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Senator Johnson

Cosponsors: Senators Hoagland, Rulli, Huffman, S., Schaffer, Blessing, McColley, Romanchuk, Lang, Antani, Brenner, Gavarone, O'Brien, Roegner Representatives Wilkin, Ginter, Jones, Swearingen, Baldrige, Callender, Carruthers, Click, Creech, Cross, Cutrona, Dean, Edwards, Fowler Arthur, Fraizer, Ghanbari, Grendell, Hall, Hillyer, John, Johnson, Kick, Koehler, Lampton, Lipps, Loychik, McClain, Merrin, Miller, K., Richardson, Riedel, Schmidt, Stein, Stephens, Stewart, Stoltzfus

A BILL

To amend sections 1547.69, 2923.12, 2923.121, 1
2923.122, 2923.123, 2923.126, 2923.128, 2923.16, 2
and 2953.37 and to enact section 2923.111 of the 3
Revised Code regarding a concealed handgun 4
licensee's duty to carry the license and notify 5
a law enforcement officer if the licensee is 6
carrying a concealed handgun, and a right of a 7
qualifying adult to carry a concealed handgun in 8
the same manner as if the person was a licensee. 9

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

Section 1. That sections 1547.69, 2923.12, 2923.121, 10
2923.122, 2923.123, 2923.126, 2923.128, 2923.16, and 2953.37 be 11
amended and section 2923.111 of the Revised Code be enacted to 12
read as follows: 13

Sec. 1547.69. (A) As used in this section: 14

(1) "Firearm," "concealed handgun license," "handgun," 15
"valid concealed handgun license," and "active duty" have the 16
same meanings as in section 2923.11 of the Revised Code. 17

(2) "Unloaded" has the same meanings as in divisions (K) 18
(5) and (6) of section 2923.16 of the Revised Code, except that 19
all references in the definition in division (K) (5) of that 20
section to "vehicle" shall be construed for purposes of this 21
section to be references to "vessel." 22

(B) No person shall knowingly discharge a firearm while in 23
or on a vessel. 24

(C) No person shall knowingly transport or have a loaded 25
firearm in a vessel in a manner that the firearm is accessible 26
to the operator or any passenger. 27

(D) No person shall knowingly transport or have a firearm 28
in a vessel unless it is unloaded and is carried in one of the 29
following ways: 30

(1) In a closed package, box, or case; 31

(2) In plain sight with the action opened or the weapon 32
stripped, or, if the firearm is of a type on which the action 33
will not stay open or that cannot easily be stripped, in plain 34
sight. 35

(E) (1) The affirmative defenses authorized in divisions 36
(D) (1) and (2) of section 2923.12 of the Revised Code are 37
affirmative defenses to a charge under division (C) or (D) of 38
this section that involves a firearm other than a handgun. It is 39
an affirmative defense to a charge under division (C) or (D) of 40
this section of transporting or having a firearm of any type, 41
including a handgun, in a vessel that the actor transported or 42
had the firearm in the vessel for any lawful purpose and while 43

the vessel was on the actor's own property, provided that this 44
affirmative defense is not available unless the actor, prior to 45
arriving at the vessel on the actor's own property, did not 46
transport or possess the firearm in the vessel or in a motor 47
vehicle in a manner prohibited by this section or division (B) 48
or (C) of section 2923.16 of the Revised Code while the vessel 49
was being operated on a waterway that was not on the actor's own 50
property or while the motor vehicle was being operated on a 51
street, highway, or other public or private property used by the 52
public for vehicular traffic. 53

(2) No person who is charged with a violation of division 54
(C) or (D) of this section shall be required to obtain a license 55
or temporary emergency license to carry a concealed handgun 56
under section 2923.125 or 2923.1213 of the Revised Code as a 57
condition for the dismissal of the charge. 58

(F) Divisions (B), (C), and (D) of this section do not 59
apply to the possession or discharge of a United States coast 60
guard approved signaling device required to be carried aboard a 61
vessel under section 1547.251 of the Revised Code when the 62
signaling device is possessed or used for the purpose of giving 63
a visual distress signal. No person shall knowingly transport or 64
possess any signaling device of that nature in or on a vessel in 65
a loaded condition at any time other than immediately prior to 66
the discharge of the signaling device for the purpose of giving 67
a visual distress signal. 68

(G) No person shall operate or permit to be operated any 69
vessel on the waters in this state in violation of this section. 70

(H) (1) This section does not apply to any of the 71
following: 72

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

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in a vessel, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (H) (1) (b) of this section does not apply to the person;

(c) Any person legally engaged in hunting.

(2) Divisions (C) and (D) of this section do not apply to a person who transports or possesses a handgun in a vessel and who has been issued a concealed handgun license that is valid at the time of that transportation or possession or who, at the time of that transportation or possession, ~~either is carrying a valid concealed handgun license or~~ is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code, unless the person knowingly is in a place on the vessel described in division (B) of section 2923.126 of the Revised Code.

(I) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the

officer, and if the officer does not charge the person with a 103
violation of this section or arrest the person for any offense, 104
the person is not otherwise prohibited by law from possessing 105
the firearm, and the firearm is not contraband, the officer 106
shall return the firearm to the person at the termination of the 107
stop. 108

(J) Division (L) of section 2923.16 of the Revised Code 109
applies with respect to division (A) (2) of this section, except 110
that all references in division (L) of section 2923.16 of the 111
Revised Code to "vehicle," to "this chapter," or to "division 112
(K) (5) (a) or (b) of this section" shall be construed for 113
purposes of this section to be, respectively, references to 114
"vessel," to "section 1547.69 of the Revised Code," and to 115
divisions (K) (5) (a) and (b) of section 2923.16 of the Revised 116
Code as incorporated under the definition of firearm adopted 117
under division (A) (2) of this section. 118

Sec. 2923.111. (A) As used in this section: 119

(1) "Restricted firearm" means a firearm that is dangerous 120
ordnance or that is a firearm that any law of this state 121
prohibits the subject person from possessing, having, or 122
carrying. 123

(2) "Qualifying adult" means a person who is all of the 124
following: 125

(a) Twenty-one years of age or older; 126

(b) Not legally prohibited from possessing or receiving a 127
firearm under 18 U.S.C. 922(g) (1) to (9) or under section 128
2923.13 of the Revised Code or any other Revised Code provision; 129

(c) Satisfies all of the criteria listed in divisions (D) 130
(1) (a) to (j), (m), (p), (q), and (s) of section 2923.125 of the 131

