

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. Sub. H. B. No. 228**

**Representatives Johnson, LaTourette**

**Cosponsors: Representatives Conditt, Schuring, Pelanda, Patton, McColley, Antani, Becker, Brenner, Carfagna, Dean, Duffey, Ginter, Goodman, Green, Henne, Hill, Hood, Householder, Huffman, Keller, Koehler, Lipps, Merrin, Riedel, Roegner, Romanchuk, Schaffer, Slaby, Smith, R., Sprague, Stein, Thompson, Vitale, Wiggam, Retherford, Butler, Faber, Gavarone, Hagan, Hoops, Kick, McClain, Perales, Seitz, Smith, T., Wilkin, Young**

**Senators Coley, Uecker, Bacon, Burke, Hackett, Hoagland, Hottinger, Huffman, Jordan, Obhof, Peterson, Terhar, Wilson**

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**A BILL**

To amend sections 9.68, 109.801, 307.93, 307.932, 1  
2901.05, 2923.11, 2923.121, 2923.126, 2923.129, 2  
2923.1212, 2923.18, 2923.20, and 2953.37 and to 3  
enact sections 9.69 and 2923.1214 of the Revised 4  
Code to modify the law governing state 5  
preemption of local firearm regulations and 6  
related remedies, the grounds for self-defense 7  
and the burden of proof, the authority of a law 8  
enforcement officer or investigator to carry a 9  
weapon, the offense of unlawful transactions in 10  
weapons, and other weapons-related laws. 11

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

**Section 1.** That sections 9.68, 109.801, 307.93, 307.932, 12  
2901.05, 2923.11, 2923.121, 2923.126, 2923.129, 2923.1212, 13

2923.18, 2923.20, and 2953.37 be amended and sections 9.69 and 14  
2923.1214 of the Revised Code be enacted to read as follows: 15

**Sec. 9.68.** (A) The individual right to keep and bear arms, 16  
being a fundamental individual right that predates the United 17  
States Constitution and Ohio Constitution, and being a 18  
constitutionally protected right in every part of Ohio, the 19  
general assembly finds the need to provide uniform laws 20  
throughout the state regulating the ownership, possession, 21  
purchase, other acquisition, transport, storage, carrying, sale, 22  
~~or other transfer, manufacture, taxation, keeping, and reporting~~ 23  
of loss or theft of firearms, their components, and their 24  
ammunition. The general assembly also finds and declares that it 25  
is proper for law-abiding people to protect themselves, their 26  
families, and others from intruders and attackers without fear 27  
of prosecution or civil action for acting in defense of 28  
themselves or others. Except as specifically provided by the 29  
United States Constitution, Ohio Constitution, state law, or 30  
federal law, a person, without further license, permission, 31  
restriction, delay, or process, including by any ordinance, 32  
rule, regulation, resolution, practice, or other action or any 33  
threat of citation, prosecution, or other legal process, may 34  
own, possess, purchase, ~~sell, transfer~~ acquire, transport, 35  
store, carry, sell, transfer, manufacture, or keep any firearm, 36  
part of a firearm, its components, and its ammunition. Any such 37  
further license, permission, restriction, delay, or process 38  
interferes with the fundamental individual right described in 39  
this division and unduly inhibits law-abiding people from 40  
protecting themselves, their families, and others from intruders 41  
and attackers and from other legitimate uses of constitutionally 42  
protected firearms, including hunting and sporting activities, 43  
and the state by this section preempts, supersedes, and declares 44

null and void any such further license, permission, restriction, 45  
delay, or process. 46

(B) A person, group, or entity adversely affected by any 47  
manner of ordinance, rule, regulation, resolution, practice, or 48  
other action enacted or enforced by a political subdivision in 49  
conflict with division (A) of this section may bring a civil 50  
action against the political subdivision seeking damages from 51  
the political subdivision, declaratory relief, injunctive 52  
relief, or a combination of those remedies. Any damages awarded 53  
shall be awarded against, and paid by, the political 54  
subdivision. In addition to any actual damages awarded against 55  
the political subdivision and other relief provided with respect 56  
to such an action, the court shall award ~~costs and~~ reasonable 57  
attorney fees ~~expenses~~ to any person, group, or entity that 58  
brings the action, to be paid by the political subdivision, if 59  
either of the following applies: 60

(1) The person, group, or entity prevails in a challenge 61  
to ~~an~~ the ordinance, rule, ~~or~~ regulation, resolution, practice, 62  
or action as being in conflict with division (A) of this 63  
section. 64

(2) The ordinance, rule, regulation, resolution, practice, 65  
or action or the manner of its enforcement is repealed or 66  
rescinded after the civil action was filed but prior to a final 67  
court determination of the action. 68

(C) As used in this section: 69

(1) The possession, transporting, or carrying of firearms, 70  
their components, or their ammunition include, but are not 71  
limited to, the possession, transporting, or carrying, openly or 72  
concealed on a person's person or concealed ready at hand, of 73

firearms, their components, or their ammunition. 74

(2) "Firearm" has the same meaning as in section 2923.11 75  
of the Revised Code. 76

(3) "Reasonable expenses" include, but are not limited to, 77  
reasonable attorney's fees, court costs, expert witness fees, 78  
and compensation for loss of income. 79

(D) This section does not apply to either of the 80  
following: 81

(1) A zoning ordinance that regulates or prohibits the 82  
commercial sale of firearms, firearm components, or ammunition 83  
for firearms in areas zoned for residential or agricultural 84  
uses; 85

(2) A zoning ordinance that specifies the hours of 86  
operation or the geographic areas where the commercial sale of 87  
firearms, firearm components, or ammunition for firearms may 88  
occur, provided that the zoning ordinance is consistent with 89  
zoning ordinances for other retail establishments in the same 90  
geographic area and does not result in a de facto prohibition of 91  
the commercial sale of firearms, firearm components, or 92  
ammunition for firearms in areas zoned for commercial, retail, 93  
or industrial uses. 94

**Sec. 9.69.** (A) As used in this section, "law enforcement 95  
officer" means any of the following who is employed, 96  
commissioned, disposed, appointed, or elected in a capacity 97  
specified in division (A)(1), (2), or (3) of this section for 98  
this state, a political subdivision of this state, or an agency, 99  
department, or instrumentality of this state or a political 100  
subdivision of this state: 101

(1) Any law enforcement officer, as defined in section 102

<u>2901.01 of the Revised Code;</u>	103
<u>(2) Any peace officer, as defined in section 2935.01 of</u>	104
<u>the Revised Code;</u>	105
<u>(3) Any person who is employed in this state, who is</u>	106
<u>authorized to carry firearms, and who is subject to and in</u>	107
<u>compliance with the requirements of section 109.801 of the</u>	108
<u>Revised Code.</u>	109
<u>(B) For purposes of the Revised Code, both of the</u>	110
<u>following apply regarding a law enforcement officer who, by</u>	111
<u>virtue of the officer's employment, commissioning, disposition,</u>	112
<u>appointment, or election as that law enforcement officer, has a</u>	113
<u>responsibility to enforce all or certain laws:</u>	114
<u>(1) The officer holds public office on a continuing basis</u>	115
<u>and has a continuing duty to enforce those laws.</u>	116
<u>(2) The officer is always on duty, regardless of whether</u>	117
<u>the officer is, or is not, officially within work hours or</u>	118
<u>officially on the clock.</u>	119
<b>Sec. 109.801.</b> (A) (1) Each year, any of the following	120
persons who are authorized to carry firearms in the course of	121
their official duties shall complete successfully a firearms	122
requalification program approved by the executive director of	123
the Ohio peace officer training commission in accordance with	124
rules adopted by the attorney general pursuant to section	125
109.743 of the Revised Code: any peace officer, sheriff, chief	126
of police of an organized police department of a municipal	127
corporation or township, chief of police of a township police	128
district or joint police district police force, superintendent	129
of the state highway patrol, state highway patrol trooper, or	130
chief of police of a university or college police department;	131

any parole or probation officer who carries a firearm in the 132  
course of official duties; any corrections officer of a 133  
multicounty correctional center, or of a municipal-county or 134  
multicounty-municipal correctional center, established under 135  
section 307.93 of the Revised Code who carries a firearm in the 136  
course of official duties; the house of representatives sergeant 137  
at arms if the house of representatives sergeant at arms has 138  
arrest authority pursuant to division (E) (1) of section 101.311 139  
of the Revised Code; any assistant house of representatives 140  
sergeant at arms; the senate sergeant at arms; any assistant 141  
senate sergeant at arms; any tactical medical professional; or 142  
any employee of the department of youth services who is 143  
designated pursuant to division (A) (2) of section 5139.53 of the 144  
Revised Code as being authorized to carry a firearm while on 145  
duty as described in that division. 146

(2) No person listed in division (A) (1) of this section 147  
shall carry a firearm during the course of official duties if 148  
the person does not comply with division (A) (1) of this section. 149

(B) The hours that a sheriff spends attending a firearms 150  
requalification program required by division (A) of this section 151  
are in addition to the sixteen hours of continuing education 152  
that are required by division (E) of section 311.01 of the 153  
Revised Code. 154

(C) As used in this section, "firearm" has the same 155  
meaning as in section 2923.11 of the Revised Code. 156

**Sec. 307.93.** (A) (1) The boards of county commissioners of 157  
two or more adjacent counties may contract for the joint 158  
establishment of a multicounty correctional center, and the 159  
board of county commissioners of a county or the boards of two 160  
or more counties may contract with any municipal corporation or 161

municipal corporations located in that county or those counties 162  
for the joint establishment of a municipal-county or 163  
multicounty-municipal correctional center. The center shall 164  
augment county and, where applicable, municipal jail programs 165  
and facilities by providing custody and rehabilitative programs 166  
for those persons under the charge of the sheriff of any of the 167  
contracting counties or of the officer or officers of the 168  
contracting municipal corporation or municipal corporations 169  
having charge of persons incarcerated in the municipal jail, 170  
workhouse, or other correctional facility who, in the opinion of 171  
the sentencing court, need programs of custody and 172  
rehabilitation not available at the county or municipal jail and 173  
by providing custody and rehabilitative programs in accordance 174  
with division (C) of this section, if applicable. The contract 175  
may include, but need not be limited to, provisions regarding 176  
the acquisition, construction, maintenance, repair, termination 177  
of operations, and administration of the center. The acquisition 178  
of the facility, to the extent appropriate, may include the 179  
leasing of the Ohio river valley facility or a specified portion 180  
of that facility pursuant to division (B)(3) of this section. 181  
The contract shall prescribe the manner of funding of, and debt 182  
assumption for, the center and the standards and procedures to 183  
be followed in the operation of the center. Except as provided 184  
in division (G) of this section, the contracting counties and 185  
municipal corporations shall form a corrections commission to 186  
oversee the administration of the center. Members of the 187  
commission shall consist of the sheriff of each participating 188  
county, a member of the board of county commissioners of each 189  
participating county, the chief of police of each participating 190  
municipal corporation, and the mayor or city manager of each 191  
participating municipal corporation. Any of the foregoing 192  
officers may appoint a designee to serve in the officer's place 193

on the corrections commission. 194

The standards and procedures prescribed under this 195  
division shall be formulated and agreed to by the commission and 196  
may be amended at any time during the life of the contract by 197  
agreement of a majority of the voting members of the commission 198  
or by other means set forth in the contract between the 199  
contracting counties and municipal corporations. The standards 200  
and procedures formulated by the commission and amendments to 201  
them shall include, but need not be limited to, designation of 202  
the person in charge of the center, designation of a fiscal 203  
agent, the categories of employees to be employed at the center, 204  
the appointing authority of the center, and the standards of 205  
treatment and security to be maintained at the center. The 206  
person in charge of, and all persons employed to work at, the 207  
center shall have all the powers of police officers that are 208  
necessary for the proper performance of the duties ~~relating to~~ 209  
~~their positions at and work responsibilities of the center,~~ 210  
provided that the corrections officers of the center may carry 211  
firearms in the performance of those duties and responsibilities 212  
only in accordance with division (A) (2) of this section. 213

(2) The person in charge of a multicounty correctional 214  
center, or of a municipal-county or multicounty-municipal 215  
correctional center, may grant permission to a corrections 216  
officer of the center to carry firearms when required in the 217  
discharge of official duties if the corrections officer has 218  
successfully completed a basic firearm training program that is 219  
approved by the executive director of the Ohio peace officer 220  
training commission. A corrections officer who has been granted 221  
permission to carry firearms in the discharge of official duties 222  
annually shall successfully complete a firearms requalification 223  
program in accordance with section 109.801 of the Revised Code. 224

A corrections officer may carry firearms under authority of this 225  
division only while the officer is acting within the scope of 226  
the officer's official duties. 227

(B) (1) Upon the establishment of a corrections commission 228  
under division (A) of this section, the judges specified in this 229  
division shall form a judicial advisory board for the purpose of 230  
making recommendations to the corrections commission on issues 231  
of bed allocation, expansion of the center that the corrections 232  
commission oversees, and other issues concerning the 233  
administration of sentences or any other matter determined to be 234  
appropriate by the board. The judges who shall form the judicial 235  
advisory board for a corrections commission are the 236  
administrative judge of the general division of the court of 237  
common pleas of each county participating in the corrections 238  
center, the presiding judge of the municipal court of each 239  
municipal corporation participating in the corrections center, 240  
and the presiding judge of each county court of each county 241  
participating in the corrections center. If the number of the 242  
foregoing members of the board is even, the county auditor or 243  
the county auditor of the most populous county if the board 244  
serves more than one county shall also be a member of the board. 245  
Any of the foregoing judges may appoint a designee to serve in 246  
the judge's place on the judicial advisory board, provided that 247  
the designee shall be a judge of the same court as the judge who 248  
makes the appointment. The judicial advisory board for a 249  
corrections commission shall meet with the corrections 250  
commission at least once each year. 251

