
a rental agreement with the landlord for the use of residential 476  
premises, and the tenant's guest while the tenant is present, 477  
from lawfully carrying or possessing a handgun on those 478  
residential premises. 479

(c) As used in division (C) (3) of this section: 480

(i) "Residential premises" has the same meaning as in 481  
section 5321.01 of the Revised Code, except "residential 482  
premises" does not include a dwelling unit that is owned or 483  
operated by a college or university. 484

(ii) "Landlord," "tenant," and "rental agreement" have the 485  
same meanings as in section 5321.01 of the Revised Code. 486

(D) A person who holds a valid concealed handgun license 487  
issued by another state that is recognized by the attorney 488  
general pursuant to a reciprocity agreement entered into 489  
pursuant to section 109.69 of the Revised Code or a person who 490  
holds a valid concealed handgun license under the circumstances 491  
described in division (B) of section 109.69 of the Revised Code 492  
has the same right to carry a concealed handgun in this state as 493

a person who was issued a concealed handgun license under 494  
section 2923.125 of the Revised Code and is subject to the same 495  
restrictions that apply to a person who carries a license issued 496  
under that section. 497

(E) (1) A peace officer has the same right to carry a 498  
concealed handgun in this state as a person who was issued a 499  
concealed handgun license under section 2923.125 of the Revised 500  
Code. For purposes of reciprocity with other states, a peace 501  
officer shall be considered to be a licensee in this state. 502

(2) An active duty member of the armed forces of the 503  
United States who is carrying a valid military identification 504  
card and documentation of successful completion of firearms 505  
training that meets or exceeds the training requirements 506  
described in division (G) (1) of section 2923.125 of the Revised 507  
Code has the same right to carry a concealed handgun in this 508  
state as a person who was issued a concealed handgun license 509  
under section 2923.125 of the Revised Code and is subject to the 510  
same restrictions as specified in this section. 511

(F) (1) A qualified retired peace officer who possesses a 512  
retired peace officer identification card issued pursuant to 513  
division (F) (2) of this section and a valid firearms 514  
requalification certification issued pursuant to division (F) (3) 515  
of this section has the same right to carry a concealed handgun 516  
in this state as a person who was issued a concealed handgun 517  
license under section 2923.125 of the Revised Code and is 518  
subject to the same restrictions that apply to a person who 519  
carries a license issued under that section. For purposes of 520  
reciprocity with other states, a qualified retired peace officer 521  
who possesses a retired peace officer identification card issued 522  
pursuant to division (F) (2) of this section and a valid firearms 523

requalification certification issued pursuant to division (F) (3) 524  
of this section shall be considered to be a licensee in this 525  
state. 526

(2) (a) Each public agency of this state or of a political 527  
subdivision of this state that is served by one or more peace 528  
officers shall issue a retired peace officer identification card 529  
to any person who retired from service as a peace officer with 530  
that agency, if the issuance is in accordance with the agency's 531  
policies and procedures and if the person, with respect to the 532  
person's service with that agency, satisfies all of the 533  
following: 534

(i) The person retired in good standing from service as a 535  
peace officer with the public agency, and the retirement was not 536  
for reasons of mental instability. 537

(ii) Before retiring from service as a peace officer with 538  
that agency, the person was authorized to engage in or supervise 539  
the prevention, detection, investigation, or prosecution of, or 540  
the incarceration of any person for, any violation of law and 541  
the person had statutory powers of arrest. 542

(iii) At the time of the person's retirement as a peace 543  
officer with that agency, the person was trained and qualified 544  
to carry firearms in the performance of the peace officer's 545  
duties. 546

(iv) Before retiring from service as a peace officer with 547  
that agency, the person was regularly employed as a peace 548  
officer for an aggregate of fifteen years or more, or, in the 549  
alternative, the person retired from service as a peace officer 550  
with that agency, after completing any applicable probationary 551  
period of that service, due to a service-connected disability, 552