<u>Revised Code.</u>	132
<u>(B) Notwithstanding any other Revised Code section to the</u>	133
<u>contrary:</u>	134
<u>(1) A person who is a qualifying adult shall not be</u>	135
<u>required to obtain a concealed handgun license in order to carry</u>	136
<u>in this state, under authority of division (B)(2) of this</u>	137
<u>section, a concealed handgun that is not a restricted firearm.</u>	138
<u>(2) Regardless of whether the person has been issued a</u>	139
<u>concealed handgun license, subject to the limitations specified</u>	140
<u>in divisions (B)(3) and (C)(2) of this section, a person who is</u>	141
<u>a qualifying adult may carry a concealed handgun that is not a</u>	142
<u>restricted firearm anywhere in this state in which a person who</u>	143
<u>has been issued a concealed handgun license may carry a</u>	144
<u>concealed handgun.</u>	145
<u>(3) The right of a person who is a qualifying adult to</u>	146
<u>carry a concealed handgun that is not a restricted firearm that</u>	147
<u>is granted under divisions (B)(1) and (2) of this section is the</u>	148
<u>same right as is granted to a person who has been issued a</u>	149
<u>concealed handgun license, and a qualifying adult who is granted</u>	150
<u>the right is subject to the same restrictions as apply to a</u>	151
<u>person who has been issued a concealed handgun license.</u>	152
<u>(C)(1) For purposes of any provision of section 1547.69,</u>	153
<u>2923.12, or 2923.124 to 2923.1213 of the Revised Code, or of any</u>	154
<u>other section of the Revised Code, that refers to a concealed</u>	155
<u>handgun license or a concealed handgun licensee, except when the</u>	156
<u>context clearly indicates otherwise, all of the following apply:</u>	157
<u>(a) A person who is a qualifying adult and is carrying or</u>	158
<u>has, concealed on the person's person or ready at hand, a</u>	159
<u>handgun that is not a restricted firearm shall be deemed to have</u>	160

been issued a valid concealed handgun license. 161

(b) If the provision refers to a person having been issued 162
a concealed handgun license or having been issued a concealed 163
handgun license that is valid at a particular point in time, the 164
provision shall be construed as automatically including a person 165
who is a qualifying adult and who is carrying or has, concealed 166
on the person's person or ready at hand, a handgun that is not a 167
restricted firearm, as if the person had been issued a concealed 168
handgun license or had been issued a concealed handgun license 169
that is valid at the particular point in time. 170

(c) If the provision in specified circumstances requires a 171
concealed handgun licensee to engage in specified conduct, or 172
prohibits a concealed handgun licensee from engaging in 173
specified conduct, the provision shall be construed as applying 174
in the same circumstances to a person who is a qualifying adult 175
in the same manner as if the person was a concealed handgun 176
licensee. 177

(d) If the application of the provision to a person 178
depends on whether the person is or is not a concealed handgun 179
licensee, the provision shall be applied to a person who is a 180
qualifying adult in the same manner as if the person was a 181
concealed handgun licensee. 182

(e) If the provision pertains to the imposition of a 183
penalty or sanction for specified conduct and the penalty or 184
sanction applicable to a person who engages in the conduct 185
depends on whether the person is or is not a concealed handgun 186
licensee, the provision shall be applied to a person who is a 187
qualifying adult in the same manner as if the person was a 188
concealed handgun licensee. 189

(2) The concealed handgun license expiration provisions of 190
sections 2923.125 and 2923.1213 of the Revised Code, and the 191
concealed handgun license suspension and revocation provisions 192
of section 2923.128 of the Revised Code, do not apply with 193
respect to a person who is a qualifying adult unless the person 194
has been issued a concealed handgun license. If a person is a 195
qualifying adult and the person thereafter comes within any 196
category of persons specified in 18 U.S.C. 922(g)(1) to (9) or 197
in section 2923.13 of the Revised Code or any other Revised Code 198
provision so that the person as a result is legally prohibited 199
under the applicable provision from possessing or receiving a 200
firearm, both of the following apply automatically and 201
immediately upon the person coming within that category: 202

(a) Division (B) of this section and the authority and 203
right to carry a concealed handgun that are described in that 204
division do not apply to the person. 205

(b) The person no longer is deemed to have been issued a 206
concealed handgun license as described in division (C)(1)(a) of 207
this section, and the provisions of divisions (C)(1)(a) to (e) 208
of this section no longer apply to the person in the same manner 209
as if the person had been issued, possessed, or produced a valid 210
concealed handgun license or was a concealed handgun licensee. 211

Sec. 2923.12. (A) No person shall knowingly carry or have, 212
concealed on the person's person or concealed ready at hand, any 213
of the following: 214

(1) A deadly weapon other than a handgun; 215

(2) A handgun other than a dangerous ordnance; 216

(3) A dangerous ordnance. 217

(B) No person who has been issued a concealed handgun 218

license shall do any of the following: 219

(1) If the person is stopped for a law enforcement purpose 220
and is carrying a concealed handgun, before or at the time a law 221
enforcement officer asks if the person is carrying a concealed 222
handgun, knowingly fail to promptly inform any law enforcement 223
officer who approaches the person after the person has been 224
stopped that the person has been issued a concealed handgun 225
license and that disclose that the person then is carrying a 226
concealed handgun, provided that it is not a violation of this 227
division if the person fails to disclose that fact to an officer 228
during the stop and the person already has notified another 229
officer of that fact during the same stop; 230

(2) If the person is stopped for a law enforcement purpose 231
and is carrying a concealed handgun, knowingly fail to keep the 232
person's hands in plain sight at any time after any law 233
enforcement officer begins approaching the person while stopped 234
and before the law enforcement officer leaves, unless the 235
failure is pursuant to and in accordance with directions given 236
by a law enforcement officer; 237

(3) If the person is stopped for a law enforcement 238
purpose, if the person is carrying a concealed handgun, and if 239
the person is approached by any law enforcement officer while 240
stopped, knowingly remove or attempt to remove the loaded 241
handgun from the holster, pocket, or other place in which the 242
person is carrying it, knowingly grasp or hold the loaded 243
handgun, or knowingly have contact with the loaded handgun by 244
touching it with the person's hands or fingers at any time after 245
the law enforcement officer begins approaching and before the 246
law enforcement officer leaves, unless the person removes, 247
attempts to remove, grasps, holds, or has contact with the 248