(2) Each board of county commissioners that enters a 252  
contract under division (A) of this section may appoint a 253  
building commission pursuant to section 153.21 of the Revised 254  
Code. If any commissions are appointed, they shall function 255

jointly in the construction of a multicounty or multicounty- 256  
municipal correctional center with all the powers and duties 257  
authorized by law. 258

(3) Subject to the limitation described in this division, 259  
the boards of county commissioners that contract or have 260  
contracted for the joint establishment of a multicounty 261  
correctional center under division (A) of this section, or the 262  
boards of county commissioners of the counties and legislative 263  
authorities of the municipal corporations that contract or have 264  
contracted for the joint establishment of a municipal-county or 265  
multicounty-municipal correctional center under that division, 266  
may enter into an agreement with the director of administrative 267  
services pursuant to which the contracting counties and 268  
municipal corporations shall use the Ohio river valley facility 269  
or a specified portion of that facility as the multicounty 270  
correctional center, municipal-county correctional center, or 271  
multicounty-municipal correctional center covered by the 272  
contract entered into under division (A) of this section. A 273  
contract with the director of administrative services may be 274  
entered into under this division only if one or more of the 275  
contracting counties is adjacent to Scioto county. 276

The department may enter into an agreement as described in 277  
this division at any time on or after ~~the effective date of this~~ 278  
~~amendment~~ September 29, 2017, or, if the department had entered 279  
into an agreement with the board of county commissioners of 280  
Lawrence county pursuant to section 341.121 of the Revised Code 281  
for the use by the sheriff of that county of a specified portion 282  
of the facility as a jail for Lawrence county, at any time on or 283  
after the date that control of the specified portion of the 284  
facility reverts to the state under division (B) (4) or (C) of 285  
that section. 286

(C) Prior to the acceptance for custody and rehabilitation 287  
into a center established under this section of any persons who 288  
are designated by the department of rehabilitation and 289  
correction, who plead guilty to or are convicted of a felony of 290  
the fourth or fifth degree, and who satisfy the other 291  
requirements listed in section 5120.161 of the Revised Code, the 292  
corrections commission of a center established under this 293  
section shall enter into an agreement with the department of 294  
rehabilitation and correction under section 5120.161 of the 295  
Revised Code for the custody and rehabilitation in the center of 296  
persons who are designated by the department, who plead guilty 297  
to or are convicted of a felony of the fourth or fifth degree, 298  
and who satisfy the other requirements listed in that section, 299  
in exchange for a per diem fee per person. Persons incarcerated 300  
in the center pursuant to an agreement entered into under this 301  
division shall be subject to supervision and control in the 302  
manner described in section 5120.161 of the Revised Code. This 303  
division does not affect the authority of a court to directly 304  
sentence a person who is convicted of or pleads guilty to a 305  
felony to the center in accordance with section 2929.16 of the 306  
Revised Code. 307

(D) Pursuant to section 2929.37 of the Revised Code, each 308  
board of county commissioners and the legislative authority of 309  
each municipal corporation that enters into a contract under 310  
division (A) of this section may require a person who was 311  
convicted of an offense, who is under the charge of the sheriff 312  
of their county or of the officer or officers of the contracting 313  
municipal corporation or municipal corporations having charge of 314  
persons incarcerated in the municipal jail, workhouse, or other 315  
correctional facility, and who is confined in the multicounty, 316  
municipal-county, or multicounty-municipal correctional center 317

as provided in that division, to reimburse the applicable county 318  
or municipal corporation for its expenses incurred by reason of 319  
the person's confinement in the center. 320

(E) Notwithstanding any contrary provision in this section 321  
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 322  
corrections commission of a center may establish a policy that 323  
complies with section 2929.38 of the Revised Code and that 324  
requires any person who is not indigent and who is confined in 325  
the multicounty, municipal-county, or multicounty-municipal 326  
correctional center to pay a reception fee, a fee for medical 327  
treatment or service requested by and provided to that person, 328  
or the fee for a random drug test assessed under division (E) of 329  
section 341.26 of the Revised Code. 330

(F) (1) The corrections commission of a center established 331  
under this section may establish a commissary for the center. 332  
The commissary may be established either in-house or by another 333  
arrangement. If a commissary is established, all persons 334  
incarcerated in the center shall receive commissary privileges. 335  
A person's purchases from the commissary shall be deducted from 336  
the person's account record in the center's business office. The 337  
commissary shall provide for the distribution to indigent 338  
persons incarcerated in the center of necessary hygiene articles 339  
and writing materials. 340

(2) If a commissary is established, the corrections 341  
commission of a center established under this section shall 342  
establish a commissary fund for the center. The management of 343  
funds in the commissary fund shall be strictly controlled in 344  
accordance with procedures adopted by the auditor of state. 345  
Commissary fund revenue over and above operating costs and 346  
reserve shall be considered profits. All profits from the 347

commissary fund shall be used to purchase supplies and equipment 348  
for the benefit of persons incarcerated in the center and to pay 349  
salary and benefits for employees of the center, or for any 350  
other persons, who work in or are employed for the sole purpose 351  
of providing service to the commissary. The corrections 352  
commission shall adopt rules and regulations for the operation 353  
of any commissary fund it establishes. 354

(G) In lieu of forming a corrections commission to 355  
administer a multicounty correctional center or a municipal- 356  
county or multicounty-municipal correctional center, the boards 357  
of county commissioners and the legislative authorities of the 358  
municipal corporations contracting to establish the center may 359  
also agree to contract for the private operation and management 360  
of the center as provided in section 9.06 of the Revised Code, 361  
but only if the center houses only misdemeanor inmates. In 362  
order to enter into a contract under section 9.06 of the Revised 363  
Code, all the boards and legislative authorities establishing 364  
the center shall approve and be parties to the contract. 365

(H) If a person who is convicted of or pleads guilty to an 366  
offense is sentenced to a term in a multicounty correctional 367  
center or a municipal-county or multicounty-municipal 368  
correctional center or is incarcerated in the center in the 369  
manner described in division (C) of this section, or if a person 370  
who is arrested for an offense, and who has been denied bail or 371  
has had bail set and has not been released on bail is confined 372  
in a multicounty correctional center or a municipal-county or 373  
multicounty-municipal correctional center pending trial, at the 374  
time of reception and at other times the officer, officers, or 375  
other person in charge of the operation of the center determines 376  
to be appropriate, the officer, officers, or other person in 377  
charge of the operation of the center may cause the convicted or 378

accused offender to be examined and tested for tuberculosis, HIV 379  
infection, hepatitis, including but not limited to hepatitis A, 380  
B, and C, and other contagious diseases. The officer, officers, 381  
or other person in charge of the operation of the center may 382  
cause a convicted or accused offender in the center who refuses 383  
to be tested or treated for tuberculosis, HIV infection, 384  
hepatitis, including but not limited to hepatitis A, B, and C, 385  
or another contagious disease to be tested and treated 386  
involuntarily. 387

(I) As used in this section: 388

(1) "Multicounty-municipal" means more than one county and 389  
a municipal corporation, or more than one municipal corporation 390  
and a county, or more than one municipal corporation and more 391  
than one county. 392

(2) "Ohio river valley facility" has the same meaning as 393  
in section 341.121 of the Revised Code. 394

**Sec. 307.932.** (A) As used in this section: 395

(1) "Division of parole and community services" means the 396  
division of parole and community services of the department of 397  
rehabilitation and correction. 398

(2) "Eligible offender" means, in relation to a particular 399  
community alternative sentencing center or district community 400  
alternative sentencing center established and operated under 401  
this section, an offender who has been convicted of or pleaded 402  
guilty to a qualifying misdemeanor offense, for whom no 403  
provision of the Revised Code or ordinance of a municipal 404  
corporation other than section 4511.19 of the Revised Code, both 405  
sections 4510.14 and 4511.19 of the Revised Code, or an 406  
ordinance or ordinances of a municipal corporation that provide 407

the penalties for a municipal OVI offense or for both a 408  
municipal OVI ordinance and a municipal DUS ordinance of the 409  
municipal corporation requires the imposition of a mandatory 410  
jail term for that qualifying misdemeanor offense, and who is 411  
eligible to be sentenced directly to that center and admitted to 412  
it under rules adopted under division (G) of this section by the 413  
board of county commissioners, affiliated group of boards of 414  
county commissioners, or municipal corporation that established 415  
and operates that center. 416

(3) "Municipal OVI offense" has the same meaning as in 417  
section 4511.181 of the Revised Code. 418

(4) "OVI term of confinement" means a term of confinement 419  
imposed for a violation of section 4511.19 of the Revised Code 420  
or for a municipal OVI offense, including any mandatory jail 421  
term or mandatory term of local incarceration imposed for that 422  
violation or offense. 423

(5) "Community residential sanction" means a community 424  
residential sanction imposed under section 2929.26 of the 425  
Revised Code for a misdemeanor violation of a section of the 426  
Revised Code or a term of confinement imposed for a misdemeanor 427  
violation of a municipal ordinance that is not a jail term. 428

(6) "Qualifying misdemeanor offense" means a violation of 429  
any section of the Revised Code that is a misdemeanor or a 430  
violation of any ordinance of a municipal corporation located in 431  
the county that is a misdemeanor. 432

(7) "Municipal DUS offense" means a violation of a 433  
municipal ordinance that is substantially equivalent to section 434  
4510.14 of the Revised Code. 435

(B) (1) The board of county commissioners of any county, in 436

consultation with the sheriff of the county, may establish a 437  
community alternative sentencing center that, upon 438  
implementation by the county or being subcontracted to or 439  
operated by a nonprofit organization, shall be used for the 440  
confinement of eligible offenders sentenced directly to the 441  
center by a court located in any county pursuant to a community 442  
residential sanction of not more than ninety days or pursuant to 443  
an OVI term of confinement of not more than ninety days, and for 444  
the purpose of closely monitoring those eligible offenders' 445  
adjustment to community supervision. A board that establishes a 446  
center pursuant to this division shall do so by resolution. 447

(2) The boards of county commissioners of two or more 448  
adjoining or neighboring counties, in consultation with the 449  
sheriffs of each of those counties, may affiliate and establish 450  
by resolution adopted by each of them a district community 451  
alternative sentencing center that, upon implementation by the 452  
counties or being subcontracted to or operated by a nonprofit 453  
organization, shall be used for the confinement of eligible 454  
offenders sentenced directly to the center by a court located in 455  
any county pursuant to a community residential sanction of not 456  
more than ninety days or pursuant to an OVI term of confinement 457  
of not more than ninety days, and for the purpose of closely 458  
monitoring those eligible offenders' adjustment to community 459  
supervision. Each board that affiliates with one or more other 460  
boards to establish a center pursuant to this division shall do 461  
so by resolution. 462

(3) A municipal corporation may establish a community 463  
alternative sentencing center that, upon implementation by the 464  
municipal corporation or being subcontracted to or operated by a 465  
nonprofit organization, shall be used for the confinement of 466  
eligible offenders sentenced directly to the center by a court 467

located in any county pursuant to a community residential 468  
sanction of not more than ninety days or pursuant to an OVI term 469  
of confinement of not more than ninety days, and for the purpose 470  
of closely monitoring those eligible offenders' adjustment to 471  
community supervision. A municipal corporation that establishes 472  
a center pursuant to this division shall do so by resolution. 473

(C) Each resolution establishing a community alternative 474  
sentencing center or a district community alternative sentencing 475  
center under division (B) of this section shall include 476  
provisions for operation of the center and for criteria to 477  
define which offenders are eligible to be sentenced directly to 478  
the center and admitted to it. At a minimum, the criteria that 479  
define which offenders are eligible to be sentenced directly to 480  
the center and admitted to it shall provide that an offender is 481  
eligible to be sentenced directly to the center and admitted to 482  
it if the offender has been convicted of or pleaded guilty to a 483  
qualifying misdemeanor offense and is sentenced directly to the 484  
center for the qualifying misdemeanor offense pursuant to a 485  
community residential sanction of not more than ninety days or 486  
pursuant to an OVI term of confinement of not more than ninety 487  
days by a court that is located in any county. 488

(D) If a community alternative sentencing center or a 489  
district community alternative sentencing center that is 490  
established under division (B) of this section contemplates the 491  
use of an existing facility, or a part of an existing facility, 492  
as the center, nothing in this section limits, restricts, or 493  
precludes the use of the facility, the part of the facility, or 494  
any other part of the facility for any purpose other than as a 495  
community alternative sentencing center or district community 496  
alternative sentencing center. 497