as determined by the agency. 553

(b) A retired peace officer identification card issued to 554  
a person under division (F) (2) (a) of this section shall identify 555  
the person by name, contain a photograph of the person, identify 556  
the public agency of this state or of the political subdivision 557  
of this state from which the person retired as a peace officer 558  
and that is issuing the identification card, and specify that 559  
the person retired in good standing from service as a peace 560  
officer with the issuing public agency and satisfies the 561  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 562  
section. In addition to the required content specified in this 563  
division, a retired peace officer identification card issued to 564  
a person under division (F) (2) (a) of this section may include 565  
the firearms requalification certification described in division 566  
(F) (3) of this section, and if the identification card includes 567  
that certification, the identification card shall serve as the 568  
firearms requalification certification for the retired peace 569  
officer. If the issuing public agency issues credentials to 570  
active law enforcement officers who serve the agency, the agency 571  
may comply with division (F) (2) (a) of this section by issuing 572  
the same credentials to persons who retired from service as a 573  
peace officer with the agency and who satisfy the criteria set 574  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 575  
provided that the credentials so issued to retired peace 576  
officers are stamped with the word "RETIRED." 577

(c) A public agency of this state or of a political 578  
subdivision of this state may charge persons who retired from 579  
service as a peace officer with the agency a reasonable fee for 580  
issuing to the person a retired peace officer identification 581  
card pursuant to division (F) (2) (a) of this section. 582

(3) If a person retired from service as a peace officer 583  
with a public agency of this state or of a political subdivision 584  
of this state and the person satisfies the criteria set forth in 585  
divisions (F) (2) (a) (i) to (iv) of this section, the public 586  
agency may provide the retired peace officer with the 587  
opportunity to attend a firearms requalification program that is 588  
approved for purposes of firearms requalification required under 589  
section 109.801 of the Revised Code. The retired peace officer 590  
may be required to pay the cost of the course. 591

If a retired peace officer who satisfies the criteria set 592  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 593  
a firearms requalification program that is approved for purposes 594  
of firearms requalification required under section 109.801 of 595  
the Revised Code, the retired peace officer's successful 596  
completion of the firearms requalification program requalifies 597  
the retired peace officer for purposes of division (F) of this 598  
section for five years from the date on which the program was 599  
successfully completed, and the requalification is valid during 600  
that five-year period. If a retired peace officer who satisfies 601  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 602  
section satisfactorily completes such a firearms requalification 603  
program, the retired peace officer shall be issued a firearms 604  
requalification certification that identifies the retired peace 605  
officer by name, identifies the entity that taught the program, 606  
specifies that the retired peace officer successfully completed 607  
the program, specifies the date on which the course was 608  
successfully completed, and specifies that the requalification 609  
is valid for five years from that date of successful completion. 610  
The firearms requalification certification for a retired peace 611  
officer may be included in the retired peace officer 612  
identification card issued to the retired peace officer under 613

division (F) (2) of this section. 614

A retired peace officer who attends a firearms 615  
requalification program that is approved for purposes of 616  
firearms requalification required under section 109.801 of the 617  
Revised Code may be required to pay the cost of the program. 618

(G) As used in this section: 619

(1) "Qualified retired peace officer" means a person who 620  
satisfies all of the following: 621

(a) The person satisfies the criteria set forth in 622  
divisions (F) (2) (a) (i) to (v) of this section. 623

(b) The person is not under the influence of alcohol or 624  
another intoxicating or hallucinatory drug or substance. 625

(c) The person is not prohibited by federal law from 626  
receiving firearms. 627

(2) "Retired peace officer identification card" means an 628  
identification card that is issued pursuant to division (F) (2) 629  
of this section to a person who is a retired peace officer. 630

(3) "Government facility of this state or a political 631  
subdivision of this state" means any of the following: 632

(a) A building or part of a building that is owned or 633  
leased by the government of this state or a political 634  
subdivision of this state and where employees of the government 635  
of this state or the political subdivision regularly are present 636  
for the purpose of performing their official duties as employees 637  
of the state or political subdivision; 638

(b) The office of a deputy registrar serving pursuant to 639  
Chapter 4503. of the Revised Code that is used to perform deputy 640

registrar functions. 641

(4) "Governing body" has the same meaning as in section 642  
154.01 of the Revised Code. 643

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 644  
concealed handgun license is arrested for or otherwise charged 645  
with an offense described in division (D) (1) (d) of section 646  
2923.125 of the Revised Code or with a violation of section 647  
2923.15 of the Revised Code or becomes subject to a temporary 648  
protection order or to a protection order issued by a court of 649  
another state that is substantially equivalent to a temporary 650  
protection order, the sheriff who issued the license shall 651  
suspend it and shall comply with division (A) (3) of this section 652  
upon becoming aware of the arrest, charge, or protection order. 653  
Upon suspending the license, the sheriff also shall comply with 654  
division (H) of section 2923.125 of the Revised Code. 655