loaded handgun pursuant to and in accordance with directions	249
given by the law enforcement officer;	250
(4) If the person is stopped for a law enforcement purpose	251
and is carrying a concealed handgun, knowingly disregard or fail	252
to comply with any lawful order of any law enforcement officer	253
given while the person is stopped, including, but not limited	254
to, a specific order to the person to keep the person's hands in	255
plain sight.	256
(C) (1) This section does not apply to any of the	257
following:	258
(a) An officer, agent, or employee of this or any other	259
state or the United States, or to a law enforcement officer, who	260
is authorized to carry concealed weapons or dangerous ordnance	261
or is authorized to carry handguns and is acting within the	262
scope of the officer's, agent's, or employee's duties;	263
(b) Any person who is employed in this state, who is	264
authorized to carry concealed weapons or dangerous ordnance or	265
is authorized to carry handguns, and who is subject to and in	266
compliance with the requirements of section 109.801 of the	267
Revised Code, unless the appointing authority of the person has	268
expressly specified that the exemption provided in division (C)	269
(1) (b) of this section does not apply to the person;	270
(c) A person's transportation or storage of a firearm,	271
other than a firearm described in divisions (G) to (M) of	272
section 2923.11 of the Revised Code, in a motor vehicle for any	273
lawful purpose if the firearm is not on the actor's person;	274
(d) A person's storage or possession of a firearm, other	275
than a firearm described in divisions (G) to (M) of section	276
2923.11 of the Revised Code, in the actor's own home for any	277

lawful purpose. 278

(2) Division (A) (2) of this section does not apply to any 279
person who has been issued a concealed handgun license that is 280
valid at the time of the alleged carrying or possession of a 281
handgun or who, at the time of the alleged carrying or 282
possession of a handgun, ~~either is carrying a valid concealed~~ 283
~~handgun license or~~ is an active duty member of the armed forces 284
of the United States and is carrying a valid military 285
identification card and documentation of successful completion 286
of firearms training that meets or exceeds the training 287
requirements described in division (G) (1) of section 2923.125 of 288
the Revised Code, unless the person knowingly is in a place 289
described in division (B) of section 2923.126 of the Revised 290
Code. 291

(D) It is an affirmative defense to a charge under 292
division (A) (1) of this section of carrying or having control of 293
a weapon other than a handgun and other than a dangerous 294
ordnance that the actor was not otherwise prohibited by law from 295
having the weapon and that any of the following applies: 296

(1) The weapon was carried or kept ready at hand by the 297
actor for defensive purposes while the actor was engaged in or 298
was going to or from the actor's lawful business or occupation, 299
which business or occupation was of a character or was 300
necessarily carried on in a manner or at a time or place as to 301
render the actor particularly susceptible to criminal attack, 302
such as would justify a prudent person in going armed. 303

(2) The weapon was carried or kept ready at hand by the 304
actor for defensive purposes while the actor was engaged in a 305
lawful activity and had reasonable cause to fear a criminal 306
attack upon the actor, a member of the actor's family, or the 307

actor's home, such as would justify a prudent person in going 308
armed. 309

(3) The weapon was carried or kept ready at hand by the 310
actor for any lawful purpose and while in the actor's own home. 311

(E) (1) No person who is charged with a violation of this 312
section shall be required to obtain a concealed handgun license 313
as a condition for the dismissal of the charge. 314

(2) If a person is convicted of, was convicted of, pleads 315
guilty to, or has pleaded guilty to a violation of division (B) 316
(1) of this section as it existed prior to the effective date of 317
this amendment, the person may file an application under section 318
2953.37 of the Revised Code requesting the expungement of the 319
record of conviction. 320

(F) (1) Whoever violates this section is guilty of carrying 321
concealed weapons. Except as otherwise provided in this division 322
or divisions (F) (2), (6), and (7) of this section, carrying 323
concealed weapons in violation of division (A) of this section 324
is a misdemeanor of the first degree. Except as otherwise 325
provided in this division or divisions (F) (2), (6), and (7) of 326
this section, if the offender previously has been convicted of a 327
violation of this section or of any offense of violence, if the 328
weapon involved is a firearm that is either loaded or for which 329
the offender has ammunition ready at hand, or if the weapon 330
involved is dangerous ordnance, carrying concealed weapons in 331
violation of division (A) of this section is a felony of the 332
fourth degree. Except as otherwise provided in divisions (F) (2) 333
and (6) of this section, if the offense is committed aboard an 334
aircraft, or with purpose to carry a concealed weapon aboard an 335
aircraft, regardless of the weapon involved, carrying concealed 336
weapons in violation of division (A) of this section is a felony 337

of the third degree. 338

~~(2) Except as provided in division (F) (6) of this section,~~ 339
~~if a A person being shall not be arrested for a violation of~~ 340
~~division (A) (2) of this section solely because the person does~~ 341
~~not promptly produces produce a valid concealed handgun license,~~ 342
~~and if at the time of the violation the person was not knowingly~~ 343
~~in a place described in division (B) of section 2923.126 of the~~ 344
~~Revised Code, the officer shall not arrest the person for a~~ 345
~~violation of that division. If the person is not able to~~ 346
~~promptly produce any concealed handgun license and if the person~~ 347
~~is not in a place described in that section, the officer may~~ 348
~~arrest the person for a violation of that division, . If a person~~ 349
~~is arrested for a violation of division (A) (2) of this section~~ 350
~~and is convicted of or pleads guilty to the violation, the~~ 351
offender shall be punished as follows: 352

(a) The offender shall be guilty of a minor misdemeanor if 353
both of the following apply: 354

(i) Within ten days after the arrest, the offender 355
presents a concealed handgun license, which license was valid at 356
the time of the arrest, to the law enforcement agency that 357
employs the arresting officer. 358

(ii) At the time of the arrest, the offender was not 359
knowingly in a place described in division (B) of section 360
2923.126 of the Revised Code. 361

(b) The offender shall be guilty of a misdemeanor and 362
shall be fined five hundred dollars if all of the following 363
apply: 364

(i) The offender previously had been issued a concealed 365
handgun license, and that license expired within the two years 366

immediately preceding the arrest. 367

(ii) Within forty-five days after the arrest, the offender 368
presents a concealed handgun license to the law enforcement 369
agency that employed the arresting officer, and the offender 370
waives in writing the offender's right to a speedy trial on the 371
charge of the violation that is provided in section 2945.71 of 372
the Revised Code. 373

(iii) At the time of the commission of the offense, the 374
offender was not knowingly in a place described in division (B) 375
of section 2923.126 of the Revised Code. 376

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 377
section do not apply, the offender shall be punished under 378
division (F) (1) or (7) of this section. 379

(3) ~~Except as otherwise provided in this division,~~ 380
~~carrying~~ Carrying concealed weapons in violation of division (B) 381
(1) of this section is a misdemeanor of the ~~first~~ second degree,~~—~~ 382
~~and, in addition to any other penalty or sanction imposed for a~~ 383
~~violation of division (B) (1) of this section, the offender's~~ 384
~~concealed handgun license shall be suspended pursuant to~~ 385
~~division (A) (2) of section 2923.128 of the Revised Code. If, at~~ 386
~~the time of the stop of the offender for a law enforcement~~ 387
~~purpose that was the basis of the violation, any law enforcement~~ 388
~~officer involved with the stop had actual knowledge that the~~ 389
~~offender has been issued a concealed handgun license, carrying~~ 390
~~concealed weapons in violation of division (B) (1) of this~~ 391
~~section is a minor misdemeanor, and the offender's concealed~~ 392
~~handgun license shall not be suspended pursuant to division (A)~~ 393
~~(2) of section 2923.128 of the Revised Code.~~ 394