(E) If a board of county commissioners, an affiliated 498  
group of boards of county commissioners, or municipal 499  
corporation establishes and operates or subcontracts with a 500  
nonprofit organization for the operation of a community 501  
alternative sentencing center or district community alternative 502  
sentencing center under this division, except as otherwise 503  
provided in this division, the center is not a minimum security 504  
jail under section 341.14, section 753.21, or any other 505  
provision of the Revised Code, is not a jail or alternative 506  
residential facility as defined in section 2929.01 of the 507  
Revised Code, is not required to satisfy or comply with minimum 508  
standards for minimum security jails or other jails that are 509  
promulgated under division (A) of section 5120.10 of the Revised 510  
Code, is not a local detention facility as defined in section 511  
2929.36 of the Revised Code, and is not a residential unit as 512  
defined in section 2950.01 of the Revised Code. The center is a 513  
detention facility as defined in sections 2921.01 and 2923.124 514  
of the Revised Code, and an eligible offender confined in the 515  
center is under detention as defined in section 2921.01 of the 516  
Revised Code. Regarding persons sentenced directly to the center 517  
under an OVI term of confinement or under both an OVI term of 518  
confinement and confinement for a violation of section 4510.14 519  
of the Revised Code or a municipal DUS offense, the center shall 520  
be considered a "jail" or "local correctional facility" for 521  
purposes of any provision in section 4510.14 or 4511.19 of the 522  
Revised Code or in an ordinance of a municipal corporation that 523  
requires a mandatory jail term or mandatory term of local 524  
incarceration for the violation of section 4511.19 of the 525  
Revised Code, the violation of both ~~section~~sections 4510.14 and 526  
4511.19 of the Revised Code, the municipal OVI offense, or the 527  
municipal OVI offense and the municipal DUS offense, and a 528  
direct sentence of a person to the center under an OVI term of 529

confinement or under both an OVI term of confinement and 530  
confinement for a violation of section 4510.14 of the Revised 531  
Code or a municipal DUS offense shall be considered to be a 532  
sentence to a "jail" or "local correctional facility" for 533  
purposes of any such provision in section 4510.14 or 4511.19 of 534  
the Revised Code or in an ordinance of a municipal corporation. 535

(F) (1) If the board of county commissioners of a county 536  
that is being served by a community alternative sentencing 537  
center established pursuant to this section determines that it 538  
no longer wants to be served by the center, the board may 539  
dissolve the center by adopting a resolution evidencing the 540  
determination to dissolve the center. 541

(2) If the boards of county commissioners of all of the 542  
counties served by any district community alternative sentencing 543  
center established pursuant to this section determine that they 544  
no longer want to be served by the center, the boards may 545  
dissolve the center by adopting in each county a resolution 546  
evidencing the determination to dissolve the center. 547

(3) If at least one, but not all, of the boards of county 548  
commissioners of the counties being served by any district 549  
community alternative sentencing center established pursuant to 550  
this section determines that it no longer wants to be served by 551  
the center, the board may terminate its involvement with the 552  
center by adopting a resolution evidencing the determination to 553  
terminate its involvement with the center. If at least one, but 554  
not all, of the boards of county commissioners of the counties 555  
being served by any community alternative sentencing center 556  
terminates its involvement with the center in accordance with 557  
this division, the other boards of county commissioners of the 558  
counties being served by the center may continue to be served by 559

the center. 560

(4) If a municipal corporation that is being served by a 561  
community alternative sentencing center established pursuant to 562  
this section determines that it no longer wants to be served by 563  
the center, the municipal corporation may dissolve the center by 564  
adopting a resolution evidencing the determination to dissolve 565  
the center. 566

(G) Prior to operating a community alternative sentencing 567  
center or a district community alternative sentencing center, 568  
the board of county commissioners, the affiliated group of 569  
boards of county commissioners, or municipal corporation that 570  
established the center shall adopt rules for the operation of 571  
the center. The rules shall include criteria that define which 572  
offenders are eligible to be sentenced directly to the center 573  
and admitted to it. 574

(H) If a board of county commissioners operates or 575  
subcontracts with a nonprofit organization for the operation of 576  
a community alternative sentencing center, an affiliated group 577  
of boards of county commissioners operates or subcontracts with 578  
a nonprofit organization for the operation of a district 579  
community alternative sentencing center, or a municipal 580  
corporation operates or subcontracts with a nonprofit 581  
organization for the operation of a community alternative 582  
sentencing center under this section, all of the following 583  
apply: 584

(1) With the approval of the operator of the center, a 585  
court located within any county may directly sentence eligible 586  
offenders to a community alternative sentencing center or 587  
district community alternative sentencing center pursuant to a 588  
community residential sanction of not more than ninety days or 589

pursuant to an OVI term of confinement, a combination of an OVI 590  
term of confinement and confinement for a violation of section 591  
4510.14 of the Revised Code, or confinement for a municipal DUS 592  
offense of not more than ninety days. 593

(2) Each eligible offender who is sentenced to the center 594  
as described in division (H) (1) of this section and admitted to 595  
it shall be offered during the eligible offender's confinement 596  
at the center educational and vocational services and reentry 597  
planning and may be offered any other treatment and 598  
rehabilitative services that are available and that the court 599  
that sentenced the particular eligible offender to the center 600  
and the administrator of the center determine are appropriate 601  
based upon the offense for which the eligible offender was 602  
sentenced to the community residential sanction and the length 603  
of the sanction. 604

(3) Before accepting an eligible offender sentenced to the 605  
center by a court, the board, the affiliated group of boards, or 606  
the municipal corporation shall enter into an agreement with a 607  
political subdivision that operates that court that addresses 608  
the cost and payment of medical treatment or services received 609  
by eligible offenders sentenced by that court while they are 610  
confined in the center. The agreement may provide for the 611  
payment of the costs by the particular eligible offender who 612  
receives the treatment or services, as described in division (I) 613  
of this section. 614

(4) If an eligible offender a court sentences to the 615  
center is admitted to the center, all of the following apply: 616

(a) The admission shall be under the terms and conditions 617  
established by the court and the administrator of the center, 618  
and the court and the administrator of the center shall provide 619

for the confinement of the eligible offender and supervise the 620  
eligible offender as provided in divisions (H) (4) (b) to (f) of 621  
this section. 622

(b) The eligible offender shall be confined in the center 623  
during any period of time that the eligible offender is not 624  
actually working at the eligible offender's approved work 625  
release described in division (H) (4) (c) of this section, engaged 626  
in community service activities described in division (H) (4) (d) 627  
of this section, engaged in authorized vocational training or 628  
another authorized educational program, engaged in another 629  
program designated by the administrator of the center, or 630  
engaged in other activities approved by the court and the 631  
administrator of the center. 632

(c) If the court and the administrator of the center 633  
determine that work release is appropriate based upon the 634  
offense for which the eligible offender was sentenced to the 635  
community residential sanction or OVI term of confinement and 636  
the length of the sanction or term, the eligible offender may be 637  
offered work release from confinement at the center and be 638  
released from confinement while engaged in the work release. 639

(d) An eligible offender may not participate in community 640  
service without the court's approval. If the administrator of 641  
the center determines that community service is appropriate and 642  
if the eligible offender will be confined for more than ten days 643  
at the center, the eligible offender may be required to 644  
participate in community service activities approved by the 645  
court and by the political subdivision served by the court. 646  
Community service activities that may be required under this 647  
division may take place in facilities of the political 648  
subdivision that operates the court, in the community, or in 649

both such locales. The eligible offender shall be released from 650  
confinement while engaged in the community service activities. 651  
Community service activities required under this division shall 652  
be supervised by the court or an official designated by the 653  
board of county commissioners or affiliated group of boards of 654  
county commissioners that established and is operating the 655  
center. Community service activities required under this 656  
division shall not exceed in duration the period for which the 657  
eligible offender will be confined at the center under the 658  
community residential sanction or the OVI term of confinement. 659

(e) The confinement of the eligible offender in the center 660  
shall be considered for purposes of this division and division 661  
(H) (4) (f) of this section as including any period of time 662  
described in division (H) (4) (b) of this section when the 663  
eligible offender may be outside of the center and shall 664  
continue until the expiration of the community residential 665  
sanction, the OVI term of confinement, or the combination of the 666  
OVI term of confinement and the confinement for the violation of 667  
section 4510.14 of the Revised Code or the municipal DUS 668  
ordinance that the eligible offender is serving upon admission 669  
to the center. 670

(f) After the admission and until the expiration of the 671  
community residential sanction or OVI term of confinement that 672  
the eligible offender is serving upon admission to the center, 673  
the eligible offender shall be considered for purposes of any 674  
provision in Title XXIX of the Revised Code to be serving the 675  
community residential sanction or OVI term of confinement. 676

(5) The administrator of the center, or the 677  
administrator's designee, shall post a sign as described in 678  
~~division (A) (4) of~~ section 2923.1212 of the Revised Code in a 679

conspicuous location at the center. 680

(I) The board of county commissioners that establishes a 681  
community alternative sentencing center under this section, the 682  
affiliated group of boards of county commissioners that 683  
establishes a district community alternative sentencing center 684  
under this section, or the municipal corporation that 685  
establishes a community alternative sentencing center under this 686  
section, may require an eligible offender who is sentenced 687  
directly to the center and admitted to it to pay to the county 688  
served by the board, the counties served by the affiliated group 689  
of boards, the municipal corporation, or the entity operating 690  
the center the reasonable expenses incurred by the county, 691  
counties, municipal corporation, or entity, whichever is 692  
applicable, in supervising or confining the eligible offender 693  
after being sentenced to the center and admitted. Inability to 694  
pay those reasonable expenses shall not be grounds for refusing 695  
to admit an otherwise eligible offender to the center. 696

(J) (1) If an eligible offender who is directly sentenced 697  
to a community alternative sentencing center or district 698  
community alternative sentencing center and admitted to the 699  
center successfully completes the service of the community 700  
residential sanction in the center, the administrator of the 701  
center shall notify the court that imposed the sentence, and the 702  
court shall enter into the journal that the eligible offender 703  
successfully completed the service of the sanction. 704

(2) If an eligible offender who is directly sentenced to a 705  
community alternative sentencing center or district community 706  
alternative sentencing center and admitted to the center 707  
violates any rule established under this section by the board of 708  
county commissioners or the affiliated group of boards of county 709

commissioners that establishes the center, violates any 710  
condition of the community residential sanction, the OVI term of 711  
confinement, or the combination of the OVI term of confinement 712  
and the confinement for the violation of section 4510.14 of the 713  
Revised Code or the municipal OVI ordinance imposed by the 714  
sentencing court, or otherwise does not successfully complete 715  
the service of the community residential sanction or OVI term of 716  
confinement in the center, the administrator of the center shall 717  
report the violation or failure to successfully complete the 718  
sanction or term directly to the court or to the probation 719  
department or probation officer with general control and 720  
supervision over the eligible offender. A failure to 721  
successfully complete the service of the community residential 722  
sanction, the OVI term of confinement, or the combination of the 723  
OVI term of confinement and the confinement for the violation of 724  
section 4510.14 of the Revised Code or the municipal OVI 725  
ordinance in the center shall be considered a violation of a 726  
condition of the community residential sanction or the OVI term 727  
of confinement. If the administrator reports the violation to 728  
the probation department or probation officer, the department or 729  
officer shall report the violation to the court. Upon its 730  
receipt under this division of a report of a violation or 731  
failure to complete the sanction by a person sentenced to the 732  
center under a community residential sanction, the court may 733  
proceed as specified in division (C)(2) of section 2929.25 of 734  
the Revised Code based on the violation or as provided by 735  
ordinance of the municipal corporation based on the violation, 736  
whichever is applicable. Upon its receipt under this division of 737  
a report of a violation or failure to complete the term by a 738  
person sentenced to the center under an OVI term of confinement, 739  
the court shall determine the place at which the offender is to 740  
serve the remainder of the term of confinement. The eligible 741

offender shall receive credit towards completing the eligible 742  
offender's sentence for the time spent in the center after 743  
admission to it. 744

**Sec. 2901.05.** (A) Every person accused of an offense is 745  
presumed innocent until proven guilty beyond a reasonable doubt, 746  
and the burden of proof for all elements of the offense is upon 747  
the prosecution. The burden of going forward with the evidence 748  
of an affirmative defense, and the burden of proof, by a 749  
preponderance of the evidence, for an affirmative defense other 750  
than self-defense, defense of another, or defense of the 751  
accused's residence as described in division (B)(1) of this 752  
section, is upon the accused. 753

(B) (1) A person is allowed to act in self-defense, defense 754  
of another, or defense of that person's residence. If, at the 755  
trial of a person who is accused of an offense that involved the 756  
person's use of force against another, there is evidence 757  
presented that tends to support that the accused person used the 758  
force in self-defense, defense of another, or defense of that 759  
person's residence, the prosecution must prove beyond a 760  
reasonable doubt that the accused person did not use the force 761  
in self-defense, defense of another, or defense of that person's 762  
residence, as the case may be. 763

(2) Subject to division (B) ~~(2)~~ (3) of this section, a 764  
person is presumed to have acted in self-defense or defense of 765  
another when using defensive force that is intended or likely to 766  
cause death or great bodily harm to another if the person 767  
against whom the defensive force is used is in the process of 768  
unlawfully and without privilege to do so entering, or has 769  
unlawfully and without privilege to do so entered, the residence 770  
or vehicle occupied by the person using the defensive force. 771

~~(2)(a)(3)~~ The presumption set forth in division (B) ~~(1)(2)~~ of this section does not apply if either of the following is true:

(a) The person against whom the defensive force is used has a right to be in, or is a lawful resident of, the residence or vehicle.

