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Representatives Wiggam, Holmes

Cosponsors: Representatives Lipps, Goodman, Kick, Merrin, Hood, Thompson, Conditt, Keller, Vitale, Roegner, Koehler, Brinkman, Becker, Seitz, Dean, Anielski, Antani, Brenner, Butler, Duffey, Ginter, Green, Greenspan, Hagan, Hambley, Henne, Johnson, Lanese, Lang, McColley, Patton, Retherford, Rezabek, Riedel, Romanchuk, Schaffer, Schuring, Smith, R., Sprague, Stein, Young, Zeltwanger, Speaker Rosenberger

A BILL

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

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

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

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

(1) A deadly weapon other than a handgun;

(2) A handgun other than a dangerous ordnance;

- (3) A dangerous ordnance. 14
- (B) No person who has been issued a concealed handgun license shall do any of the following: 15
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- (1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, and a law enforcement officer requests the person's driver's license or state identification card, fail to ~~promptly do~~ both of the following: 17
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- (a) Display the person's concealed handgun license with the driver's license or state identification card or orally inform ~~any the~~ law enforcement officer ~~who approaches the person after the person has been 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 ~~and;~~ 21
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- (b) Disclose that the person then is carrying a concealed handgun ~~+~~. 27
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- (2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer; 29
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- (3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by 36
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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 105
actor for any lawful purpose and while in the actor's own home. 106

(E) No person who is charged with a violation of this 107
section shall be required to obtain a concealed handgun license 108
as a condition for the dismissal of the charge. 109

(F) (1) Whoever violates this section is guilty of carrying 110
concealed weapons. Except as otherwise provided in this division 111
or divisions (F) (2), (6), and (7) of this section, carrying 112
concealed weapons in violation of division (A) of this section 113
is a misdemeanor of the first degree. Except as otherwise 114
provided in this division or divisions (F) (2), (6), and (7) of 115
this section, if the offender previously has been convicted of a 116
violation of this section or of any offense of violence, if the 117
weapon involved is a firearm that is either loaded or for which 118
the offender has ammunition ready at hand, or if the weapon 119
involved is dangerous ordnance, carrying concealed weapons in 120
violation of division (A) of this section is a felony of the 121
fourth degree. Except as otherwise provided in divisions (F) (2) 122
and (6) of this section, if the offense is committed aboard an 123
aircraft, or with purpose to carry a concealed weapon aboard an 124
aircraft, regardless of the weapon involved, carrying concealed 125
weapons in violation of division (A) of this section is a felony 126
of the third degree. 127

(2) Except as provided in division (F) (6) of this section, 128
if a person being arrested for a violation of division (A) (2) of 129
this section promptly produces a valid concealed handgun 130

license, and if at the time of the violation the person was not 131
knowingly in a place described in division (B) of section 132
2923.126 of the Revised Code, the officer shall not arrest the 133
person for a violation of that division. If the person is not 134
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 163
section do not apply, the offender shall be punished under 164
division (F) (1) or (7) of this section. 165

~~(3) Except as otherwise provided in this division,~~ 166
~~carrying concealed weapons in violation of division (B) (1) of~~ 167
~~this section is a misdemeanor of the first degree, and, in~~ 168
~~addition to any other penalty or sanction imposed for a~~ 169
~~violation of division (B) (1) of this section, the offender's~~ 170
~~concealed handgun license shall be suspended pursuant to~~ 171
~~division (A) (2) of section 2923.128 of the Revised Code. If, at~~ 172
~~the time of the stop of the offender for a law enforcement~~ 173
~~purpose that was the basis of the violation, any law enforcement~~ 174
~~officer involved with the stop had actual knowledge that the~~ 175
~~offender has been issued a concealed handgun license, carrying~~ 176
Carrying concealed weapons in violation of division (B) (1) of 177
this section is a minor misdemeanor, ~~and the offender's~~ 178
~~concealed handgun license shall not be suspended pursuant to~~ 179
~~division (A) (2) of section 2923.128 of the Revised Code~~ and the 180
offender may be subject to a fine of not more than twenty-five 181
dollars. 182