(4) Carrying concealed weapons in violation of division 395

(B) (2) or (4) of this section is a misdemeanor of the first 396
degree or, if the offender previously has been convicted of or 397
pleaded guilty to a violation of division (B) (2) or (4) of this 398
section, a felony of the fifth degree. In addition to any other 399
penalty or sanction imposed for a misdemeanor violation of 400
division (B) (2) or (4) of this section, the offender's concealed 401
handgun license shall be suspended pursuant to division (A) (2) 402
of section 2923.128 of the Revised Code. 403

(5) Carrying concealed weapons in violation of division 404
(B) (3) of this section is a felony of the fifth degree. 405

(6) If a person being arrested for a violation of division 406
(A) (2) of this section is an active duty member of the armed 407
forces of the United States and is carrying a valid military 408
identification card and documentation of successful completion 409
of firearms training that meets or exceeds the training 410
requirements described in division (G) (1) of section 2923.125 of 411
the Revised Code, and if at the time of the violation the person 412
was not knowingly in a place described in division (B) of 413
section 2923.126 of the Revised Code, the officer shall not 414
arrest the person for a violation of that division. If the 415
person is not able to promptly produce a valid military 416
identification card and documentation of successful completion 417
of firearms training that meets or exceeds the training 418
requirements described in division (G) (1) of section 2923.125 of 419
the Revised Code and if the person is not in a place described 420
in division (B) of section 2923.126 of the Revised Code, the 421
officer shall issue a citation and the offender shall be 422
assessed a civil penalty of not more than five hundred dollars. 423
The citation shall be automatically dismissed and the civil 424
penalty shall not be assessed if both of the following apply: 425

(a) Within ten days after the issuance of the citation, 426
the offender presents a valid military identification card and 427
documentation of successful completion of firearms training that 428
meets or exceeds the training requirements described in division 429
(G) (1) of section 2923.125 of the Revised Code, which were both 430
valid at the time of the issuance of the citation to the law 431
enforcement agency that employs the citing officer. 432

(b) At the time of the citation, the offender was not 433
knowingly in a place described in division (B) of section 434
2923.126 of the Revised Code. 435

(7) If a person being arrested for a violation of division 436
(A) (2) of this section is knowingly in a place described in 437
division (B) (5) of section 2923.126 of the Revised Code and is 438
not authorized to carry a handgun or have a handgun concealed on 439
the person's person or concealed ready at hand under that 440
division, the penalty shall be as follows: 441

(a) Except as otherwise provided in this division, if the 442
person produces a valid concealed handgun license within ten 443
days after the arrest and has not previously been convicted or 444
pleaded guilty to a violation of division (A) (2) of this 445
section, the person is guilty of a minor misdemeanor; 446

(b) Except as otherwise provided in this division, if the 447
person has previously been convicted of or pleaded guilty to a 448
violation of division (A) (2) of this section, the person is 449
guilty of a misdemeanor of the fourth degree; 450

(c) Except as otherwise provided in this division, if the 451
person has previously been convicted of or pleaded guilty to two 452
violations of division (A) (2) of this section, the person is 453
guilty of a misdemeanor of the third degree; 454

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

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

(H) For purposes of this section, "deadly weapon" or "weapon" does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.

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

(B) (1) This section does not apply to any of the 485
following: 486

(a) An officer, agent, or employee of this or any other 487
state or the United States, or a law enforcement officer, who is 488
authorized to carry firearms and is acting within the scope of 489
the officer's, agent's, or employee's duties; 490

(b) A law enforcement officer or investigator who is 491
authorized to carry firearms but is not acting within the scope 492
of the officer's or investigator's duties, as long as all of the 493
following apply: 494

(i) The officer or investigator is carrying validating 495
identification. 496

(ii) If the firearm the officer or investigator possesses 497
is a firearm issued or approved by the law enforcement agency 498
served by the officer or by the bureau of criminal 499
identification and investigation with respect to an 500
investigator, the agency or bureau does not have a restrictive 501
firearms carrying policy. 502

(iii) The officer or investigator is not consuming beer or 503
intoxicating liquor and is not under the influence of alcohol or 504
a drug of abuse. 505

(c) Any room used for the accommodation of guests of a 506
hotel, as defined in section 4301.01 of the Revised Code; 507

(d) The principal holder of a D permit issued for a 508
premises or an open air arena under Chapter 4303. of the Revised 509
Code while in the premises or open air arena for which the 510
permit was issued if the principal holder of the D permit also 511
~~possesses~~ has been issued a valid ~~concealed~~ handgun license that 512
is valid at the time in question and as long as the principal 513

holder is not consuming beer or intoxicating liquor or under the 514
influence of alcohol or a drug of abuse, or any agent or 515
employee of that holder who also is a peace officer, as defined 516
in section 2151.3515 of the Revised Code, who is off duty, and 517
who otherwise is authorized to carry firearms while in the 518
course of the officer's official duties and while in the 519
premises or open air arena for which the permit was issued and 520
as long as the agent or employee of that holder is not consuming 521
beer or intoxicating liquor or under the influence of alcohol or 522
a drug of abuse. 523

(e) Any person who ~~is carrying a valid concealed handgun~~ 524
~~license~~ has been issued a concealed handgun license that is 525
valid at the time in question or any person who is an active 526
duty member of the armed forces of the United States and is 527
carrying a valid military identification card and documentation 528
of successful completion of firearms training that meets or 529
exceeds the training requirements described in division (G) (1) 530
of section 2923.125 of the Revised Code, as long as the person 531
is not consuming beer or intoxicating liquor or under the 532
influence of alcohol or a drug of abuse. 533

(2) This section does not prohibit any person who is a 534
member of a veteran's organization, as defined in section 535
2915.01 of the Revised Code, from possessing a rifle in any room 536
in any premises owned, leased, or otherwise under the control of 537
the veteran's organization, if the rifle is not loaded with live 538
ammunition and if the person otherwise is not prohibited by law 539
from having the rifle. 540

(3) This section does not apply to any person possessing 541
or displaying firearms in any room used to exhibit unloaded 542
firearms for sale or trade in a soldiers' memorial established 543

pursuant to Chapter 345. of the Revised Code, in a convention 544
center, or in any other public meeting place, if the person is 545
an exhibitor, trader, purchaser, or seller of firearms and is 546
not otherwise prohibited by law from possessing, trading, 547
purchasing, or selling the firearms. 548