(b) A suspension under division (A) (1) (a) of this section 656  
shall be considered as beginning on the date that the licensee 657  
is arrested for or otherwise charged with an offense described 658  
in that division or on the date the appropriate court issued the 659  
protection order described in that division, irrespective of 660  
when the sheriff notifies the licensee under division (A) (3) of 661  
this section. The suspension shall end on the date on which the 662  
charges are dismissed or the licensee is found not guilty of the 663  
offense described in division (A) (1) (a) of this section or, 664  
subject to division (B) of this section, on the date the 665  
appropriate court terminates the protection order described in 666  
that division. If the suspension so ends, the sheriff shall 667  
return the license or temporary emergency license to the 668  
licensee. 669

(2) (a) If a licensee holding a valid concealed handgun 670

license is convicted of or pleads guilty to a misdemeanor 671  
violation of division (B) ~~(1), (2)~~ or (4) of section 2923.12 of 672  
the Revised Code or of division (E) ~~(1), (2), (3)~~ or (5) of 673  
section 2923.16 of the Revised Code, ~~except as provided in~~ 674  
~~division (A) (2) (c) of this section and~~ subject to division (C) 675  
of this section, the sheriff who issued the license shall 676  
suspend it and shall comply with division (A) (3) of this section 677  
upon becoming aware of the conviction or guilty plea. Upon 678  
suspending the license, the sheriff also shall comply with 679  
division (H) of section 2923.125 of the Revised Code. 680

(b) A suspension under division (A) (2) (a) of this section 681  
shall be considered as beginning on the date that the licensee 682  
is convicted of or pleads guilty to the offense described in 683  
that division, irrespective of when the sheriff notifies the 684  
licensee under division (A) (3) of this section. If the 685  
suspension is imposed for a misdemeanor violation of division 686  
(B) ~~(1) or (2)~~ of section 2923.12 of the Revised Code or of 687  
division (E) ~~(1), (2), or (3)~~ of section 2923.16 of the Revised 688  
Code, it shall end on the date that is one year after the date 689  
that the licensee is convicted of or pleads guilty to that 690  
violation. If the suspension is imposed for a misdemeanor 691  
violation of division (B) (4) of section 2923.12 of the Revised 692  
Code or of division (E) (5) of section 2923.16 of the Revised 693  
Code, it shall end on the date that is two years after the date 694  
that the licensee is convicted of or pleads guilty to that 695  
violation. If the licensee's license was issued under section 696  
2923.125 of the Revised Code and the license remains valid after 697  
the suspension ends as described in this division, when the 698  
suspension ends, the sheriff shall return the license to the 699  
licensee. If the licensee's license was issued under section 700  
2923.125 of the Revised Code and the license expires before the 701



suspension ends as described in this division, or if the 702  
licensee's license was issued under section 2923.1213 of the 703  
Revised Code, the licensee is not eligible to apply for a new 704  
license under section 2923.125 or 2923.1213 of the Revised Code 705  
or to renew the license under section 2923.125 of the Revised 706  
Code until after the suspension ends as described in this 707  
division. 708

~~(c) The license of a licensee who is convicted of or 709  
pleads guilty to a violation of division (B) (1) of section 710  
2923.12 or division (E) (1) or (2) of section 2923.16 of the 711  
Revised Code shall not be suspended pursuant to division (A) (2) 712  
(a) of this section if, at the time of the stop of the licensee 713  
for a law enforcement purpose, for a traffic stop, or for a 714  
purpose defined in section 5503.34 of the Revised Code that was 715  
the basis of the violation, any law enforcement officer involved 716  
with the stop or the employee of the motor carrier enforcement 717  
unit who made the stop had actual knowledge of the licensee's 718  
status as a licensee. 719~~

(3) Upon becoming aware of an arrest, charge, or 720  
protection order described in division (A) (1) (a) of this section 721  
with respect to a licensee who was issued a concealed handgun 722  
license, or a conviction of or plea of guilty to a misdemeanor 723  
offense described in division (A) (2) (a) of this section with 724  
respect to a licensee who was issued a concealed handgun license 725  
and with respect to which division (A) (2) (c) of this section 726  
does not apply, subject to division (C) of this section, the 727  
sheriff who issued the licensee's license shall notify the 728  
licensee, by certified mail, return receipt requested, at the 729  
licensee's last known residence address that the license has 730  
been suspended and that the licensee is required to surrender 731  
the license at the sheriff's office within ten days of the date 732

on which the notice was mailed. If the suspension is pursuant to 733  
division (A) (2) of this section, the notice shall identify the 734  
date on which the suspension ends. 735