(4) Carrying concealed weapons in violation of division 183
(B) (2) or (4) of this section is a misdemeanor of the first 184
degree or, if the offender previously has been convicted of or 185
pleaded guilty to a violation of division (B) (2) or (4) of this 186
section, a felony of the fifth degree. In addition to any other 187
penalty or sanction imposed for a misdemeanor violation of 188
division (B) (2) or (4) of this section, the offender's concealed 189

handgun license shall be suspended pursuant to division (A) (2) 190
of section 2923.128 of the Revised Code. 191

(5) Carrying concealed weapons in violation of division 192
(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 vehicle that is stopped as the result of a traffic stop or a stop for another law enforcement purpose ~~and, if the licensee is transporting or has a loaded handgun in the motor vehicle at that time, and if a law enforcement officer requests the licensee's driver's license or state identification card, the licensee shall promptly display the licensee's concealed handgun license 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 licensee has been issued a concealed handgun license, and shall disclose that the licensee currently possesses or has a loaded handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of division (E) of section 2923.16 of the Revised Code, after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves. ~~Additionally, if~~

(3) If a licensee 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, if the licensee is transporting or has a loaded handgun in the commercial motor~~

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 Revised Code, after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves.

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

(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 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 officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F) (2) of this section.

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

(G) As used in this section:

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

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

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

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

(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.

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

(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;

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

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

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

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

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 761
licensee did not meet the residency requirements described in 762
division (D)(1) of section 2923.125 of the Revised Code and 763
currently does not meet the residency requirements described in 764
that division. 765

(h) Regarding a license issued under section 2923.125 of 766
the Revised Code, the competency certificate the licensee 767
submitted was forged or otherwise was fraudulent. 768

(2) Upon becoming aware of any circumstance listed in 769
division (B)(1) of this section that applies to a particular 770
licensee who was issued a concealed handgun license, subject to 771
division (C) of this section, the sheriff who issued the license 772
to the licensee shall notify the licensee, by certified mail, 773
return receipt requested, at the licensee's last known residence 774
address that the license is subject to revocation and that the 775
licensee may come to the sheriff's office and contest the 776
sheriff's proposed revocation within fourteen days of the date 777
on which the notice was mailed. After the fourteen-day period 778
and after consideration of any information that the licensee 779
provides during that period, if the sheriff determines on the 780
basis of the information of which the sheriff is aware that the 781
licensee is described in division (B)(1) of this section and no 782
longer satisfies the requirements described in division (D)(1) 783
of section 2923.125 of the Revised Code that are applicable to 784
the licensee's type of license, the sheriff shall revoke the 785
license, notify the licensee of that fact, and require the 786
licensee to surrender the license. Upon revoking the license, 787
the sheriff also shall comply with division (H) of section 788
2923.125 of the Revised Code. 789

(C) If a sheriff who issues a concealed handgun license to 790
a licensee becomes aware that at the time of the issuance of the 791
license the licensee had been convicted of or pleaded guilty to 792
an offense identified in division (D) (1) (e), (f), or (h) of 793
section 2923.125 of the Revised Code or had been adjudicated a 794
delinquent child for committing an act or violation identified 795
in any of those divisions or becomes aware that on or after the 796
date on which the license was issued the licensee has been 797
convicted of or pleaded guilty to an offense identified in 798
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 799
shall not consider that conviction, guilty plea, or adjudication 800
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 801
(1), and (B) (2) of this section if a court has ordered the 802
sealing or expungement of the records of that conviction, guilty 803
plea, or adjudication pursuant to sections 2151.355 to 2151.358 804
or sections 2953.31 to 2953.36 of the Revised Code or the 805
licensee has been relieved under operation of law or legal 806
process from the disability imposed pursuant to section 2923.13 807
of the Revised Code relative to that conviction, guilty plea, or 808
adjudication. 809

(D) As used in this section, "motor carrier enforcement 810
unit" has the same meaning as in section 2923.16 of the Revised 811
Code. 812

Sec. 2923.16. (A) No person shall knowingly discharge a 813
firearm while in or on a motor vehicle. 814

(B) No person shall knowingly transport or have a loaded 815
firearm in a motor vehicle in such a manner that the firearm is 816
accessible to the operator or any passenger without leaving the 817
vehicle. 818

(C) No person shall knowingly transport or have a firearm 819

in a motor vehicle, unless the person may lawfully possess that 820
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~~+~~. 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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- (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
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- (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