(C) It is an affirmative defense to a charge under this 549
section of illegal possession of a firearm in a liquor permit 550
premises that involves the possession of a firearm other than a 551
handgun, that the actor was not otherwise prohibited by law from 552
having the firearm, and that any of the following apply: 553

(1) The firearm was carried or kept ready at hand by the 554
actor for defensive purposes, while the actor was engaged in or 555
was going to or from the actor's lawful business or occupation, 556
which business or occupation was of such character or was 557
necessarily carried on in such manner or at such a time or place 558
as to render the actor particularly susceptible to criminal 559
attack, such as would justify a prudent person in going armed. 560

(2) The firearm was carried or kept ready at hand by the 561
actor for defensive purposes, while the actor was engaged in a 562
lawful activity, and had reasonable cause to fear a criminal 563
attack upon the actor or a member of the actor's family, or upon 564
the actor's home, such as would justify a prudent person in 565
going armed. 566

(D) No person who is charged with a violation of this 567
section shall be required to obtain a concealed handgun license 568
as a condition for the dismissal of the charge. 569

(E) Whoever violates this section is guilty of illegal 570
possession of a firearm in a liquor permit premises. Except as 571
otherwise provided in this division, illegal possession of a 572

firearm in a liquor permit premises is a felony of the fifth 573
degree. If the offender commits the violation of this section by 574
knowingly carrying or having the firearm concealed on the 575
offender's person or concealed ready at hand, illegal possession 576
of a firearm in a liquor permit premises is a felony of the 577
third degree. 578

(F) As used in this section: 579

(1) "Beer" and "intoxicating liquor" have the same 580
meanings as in section 4301.01 of the Revised Code. 581

(2) "Investigator" has the same meaning as in section 582
109.541 of the Revised Code. 583

(3) "Restrictive firearms carrying policy" means a 584
specific policy of a law enforcement agency or the bureau of 585
criminal identification and investigation that prohibits all 586
officers of the agency or all investigators of the bureau, while 587
not acting within the scope of the officer's or investigator's 588
duties, from doing either of the following: 589

(a) Carrying a firearm issued or approved by the agency or 590
bureau in any room, premises, or arena described in division (A) 591
of this section; 592

(b) Carrying a firearm issued or approved by the agency or 593
bureau in premises described in division (A) of section 594
2923.1214 of the Revised Code. 595

(4) "Law enforcement officer" has the same meaning as in 596
section 9.69 of the Revised Code. 597

(5) "Validating identification" means one of the 598
following: 599

(a) Photographic identification issued by the law 600

enforcement agency for which an individual serves as a law 601
enforcement officer that identifies the individual as a law 602
enforcement officer of the agency; 603

(b) Photographic identification issued by the bureau of 604
criminal identification and investigation that identifies an 605
individual as an investigator of the bureau. 606

Sec. 2923.122. (A) No person shall knowingly convey, or 607
attempt to convey, a deadly weapon or dangerous ordnance into a 608
school safety zone. 609

(B) No person shall knowingly possess a deadly weapon or 610
dangerous ordnance in a school safety zone. 611

(C) No person shall knowingly possess an object in a 612
school safety zone if both of the following apply: 613

(1) The object is indistinguishable from a firearm, 614
whether or not the object is capable of being fired. 615

(2) The person indicates that the person possesses the 616
object and that it is a firearm, or the person knowingly 617
displays or brandishes the object and indicates that it is a 618
firearm. 619

(D) (1) This section does not apply to any of the 620
following: 621

(a) An officer, agent, or employee of this or any other 622
state or the United States who is authorized to carry deadly 623
weapons or dangerous ordnance and is acting within the scope of 624
the officer's, agent's, or employee's duties, a law enforcement 625
officer who is authorized to carry deadly weapons or dangerous 626
ordnance, a security officer employed by a board of education or 627
governing body of a school during the time that the security 628

officer is on duty pursuant to that contract of employment, or 629
any other person who has written authorization from the board of 630
education or governing body of a school to convey deadly weapons 631
or dangerous ordnance into a school safety zone or to possess a 632
deadly weapon or dangerous ordnance in a school safety zone and 633
who conveys or possesses the deadly weapon or dangerous ordnance 634
in accordance with that authorization; 635

(b) Any person who is employed in this state, who is 636
authorized to carry deadly weapons or dangerous ordnance, and 637
who is subject to and in compliance with the requirements of 638
section 109.801 of the Revised Code, unless the appointing 639
authority of the person has expressly specified that the 640
exemption provided in division (D)(1)(b) of this section does 641
not apply to the person. 642

(2) Division (C) of this section does not apply to 643
premises upon which home schooling is conducted. Division (C) of 644
this section also does not apply to a school administrator, 645
teacher, or employee who possesses an object that is 646
indistinguishable from a firearm for legitimate school purposes 647
during the course of employment, a student who uses an object 648
that is indistinguishable from a firearm under the direction of 649
a school administrator, teacher, or employee, or any other 650
person who with the express prior approval of a school 651
administrator possesses an object that is indistinguishable from 652
a firearm for a legitimate purpose, including the use of the 653
object in a ceremonial activity, a play, reenactment, or other 654
dramatic presentation, school safety training, or a ROTC 655
activity or another similar use of the object. 656

(3) This section does not apply to a person who conveys or 657
attempts to convey a handgun into, or possesses a handgun in, a 658

school safety zone if, at the time of that conveyance, attempted 659
conveyance, or possession of the handgun, all of the following 660
apply: 661

(a) The person does not enter into a school building or 662
onto school premises and is not at a school activity. 663

(b) The person ~~is carrying~~ has been issued a valid 664
concealed handgun license that is valid at the time of the 665
conveyance, attempted conveyance, or possession or the person is 666
an active duty member of the armed forces of the United States 667
and is carrying a valid military identification card and 668
documentation of successful completion of firearms training that 669
meets or exceeds the training requirements described in division 670
(G) (1) of section 2923.125 of the Revised Code. 671

(c) The person is in the school safety zone in accordance 672
with 18 U.S.C. 922(q) (2) (B). 673

(d) The person is not knowingly in a place described in 674
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 675
Revised Code. 676

(4) This section does not apply to a person who conveys or 677
attempts to convey a handgun into, or possesses a handgun in, a 678
school safety zone if at the time of that conveyance, attempted 679
conveyance, or possession of the handgun all of the following 680
apply: 681

