

As Reported by the House Civil Justice Committee

133rd General Assembly

Regular Session

2019-2020

Am. S. B. No. 175

Senator Schaffer

Cosponsors: Senators Eklund, Fedor, O'Brien, Manning, Antonio, Blessing, Brenner, Coley, Craig, Hackett, Hoagland, Huffman, M., Huffman, S., Johnson, McColley, Obhof, Peterson, Roegner, Rulli, Schuring, Sykes, Thomas, Williams, Wilson, Yuko Representative Hambley

A BILL

To amend section 2923.126 of the Revised Code to 1
grant civil immunity to nonprofit corporations 2
for certain injuries, deaths, or losses 3
resulting from the carrying of handguns. 4

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

Section 1. That section 2923.126 of the Revised Code be 5
amended to read as follows: 6

Sec. 2923.126. (A) A concealed handgun license that is 7
issued under section 2923.125 of the Revised Code shall expire 8
five years after the date of issuance. A licensee who has been 9
issued a license under that section shall be granted a grace 10
period of thirty days after the licensee's license expires 11
during which the licensee's license remains valid. Except as 12
provided in divisions (B) and (C) of this section, a licensee 13
who has been issued a concealed handgun license under section 14
2923.125 or 2923.1213 of the Revised Code may carry a concealed 15
handgun anywhere in this state if the licensee also carries a 16
valid license when the licensee is in actual possession of a 17

concealed handgun. The licensee shall give notice of any change 18
in the licensee's residence address to the sheriff who issued 19
the license within forty-five days after that change. 20

If a licensee is the driver or an occupant of a motor 21
vehicle that is stopped as the result of a traffic stop or a 22
stop for another law enforcement purpose and if the licensee is 23
transporting or has a loaded handgun in the motor vehicle at 24
that time, the licensee shall promptly inform any law 25
enforcement officer who approaches the vehicle while stopped 26
that the licensee has been issued a concealed handgun license 27
and that the licensee currently possesses or has a loaded 28
handgun; the licensee shall not knowingly disregard or fail to 29
comply with lawful orders of a law enforcement officer given 30
while the motor vehicle is stopped, knowingly fail to remain in 31
the motor vehicle while stopped, or knowingly fail to keep the 32
licensee's hands in plain sight after any law enforcement 33
officer begins approaching the licensee while stopped and before 34
the officer leaves, unless directed otherwise by a law 35
enforcement officer; and the licensee shall not knowingly have 36
contact with the loaded handgun by touching it with the 37
licensee's hands or fingers, in any manner in violation of 38
division (E) of section 2923.16 of the Revised Code, after any 39
law enforcement officer begins approaching the licensee while 40
stopped and before the officer leaves. Additionally, if a 41
licensee is the driver or an occupant of a commercial motor 42
vehicle that is stopped by an employee of the motor carrier 43
enforcement unit for the purposes defined in section 5503.34 of 44
the Revised Code and the licensee is transporting or has a 45
loaded handgun in the commercial motor vehicle at that time, the 46
licensee shall promptly inform the employee of the unit who 47
approaches the vehicle while stopped that the licensee has been 48

issued a concealed handgun license and that the licensee 49
currently possesses or has a loaded handgun. 50

If a licensee is stopped for a law enforcement purpose and 51
if the licensee is carrying a concealed handgun at the time the 52
officer approaches, the licensee shall promptly inform any law 53
enforcement officer who approaches the licensee while stopped 54
that the licensee has been issued a concealed handgun license 55
and that the licensee currently is carrying a concealed handgun; 56
the licensee shall not knowingly disregard or fail to comply 57
with lawful orders of a law enforcement officer given while the 58
licensee is stopped, or knowingly fail to keep the licensee's 59
hands in plain sight after any law enforcement officer begins 60
approaching the licensee while stopped and before the officer 61
leaves, unless directed otherwise by a law enforcement officer; 62
and the licensee shall not knowingly remove, attempt to remove, 63
grasp, or hold the loaded handgun or knowingly have contact with 64
the loaded handgun by touching it with the licensee's hands or 65
fingers, in any manner in violation of division (B) of section 66
2923.12 of the Revised Code, after any law enforcement officer 67
begins approaching the licensee while stopped and before the 68
officer leaves. 69