(B) (1) A sheriff who issues a concealed handgun license to 736  
a licensee shall revoke the license in accordance with division 737  
(B) (2) of this section upon becoming aware that the licensee 738  
satisfies any of the following: 739

(a) The licensee is under twenty-one years of age. 740

(b) Subject to division (C) of this section, at the time 741  
of the issuance of the license, the licensee did not satisfy the 742  
eligibility requirements of division (D) (1) (c), (d), (e), (f), 743  
(g), or (h) of section 2923.125 of the Revised Code. 744

(c) Subject to division (C) of this section, on or after 745  
the date on which the license was issued, the licensee is 746  
convicted of or pleads guilty to a violation of section 2923.15 747  
of the Revised Code or an offense described in division (D) (1) 748  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 749

(d) On or after the date on which the license was issued, 750  
the licensee becomes subject to a civil protection order or to a 751  
protection order issued by a court of another state that is 752  
substantially equivalent to a civil protection order. 753

(e) The licensee knowingly carries a concealed handgun 754  
into a place that the licensee knows is an unauthorized place 755  
specified in division (B) of section 2923.126 of the Revised 756  
Code. 757

(f) On or after the date on which the license was issued, 758  
the licensee is adjudicated as a mental defective or is 759  
committed to a mental institution. 760

(g) At the time of the issuance of the license, the licensee did not meet the residency requirements described in division (D) (1) of section 2923.125 of the Revised Code and currently does not meet the residency requirements described in that division.

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

(2) Upon becoming aware of any circumstance listed in division (B) (1) of this section that applies to a particular licensee who was issued a concealed handgun license, subject to division (C) of this section, the sheriff who issued the license to the licensee shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license is subject to revocation and that the licensee may come to the sheriff's office and contest the sheriff's proposed revocation within fourteen days of the date on which the notice was mailed. After the fourteen-day period and after consideration of any information that the licensee provides during that period, if the sheriff determines on the basis of the information of which the sheriff is aware that the licensee is described in division (B) (1) of this section and no longer satisfies the requirements described in division (D) (1) of section 2923.125 of the Revised Code that are applicable to the licensee's type of license, the sheriff shall revoke the license, notify the licensee of that fact, and require the licensee to surrender the license. Upon revoking the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(C) If a sheriff who issues a concealed handgun license to

a licensee becomes aware that at the time of the issuance of the license the licensee had been convicted of or pleaded guilty to an offense identified in division (D) (1) (e), (f), or (h) of section 2923.125 of the Revised Code or had been adjudicated a delinquent child for committing an act or violation identified in any of those divisions or becomes aware that on or after the date on which the license was issued the licensee has been convicted of or pleaded guilty to an offense identified in division (A) (2) (a) or (B) (1) (c) of this section, the sheriff shall not consider that conviction, guilty plea, or adjudication as having occurred for purposes of divisions (A) (2), (A) (3), (B) (1), and (B) (2) of this section if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the Revised Code or the licensee has been relieved under operation of law or legal process from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication.

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

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

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

(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that

firearm under applicable law of this state or the United States, 821  
the firearm is unloaded, and the firearm is carried in one of 822  
the following ways: 823

(1) In a closed package, box, or case; 824

(2) In a compartment that can be reached only by leaving 825  
the vehicle; 826

(3) In plain sight and secured in a rack or holder made 827  
for the purpose; 828

(4) If the firearm is at least twenty-four inches in 829  
overall length as measured from the muzzle to the part of the 830  
stock furthest from the muzzle and if the barrel is at least 831  
eighteen inches in length, either in plain sight with the action 832  
open or the weapon stripped, or, if the firearm is of a type on 833  
which the action will not stay open or which cannot easily be 834  
stripped, in plain sight. 835

(D) No person shall knowingly transport or have a loaded 836  
handgun in a motor vehicle if, at the time of that 837  
transportation or possession, any of the following applies: 838

(1) The person is under the influence of alcohol, a drug 839  
of abuse, or a combination of them. 840