~~(b) The presumption set forth in division (B) (1) of this section does not apply if the person who uses the defensive force uses it while in a residence or vehicle and the person is unlawfully, and without privilege to be, in that residence or vehicle.~~

~~(3)(4)~~ The presumption set forth in division (B) ~~(1)(2)~~ of this section is a rebuttable presumption and may be rebutted by a preponderance of the evidence, provided that the prosecution's burden of proof remains proof beyond a reasonable doubt as described in divisions (A) and (B) (1) of this section.

(C) As part of its charge to the jury in a criminal case, the court shall read the definitions of "reasonable doubt" and "proof beyond a reasonable doubt," contained in division (D) of this section.

(D) As used in this section:

(1) An "affirmative defense" is either of the following:

(a) A defense expressly designated as affirmative;

(b) A defense involving an excuse or justification peculiarly within the knowledge of the accused, on which the accused can fairly be required to adduce supporting evidence.

(2) "Dwelling" means a building or conveyance of any kind that has a roof over it and that is designed to be occupied by

people lodging in the building or conveyance at night, 800  
regardless of whether the building or conveyance is temporary or 801  
permanent or is mobile or immobile. As used in this division, a 802  
building or conveyance includes, but is not limited to, an 803  
attached porch, and a building or conveyance with a roof over it 804  
includes, but is not limited to, a tent. 805

(3) "Residence" means a dwelling in which a person resides 806  
either temporarily or permanently or is visiting as a guest. 807

(4) "Vehicle" means a conveyance of any kind, whether or 808  
not motorized, that is designed to transport people or property. 809

(E) "Reasonable doubt" is present when the jurors, after 810  
they have carefully considered and compared all the evidence, 811  
cannot say they are firmly convinced of the truth of the charge. 812  
It is a doubt based on reason and common sense. Reasonable doubt 813  
is not mere possible doubt, because everything relating to human 814  
affairs or depending on moral evidence is open to some possible 815  
or imaginary doubt. "Proof beyond a reasonable doubt" is proof 816  
of such character that an ordinary person would be willing to 817  
rely and act upon it in the most important of the person's own 818  
affairs. 819

**Sec. 2923.11.** As used in sections 2923.11 to 2923.24 of 820  
the Revised Code: 821

(A) "Deadly weapon" means any instrument, device, or thing 822  
capable of inflicting death, and designed or specially adapted 823  
for use as a weapon, or possessed, carried, or used as a weapon. 824

(B) (1) "Firearm" means any deadly weapon capable of 825  
expelling or propelling one or more projectiles by the action of 826  
an explosive or combustible propellant. "Firearm" includes an 827  
unloaded firearm, and any firearm that is inoperable but that 828

can readily be rendered operable. 829

(2) When determining whether a firearm is capable of 830  
expelling or propelling one or more projectiles by the action of 831  
an explosive or combustible propellant, the trier of fact may 832  
rely upon circumstantial evidence, including, but not limited 833  
to, the representations and actions of the individual exercising 834  
control over the firearm. 835

(C) "Handgun" means any of the following: 836

(1) Any firearm that has a short stock and is designed to 837  
be held and fired by the use of a single hand; 838

(2) Any combination of parts from which a firearm of a 839  
type described in division (C) (1) of this section can be 840  
assembled. 841

(D) "Semi-automatic firearm" means any firearm designed or 842  
specially adapted to fire a single cartridge and automatically 843  
chamber a succeeding cartridge ready to fire, with a single 844  
function of the trigger. 845

(E) "Automatic firearm" means any firearm designed or 846  
specially adapted to fire a succession of cartridges with a 847  
single function of the trigger. 848

(F) "Sawed-off firearm" means a shotgun with a barrel less 849  
than eighteen inches long, or a rifle with a barrel less than 850  
sixteen inches long, or a shotgun or rifle less than twenty-six 851  
inches long overall. "Sawed-off firearm" does not include any 852  
firearm with an overall length of at least twenty-six inches 853  
that is approved for sale by the federal bureau of alcohol, 854  
tobacco, firearms, and explosives under the "Gun Control Act of 855  
1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but that is found by 856  
the bureau not to be regulated under the "National Firearms 857

<u>Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a).</u>	858
(G) "Zip-gun" means any of the following:	859
(1) Any firearm of crude and extemporized manufacture;	860
(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;	861 862 863
(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.	864 865 866 867
(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.	868 869 870 871 872 873 874 875
(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.	876 877 878 879
(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.	880 881
(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:	882 883
(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	884 885

(2) Any explosive device or incendiary device;	886
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN,	887
cyclonite, TNT, picric acid, and other high explosives; amatol,	888
tritonite, tetrytol, pentolite, pecretol, cyclitol, and other	889
high explosive compositions; plastic explosives; dynamite,	890
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate,	891
liquid-oxygen blasting explosives, blasting powder, and other	892
blasting agents; and any other explosive substance having	893
sufficient brisance or power to be particularly suitable for use	894
as a military explosive, or for use in mining, quarrying,	895
excavating, or demolitions;	896
(4) Any firearm, rocket launcher, mortar, artillery piece,	897
grenade, mine, bomb, torpedo, or similar weapon, designed and	898
manufactured for military purposes, and the ammunition for that	899
weapon;	900
(5) Any firearm muffler or suppressor;	901
(6) Any combination of parts that is intended by the owner	902
for use in converting any firearm or other device into a	903
dangerous ordnance;	904
<u>(7) Any firearm with an overall length of at least twenty-</u>	905
<u>six inches that is approved for sale by the federal bureau of</u>	906
<u>alcohol, tobacco, firearms, and explosives under the "Gun</u>	907
<u>Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but</u>	908
<u>that is found by the bureau not to be regulated under the</u>	909
<u>"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C.</u>	910
<u>5845(a).</u>	911
(L) "Dangerous ordnance" does not include any of the	912
following:	913
(1) Any firearm, including a military weapon and the	914

ammunition for that weapon, and regardless of its actual age, 915  
that employs a percussion cap or other obsolete ignition system, 916  
or that is designed and safe for use only with black powder; 917

(2) Any pistol, rifle, or shotgun, designed or suitable 918  
for sporting purposes, including a military weapon as issued or 919  
as modified, and the ammunition for that weapon, unless the 920  
firearm is an automatic or sawed-off firearm; 921

(3) Any cannon or other artillery piece that, regardless 922  
of its actual age, is of a type in accepted use prior to 1887, 923  
has no mechanical, hydraulic, pneumatic, or other system for 924  
absorbing recoil and returning the tube into battery without 925  
displacing the carriage, and is designed and safe for use only 926  
with black powder; 927

(4) Black powder, priming quills, and percussion caps 928  
possessed and lawfully used to fire a cannon of a type defined 929  
in division (L) (3) of this section during displays, 930  
celebrations, organized matches or shoots, and target practice, 931  
and smokeless and black powder, primers, and percussion caps 932  
possessed and lawfully used as a propellant or ignition device 933  
in small-arms or small-arms ammunition; 934

(5) Dangerous ordnance that is inoperable or inert and 935  
cannot readily be rendered operable or activated, and that is 936  
kept as a trophy, souvenir, curio, or museum piece. 937

(6) Any device that is expressly excepted from the 938  
definition of a destructive device pursuant to the "Gun Control 939  
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 940  
and regulations issued under that act. 941

(M) "Explosive" means any chemical compound, mixture, or 942  
device, the primary or common purpose of which is to function by 943

explosion. "Explosive" includes all materials that have been 944  
classified as division 1.1, division 1.2, division 1.3, or 945  
division 1.4 explosives by the United States department of 946  
transportation in its regulations and includes, but is not 947  
limited to, dynamite, black powder, pellet powders, initiating 948  
explosives, blasting caps, electric blasting caps, safety fuses, 949  
fuse igniters, squibs, cordeau detonant fuses, instantaneous 950  
fuses, and igniter cords and igniters. "Explosive" does not 951  
include "fireworks," as defined in section 3743.01 of the 952  
Revised Code, or any substance or material otherwise meeting the 953  
definition of explosive set forth in this section that is 954  
manufactured, sold, possessed, transported, stored, or used in 955  
any activity described in section 3743.80 of the Revised Code, 956  
provided the activity is conducted in accordance with all 957  
applicable laws, rules, and regulations, including, but not 958  
limited to, the provisions of section 3743.80 of the Revised 959  
Code and the rules of the fire marshal adopted pursuant to 960  
section 3737.82 of the Revised Code. 961

(N) (1) "Concealed handgun license" or "license to carry a 962  
concealed handgun" means, subject to division (N) (2) of this 963  
section, a license or temporary emergency license to carry a 964  
concealed handgun issued under section 2923.125 or 2923.1213 of 965  
the Revised Code or a license to carry a concealed handgun 966  
issued by another state with which the attorney general has 967  
entered into a reciprocity agreement under section 109.69 of the 968  
Revised Code. 969

(2) A reference in any provision of the Revised Code to a 970  
concealed handgun license issued under section 2923.125 of the 971  
Revised Code or a license to carry a concealed handgun issued 972  
under section 2923.125 of the Revised Code means only a license 973  
of the type that is specified in that section. A reference in 974

any provision of the Revised Code to a concealed handgun license 975  
issued under section 2923.1213 of the Revised Code, a license to 976  
carry a concealed handgun issued under section 2923.1213 of the 977  
Revised Code, or a license to carry a concealed handgun on a 978  
temporary emergency basis means only a license of the type that 979  
is specified in section 2923.1213 of the Revised Code. A 980  
reference in any provision of the Revised Code to a concealed 981  
handgun license issued by another state or a license to carry a 982  
concealed handgun issued by another state means only a license 983  
issued by another state with which the attorney general has 984  
entered into a reciprocity agreement under section 109.69 of the 985  
Revised Code. 986

(O) "Valid concealed handgun license" or "valid license to 987  
carry a concealed handgun" means a concealed handgun license 988  
that is currently valid, that is not under a suspension under 989  
division (A)(1) of section 2923.128 of the Revised Code, under 990  
section 2923.1213 of the Revised Code, or under a suspension 991  
provision of the state other than this state in which the 992  
license was issued, and that has not been revoked under division 993  
(B)(1) of section 2923.128 of the Revised Code, under section 994  
2923.1213 of the Revised Code, or under a revocation provision 995  
of the state other than this state in which the license was 996  
issued. 997

(P) "Misdemeanor punishable by imprisonment for a term 998  
exceeding one year" does not include any of the following: 999

(1) Any federal or state offense pertaining to antitrust 1000  
violations, unfair trade practices, restraints of trade, or 1001  
other similar offenses relating to the regulation of business 1002  
practices; 1003

(2) Any misdemeanor offense punishable by a term of 1004

imprisonment of two years or less. 1005

(Q) "Alien registration number" means the number issued by 1006  
the United States citizenship and immigration services agency 1007  
that is located on the alien's permanent resident card and may 1008  
also be commonly referred to as the "USCIS number" or the "alien 1009  
number." 1010

(R) "Active duty" has the same meaning as defined in 10  
U.S.C. 101. 1011  
1012

**Sec. 2923.121.** (A) No person shall possess a firearm in 1013  
any room in which any person is consuming beer or intoxicating 1014  
liquor in a premises for which a D permit has been issued under 1015  
Chapter 4303. of the Revised Code or in an open air arena for 1016  
which a permit of that nature has been issued. 1017

(B) (1) This section does not apply to any of the 1018  
following: 1019

(a) An officer, agent, or employee of this or any other 1020  
state or the United States, or ~~to~~ a law enforcement officer, who 1021  
is authorized to carry firearms and is acting within the scope 1022  
of the officer's, agent's, or employee's duties; 1023

~~(b) Any person who is employed in this state, who is~~ 1024  
~~authorized to carry firearms, and who is subject to and in~~ 1025  
~~compliance with the requirements of section 109.801 of the~~ 1026  
~~Revised Code, unless the appointing authority of the person has~~ 1027  
~~expressly specified that the exemption provided in division (B)~~ 1028  
~~(1)(b) of this section does not apply to the person; A law~~ 1029  
enforcement officer or investigator who is authorized to carry 1030  
firearms but is not acting within the scope of the officer's or 1031  
investigator's duties, as long as all of the following apply: 1032

(i) The officer or investigator is carrying validating 1033

identification. 1034

(ii) If the firearm the officer or investigator possesses 1035  
is a firearm issued or approved by the law enforcement agency 1036  
served by the officer or by the bureau of criminal 1037  
identification and investigation with respect to an 1038  
investigator, the agency or bureau does not have a restrictive 1039  
firearms carrying policy. 1040

(iii) The officer or investigator is not consuming beer or 1041  
intoxicating liquor and is not under the influence of alcohol or 1042  
a drug of abuse. 1043

(c) Any room used for the accommodation of guests of a 1044  
hotel, as defined in section 4301.01 of the Revised Code; 1045

(d) The principal holder of a D permit issued for a 1046  
premises or an open air arena under Chapter 4303. of the Revised 1047  
Code while in the premises or open air arena for which the 1048  
permit was issued if the principal holder of the D permit also 1049  
possesses a valid concealed handgun license and as long as the 1050  
principal holder is not consuming beer or intoxicating liquor or 1051  
under the influence of alcohol or a drug of abuse, or any agent 1052  
or employee of that holder who also is a peace officer, as 1053  
defined in section 2151.3515 of the Revised Code, who is off 1054  
duty, and who otherwise is authorized to carry firearms while in 1055  
the course of the officer's official duties and while in the 1056  
premises or open air arena for which the permit was issued and 1057  
as long as the agent or employee of that holder is not consuming 1058  
beer or intoxicating liquor or under the influence of alcohol or 1059  
a drug of abuse. 1060