(B) A valid concealed handgun license does not authorize 70
the licensee to carry a concealed handgun in any manner 71
prohibited under division (B) of section 2923.12 of the Revised 72
Code or in any manner prohibited under section 2923.16 of the 73
Revised Code. A valid license does not authorize the licensee to 74
carry a concealed handgun into any of the following places: 75

(1) A police station, sheriff's office, or state highway 76
patrol station, premises controlled by the bureau of criminal 77
identification and investigation; a state correctional 78

institution, jail, workhouse, or other detention facility; any 79
area of an airport passenger terminal that is beyond a passenger 80
or property screening checkpoint or to which access is 81
restricted through security measures by the airport authority or 82
a public agency; or an institution that is maintained, operated, 83
managed, and governed pursuant to division (A) of section 84
5119.14 of the Revised Code or division (A) (1) of section 85
5123.03 of the Revised Code; 86

(2) A school safety zone if the licensee's carrying the 87
concealed handgun is in violation of section 2923.122 of the 88
Revised Code; 89

(3) A courthouse or another building or structure in which 90
a courtroom is located if the licensee's carrying the concealed 91
handgun is in violation of section 2923.123 of the Revised Code; 92

(4) Any premises or open air arena for which a D permit 93
has been issued under Chapter 4303. of the Revised Code if the 94
licensee's carrying the concealed handgun is in violation of 95
section 2923.121 of the Revised Code; 96

(5) Any premises owned or leased by any public or private 97
college, university, or other institution of higher education, 98
unless the handgun is in a locked motor vehicle or the licensee 99
is in the immediate process of placing the handgun in a locked 100
motor vehicle or unless the licensee is carrying the concealed 101
handgun pursuant to a written policy, rule, or other 102
authorization that is adopted by the institution's board of 103
trustees or other governing body and that authorizes specific 104
individuals or classes of individuals to carry a concealed 105
handgun on the premises; 106

(6) Any church, synagogue, mosque, or other place of 107

worship, unless the church, synagogue, mosque, or other place of 108
worship posts or permits otherwise; 109

(7) Any building that is a government facility of this 110
state or a political subdivision of this state and that is not a 111
building that is used primarily as a shelter, restroom, parking 112
facility for motor vehicles, or rest facility and is not a 113
courthouse or other building or structure in which a courtroom 114
is located that is subject to division (B) (3) of this section, 115
unless the governing body with authority over the building has 116
enacted a statute, ordinance, or policy that permits a licensee 117
to carry a concealed handgun into the building; 118

(8) A place in which federal law prohibits the carrying of 119
handguns. 120

(C) (1) Nothing in this section shall negate or restrict a 121
rule, policy, or practice of a private employer that is not a 122
private college, university, or other institution of higher 123
education concerning or prohibiting the presence of firearms on 124
the private employer's premises or property, including motor 125
vehicles owned by the private employer. Nothing in this section 126
shall require a private employer of that nature to adopt a rule, 127
policy, or practice concerning or prohibiting the presence of 128
firearms on the private employer's premises or property, 129
including motor vehicles owned by the private employer. 130

(2) (a) A private employer shall be immune from liability 131
in a civil action for any injury, death, or loss to person or 132
property that allegedly was caused by or related to a licensee 133
bringing a handgun onto the premises or property of the private 134
employer, including motor vehicles owned by the private 135
employer, unless the private employer acted with malicious 136
purpose. A private employer is immune from liability in a civil 137

action for any injury, death, or loss to person or property that 138
allegedly was caused by or related to the private employer's 139
decision to permit a licensee to bring, or prohibit a licensee 140
from bringing, a handgun onto the premises or property of the 141
private employer. 142