(2) The person's whole blood, blood serum or plasma, 841  
breath, or urine contains a concentration of alcohol, a listed 842  
controlled substance, or a listed metabolite of a controlled 843  
substance prohibited for persons operating a vehicle, as 844  
specified in division (A) of section 4511.19 of the Revised 845  
Code, regardless of whether the person at the time of the 846  
transportation or possession as described in this division is 847  
the operator of or a passenger in the motor vehicle. 848

(E) No person who has been issued a concealed handgun license or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in section 5503.34 of the Revised Code, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

(1) Fail to promptly ~~If a law enforcement officer requests the person's driver's license or state identification card, fail to do both of the following:~~

(a) Display the person's concealed handgun license or military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code with the driver's license or state identification card or orally inform any the law enforcement officer who approaches the vehicle while stopped, at the same time as displaying the driver's license or state identification card, that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States ~~and;~~

(b) Disclose that the person then possesses or has a

loaded handgun in the motor vehicle~~7.~~ 879

(2) ~~Fail to promptly~~ If an employee of the motor carrier 880  
enforcement unit requests the person's driver's license or state 881  
identification card, fail to do both of the following: 882

(a) Display the person's concealed handgun license or 883  
military identification card and documentation of successful 884  
completion of firearms training that meets or exceeds the 885  
training requirements described in division (G)(1) of section 886  
2923.125 of the Revised Code with the driver's license or state 887  
identification card or orally inform the employee of the unit 888  
~~who approaches the vehicle while stopped,~~ at the same time as 889  
displaying the driver's license or state identification card, 890  
that the person has been issued a concealed handgun license or 891  
is authorized to carry a concealed handgun as an active duty 892  
member of the armed forces of the United States ~~and that;~~ 893

(b) Disclose that the person then possesses or has a 894  
loaded handgun in the commercial motor vehicle; 895

(3) Knowingly fail to remain in the motor vehicle while 896  
stopped or knowingly fail to keep the person's hands in plain 897  
sight at any time after any law enforcement officer begins 898  
approaching the person while stopped and before the law 899  
enforcement officer leaves, unless the failure is pursuant to 900  
and in accordance with directions given by a law enforcement 901  
officer; 902

(4) Knowingly have contact with the loaded handgun by 903  
touching it with the person's hands or fingers in the motor 904  
vehicle at any time after the law enforcement officer begins 905  
approaching and before the law enforcement officer leaves, 906  
unless the person has contact with the loaded handgun pursuant 907

to and in accordance with directions given by the law 908  
enforcement officer; 909

(5) Knowingly disregard or fail to comply with any lawful 910  
order of any law enforcement officer given while the motor 911  
vehicle is stopped, including, but not limited to, a specific 912  
order to the person to keep the person's hands in plain sight. 913

(F) (1) Divisions (A), (B), (C), and (E) of this section do 914  
not apply to any of the following: 915

(a) An officer, agent, or employee of this or any other 916  
state or the United States, or a law enforcement officer, when 917  
authorized to carry or have loaded or accessible firearms in 918  
motor vehicles and acting within the scope of the officer's, 919  
agent's, or employee's duties; 920

(b) Any person who is employed in this state, who is 921  
authorized to carry or have loaded or accessible firearms in 922  
motor vehicles, and who is subject to and in compliance with the 923  
requirements of section 109.801 of the Revised Code, unless the 924  
appointing authority of the person has expressly specified that 925  
the exemption provided in division (F) (1) (b) of this section 926  
does not apply to the person. 927

(2) Division (A) of this section does not apply to a 928  
person if all of the following circumstances apply: 929

(a) The person discharges a firearm from a motor vehicle 930  
at a coyote or groundhog, the discharge is not during the deer 931  
gun hunting season as set by the chief of the division of 932  
wildlife of the department of natural resources, and the 933  
discharge at the coyote or groundhog, but for the operation of 934  
this section, is lawful. 935

(b) The motor vehicle from which the person discharges the 936



firearm is on real property that is located in an unincorporated 937  
area of a township and that either is zoned for agriculture or 938  
is used for agriculture. 939

(c) The person owns the real property described in 940  
division (F)(2)(b) of this section, is the spouse or a child of 941  
another person who owns that real property, is a tenant of 942  
another person who owns that real property, or is the spouse or 943  
a child of a tenant of another person who owns that real 944  
property. 945

(d) The person does not discharge the firearm in any of 946  
the following manners: 947