(a) The person ~~is carrying~~ has been issued a valid 682
concealed handgun license that is valid at the time of the 683
conveyance, attempted conveyance, or possession or the person is 684
an active duty member of the armed forces of the United States 685
and is carrying a valid military identification card and 686
documentation of successful completion of firearms training that 687

meets or exceeds the training requirements described in division	688
(G) (1) of section 2923.125 of the Revised Code.	689
(b) The person leaves the handgun in a motor vehicle.	690
(c) The handgun does not leave the motor vehicle.	691
(d) If the person exits the motor vehicle, the person locks the motor vehicle.	692 693
(E) (1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree.	694 695 696 697 698 699 700 701 702 703
(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony of the fifth degree.	704 705 706 707 708 709 710 711 712
(F) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F) (2) of this section, if the offender has not attained nineteen years of age, regardless	713 714 715 716

of whether the offender is attending or is enrolled in a school 717
operated by a board of education or for which the state board of 718
education prescribes minimum standards under section 3301.07 of 719
the Revised Code, the court shall impose upon the offender a 720
class four suspension of the offender's probationary driver's 721
license, restricted license, driver's license, commercial 722
driver's license, temporary instruction permit, or probationary 723
commercial driver's license that then is in effect from the 724
range specified in division (A)(4) of section 4510.02 of the 725
Revised Code and shall deny the offender the issuance of any 726
permit or license of that type during the period of the 727
suspension. 728

If the offender is not a resident of this state, the court 729
shall impose a class four suspension of the nonresident 730
operating privilege of the offender from the range specified in 731
division (A)(4) of section 4510.02 of the Revised Code. 732

(2) If the offender shows good cause why the court should 733
not suspend one of the types of licenses, permits, or privileges 734
specified in division (F)(1) of this section or deny the 735
issuance of one of the temporary instruction permits specified 736
in that division, the court in its discretion may choose not to 737
impose the suspension, revocation, or denial required in that 738
division, but the court, in its discretion, instead may require 739
the offender to perform community service for a number of hours 740
determined by the court. 741

(G) As used in this section, "object that is 742
indistinguishable from a firearm" means an object made, 743
constructed, or altered so that, to a reasonable person without 744
specialized training in firearms, the object appears to be a 745
firearm. 746

Sec. 2923.123. (A) No person shall knowingly convey or 747
attempt to convey a deadly weapon or dangerous ordnance into a 748
courthouse or into another building or structure in which a 749
courtroom is located. 750

(B) No person shall knowingly possess or have under the 751
person's control a deadly weapon or dangerous ordnance in a 752
courthouse or in another building or structure in which a 753
courtroom is located. 754

(C) This section does not apply to any of the following: 755

(1) Except as provided in division (E) of this section, a 756
judge of a court of record of this state or a magistrate; 757

(2) A peace officer, officer of a law enforcement agency, 758
or person who is in either of the following categories: 759

(a) Except as provided in division (E) of this section, a 760
peace officer, or an officer of a law enforcement agency of 761
another state, a political subdivision of another state, or the 762
United States, who is authorized to carry a deadly weapon or 763
dangerous ordnance, who possesses or has under that individual's 764
control a deadly weapon or dangerous ordnance as a requirement 765
of that individual's duties, and who is acting within the scope 766
of that individual's duties at the time of that possession or 767
control; 768

(b) Except as provided in division (E) of this section, a 769
person who is employed in this state, who is authorized to carry 770
a deadly weapon or dangerous ordnance, who possesses or has 771
under that individual's control a deadly weapon or dangerous 772
ordnance as a requirement of that person's duties, and who is 773
subject to and in compliance with the requirements of section 774
109.801 of the Revised Code, unless the appointing authority of 775

the person has expressly specified that the exemption provided 776
in division (C) (2) (b) of this section does not apply to the 777
person. 778

(3) A person who conveys, attempts to convey, possesses, 779
or has under the person's control a deadly weapon or dangerous 780
ordnance that is to be used as evidence in a pending criminal or 781
civil action or proceeding; 782

(4) Except as provided in division (E) of this section, a 783
bailiff or deputy bailiff of a court of record of this state who 784
is authorized to carry a firearm pursuant to section 109.77 of 785
the Revised Code, who possesses or has under that individual's 786
control a firearm as a requirement of that individual's duties, 787
and who is acting within the scope of that individual's duties 788
at the time of that possession or control; 789

(5) Except as provided in division (E) of this section, a 790
prosecutor, or a secret service officer appointed by a county 791
prosecuting attorney, who is authorized to carry a deadly weapon 792
or dangerous ordnance in the performance of the individual's 793
duties, who possesses or has under that individual's control a 794
deadly weapon or dangerous ordnance as a requirement of that 795
individual's duties, and who is acting within the scope of that 796
individual's duties at the time of that possession or control; 797

(6) Except as provided in division (E) of this section, a 798
person who conveys or attempts to convey a handgun into a 799
courthouse or into another building or structure in which a 800
courtroom is located, ~~who~~ if the person has been issued a 801
concealed handgun license that is valid at the time of the 802
conveyance or attempt or, at the time of the conveyance or 803
attempt, ~~either is carrying a valid concealed handgun license or~~ 804
the person is an active duty member of the armed forces of the 805

United States and is carrying a valid military identification 806
card and documentation of successful completion of firearms 807
training that meets or exceeds the training requirements 808
described in division (G) (1) of section 2923.125 of the Revised 809
Code, and ~~who~~ if in either case the person transfers possession 810
of the handgun to the officer or officer's designee who has 811
charge of the courthouse or building. The officer shall secure 812
the handgun until the licensee is prepared to leave the 813
premises. The exemption described in this division applies only 814
if the officer who has charge of the courthouse or building 815
provides services of the nature described in this division. An 816
officer who has charge of the courthouse or building is not 817
required to offer services of the nature described in this 818
division. 819

(D) (1) Whoever violates division (A) of this section is 820
guilty of illegal conveyance of a deadly weapon or dangerous 821
ordnance into a courthouse. Except as otherwise provided in this 822
division, illegal conveyance of a deadly weapon or dangerous 823
ordnance into a courthouse is a felony of the fifth degree. If 824
the offender previously has been convicted of a violation of 825
division (A) or (B) of this section, illegal conveyance of a 826
deadly weapon or dangerous ordnance into a courthouse is a 827
felony of the fourth degree. 828

(2) Whoever violates division (B) of this section is 829
guilty of illegal possession or control of a deadly weapon or 830
dangerous ordnance in a courthouse. Except as otherwise provided 831
in this division, illegal possession or control of a deadly 832
weapon or dangerous ordnance in a courthouse is a felony of the 833
fifth degree. If the offender previously has been convicted of a 834
violation of division (A) or (B) of this section, illegal 835
possession or control of a deadly weapon or dangerous ordnance 836

in a courthouse is a felony of the fourth degree. 837

(E) The exemptions described in divisions (C) (1), (2) (a), 838
(2) (b), (4), (5), and (6) of this section do not apply to any 839
judge, magistrate, peace officer, officer of a law enforcement 840
agency, bailiff, deputy bailiff, prosecutor, secret service 841
officer, or other person described in any of those divisions if 842
a rule of superintendence or another type of rule adopted by the 843
supreme court pursuant to Article IV, Ohio Constitution, or an 844
applicable local rule of court prohibits all persons from 845
conveying or attempting to convey a deadly weapon or dangerous 846
ordnance into a courthouse or into another building or structure 847
in which a courtroom is located or from possessing or having 848
under one's control a deadly weapon or dangerous ordnance in a 849
courthouse or in another building or structure in which a 850
courtroom is located. 851