(b) A political subdivision shall be immune from liability 143
in a civil action, to the extent and in the manner provided in 144
Chapter 2744. of the Revised Code, for any injury, death, or 145
loss to person or property that allegedly was caused by or 146
related to a licensee bringing a handgun onto any premises or 147
property owned, leased, or otherwise under the control of the 148
political subdivision. As used in this division, "political 149
subdivision" has the same meaning as in section 2744.01 of the 150
Revised Code. 151

(c) An institution of higher education shall be immune 152
from liability in a civil action for any injury, death, or loss 153
to person or property that allegedly was caused by or related to 154
a licensee bringing a handgun onto the premises of the 155
institution, including motor vehicles owned by the institution, 156
unless the institution acted with malicious purpose. An 157
institution of higher education is immune from liability in a 158
civil action for any injury, death, or loss to person or 159
property that allegedly was caused by or related to the 160
institution's decision to permit a licensee or class of 161
licensees to bring a handgun onto the premises of the 162
institution. 163

(d) A nonprofit corporation shall be immune from liability 164
in a civil action for any injury, death, or loss to person or 165
property that allegedly was caused by or related to a licensee 166
bringing a handgun onto the premises of the nonprofit 167

corporation, including any motor vehicle owned by the nonprofit 168
corporation, or to any event organized by the nonprofit 169
corporation, unless the nonprofit corporation acted with 170
malicious purpose. A nonprofit corporation is immune from 171
liability in a civil action for any injury, death, or loss to 172
person or property that allegedly was caused by or related to 173
the nonprofit corporation's decision to permit a licensee to 174
bring a handgun onto the premises of the nonprofit corporation 175
or to any event organized by the nonprofit corporation. 176

(3) (a) Except as provided in division (C) (3) (b) of this 177
section and section 2923.1214 of the Revised Code, the owner or 178
person in control of private land or premises, and a private 179
person or entity leasing land or premises owned by the state, 180
the United States, or a political subdivision of the state or 181
the United States, may post a sign in a conspicuous location on 182
that land or on those premises prohibiting persons from carrying 183
firearms or concealed firearms on or onto that land or those 184
premises. Except as otherwise provided in this division, a 185
person who knowingly violates a posted prohibition of that 186
nature is guilty of criminal trespass in violation of division 187
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 188
misdemeanor of the fourth degree. If a person knowingly violates 189
a posted prohibition of that nature and the posted land or 190
premises primarily was a parking lot or other parking facility, 191
the person is not guilty of criminal trespass under section 192
2911.21 of the Revised Code or under any other criminal law of 193
this state or criminal law, ordinance, or resolution of a 194
political subdivision of this state, and instead is subject only 195
to a civil cause of action for trespass based on the violation. 196

If a person knowingly violates a posted prohibition of the 197
nature described in this division and the posted land or 198

premises is a child day-care center, type A family day-care 199
home, or type B family day-care home, unless the person is a 200
licensee who resides in a type A family day-care home or type B 201
family day-care home, the person is guilty of aggravated 202
trespass in violation of section 2911.211 of the Revised Code. 203
Except as otherwise provided in this division, the offender is 204
guilty of a misdemeanor of the first degree. If the person 205
previously has been convicted of a violation of this division or 206
of any offense of violence, if the weapon involved is a firearm 207
that is either loaded or for which the offender has ammunition 208
ready at hand, or if the weapon involved is dangerous ordnance, 209
the offender is guilty of a felony of the fourth degree. 210

(b) A landlord may not prohibit or restrict a tenant who 211
is a licensee and who on or after September 9, 2008, enters into 212
a rental agreement with the landlord for the use of residential 213
premises, and the tenant's guest while the tenant is present, 214
from lawfully carrying or possessing a handgun on those 215
residential premises. 216

(c) As used in division (C) (3) of this section: 217

(i) "Residential premises" has the same meaning as in 218
section 5321.01 of the Revised Code, except "residential 219
premises" does not include a dwelling unit that is owned or 220
operated by a college or university. 221