(i) While under the influence of alcohol, a drug of abuse, 948  
or alcohol and a drug of abuse; 949

(ii) In the direction of a street, highway, or other 950  
public or private property used by the public for vehicular 951  
traffic or parking; 952

(iii) At or into an occupied structure that is a permanent 953  
or temporary habitation; 954

(iv) In the commission of any violation of law, including, 955  
but not limited to, a felony that includes, as an essential 956  
element, purposely or knowingly causing or attempting to cause 957  
the death of or physical harm to another and that was committed 958  
by discharging a firearm from a motor vehicle. 959

(3) Division (A) of this section does not apply to a 960  
person if all of the following apply: 961

(a) The person possesses a valid electric-powered all- 962  
purpose vehicle permit issued under section 1533.103 of the 963  
Revised Code by the chief of the division of wildlife. 964

(b) The person discharges a firearm at a wild quadruped or 965  
game bird as defined in section 1531.01 of the Revised Code 966  
during the open hunting season for the applicable wild quadruped 967  
or game bird. 968

(c) The person discharges a firearm from a stationary 969  
electric-powered all-purpose vehicle as defined in section 970  
1531.01 of the Revised Code or a motor vehicle that is parked on 971  
a road that is owned or administered by the division of 972  
wildlife, provided that the road is identified by an electric- 973  
powered all-purpose vehicle sign. 974

(d) The person does not discharge the firearm in any of 975  
the following manners: 976

(i) While under the influence of alcohol, a drug of abuse, 977  
or alcohol and a drug of abuse; 978

(ii) In the direction of a street, a highway, or other 979  
public or private property that is used by the public for 980  
vehicular traffic or parking; 981

(iii) At or into an occupied structure that is a permanent 982  
or temporary habitation; 983

(iv) In the commission of any violation of law, including, 984  
but not limited to, a felony that includes, as an essential 985  
element, purposely or knowingly causing or attempting to cause 986  
the death of or physical harm to another and that was committed 987  
by discharging a firearm from a motor vehicle. 988

(4) Divisions (B) and (C) of this section do not apply to 989  
a person if all of the following circumstances apply: 990

(a) At the time of the alleged violation of either of 991  
those divisions, the person is the operator of or a passenger in 992

a motor vehicle.	993
(b) The motor vehicle is on real property that is located	994
in an unincorporated area of a township and that either is zoned	995
for agriculture or is used for agriculture.	996
(c) The person owns the real property described in	997
division (D) (4) (b) of this section, is the spouse or a child of	998
another person who owns that real property, is a tenant of	999
another person who owns that real property, or is the spouse or	1000
a child of a tenant of another person who owns that real	1001
property.	1002
(d) The person, prior to arriving at the real property	1003
described in division (D) (4) (b) of this section, did not	1004
transport or possess a firearm in the motor vehicle in a manner	1005
prohibited by division (B) or (C) of this section while the	1006
motor vehicle was being operated on a street, highway, or other	1007
public or private property used by the public for vehicular	1008
traffic or parking.	1009
(5) Divisions (B) and (C) of this section do not apply to	1010
a person who transports or possesses a handgun in a motor	1011
vehicle if, at the time of that transportation or possession,	1012
both of the following apply:	1013
(a) The person transporting or possessing the handgun is	1014
either carrying a valid concealed handgun license or is an	1015
active duty member of the armed forces of the United States and	1016
is carrying a valid military identification card and	1017
documentation of successful completion of firearms training that	1018
meets or exceeds the training requirements described in division	1019
(G) (1) of section 2923.125 of the Revised Code.	1020
(b) The person transporting or possessing the handgun is	1021

not knowingly in a place described in division (B) of section 1022  
2923.126 of the Revised Code. 1023

(6) Divisions (B) and (C) of this section do not apply to 1024  
a person if all of the following apply: 1025

(a) The person possesses a valid electric-powered all- 1026  
purpose vehicle permit issued under section 1533.103 of the 1027  
Revised Code by the chief of the division of wildlife. 1028

(b) The person is on or in an electric-powered all-purpose 1029  
vehicle as defined in section 1531.01 of the Revised Code or a 1030  
motor vehicle during the open hunting season for a wild 1031  
quadruped or game bird. 1032

(c) The person is on or in an electric-powered all-purpose 1033  
vehicle as defined in section 1531.01 of the Revised Code or a 1034  
motor vehicle that is parked on a road that is owned or 1035  
administered by the division of wildlife, provided that the road 1036  
is identified by an electric-powered all-purpose vehicle sign. 1037