(F) As used in this section: 852

(1) "Magistrate" means an individual who is appointed by a 853
court of record of this state and who has the powers and may 854
perform the functions specified in Civil Rule 53, Criminal Rule 855
19, or Juvenile Rule 40. 856

(2) "Peace officer" and "prosecutor" have the same 857
meanings as in section 2935.01 of the Revised Code. 858

Sec. 2923.126. (A) A concealed handgun license that is 859
issued under section 2923.125 of the Revised Code shall expire 860
five years after the date of issuance. A licensee who has been 861
issued a license under that section shall be granted a grace 862
period of thirty days after the licensee's license expires 863
during which the licensee's license remains valid. Except as 864
provided in divisions (B) and (C) of this section, a licensee 865

who has been issued a concealed handgun license under section 866
2923.125 or 2923.1213 of the Revised Code may carry a concealed 867
handgun anywhere in this state if the ~~licensee also carries a~~ 868
license is valid license when the licensee is in actual 869
possession of a concealed handgun. The licensee shall give 870
notice of any change in the licensee's residence address to the 871
sheriff who issued the license within forty-five days after that 872
change. 873

~~If a licensee is the driver or an occupant of a motor 874
vehicle that is stopped as the result of a traffic stop or a 875
stop for another law enforcement purpose and if the licensee is 876
transporting or has a loaded handgun in the motor vehicle at 877
that time, the licensee shall promptly inform any law 878
enforcement officer who approaches the vehicle while stopped 879
that the licensee has been issued a concealed handgun license 880
and that the licensee currently possesses or has a loaded 881
handgun; the licensee shall not knowingly disregard or fail to 882
comply with lawful orders of a law enforcement officer given 883
while the motor vehicle is stopped, knowingly fail to remain in 884
the motor vehicle while stopped, or knowingly fail to keep the 885
licensee's hands in plain sight after any law enforcement 886
officer begins approaching the licensee while stopped and before 887
the officer leaves, unless directed otherwise by a law 888
enforcement officer; and the licensee shall not knowingly have 889
contact with the loaded handgun by touching it with the 890
licensee's hands or fingers, in any manner in violation of 891
division (E) of section 2923.16 of the Revised Code, after any 892
law enforcement officer begins approaching the licensee while 893
stopped and before the officer leaves. Additionally, if a 894
licensee is the driver or an occupant of a commercial motor 895
vehicle that is stopped by an employee of the motor carrier 896~~

~~enforcement unit for the purposes defined in section 5503.34 of 897
the Revised Code and the licensee is transporting or has a 898
loaded handgun in the commercial motor vehicle at that time, the 899
licensee shall promptly inform the employee of the unit who 900
approaches the vehicle while stopped that the licensee has been 901
issued a concealed handgun license and that the licensee 902
currently possesses or has a loaded handgun. 903~~

~~If a licensee is stopped for a law enforcement purpose and 904
if the licensee is carrying a concealed handgun at the time the 905
officer approaches, the licensee shall promptly inform any law 906
enforcement officer who approaches the licensee while stopped 907
that the licensee has been issued a concealed handgun license 908
and that the licensee currently is carrying a concealed handgun; 909
the licensee shall not knowingly disregard or fail to comply 910
with lawful orders of a law enforcement officer given while the 911
licensee is stopped, or knowingly fail to keep the licensee's 912
hands in plain sight after any law enforcement officer begins 913
approaching the licensee while stopped and before the officer 914
leaves, unless directed otherwise by a law enforcement officer; 915
and the licensee shall not knowingly remove, attempt to remove, 916
grasp, or hold the loaded handgun or knowingly have contact with 917
the loaded handgun by touching it with the licensee's hands or 918
fingers, in any manner in violation of division (B) of section 919
2923.12 of the Revised Code, after any law enforcement officer 920
begins approaching the licensee while stopped and before the 921
officer leaves. 922~~

(B) A valid concealed handgun license does not authorize 923
the licensee to carry a concealed handgun in any manner 924
prohibited under division (B) of section 2923.12 of the Revised 925
Code or in any manner prohibited under section 2923.16 of the 926
Revised Code. A valid license does not authorize the licensee to 927

carry a concealed handgun into any of the following places:	928
(1) A police station, sheriff's office, or state highway	929
patrol station, premises controlled by the bureau of criminal	930
identification and investigation; a state correctional	931
institution, jail, workhouse, or other detention facility; any	932
area of an airport passenger terminal that is beyond a passenger	933
or property screening checkpoint or to which access is	934
restricted through security measures by the airport authority or	935
a public agency; or an institution that is maintained, operated,	936
managed, and governed pursuant to division (A) of section	937
5119.14 of the Revised Code or division (A) (1) of section	938
5123.03 of the Revised Code;	939
(2) A school safety zone if the licensee's carrying the	940
concealed handgun is in violation of section 2923.122 of the	941
Revised Code;	942
(3) A courthouse or another building or structure in which	943
a courtroom is located if the licensee's carrying the concealed	944
handgun is in violation of section 2923.123 of the Revised Code;	945
(4) Any premises or open air arena for which a D permit	946
has been issued under Chapter 4303. of the Revised Code if the	947
licensee's carrying the concealed handgun is in violation of	948
section 2923.121 of the Revised Code;	949
(5) Any premises owned or leased by any public or private	950
college, university, or other institution of higher education,	951
unless the handgun is in a locked motor vehicle or the licensee	952
is in the immediate process of placing the handgun in a locked	953
motor vehicle or unless the licensee is carrying the concealed	954
handgun pursuant to a written policy, rule, or other	955
authorization that is adopted by the institution's board of	956

trustees or other governing body and that authorizes specific 957
individuals or classes of individuals to carry a concealed 958
handgun on the premises; 959

(6) Any church, synagogue, mosque, or other place of 960
worship, unless the church, synagogue, mosque, or other place of 961
worship posts or permits otherwise; 962

(7) Any building that is a government facility of this 963
state or a political subdivision of this state and that is not a 964
building that is used primarily as a shelter, restroom, parking 965
facility for motor vehicles, or rest facility and is not a 966
courthouse or other building or structure in which a courtroom 967
is located that is subject to division (B) (3) of this section, 968
unless the governing body with authority over the building has 969
enacted a statute, ordinance, or policy that permits a licensee 970
to carry a concealed handgun into the building; 971