(e) Any person who is carrying a valid concealed handgun 1061  
license or any person who is an active duty member of the armed 1062

forces of the United States and is carrying a valid military 1063  
identification card and documentation of successful completion 1064  
of firearms training that meets or exceeds the training 1065  
requirements described in division (G) (1) of section 2923.125 of 1066  
the Revised Code, as long as the person is not consuming beer or 1067  
intoxicating liquor or under the influence of alcohol or a drug 1068  
of abuse. 1069

(2) This section does not prohibit any person who is a 1070  
member of a veteran's organization, as defined in section 1071  
2915.01 of the Revised Code, from possessing a rifle in any room 1072  
in any premises owned, leased, or otherwise under the control of 1073  
the veteran's organization, if the rifle is not loaded with live 1074  
ammunition and if the person otherwise is not prohibited by law 1075  
from having the rifle. 1076

(3) This section does not apply to any person possessing 1077  
or displaying firearms in any room used to exhibit unloaded 1078  
firearms for sale or trade in a soldiers' memorial established 1079  
pursuant to Chapter 345. of the Revised Code, in a convention 1080  
center, or in any other public meeting place, if the person is 1081  
an exhibitor, trader, purchaser, or seller of firearms and is 1082  
not otherwise prohibited by law from possessing, trading, 1083  
purchasing, or selling the firearms. 1084

(C) It is an affirmative defense to a charge under this 1085  
section of illegal possession of a firearm in a liquor permit 1086  
premises that involves the possession of a firearm other than a 1087  
handgun, that the actor was not otherwise prohibited by law from 1088  
having the firearm, and that any of the following apply: 1089

(1) The firearm was carried or kept ready at hand by the 1090  
actor for defensive purposes, while the actor was engaged in or 1091  
was going to or from the actor's lawful business or occupation, 1092

which business or occupation was of such character or was 1093  
necessarily carried on in such manner or at such a time or place 1094  
as to render the actor particularly susceptible to criminal 1095  
attack, such as would justify a prudent person in going armed. 1096

(2) The firearm was carried or kept ready at hand by the 1097  
actor for defensive purposes, while the actor was engaged in a 1098  
lawful activity, and had reasonable cause to fear a criminal 1099  
attack upon the actor or a member of the actor's family, or upon 1100  
the actor's home, such as would justify a prudent person in 1101  
going armed. 1102

(D) No person who is charged with a violation of this 1103  
section shall be required to obtain a concealed handgun license 1104  
as a condition for the dismissal of the charge. 1105

(E) Whoever violates this section is guilty of illegal 1106  
possession of a firearm in a liquor permit premises. Except as 1107  
otherwise provided in this division, illegal possession of a 1108  
firearm in a liquor permit premises is a felony of the fifth 1109  
degree. If the offender commits the violation of this section by 1110  
knowingly carrying or having the firearm concealed on the 1111  
offender's person or concealed ready at hand, illegal possession 1112  
of a firearm in a liquor permit premises is a felony of the 1113  
third degree. 1114

(F) As used in this section, ~~"beer"~~: 1115

(1) "Beer" and "intoxicating liquor" have the same 1116  
meanings as in section 4301.01 of the Revised Code. 1117

(2) "Investigator" has the same meaning as in section 1118  
109.541 of the Revised Code. 1119

(3) "Restrictive firearms carrying policy" means a 1120  
specific policy of a law enforcement agency or the bureau of 1121

criminal identification and investigation that prohibits all 1122  
officers of the agency or all investigators of the bureau, while 1123  
not acting within the scope of the officer's or investigator's 1124  
duties, from doing either of the following: 1125

(a) Carrying a firearm issued or approved by the agency or 1126  
bureau in any room, premises, or arena described in division (A) 1127  
of this section; 1128

(b) Carrying a firearm issued or approved by the agency or 1129  
bureau in premises described in division (A) of section 1130  
2923.1214 of the Revised Code. 1131

(4) "Law enforcement officer" has the same meaning as in 1132  
section 9.69 of the Revised Code. 1133

(5) "Validating identification" means one of the 1134  
following: 1135

(a) Photographic identification issued by the law 1136  
enforcement agency for which an individual serves as a law 1137  
enforcement officer that identifies the individual as a law 1138  
enforcement officer of the agency; 1139

(b) Photographic identification issued by the bureau of 1140  
criminal identification and investigation that identifies an 1141  
individual as an investigator of the bureau. 1142

**Sec. 2923.126.** (A) A concealed handgun license that is 1143  
issued under section 2923.125 of the Revised Code shall expire 1144  
five years after the date of issuance. A licensee who has been 1145  
issued a license under that section shall be granted a grace 1146  
period of thirty days after the licensee's license expires 1147  
during which the licensee's license remains valid. Except as 1148  
provided in divisions (B) and (C) of this section, a licensee 1149  
who has been issued a concealed handgun license under section 1150

2923.125 or 2923.1213 of the Revised Code may carry a concealed 1151  
handgun anywhere in this state if the licensee also carries a 1152  
valid license ~~and valid identification~~ when the licensee is in 1153  
actual possession of a concealed handgun. The licensee shall 1154  
give notice of any change in the licensee's residence address to 1155  
the sheriff who issued the license within forty-five days after 1156  
that change. 1157

If a licensee is the driver or an occupant of a motor 1158  
vehicle that is stopped as the result of a traffic stop or a 1159  
stop for another law enforcement purpose and if the licensee is 1160  
transporting or has a loaded handgun in the motor vehicle at 1161  
that time, the licensee shall promptly inform any law 1162  
enforcement officer who approaches the vehicle while stopped 1163  
that the licensee has been issued a concealed handgun license 1164  
and that the licensee currently possesses or has a loaded 1165  
handgun; the licensee shall not knowingly disregard or fail to 1166  
comply with lawful orders of a law enforcement officer given 1167  
while the motor vehicle is stopped, knowingly fail to remain in 1168  
the motor vehicle while stopped, or knowingly fail to keep the 1169  
licensee's hands in plain sight after any law enforcement 1170  
officer begins approaching the licensee while stopped and before 1171  
the officer leaves, unless directed otherwise by a law 1172  
enforcement officer; and the licensee shall not knowingly have 1173  
contact with the loaded handgun by touching it with the 1174  
licensee's hands or fingers, in any manner in violation of 1175  
division (E) of section 2923.16 of the Revised Code, after any 1176  
law enforcement officer begins approaching the licensee while 1177  
stopped and before the officer leaves. Additionally, if a 1178  
licensee is the driver or an occupant of a commercial motor 1179  
vehicle that is stopped by an employee of the motor carrier 1180  
enforcement unit for the purposes defined in section 5503.34 of 1181

the Revised Code and ~~if~~ the licensee is transporting or has a 1182  
loaded handgun in the commercial motor vehicle at that time, the 1183  
licensee shall promptly inform the employee of the unit who 1184  
approaches the vehicle while stopped that the licensee has been 1185  
issued a concealed handgun license and that the licensee 1186  
currently possesses or has a loaded handgun. 1187

If a licensee is stopped for a law enforcement purpose and 1188  
if the licensee is carrying a concealed handgun at the time the 1189  
officer approaches, the licensee shall promptly inform any law 1190  
enforcement officer who approaches the licensee while stopped 1191  
that the licensee has been issued a concealed handgun license 1192  
and that the licensee currently is carrying a concealed handgun; 1193  
the licensee shall not knowingly disregard or fail to comply 1194  
with lawful orders of a law enforcement officer given while the 1195  
licensee is stopped, or knowingly fail to keep the licensee's 1196  
hands in plain sight after any law enforcement officer begins 1197  
approaching the licensee while stopped and before the officer 1198  
leaves, unless directed otherwise by a law enforcement officer; 1199  
and the licensee shall not knowingly remove, attempt to remove, 1200  
grasp, or hold the loaded handgun or knowingly have contact with 1201  
the loaded handgun by touching it with the licensee's hands or 1202  
fingers, in any manner in violation of division (B) of section 1203  
2923.12 of the Revised Code, after any law enforcement officer 1204  
begins approaching the licensee while stopped and before the 1205  
officer leaves. 1206

(B) A valid concealed handgun license does not authorize 1207  
the licensee to carry a concealed handgun in any manner 1208  
prohibited under division (B) of section 2923.12 of the Revised 1209  
Code or in any manner prohibited under section 2923.16 of the 1210  
Revised Code. A valid license does not authorize the licensee to 1211  
carry a concealed handgun into any of the following places: 1212

(1) A police station, sheriff's office, or state highway 1213  
patrol station, premises controlled by the bureau of criminal 1214  
identification and investigation; a state correctional 1215  
institution, jail, workhouse, or other detention facility; any 1216  
area of an airport passenger terminal that is beyond a passenger 1217  
or property screening checkpoint or to which access is 1218  
restricted through security measures by the airport authority or 1219  
a public agency; or an institution that is maintained, operated, 1220  
managed, and governed pursuant to division (A) of section 1221  
5119.14 of the Revised Code or division (A) (1) of section 1222  
5123.03 of the Revised Code; 1223

(2) A school safety zone if the licensee's carrying the 1224  
concealed handgun is in violation of section 2923.122 of the 1225  
Revised Code; 1226

(3) A courthouse or another building or structure in which 1227  
a courtroom is located, if the licensee's carrying the concealed 1228  
handgun is in violation of section 2923.123 of the Revised Code; 1229

(4) Any premises or open air arena for which a D permit 1230  
has been issued under Chapter 4303. of the Revised Code if the 1231  
licensee's carrying the concealed handgun is in violation of 1232  
section 2923.121 of the Revised Code; 1233

(5) Any premises owned or leased by any public or private 1234  
college, university, or other institution of higher education, 1235  
unless the handgun is in a locked motor vehicle or the licensee 1236  
is in the immediate process of placing the handgun in a locked 1237  
motor vehicle or unless the licensee is carrying the concealed 1238  
handgun pursuant to a written policy, rule, or other 1239  
authorization that is adopted by the institution's board of 1240  
trustees or other governing body and that authorizes specific 1241  
individuals or classes of individuals to carry a concealed 1242

handgun on the premises;	1243
(6) Any church, synagogue, mosque, or other place of	1244
worship, unless the church, synagogue, mosque, or other place of	1245
worship posts or permits otherwise;	1246
(7) Any building that is a government facility of this	1247
state or a political subdivision of this state and that is not a	1248
building that is used primarily as a shelter, restroom, parking	1249
facility for motor vehicles, or rest facility and is not a	1250
courthouse or other building or structure in which a courtroom	1251
is located that is subject to division (B)(3) of this section,	1252
unless the governing body with authority over the building has	1253
enacted a statute, ordinance, or policy that permits a licensee	1254
to carry a concealed handgun into the building;	1255
(8) A place in which federal law prohibits the carrying of	1256
handguns.	1257
(C) (1) Nothing in this section shall negate or restrict a	1258
rule, policy, or practice of a private employer that is not a	1259
private college, university, or other institution of higher	1260
education concerning or prohibiting the presence of firearms on	1261
the private employer's premises or property, including motor	1262
vehicles owned by the private employer. Nothing in this section	1263
shall require a private employer of that nature to adopt a rule,	1264
policy, or practice concerning or prohibiting the presence of	1265
firearms on the private employer's premises or property,	1266
including motor vehicles owned by the private employer.	1267
(2) (a) A private employer shall be immune from liability	1268
in a civil action for any injury, death, or loss to person or	1269
property that allegedly was caused by or related to a licensee	1270
bringing a handgun onto the premises or property of the private	1271

employer, including motor vehicles owned by the private 1272  
employer, unless the private employer acted with malicious 1273  
purpose. A private employer is immune from liability in a civil 1274  
action for any injury, death, or loss to person or property that 1275  
allegedly was caused by or related to the private employer's 1276  
decision to permit a licensee to bring, or prohibit a licensee 1277  
from bringing, a handgun onto the premises or property of the 1278  
private employer. 1279

(b) A political subdivision shall be immune from liability 1280  
in a civil action, to the extent and in the manner provided in 1281  
Chapter 2744. of the Revised Code, for any injury, death, or 1282  
loss to person or property that allegedly was caused by or 1283  
related to a licensee bringing a handgun onto any premises or 1284  
property owned, leased, or otherwise under the control of the 1285  
political subdivision. As used in this division, "political 1286  
subdivision" has the same meaning as in section 2744.01 of the 1287  
Revised Code. 1288

(c) An institution of higher education shall be immune 1289  
from liability in a civil action for any injury, death, or loss 1290  
to person or property that allegedly was caused by or related to 1291  
a licensee bringing a handgun onto the premises of the 1292  
institution, including motor vehicles owned by the institution, 1293  
unless the institution acted with malicious purpose. An 1294  
institution of higher education is immune from liability in a 1295  
civil action for any injury, death, or loss to person or 1296  
property that allegedly was caused by or related to the 1297  
institution's decision to permit a licensee or class of 1298  
licensees to bring a handgun onto the premises of the 1299  
institution. 1300