(7) Nothing in this section prohibits or restricts a 1038  
person from possessing, storing, or leaving a firearm in a 1039  
locked motor vehicle that is parked in the state underground 1040  
parking garage at the state capitol building or in the parking 1041  
garage at the Riffe center for government and the arts in 1042  
Columbus, if the person's transportation and possession of the 1043  
firearm in the motor vehicle while traveling to the premises or 1044  
facility was not in violation of division (A), (B), (C), (D), or 1045  
(E) of this section or any other provision of the Revised Code. 1046

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

(2) It is an affirmative defense to a charge under 1051  
division (B) or (C) of this section of improperly handling 1052  
firearms in a motor vehicle that the actor transported or had 1053  
the firearm in the motor vehicle for any lawful purpose and 1054  
while the motor vehicle was on the actor's own property, 1055  
provided that this affirmative defense is not available unless 1056  
the person, immediately prior to arriving at the actor's own 1057  
property, did not transport or possess the firearm in a motor 1058  
vehicle in a manner prohibited by division (B) or (C) of this 1059  
section while the motor vehicle was being operated on a street, 1060  
highway, or other public or private property used by the public 1061  
for vehicular traffic. 1062

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

(2) (a) If a person is convicted of, was convicted of, 1067  
pleads guilty to, or has pleaded guilty to a violation of 1068  
division (E) of this section as it existed prior to September 1069  
30, 2011, and if the conduct that was the basis of the violation 1070  
no longer would be a violation of division (E) of this section 1071  
on or after September 30, 2011, the person may file an 1072  
application under section 2953.37 of the Revised Code requesting 1073  
the expungement of the record of conviction. 1074

If a person is convicted of, was convicted of, pleads 1075  
guilty to, or has pleaded guilty to a violation of division (B) 1076  
or (C) of this section as the division existed prior to 1077  
September 30, 2011, and if the conduct that was the basis of the 1078  
violation no longer would be a violation of division (B) or (C) 1079  
of this section on or after September 30, 2011, due to the 1080

application of division (F) (5) of this section as it exists on 1081  
and after September 30, 2011, the person may file an application 1082  
under section 2953.37 of the Revised Code requesting the 1083  
expungement of the record of conviction. 1084

(b) The attorney general shall develop a public media 1085  
advisory that summarizes the expungement procedure established 1086  
under section 2953.37 of the Revised Code and the offenders 1087  
identified in division (H) (2) (a) of this section who are 1088  
authorized to apply for the expungement. Within thirty days 1089  
after September 30, 2011, the attorney general shall provide a 1090  
copy of the advisory to each daily newspaper published in this 1091  
state and each television station that broadcasts in this state. 1092  
The attorney general may provide the advisory in a tangible 1093  
form, an electronic form, or in both tangible and electronic 1094  
forms. 1095

(I) Whoever violates this section is guilty of improperly 1096  
handling firearms in a motor vehicle. Violation of division (A) 1097  
of this section is a felony of the fourth degree. Violation of 1098  
division (C) of this section is a misdemeanor of the fourth 1099  
degree. A violation of division (D) of this section is a felony 1100  
of the fifth degree or, if the loaded handgun is concealed on 1101  
the person's person, a felony of the fourth degree. ~~Except as~~ 1102  
~~otherwise provided in this division, a~~ A violation of division 1103  
(E) (1) or (2) of this section is a ~~misdemeanor of the first~~ 1104  
~~degree, and, in addition to any other penalty or sanction~~ 1105  
~~imposed for the violation, the offender's concealed handgun~~ 1106  
~~license shall be suspended pursuant to division (A) (2) of~~ 1107  
~~section 2923.128 of the Revised Code. If at the time of the stop~~ 1108  
~~of the offender for a traffic stop, for another law enforcement~~ 1109  
~~purpose, or for a purpose defined in section 5503.34 of the~~ 1110  
~~Revised Code that was the basis of the violation any law~~ 1111