(ii) "Landlord," "tenant," and "rental agreement" have the 222
same meanings as in section 5321.01 of the Revised Code. 223

(D) A person who holds a valid concealed handgun license 224
issued by another state that is recognized by the attorney 225
general pursuant to a reciprocity agreement entered into 226
pursuant to section 109.69 of the Revised Code or a person who 227

holds a valid concealed handgun license under the circumstances 228
described in division (B) of section 109.69 of the Revised Code 229
has the same right to carry a concealed handgun in this state as 230
a person who was issued a concealed handgun license under 231
section 2923.125 of the Revised Code and is subject to the same 232
restrictions that apply to a person who carries a license issued 233
under that section. 234

(E) (1) A peace officer has the same right to carry a 235
concealed handgun in this state as a person who was issued a 236
concealed handgun license under section 2923.125 of the Revised 237
Code, provided that the officer when carrying a concealed 238
handgun under authority of this division is carrying validating 239
identification. For purposes of reciprocity with other states, a 240
peace officer shall be considered to be a licensee in this 241
state. 242

(2) An active duty member of the armed forces of the 243
United States who is carrying a valid military identification 244
card and documentation of successful completion of firearms 245
training that meets or exceeds the training requirements 246
described in division (G) (1) of section 2923.125 of the Revised 247
Code has the same right to carry a concealed handgun in this 248
state as a person who was issued a concealed handgun license 249
under section 2923.125 of the Revised Code and is subject to the 250
same restrictions as specified in this section. 251

(3) A tactical medical professional who is qualified to 252
carry firearms while on duty under section 109.771 of the 253
Revised Code has the same right to carry a concealed handgun in 254
this state as a person who was issued a concealed handgun 255
license under section 2923.125 of the Revised Code. 256

(F) (1) A qualified retired peace officer who possesses a 257

retired peace officer identification card issued pursuant to 258
division (F) (2) of this section and a valid firearms 259
requalification certification issued pursuant to division (F) (3) 260
of this section has the same right to carry a concealed handgun 261
in this state as a person who was issued a concealed handgun 262
license under section 2923.125 of the Revised Code and is 263
subject to the same restrictions that apply to a person who 264
carries a license issued under that section. For purposes of 265
reciprocity with other states, a qualified retired peace officer 266
who possesses a retired peace officer identification card issued 267
pursuant to division (F) (2) of this section and a valid firearms 268
requalification certification issued pursuant to division (F) (3) 269
of this section shall be considered to be a licensee in this 270
state. 271

(2) (a) Each public agency of this state or of a political 272
subdivision of this state that is served by one or more peace 273
officers shall issue a retired peace officer identification card 274
to any person who retired from service as a peace officer with 275
that agency, if the issuance is in accordance with the agency's 276
policies and procedures and if the person, with respect to the 277
person's service with that agency, satisfies all of the 278
following: 279

(i) The person retired in good standing from service as a 280
peace officer with the public agency, and the retirement was not 281
for reasons of mental instability. 282

(ii) Before retiring from service as a peace officer with 283
that agency, the person was authorized to engage in or supervise 284
the prevention, detection, investigation, or prosecution of, or 285
the incarceration of any person for, any violation of law and 286
the person had statutory powers of arrest. 287

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

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

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a

peace officer with the agency and who satisfy the criteria set 319
forth in divisions (F) (2) (a) (i) to (iv) of this section, 320
provided that the credentials so issued to retired peace 321
officers are stamped with the word "RETIRED." 322

(c) A public agency of this state or of a political 323
subdivision of this state may charge persons who retired from 324
service as a peace officer with the agency a reasonable fee for 325
issuing to the person a retired peace officer identification 326
card pursuant to division (F) (2) (a) of this section. 327