(3) (a) Except as provided in division (C) (3) (b) of this 1301

section and section 2923.1214 of the Revised Code, the owner or 1302  
person in control of private land or premises, and a private 1303  
person or entity leasing land or premises owned by the state, 1304  
the United States, or a political subdivision of the state or 1305  
the United States, may post a sign in a conspicuous location on 1306  
that land or on those premises prohibiting persons from carrying 1307  
firearms or concealed firearms on or onto that land or those 1308  
premises. Except as otherwise provided in this division, a 1309  
person who knowingly violates a posted prohibition of that 1310  
nature is guilty of criminal trespass in violation of division 1311  
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 1312  
misdemeanor of the fourth degree. If a person knowingly violates 1313  
a posted prohibition of that nature and the posted land or 1314  
premises primarily was a parking lot or other parking facility, 1315  
the person is not guilty of criminal trespass under section 1316  
2911.21 of the Revised Code or under any other criminal law of 1317  
this state or criminal law, ordinance, or resolution of a 1318  
political subdivision of this state, and instead is subject only 1319  
to a civil cause of action for trespass based on the violation. 1320

If a person knowingly violates a posted prohibition of the 1321  
nature described in this division and the posted land or 1322  
premises is a child day-care center, type A family day-care 1323  
home, or type B family day-care home, unless the person is a 1324  
licensee who resides in a type A family day-care home or type B 1325  
family day-care home, the person is guilty of aggravated 1326  
trespass in violation of section 2911.211 of the Revised Code. 1327  
Except as otherwise provided in this division, the offender is 1328  
guilty of a misdemeanor of the first degree. If the person 1329  
previously has been convicted of a violation of this division or 1330  
of any offense of violence, if the weapon involved is a firearm 1331  
that is either loaded or for which the offender has ammunition 1332

ready at hand, or if the weapon involved is dangerous ordnance, 1333  
the offender is guilty of a felony of the fourth degree. 1334

(b) A landlord may not prohibit or restrict a tenant who 1335  
is a licensee and who on or after September 9, 2008, enters into 1336  
a rental agreement with the landlord for the use of residential 1337  
premises, and the tenant's guest while the tenant is present, 1338  
from lawfully carrying or possessing a handgun on those 1339  
residential premises. 1340

(c) As used in division (C) (3) of this section: 1341

(i) "Residential premises" has the same meaning as in 1342  
section 5321.01 of the Revised Code, except "residential 1343  
premises" does not include a dwelling unit that is owned or 1344  
operated by a college or university. 1345

(ii) "Landlord," "tenant," and "rental agreement" have the 1346  
same meanings as in section 5321.01 of the Revised Code. 1347

(D) A person who holds a valid concealed handgun license 1348  
issued by another state that is recognized by the attorney 1349  
general pursuant to a reciprocity agreement entered into 1350  
pursuant to section 109.69 of the Revised Code or a person who 1351  
holds a valid concealed handgun license under the circumstances 1352  
described in division (B) of section 109.69 of the Revised Code 1353  
has the same right to carry a concealed handgun in this state as 1354  
a person who was issued a concealed handgun license under 1355  
section 2923.125 of the Revised Code and is subject to the same 1356  
restrictions that apply to a person who carries a license issued 1357  
under that section. 1358

(E) (1) A peace officer has the same right to carry a 1359  
concealed handgun in this state as a person who was issued a 1360  
concealed handgun license under section 2923.125 of the Revised 1361

Code, provided that the officer when carrying a concealed 1362  
handgun under authority of this division is carrying validating 1363  
identification. For purposes of reciprocity with other states, a 1364  
peace officer shall be considered to be a licensee in this 1365  
state. 1366

(2) An active duty member of the armed forces of the 1367  
United States who is carrying a valid military identification 1368  
card and documentation of successful completion of firearms 1369  
training that meets or exceeds the training requirements 1370  
described in division (G) (1) of section 2923.125 of the Revised 1371  
Code has the same right to carry a concealed handgun in this 1372  
state as a person who was issued a concealed handgun license 1373  
under section 2923.125 of the Revised Code and is subject to the 1374  
same restrictions as specified in this section. 1375

(F) (1) A qualified retired peace officer who possesses a 1376  
retired peace officer identification card issued pursuant to 1377  
division (F) (2) of this section and a valid firearms 1378  
requalification certification issued pursuant to division (F) (3) 1379  
of this section has the same right to carry a concealed handgun 1380  
in this state as a person who was issued a concealed handgun 1381  
license under section 2923.125 of the Revised Code and is 1382  
subject to the same restrictions that apply to a person who 1383  
carries a license issued under that section. For purposes of 1384  
reciprocity with other states, a qualified retired peace officer 1385  
who possesses a retired peace officer identification card issued 1386  
pursuant to division (F) (2) of this section and a valid firearms 1387  
requalification certification issued pursuant to division (F) (3) 1388  
of this section shall be considered to be a licensee in this 1389  
state. 1390

(2) (a) Each public agency of this state or of a political 1391

subdivision of this state that is served by one or more peace 1392  
officers shall issue a retired peace officer identification card 1393  
to any person who retired from service as a peace officer with 1394  
that agency, if the issuance is in accordance with the agency's 1395  
policies and procedures and if the person, with respect to the 1396  
person's service with that agency, satisfies all of the 1397  
following: 1398

(i) The person retired in good standing from service as a 1399  
peace officer with the public agency, and the retirement was not 1400  
for reasons of mental instability. 1401

(ii) Before retiring from service as a peace officer with 1402  
that agency, the person was authorized to engage in or supervise 1403  
the prevention, detection, investigation, or prosecution of, or 1404  
the incarceration of any person for, any violation of law and 1405  
the person had statutory powers of arrest. 1406

(iii) At the time of the person's retirement as a peace 1407  
officer with that agency, the person was trained and qualified 1408  
to carry firearms in the performance of the peace officer's 1409  
duties. 1410

(iv) Before retiring from service as a peace officer with 1411  
that agency, the person was regularly employed as a peace 1412  
officer for an aggregate of fifteen years or more, or, in the 1413  
alternative, the person retired from service as a peace officer 1414  
with that agency, after completing any applicable probationary 1415  
period of that service, due to a service-connected disability, 1416  
as determined by the agency. 1417

(b) A retired peace officer identification card issued to 1418  
a person under division (F)(2)(a) of this section shall identify 1419  
the person by name, contain a photograph of the person, identify 1420

the public agency of this state or of the political subdivision 1421  
of this state from which the person retired as a peace officer 1422  
and that is issuing the identification card, and specify that 1423  
the person retired in good standing from service as a peace 1424  
officer with the issuing public agency and satisfies the 1425  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1426  
section. In addition to the required content specified in this 1427  
division, a retired peace officer identification card issued to 1428  
a person under division (F) (2) (a) of this section may include 1429  
the firearms requalification certification described in division 1430  
(F) (3) of this section, and if the identification card includes 1431  
that certification, the identification card shall serve as the 1432  
firearms requalification certification for the retired peace 1433  
officer. If the issuing public agency issues credentials to 1434  
active law enforcement officers who serve the agency, the agency 1435  
may comply with division (F) (2) (a) of this section by issuing 1436  
the same credentials to persons who retired from service as a 1437  
peace officer with the agency and who satisfy the criteria set 1438  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 1439  
provided that the credentials so issued to retired peace 1440  
officers are stamped with the word "RETIRED." 1441

(c) A public agency of this state or of a political 1442  
subdivision of this state may charge persons who retired from 1443  
service as a peace officer with the agency a reasonable fee for 1444  
issuing to the person a retired peace officer identification 1445  
card pursuant to division (F) (2) (a) of this section. 1446

(3) If a person retired from service as a peace officer 1447  
with a public agency of this state or of a political subdivision 1448  
of this state and the person satisfies the criteria set forth in 1449  
divisions (F) (2) (a) (i) to (iv) of this section, the public 1450  
agency may provide the retired peace officer with the 1451

opportunity to attend a firearms requalification program that is 1452  
approved for purposes of firearms requalification required under 1453  
section 109.801 of the Revised Code. The retired peace officer 1454  
may be required to pay the cost of the course. 1455

If a retired peace officer who satisfies the criteria set 1456  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 1457  
a firearms requalification program that is approved for purposes 1458  
of firearms requalification required under section 109.801 of 1459  
the Revised Code, the retired peace officer's successful 1460  
completion of the firearms requalification program requalifies 1461  
the retired peace officer for purposes of division (F) of this 1462  
section for five years from the date on which the program was 1463  
successfully completed, and the requalification is valid during 1464  
that five-year period. If a retired peace officer who satisfies 1465  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1466  
section satisfactorily completes such a firearms requalification 1467  
program, the retired peace officer shall be issued a firearms 1468  
requalification certification that identifies the retired peace 1469  
officer by name, identifies the entity that taught the program, 1470  
specifies that the retired peace officer successfully completed 1471  
the program, specifies the date on which the course was 1472  
successfully completed, and specifies that the requalification 1473  
is valid for five years from that date of successful completion. 1474  
The firearms requalification certification for a retired peace 1475  
officer may be included in the retired peace officer 1476  
identification card issued to the retired peace officer under 1477  
division (F) (2) of this section. 1478

A retired peace officer who attends a firearms 1479  
requalification program that is approved for purposes of 1480  
firearms requalification required under section 109.801 of the 1481  
Revised Code may be required to pay the cost of the program. 1482

(G) As used in this section:	1483
(1) "Qualified retired peace officer" means a person who satisfies all of the following:	1484 1485
(a) The person satisfies the criteria set forth in divisions (F) (2) (a) (i) to (v) of this section.	1486 1487
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	1488 1489
(c) The person is not prohibited by federal law from receiving firearms.	1490 1491
(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.	1492 1493 1494
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	1495 1496
(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;	1497 1498 1499 1500 1501 1502
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	1503 1504 1505
(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.	1506 1507
<u>(5) "Validating identification" means photographic identification issued by the agency for which an individual</u>	1508 1509

serves as a peace officer that identifies the individual as a 1510  
peace officer of the agency. 1511

**Sec. 2923.129.** (A) (1) If a sheriff, the superintendent of 1512  
the bureau of criminal identification and investigation, the 1513  
employees of the bureau, the Ohio peace officer training 1514  
commission, or the employees of the commission make a good faith 1515  
effort in performing the duties imposed upon the sheriff, the 1516  
superintendent, the bureau's employees, the commission, or the 1517  
commission's employees by sections 109.731, 311.41, and 2923.124 1518  
to 2923.1213 of the Revised Code, in addition to the personal 1519  
immunity provided by section 9.86 of the Revised Code or 1520  
division (A) (6) of section 2744.03 of the Revised Code and the 1521  
governmental immunity of sections 2744.02 and 2744.03 of the 1522  
Revised Code and in addition to any other immunity possessed by 1523  
the bureau, the commission, and their employees, the sheriff, 1524  
the sheriff's office, the county in which the sheriff has 1525  
jurisdiction, the bureau, the superintendent of the bureau, the 1526  
bureau's employees, the commission, and the commission's 1527  
employees are immune from liability in a civil action for 1528  
injury, death, or loss to person or property that allegedly was 1529  
caused by or related to any of the following: 1530

(a) The issuance, renewal, suspension, or revocation of a 1531  
concealed handgun license; 1532

(b) The failure to issue, renew, suspend, or revoke a 1533  
concealed handgun license; 1534

(c) Any action or misconduct with a handgun committed by a 1535  
licensee. 1536

(2) Any action of a sheriff relating to the issuance, 1537  
renewal, suspension, or revocation of a concealed handgun 1538

license shall be considered to be a governmental function for 1539  
purposes of Chapter 2744. of the Revised Code. 1540

(3) An entity that or instructor who provides a competency 1541  
certification of a type described in division (B)(3) of section 1542  
2923.125 of the Revised Code is immune from civil liability that 1543  
might otherwise be incurred or imposed for any death or any 1544  
injury or loss to person or property that is caused by or 1545  
related to a person to whom the entity or instructor has issued 1546  
the competency certificate if all of the following apply: 1547

(a) The alleged liability of the entity or instructor 1548  
relates to the training provided in the course, class, or 1549  
program covered by the competency certificate. 1550

(b) The entity or instructor makes a good faith effort in 1551  
determining whether the person has satisfactorily completed the 1552  
course, class, or program and makes a good faith effort in 1553  
assessing the person in the competency examination conducted 1554  
pursuant to division (G)(2) of section 2923.125 of the Revised 1555  
Code. 1556

(c) The entity or instructor did not issue the competency 1557  
certificate with malicious purpose, in bad faith, or in a wanton 1558  
or reckless manner. 1559

(4) An entity that or instructor who, prior to March 27, 1560  
2013, provides a renewed competency certification of a type 1561  
described in division (G)(4) of section 2923.125 of the Revised 1562  
Code as it existed prior to March 27, 2013, is immune from civil 1563  
liability that might otherwise be incurred or imposed for any 1564  
death or any injury or loss to person or property that is caused 1565  
by or related to a person to whom the entity or instructor has 1566  
issued the renewed competency certificate if all of the 1567

following apply: 1568

(a) The entity or instructor makes a good faith effort in 1569  
assessing the person in the physical demonstrations or the 1570  
competency examination conducted pursuant to division (G) (4) of 1571  
section 2923.125 of the Revised Code as it existed prior to 1572  
March 27, 2013. 1573

(b) The entity or instructor did not issue the renewed 1574  
competency certificate with malicious purpose, in bad faith, or 1575  
in a wanton or reckless manner. 1576