~~enforcement officer involved with the stop or the employee of~~ 1112  
~~the motor carrier enforcement unit who made the stop had actual~~ 1113  
~~knowledge of the offender's status as a licensee, a violation of~~ 1114  
~~division (E) (1) or (2) of this section is a minor misdemeanor,~~ 1115  
~~and the offender's concealed handgun license shall not be~~ 1116  
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1117  
~~Revised Code and the offender may be subject to a fine of not~~ 1118  
more than twenty-five dollars. A violation of division (E) (4) of 1119  
this section is a felony of the fifth degree. A violation of 1120  
division (E) (3) or (5) of this section is a misdemeanor of the 1121  
first degree or, if the offender previously has been convicted 1122  
of or pleaded guilty to a violation of division (E) (3) or (5) of 1123  
this section, a felony of the fifth degree. In addition to any 1124  
other penalty or sanction imposed for a misdemeanor violation of 1125  
division (E) (3) or (5) of this section, the offender's concealed 1126  
handgun license shall be suspended pursuant to division (A) (2) 1127  
of section 2923.128 of the Revised Code. A violation of division 1128  
(B) of this section is a felony of the fourth degree. 1129

(J) If a law enforcement officer stops a motor vehicle for 1130  
a traffic stop or any other purpose, if any person in the motor 1131  
vehicle surrenders a firearm to the officer, either voluntarily 1132  
or pursuant to a request or demand of the officer, and if the 1133  
officer does not charge the person with a violation of this 1134  
section or arrest the person for any offense, the person is not 1135  
otherwise prohibited by law from possessing the firearm, and the 1136  
firearm is not contraband, the officer shall return the firearm 1137  
to the person at the termination of the stop. If a court orders 1138  
a law enforcement officer to return a firearm to a person 1139  
pursuant to the requirement set forth in this division, division 1140  
(B) of section 2923.163 of the Revised Code applies. 1141

(K) As used in this section: 1142

- (1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code. 1143  
1144
- (2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code. 1145  
1146
- (3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code. 1147  
1148
- (4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code. 1149  
1150
- (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: 1151  
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1153  
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1155
- (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. 1156  
1157  
1158
- (ii) Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure. 1159  
1160  
1161  
1162  
1163
- (b) For the purposes of division (K) (5) (a) (ii) of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following: 1164  
1165  
1166  
1167
- (i) A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, 1168  
1169  
1170



box, or case, or, if they are in the same compartment, the 1171  
magazine or speed loader is contained within a separate 1172  
enclosure in that compartment that does not contain the firearm 1173  
and that closes using a snap, button, buckle, zipper, hook and 1174  
loop closing mechanism, or other fastener that must be opened to 1175  
access the contents or the firearm is contained within a 1176  
separate enclosure of that nature in that compartment that does 1177  
not contain the magazine or speed loader; 1178

(ii) A pocket or other enclosure on the person of the 1179  
person in question that closes using a snap, button, buckle, 1180  
zipper, hook and loop closing mechanism, or other fastener that 1181  
must be opened to access the contents. 1182

(c) For the purposes of divisions (K) (5) (a) and (b) of 1183  
this section, ammunition held in stripper-clips or in en-bloc 1184  
clips is not considered ammunition that is loaded into a 1185  
magazine or speed loader. 1186

(6) "Unloaded" means, with respect to a firearm employing 1187  
a percussion cap, flintlock, or other obsolete ignition system, 1188  
when the weapon is uncapped or when the priming charge is 1189  
removed from the pan. 1190

(7) "Commercial motor vehicle" has the same meaning as in 1191  
division (A) of section 4506.25 of the Revised Code. 1192

(8) "Motor carrier enforcement unit" means the motor 1193  
carrier enforcement unit in the department of public safety, 1194  
division of state highway patrol, that is created by section 1195  
5503.34 of the Revised Code. 1196

(L) Divisions (K) (5) (a) and (b) of this section do not 1197  
affect the authority of a person who is carrying a valid 1198  
concealed handgun license to have one or more magazines or speed 1199

loaders containing ammunition anywhere in a vehicle, without 1200  
being transported as described in those divisions, as long as no 1201  
ammunition is in a firearm, other than a handgun, in the vehicle 1202  
other than as permitted under any other provision of this 1203  
chapter. A person who is carrying a valid concealed handgun 1204  
license may have one or more magazines or speed loaders 1205  
containing ammunition anywhere in a vehicle without further 1206  
restriction, as long as no ammunition is in a firearm, other 1207  
than a handgun, in the vehicle other than as permitted under any 1208  
provision of this chapter. 1209

**Section 2.** That existing sections 2923.12, 2923.126, 1210  
2923.128, and 2923.16 of the Revised Code are hereby repealed. 1211