(3) If a person retired from service as a peace officer 328
with a public agency of this state or of a political subdivision 329
of this state and the person satisfies the criteria set forth in 330
divisions (F) (2) (a) (i) to (iv) of this section, the public 331
agency may provide the retired peace officer with the 332
opportunity to attend a firearms requalification program that is 333
approved for purposes of firearms requalification required under 334
section 109.801 of the Revised Code. The retired peace officer 335
may be required to pay the cost of the course. 336

If a retired peace officer who satisfies the criteria set 337
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 338
a firearms requalification program that is approved for purposes 339
of firearms requalification required under section 109.801 of 340
the Revised Code, the retired peace officer's successful 341
completion of the firearms requalification program requalifies 342
the retired peace officer for purposes of division (F) of this 343
section for five years from the date on which the program was 344
successfully completed, and the requalification is valid during 345
that five-year period. If a retired peace officer who satisfies 346
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 347
section satisfactorily completes such a firearms requalification 348

program, the retired peace officer shall be issued a firearms 349
requalification certification that identifies the retired peace 350
officer by name, identifies the entity that taught the program, 351
specifies that the retired peace officer successfully completed 352
the program, specifies the date on which the course was 353
successfully completed, and specifies that the requalification 354
is valid for five years from that date of successful completion. 355
The firearms requalification certification for a retired peace 356
officer may be included in the retired peace officer 357
identification card issued to the retired peace officer under 358
division (F) (2) of this section. 359

A retired peace officer who attends a firearms 360
requalification program that is approved for purposes of 361
firearms requalification required under section 109.801 of the 362
Revised Code may be required to pay the cost of the program. 363

(G) As used in this section: 364

(1) "Qualified retired peace officer" means a person who 365
satisfies all of the following: 366

(a) The person satisfies the criteria set forth in 367
divisions (F) (2) (a) (i) to (v) of this section. 368

(b) The person is not under the influence of alcohol or 369
another intoxicating or hallucinatory drug or substance. 370

(c) The person is not prohibited by federal law from 371
receiving firearms. 372

(2) "Retired peace officer identification card" means an 373
identification card that is issued pursuant to division (F) (2) 374
of this section to a person who is a retired peace officer. 375

(3) "Government facility of this state or a political 376

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| subdivision of this state" means any of the following: | 377 |
| (a) A building or part of a building that is owned or | 378 |
| leased by the government of this state or a political | 379 |
| subdivision of this state and where employees of the government | 380 |
| of this state or the political subdivision regularly are present | 381 |
| for the purpose of performing their official duties as employees | 382 |
| of the state or political subdivision; | 383 |
| (b) The office of a deputy registrar serving pursuant to | 384 |
| Chapter 4503. of the Revised Code that is used to perform deputy | 385 |
| registrar functions. | 386 |
| (4) "Governing body" has the same meaning as in section | 387 |
| 154.01 of the Revised Code. | 388 |
| (5) "Tactical medical professional" has the same meaning | 389 |
| as in section 109.71 of the Revised Code. | 390 |
| (6) "Validating identification" means photographic | 391 |
| identification issued by the agency for which an individual | 392 |
| serves as a peace officer that identifies the individual as a | 393 |
| peace officer of the agency. | 394 |
| <u>(7) "Nonprofit corporation" means any private organization</u> | 395 |
| <u>that is exempt from federal income taxation pursuant to</u> | 396 |
| <u>subsection 501(a) and described in subsection 501(c) of the</u> | 397 |
| <u>Internal Revenue Code.</u> | 398 |
| Section 2. That existing section 2923.126 of the Revised | 399 |
| Code is hereby repealed. | 400 |
| Section 3. Section 2923.126 of the Revised Code is | 401 |
| presented in this act as a composite of the section as amended | 402 |
| by both Am. Sub. H.B. 79 and Am. Sub. H.B. 228 of the 132nd | 403 |
| General Assembly. The General Assembly, applying the principle | 404 |

stated in division (B) of section 1.52 of the Revised Code that 405
amendments are to be harmonized if reasonably capable of 406
simultaneous operation, finds that the composite is the 407
resulting version of the section in effect prior to the 408
effective date of the section as presented in this act. 409