~~(5) A law enforcement agency that employs a peace officer 1577  
is immune from liability in a civil action to recover damages 1578  
for injury, death, or loss to person or property allegedly 1579  
caused by any act of that peace officer if the act occurred 1580  
while the peace officer carried a concealed handgun and was off 1581  
duty and if the act allegedly involved the peace officer's use 1582  
of the concealed handgun. Sections 9.86 and 9.87, and Chapter 1583  
2744., of the Revised Code apply to any civil action involving a 1584  
peace officer's use of a concealed handgun in the performance of 1585  
the peace officer's official duties while the peace officer is 1586  
off duty. 1587~~

(B) Notwithstanding section 149.43 of the Revised Code, 1588  
the records that a sheriff keeps relative to the issuance, 1589  
renewal, suspension, or revocation of a concealed handgun 1590  
license, including, but not limited to, completed applications 1591  
for the issuance or renewal of a license, completed affidavits 1592  
submitted regarding an application for a license on a temporary 1593  
emergency basis, reports of criminal records checks and 1594  
incompetency records checks under section 311.41 of the Revised 1595  
Code, and applicants' social security numbers and fingerprints 1596  
that are obtained under division (A) of section 311.41 of the 1597

Revised Code, are confidential and are not public records. No 1598  
person shall release or otherwise disseminate records that are 1599  
confidential under this division unless required to do so 1600  
pursuant to a court order. 1601

(C) Each sheriff shall report to the Ohio peace officer 1602  
training commission the number of concealed handgun licenses 1603  
that the sheriff issued, renewed, suspended, revoked, or denied 1604  
under section 2923.125 of the Revised Code during the previous 1605  
quarter of the calendar year, the number of applications for 1606  
those licenses for which processing was suspended in accordance 1607  
with division (D) (3) of section 2923.125 of the Revised Code 1608  
during the previous quarter of the calendar year, and the number 1609  
of concealed handgun licenses on a temporary emergency basis 1610  
that the sheriff issued, suspended, revoked, or denied under 1611  
section 2923.1213 of the Revised Code during the previous 1612  
quarter of the calendar year. The sheriff shall not include in 1613  
the report the name or any other identifying information of an 1614  
applicant or licensee. The sheriff shall report that information 1615  
in a manner that permits the commission to maintain the 1616  
statistics described in division (C) of section 109.731 of the 1617  
Revised Code and to timely prepare the statistical report 1618  
described in that division. The information that is received by 1619  
the commission under this division is a public record kept by 1620  
the commission for the purposes of section 149.43 of the Revised 1621  
Code. 1622

(D) Law enforcement agencies may use the information a 1623  
sheriff makes available through the use of the law enforcement 1624  
automated data system pursuant to division (H) of section 1625  
2923.125 or division (B) (2) or (D) of section 2923.1213 of the 1626  
Revised Code for law enforcement purposes only. The information 1627  
is confidential and is not a public record. Except as provided 1628

in section 5503.101 of the Revised Code, a person who releases 1629  
or otherwise disseminates this information obtained through the 1630  
law enforcement automated data system in a manner not described 1631  
in this division is guilty of a violation of section 2913.04 of 1632  
the Revised Code. 1633

(E) Whoever violates division (B) of this section is 1634  
guilty of illegal release of confidential concealed handgun 1635  
license records, a felony of the fifth degree. In addition to 1636  
any penalties imposed under Chapter 2929. of the Revised Code 1637  
for a violation of division (B) of this section or a violation 1638  
of section 2913.04 of the Revised Code described in division (D) 1639  
of this section, if the offender is a sheriff, an employee of a 1640  
sheriff, or any other public officer or employee, and if the 1641  
violation was willful and deliberate, the offender shall be 1642  
subject to a civil fine of one thousand dollars. Any person who 1643  
is harmed by a violation of division (B) or (C) of this section 1644  
or a violation of section 2913.04 of the Revised Code described 1645  
in division (D) of this section has a private cause of action 1646  
against the offender for any injury, death, or loss to person or 1647  
property that is a proximate result of the violation and may 1648  
recover court costs and attorney's fees related to the action. 1649

**Sec. 2923.1212.** ~~(A) The following persons, boards, and~~ 1650  
~~entities, or designees, Each person, board, or entity that owns~~ 1651  
or controls any place or premises identified in division (B) of 1652  
section 2923.126 of the Revised Code as a place into which a 1653  
valid license does not authorize the licensee to carry a 1654  
concealed handgun, or a designee of such a person, board, or 1655  
entity, shall post in the following one or more conspicuous 1656  
locations in the premises a sign that contains a statement in 1657  
substantially the following form: "Unless otherwise authorized 1658  
by law, pursuant to the Ohio Revised Code, no person shall 1659

knowingly possess, have under the person's control, convey, or 1660  
attempt to convey a deadly weapon or dangerous ordnance onto 1661  
these premises." ~~;~~ 1662

~~(1) The director of public safety or the person or board 1663  
charged with the erection, maintenance, or repair of police 1664  
stations, municipal jails, and the municipal courthouse and 1665  
courtrooms in a conspicuous location at all police stations, 1666  
municipal jails, and municipal courthouses and courtrooms;~~ 1667

~~(2) The sheriff or sheriff's designee who has charge of 1668  
the sheriff's office in a conspicuous location in that office;~~ 1669

~~(3) The superintendent of the state highway patrol or the 1670  
superintendent's designee in a conspicuous location at all state 1671  
highway patrol stations;~~ 1672

~~(4) Each sheriff, chief of police, or person in charge of 1673  
every county, multicounty, municipal, municipal county, or 1674  
multicounty municipal jail or workhouse, community based 1675  
correctional facility, halfway house, alternative residential 1676  
facility, or other local or state correctional institution or 1677  
detention facility within the state, or that person's designee, 1678  
in a conspicuous location at that facility under that person's 1679  
charge;~~ 1680

~~(5) The board of trustees of a regional airport authority, 1681  
chief administrative officer of an airport facility, or other 1682  
person in charge of an airport facility in a conspicuous 1683  
location at each airport facility under that person's control;~~ 1684

~~(6) The officer or officer's designee who has charge of a 1685  
courthouse or the building or structure in which a courtroom is 1686  
located in a conspicuous location in that building or structure;~~ 1687

~~(7) The superintendent of the bureau of criminal 1688~~

~~identification and investigation or the superintendent's~~ 1689  
~~designee in a conspicuous location in all premises controlled by~~ 1690  
~~that bureau;~~ 1691

~~(8) The owner, administrator, or operator of a child day~~ 1692  
~~care center, a type A family day care home, or a type B family~~ 1693  
~~day care home;~~ 1694

~~(9) The officer of this state or of a political~~ 1695  
~~subdivision of this state, or the officer's designee, who has~~ 1696  
~~charge of a building that is a government facility of this state~~ 1697  
~~or the political subdivision of this state, as defined in~~ 1698  
~~section 2923.126 of the Revised Code, and that is not a building~~ 1699  
~~that is used primarily as a shelter, restroom, parking facility~~ 1700  
~~for motor vehicles, or rest facility and is not a courthouse or~~ 1701  
~~other building or structure in which a courtroom is located that~~ 1702  
~~is subject to division (B) (3) of that section.~~ 1703

~~(B) The following boards, bodies, and persons, or~~ 1704  
~~designees, shall post in the following locations a sign that~~ 1705  
~~contains a statement in substantially the following form:~~ 1706  
~~"Unless otherwise authorized by law, pursuant to Ohio Revised~~ 1707  
~~Code section 2923.122, no person shall knowingly possess, have~~ 1708  
~~under the person's control, convey, or attempt to convey a~~ 1709  
~~deadly weapon or dangerous ordnance into a school safety zone.";~~ 1710

~~(1) A board of education of a city, local, exempted~~ 1711  
~~village, or joint vocational school district or that board's~~ 1712  
~~designee in a conspicuous location in each building and on each~~ 1713  
~~parcel of real property owned or controlled by the board;~~ 1714

~~(2) A governing body of a school for which the state board~~ 1715  
~~of education prescribes minimum standards under section 3301.07~~ 1716  
~~of the Revised Code or that body's designee in a conspicuous~~ 1717

~~location in each building and on each parcel of real property-~~ 1718  
~~owned or controlled by the school;~~ 1719

~~(3) The principal or chief administrative officer of a-~~ 1720  
~~nonpublic school in a conspicuous location on property owned or-~~ 1721  
~~controlled by that nonpublic school.~~ 1722

Sec. 2923.1214. (A) Subject to division (B) of this 1723  
section, an establishment serving the public may not prohibit or 1724  
restrict a law enforcement officer or investigator who is 1725  
carrying validating identification from carrying a weapon on the 1726  
premises that the officer or investigator is authorized to 1727  
carry, regardless of whether the officer or investigator is 1728  
acting within the scope of that officer's or investigator's 1729  
duties while carrying the weapon. 1730

(B) Division (A) of this section does not apply with 1731  
respect to a law enforcement officer's or investigator's 1732  
carrying of a weapon on the premises of an establishment serving 1733  
the public if the officer or investigator is not acting within 1734  
the scope of the officer's or investigator's duties, the weapon 1735  
is a firearm issued or approved by the law enforcement agency 1736  
served by the officer or by the bureau of criminal 1737  
identification and investigation with respect to an 1738  
investigator, and the agency or bureau has a restrictive 1739  
firearms carrying policy. 1740

(C) (1) Subject to division (C) (2) of this section, the 1741  
owner of an establishment serving the public, the operator of an 1742  
establishment serving the public, and the employer of persons 1743  
employed at an establishment serving the public shall be immune 1744  
from liability in a civil action for injury, death, or loss to 1745  
person or property that allegedly was caused by or related to a 1746  
law enforcement officer or investigator bringing a weapon into 1747

the establishment or onto the premises of the establishment. 1748

(2) The immunity provided in division (C)(1) of this 1749  
section is not available to an owner, operator, or employer of 1750  
an establishment serving the public with respect to injury, 1751  
death, or loss to person or property of the type described in 1752  
that division if the owner, operator, or employer engaged in an 1753  
act or omission that contributed to the injury, death, or loss 1754  
and the owner's, operator's, or employer's act or omission was 1755  
with malicious purpose, in bad faith, or in a wanton or reckless 1756  
manner. 1757

(D) As used in this section: 1758

(1) "Establishment serving the public" means a hotel, a 1759  
restaurant or other place where food is regularly offered for 1760  
sale, a retail business or other commercial establishment or 1761  
office building that is open to the public, a sports venue, or 1762  
any other place of public accommodation, amusement, or resort 1763  
that is open to the public. 1764

(2) "Hotel" has the same meaning as in section 3731.01 of 1765  
the Revised Code. 1766

(3) "Sports venue" means any arena, stadium, or other 1767  
facility that is used primarily as a venue for sporting and 1768  
athletic events for which admission is charged. 1769

(4) "Investigator" has the same meaning as in section 1770  
109.541 of the Revised Code. 1771

(5) "Restrictive firearm carrying policy" and "validating 1772  
identification" have the same meanings as in section 2923.121 of 1773  
the Revised Code. 1774

(6) "Law enforcement officer" has the same meaning as in 1775

section 9.69 of the Revised Code. 1776

**Sec. 2923.18.** (A) Upon application to the sheriff of the 1777  
county or safety director or police chief of the municipality 1778  
where the applicant resides or has ~~his~~ the applicant's principal 1779  
place of business, and upon payment of the fee specified in 1780  
division (B) of this section, a license or temporary permit 1781  
shall be issued to qualified applicants to acquire, possess, 1782  
carry, or use dangerous ordnance, for the following purposes: 1783

(1) Contractors, wreckers, ~~quarrymen~~ quarriers, mine 1784  
operators, and other persons regularly employing explosives in 1785  
the course of a legitimate business, with respect to explosives 1786  
and explosive devices acquired, possessed, carried, or used in 1787  
the course of such business; 1788

(2) Farmers, with respect to explosives and explosive 1789  
devices acquired, possessed, carried, or used for agricultural 1790  
purposes on lands farmed by them; 1791

(3) Scientists, engineers, and instructors, with respect 1792  
to dangerous ordnance acquired, possessed, carried, or used in 1793  
the course of bona fide research or instruction; 1794

(4) Financial institution and armored car company guards, 1795  
with respect to automatic firearms lawfully acquired, possessed, 1796  
carried, or used by any such person while acting within the 1797  
scope of ~~his~~ the person's duties; 1798

(5) In the discretion of the issuing authority, any 1799  
responsible person, with respect to dangerous ordnance lawfully 1800  
acquired, possessed, carried, or used for a legitimate research, 1801  
scientific, educational, industrial, or other proper purpose. 1802

(B) Application for a license or temporary permit under 1803  
this section shall be in writing under oath to the sheriff of 1804

the county or safety director or police chief of the 1805  
municipality where the applicant resides or has ~~his~~ the 1806  
applicant's principal place of business. The application shall 1807  
be accompanied by an application fee of fifty dollars when the 1808  
application is for a license, and an application fee of five 1809  
dollars when the application is for a temporary permit. The fees 1810  
shall be paid into the general revenue fund of the county or 1811  
municipality. The application shall contain the following 1812  
information: 1813

(1) The name, age, address, occupation, and business 1814  
address of the applicant, if ~~he~~ the applicant is a natural 1815  
person, or the name, address, and principal place of business of 1816  
the applicant, if the applicant is a corporation; 1817

(2) A description of the dangerous ordnance for which a 1818  
permit is requested; 1819

(3) A description of the place or places where and the 1820  
manner in which the dangerous ordnance is to be kept, carried, 1821  
and used; 1822

(4) A statement of the purposes for which the dangerous 1823  
ordnance is to be acquired, possessed, carried, or used; 1824

(5) Such other information, as the issuing authority may 1825  
require in giving effect to this section. 1826

(C) Upon investigation, the issuing authority shall issue 1827  
a license or temporary permit only if all of the following 1828  
apply: 1829

(1) The applicant is not otherwise prohibited by law from 1830  
acquiring, having, carrying or using dangerous ordnance; 1831

(2) The applicant is age twenty-one or over, if ~~he~~ the 1832

applicant is a natural person; 1833

(3) It appears that the applicant has sufficient 1834  
competence to safely acquire, possess, carry, or use the 1835  
dangerous ordnance, and that proper precautions will be taken to 1836  
protect the security of the dangerous ordnance and ensure the 1837  
safety of persons and property; 1838

(4) It appears that the dangerous ordnance will be 1839  
lawfully acquired, possessed, carried, and used by the applicant 1840  
for a legitimate purpose. 1841

(D) The license or temporary permit shall identify the 1842  
person to whom it is issued, identify the dangerous ordnance 1843  
involved and state the purposes for which the license or 1844  
temporary permit is issued, state the expiration date, if any, 1845  
and list such restrictions on the acquisition, possession, 1846  
carriage, or use of the dangerous ordnance as the issuing 1847  
authority considers advisable to protect the security of the 1848  
dangerous ordnance and ensure the safety of persons and 1849  
property. 1850

(E) A temporary permit shall be issued for the casual use 1851  
of explosives and explosive devices, and other consumable 1852  
dangerous ordnance, and shall expire within thirty days of its 1853  
issuance. A license shall be issued for the regular use of 1854  
consumable dangerous ordnance, or for any ~~nonconsumable~~ 1855  
nonconsumable dangerous ordnance, which license need not specify 1856  
an expiration date, but the issuing authority may specify such 1857  
expiration date, not earlier than one year from the date of 1858  
issuance, as it considers advisable in view of the nature of the 1859  
dangerous ordnance and the purposes for which the license is 1860  
issued. 1861

(F) The dangerous ordnance specified in a license or 1862  
temporary permit may be obtained by the holder anywhere in the 1863  
state. The holder of a license may use such dangerous ordnance 1864  
anywhere in the state. The holder of a temporary permit may use 1865  
such dangerous ordnance only within the territorial jurisdiction 1866  
of the issuing authority. 1867

(G) The issuing authority shall forward to the state fire 1868  
marshal a copy of each license or temporary permit issued 1869  
pursuant to this section, and a copy of each record of a 1870  
transaction in dangerous ordnance and of each report of lost or 1871  
stolen dangerous ordnance, given to the local law enforcement 1872  
authority as required by divisions (A) ~~(4)-(7)~~ and ~~(5)-(8)~~ of 1873  
section 2923.20 of the Revised Code. The state fire marshal 1874  
shall keep a permanent file of all licenses and temporary 1875  
permits issued pursuant to this section, and of all records of 1876  
transactions in, and losses or thefts of dangerous ordnance 1877  
forwarded by local law enforcement authorities pursuant to this 1878  
section. 1879

**Sec. 2923.20.** (A) No person shall do any of the following: 1880

(1) Recklessly sell, lend, give, or furnish any firearm to 1881  
any person prohibited by section 2923.13 or 2923.15 of the 1882  
Revised Code from acquiring or using any firearm, or recklessly 1883  
sell, lend, give, or furnish any dangerous ordnance to any 1884  
person prohibited by section 2923.13, 2923.15, or 2923.17 of the 1885  
Revised Code from acquiring or using any dangerous ordnance; 1886

(2) Possess any firearm or dangerous ordnance with purpose 1887  
to dispose of it in violation of division (A) of this section; 1888

(3) Except as otherwise provided in division (B) of this 1889  
section, knowingly solicit, persuade, encourage, or entice a 1890

federally licensed firearms dealer or private seller to transfer 1891  
a firearm or ammunition to any person in a manner prohibited by 1892  
state or federal law; 1893

(4) Except as otherwise provided in division (B) of this 1894  
section, with an intent to deceive, knowingly provide materially 1895  
false information to a federally licensed firearms dealer or 1896  
private seller; 1897

(5) Except as otherwise provided in division (B) of this 1898  
section, knowingly procure, solicit, persuade, encourage, or 1899  
entice a person to act in violation of division (A) (3) or (4) of 1900  
this section; 1901

(6) Manufacture, possess for sale, sell, or furnish to any 1902  
person other than a law enforcement agency for authorized use in 1903  
police work, any brass knuckles, cestus, billy, blackjack, 1904  
sandbag, switchblade knife, springblade knife, gravity knife, or 1905  
similar weapon; 1906

~~(4)~~ (7) When transferring any dangerous ordnance to 1907  
another, negligently fail to require the transferee to exhibit 1908  
such identification, license, or permit showing ~~him~~ the 1909  
transferee to be authorized to acquire dangerous ordnance 1910  
pursuant to section 2923.17 of the Revised Code, or negligently 1911  
fail to take a complete record of the transaction and forthwith 1912  
forward a copy of that record to the sheriff of the county or 1913  
safety director or police chief of the municipality where the 1914  
transaction takes place; 1915

~~(5)~~ (8) Knowingly fail to report to law enforcement 1916  
authorities forthwith the loss or theft of any firearm or 1917  
dangerous ordnance in the person's possession or under the 1918  
person's control. 1919

(B) Divisions (A) (3), (4), and (5) of this section do not 1920  
apply to any of the following: 1921

(1) A law enforcement officer who is acting within the 1922  
scope of the officer's duties; 1923

(2) A person who is acting in accordance with directions 1924  
given by a law enforcement officer described in division (B) (1) 1925  
of this section. 1926

(C) Whoever violates this section is guilty of unlawful 1927  
transactions in weapons. A violation of division (A) (1) or (2) 1928  
of this section is a felony of the fourth degree. A violation of 1929  
division (A) (3), (4), or (5) of this section is a felony of the 1930  
third degree. A violation of division (A) ~~(3)~~ ~~(6)~~ or ~~(4)~~ ~~(7)~~ of 1931  
this section is a misdemeanor of the second degree. A violation 1932  
of division (A) ~~(5)~~ ~~(8)~~ of this section is a misdemeanor of the 1933  
fourth degree. 1934

(D) As used in this section: 1935

(1) "Ammunition" has the same meaning as in section 1936  
2305.401 of the Revised Code. 1937

(2) "Federally licensed firearms dealer" has the same 1938  
meaning as in section 5502.63 of the Revised Code. 1939

(3) "Materially false information" means information 1940  
regarding the transfer of a firearm or ammunition that portrays 1941  
an illegal transaction as legal or a legal transaction as 1942  
illegal. 1943

(4) "Private seller" means a person who sells, offers for 1944  
sale, or transfers a firearm or ammunition and who is not a 1945  
federally licensed firearms dealer. 1946

**Sec. 2953.37.** (A) As used in this section: 1947

(1) "Expunge" means to destroy, delete, and erase a record 1948  
as appropriate for the record's physical or electronic form or 1949  
characteristic so that the record is permanently irretrievable. 1950

(2) "Official records" has the same meaning as in section 1951  
2953.51 of the Revised Code. 1952

(3) "Prosecutor" has the same meaning as in section 1953  
2953.31 of the Revised Code. 1954

(4) "Record of conviction" means the record related to a 1955  
conviction of or plea of guilty to an offense. 1956

(B) Any person who is convicted of, was convicted of, 1957  
pleads guilty to, or has pleaded guilty to a violation of 1958  
division (B), (C), or (E) of section 2923.16 of the Revised Code 1959  
as the division existed prior to September 30, 2011, and who is 1960  
authorized by division (H)(2)(a) of that section to file an 1961  
application under this section for the expungement of the 1962  
conviction record may apply to the sentencing court for the 1963  
expungement of the record of conviction. The person may file the 1964  
application at any time on or after September 30, 2011. The 1965  
application shall do all of the following: 1966

(1) Identify the applicant, the offense for which the 1967  
expungement is sought, the date of the conviction of or plea of 1968  
guilty to that offense, and the court in which the conviction 1969  
occurred or the plea of guilty was entered; 1970

(2) Include evidence that the offense was a violation of 1971  
division (B), (C), or (E) of section 2923.16 of the Revised Code 1972  
as the division existed prior to September 30, 2011, and that 1973  
the applicant is authorized by division (H)(2)(a) of that 1974  
section to file an application under this section; 1975

(3) Include a request for expungement of the record of 1976

conviction of that offense under this section. 1977

(C) Upon the filing of an application under division (B) 1978  
of this section and the payment of the fee described in division 1979  
(D) (3) of this section if applicable, the court shall set a date 1980  
for a hearing and shall notify the prosecutor for the case of 1981  
the hearing on the application. The prosecutor may object to the 1982  
granting of the application by filing an objection with the 1983  
court prior to the date set for the hearing. The prosecutor 1984  
shall specify in the objection the reasons for believing a 1985  
denial of the application is justified. The court shall direct 1986  
its regular probation officer, a state probation officer, or the 1987  
department of probation of the county in which the applicant 1988  
resides to make inquiries and written reports as the court 1989  
requires concerning the applicant. The court shall hold the 1990  
hearing scheduled under this division. 1991

(D) (1) At the hearing held under division (C) of this 1992  
section, the court shall do each of the following: 1993

(a) Determine whether the applicant has been convicted of 1994  
or pleaded guilty to a violation of division (E) of section 1995  
2923.16 of the Revised Code as the division existed prior to 1996  
September 30, 2011, and whether the conduct that was the basis 1997  
of the violation no longer would be a violation of that division 1998  
on or after September 30, 2011; 1999

(b) Determine whether the applicant has been convicted of 2000  
or pleaded guilty to a violation of division (B) or (C) of 2001  
section 2923.16 of the Revised Code as the division existed 2002  
prior to September 30, 2011, and whether the conduct that was 2003  
the basis of the violation no longer would be a violation of 2004  
that division on or after September 30, 2011, due to the 2005  
application of division (F) (5) of that section as it exists on 2006

and after September 30, 2011; 2007

(c) If the prosecutor has filed an objection in accordance 2008  
with division (C) of this section, consider the reasons against 2009  
granting the application specified by the prosecutor in the 2010  
objection; 2011

(d) Weigh the interests of the applicant in having the 2012  
records pertaining to the applicant's conviction or guilty plea 2013  
expunged against the legitimate needs, if any, of the government 2014  
to maintain those records. 2015

(2) (a) The court may order the expungement of all official 2016  
records pertaining to the case and the deletion of all index 2017  
references to the case and, if it does order the expungement, 2018  
shall send notice of the order to each public office or agency 2019  
that the court has reason to believe may have an official record 2020  
pertaining to the case if the court, after complying with 2021  
division (D) (1) of this section, determines both of the 2022  
following: 2023

(i) That the applicant has been convicted of or pleaded 2024  
guilty to a violation of division (E) of section 2923.16 of the 2025  
Revised Code as it existed prior to September 30, 2011, and the 2026  
conduct that was the basis of the violation no longer would be a 2027  
violation of that division on or after September 30, 2011, or 2028  
that the applicant has been convicted of or pleaded guilty to a 2029  
violation of division (B) or (C) of section 2923.16 of the 2030  
Revised Code as the division existed prior to September 30, 2031  
2011, and the conduct that was the basis of the violation no 2032  
longer would be a violation of that division on or after 2033  
September 30, 2011, due to the application of division (F) (5) of 2034  
that section as it exists on and after September 30, 2011; 2035

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

(b) The proceedings in the case that is the subject of an order issued under division (D)(2)(a) of this section shall be considered not to have occurred and the conviction or guilty plea of the person who is the subject of the proceedings shall be expunged. The record of the conviction shall not be used for any purpose, including, but not limited to, a criminal records check under section 109.572 of the Revised Code or a determination under section 2923.125 or ~~2923.1212~~ 2923.1213 of the Revised Code of eligibility for a concealed handgun license. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter.

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

(4) At the time an applicant files an application under division (B) of this section, the following shall apply:

(a) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (D)(2)(a) of this section to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(b) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (D) (2) (a) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.

(c) If the applicant does not opt out under division (D) (4) (b) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (D) (2) (b) of section 109.38 of the Revised Code.

(5) (a) Upon issuance of an order under division (D) (2) (a) of this section, and unless the applicant opts out under division (D) (4) (b) of this section, the clerk shall remit the fee paid by the applicant under division (D) (4) (c) of this section to the qualified third party. The court shall send notice of the order under division (D) (2) (a) of this section to the qualified third party.

(b) If the applicant's application under division (B) of this section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (D) (2) (a) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (D) (2) (a) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (D) (4) (c) of this section that is intended for the qualified third party back to the applicant.

**Section 2.** That existing sections 9.68, 109.801, 307.93, 307.932, 2901.05, 2923.11, 2923.121, 2923.126, 2923.129, 2923.1212, 2923.18, 2923.20, and 2953.37 of the Revised Code are

hereby repealed. 2095

**Section 3.** Section 9.68 of the Revised Code, as amended by 2096  
this act, shall take effect nine months after the effective date 2097  
of this act. 2098