(8) A place in which federal law prohibits the carrying of 972
handguns. 973

(C) (1) Nothing in this section shall negate or restrict a 974
rule, policy, or practice of a private employer that is not a 975
private college, university, or other institution of higher 976
education concerning or prohibiting the presence of firearms on 977
the private employer's premises or property, including motor 978
vehicles owned by the private employer. Nothing in this section 979
shall require a private employer of that nature to adopt a rule, 980
policy, or practice concerning or prohibiting the presence of 981
firearms on the private employer's premises or property, 982
including motor vehicles owned by the private employer. 983

(2) (a) A private employer shall be immune from liability 984
in a civil action for any injury, death, or loss to person or 985

property that allegedly was caused by or related to a licensee 986
bringing a handgun onto the premises or property of the private 987
employer, including motor vehicles owned by the private 988
employer, unless the private employer acted with malicious 989
purpose. A private employer is immune from liability in a civil 990
action for any injury, death, or loss to person or property that 991
allegedly was caused by or related to the private employer's 992
decision to permit a licensee to bring, or prohibit a licensee 993
from bringing, a handgun onto the premises or property of the 994
private employer. 995

(b) A political subdivision shall be immune from liability 996
in a civil action, to the extent and in the manner provided in 997
Chapter 2744. of the Revised Code, for any injury, death, or 998
loss to person or property that allegedly was caused by or 999
related to a licensee bringing a handgun onto any premises or 1000
property owned, leased, or otherwise under the control of the 1001
political subdivision. As used in this division, "political 1002
subdivision" has the same meaning as in section 2744.01 of the 1003
Revised Code. 1004

(c) An institution of higher education shall be immune 1005
from liability in a civil action for any injury, death, or loss 1006
to person or property that allegedly was caused by or related to 1007
a licensee bringing a handgun onto the premises of the 1008
institution, including motor vehicles owned by the institution, 1009
unless the institution acted with malicious purpose. An 1010
institution of higher education is immune from liability in a 1011
civil action for any injury, death, or loss to person or 1012
property that allegedly was caused by or related to the 1013
institution's decision to permit a licensee or class of 1014
licensees to bring a handgun onto the premises of the 1015
institution. 1016

(d) A nonprofit corporation shall be immune from liability 1017
in a civil action for any injury, death, or loss to person or 1018
property that allegedly was caused by or related to a licensee 1019
bringing a handgun onto the premises of the nonprofit 1020
corporation, including any motor vehicle owned by the nonprofit 1021
corporation, or to any event organized by the nonprofit 1022
corporation, unless the nonprofit corporation acted with 1023
malicious purpose. A nonprofit corporation is immune from 1024
liability in a civil action for any injury, death, or loss to 1025
person or property that allegedly was caused by or related to 1026
the nonprofit corporation's decision to permit a licensee to 1027
bring a handgun onto the premises of the nonprofit corporation 1028
or to any event organized by the nonprofit corporation. 1029

(3) (a) Except as provided in division (C) (3) (b) of this 1030
section and section 2923.1214 of the Revised Code, the owner or 1031
person in control of private land or premises, and a private 1032
person or entity leasing land or premises owned by the state, 1033
the United States, or a political subdivision of the state or 1034
the United States, may post a sign in a conspicuous location on 1035
that land or on those premises prohibiting persons from carrying 1036
firearms or concealed firearms on or onto that land or those 1037
premises. Except as otherwise provided in this division, a 1038
person who knowingly violates a posted prohibition of that 1039
nature is guilty of criminal trespass in violation of division 1040
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 1041
misdemeanor of the fourth degree. If a person knowingly violates 1042
a posted prohibition of that nature and the posted land or 1043
premises primarily was a parking lot or other parking facility, 1044
the person is not guilty of criminal trespass under section 1045
2911.21 of the Revised Code or under any other criminal law of 1046
this state or criminal law, ordinance, or resolution of a 1047

political subdivision of this state, and instead is subject only 1048
to a civil cause of action for trespass based on the violation. 1049

If a person knowingly violates a posted prohibition of the 1050
nature described in this division and the posted land or 1051
premises is a child day-care center, type A family day-care 1052
home, or type B family day-care home, unless the person is a 1053
licensee who resides in a type A family day-care home or type B 1054
family day-care home, the person is guilty of aggravated 1055
trespass in violation of section 2911.211 of the Revised Code. 1056
Except as otherwise provided in this division, the offender is 1057
guilty of a misdemeanor of the first degree. If the person 1058
previously has been convicted of a violation of this division or 1059
of any offense of violence, if the weapon involved is a firearm 1060
that is either loaded or for which the offender has ammunition 1061
ready at hand, or if the weapon involved is dangerous ordnance, 1062
the offender is guilty of a felony of the fourth degree. 1063

(b) A landlord may not prohibit or restrict a tenant who 1064
is a licensee and who on or after September 9, 2008, enters into 1065
a rental agreement with the landlord for the use of residential 1066
premises, and the tenant's guest while the tenant is present, 1067
from lawfully carrying or possessing a handgun on those 1068
residential premises. 1069

(c) As used in division (C) (3) of this section: 1070

(i) "Residential premises" has the same meaning as in 1071
section 5321.01 of the Revised Code, except "residential 1072
premises" does not include a dwelling unit that is owned or 1073
operated by a college or university. 1074

(ii) "Landlord," "tenant," and "rental agreement" have the 1075
same meanings as in section 5321.01 of the Revised Code. 1076

(D) A person who holds a valid concealed handgun license 1077
issued by another state that is recognized by the attorney 1078
general pursuant to a reciprocity agreement entered into 1079
pursuant to section 109.69 of the Revised Code or a person who 1080
holds a valid concealed handgun license under the circumstances 1081
described in division (B) of section 109.69 of the Revised Code 1082
has the same right to carry a concealed handgun in this state as 1083
a person who was issued a concealed handgun license under 1084
section 2923.125 of the Revised Code and is subject to the same 1085
restrictions that apply to a person who ~~carries~~ has been issued 1086
a license ~~issued~~ under that section that is valid at the time in 1087
question. 1088

(E) (1) A peace officer has the same right to carry a 1089
concealed handgun in this state as a person who was issued a 1090
concealed handgun license under section 2923.125 of the Revised 1091
Code, provided that the officer when carrying a concealed 1092
handgun under authority of this division is carrying validating 1093
identification. For purposes of reciprocity with other states, a 1094
peace officer shall be considered to be a licensee in this 1095
state. 1096

(2) An active duty member of the armed forces of the 1097
United States who is carrying a valid military identification 1098
card and documentation of successful completion of firearms 1099
training that meets or exceeds the training requirements 1100
described in division (G) (1) of section 2923.125 of the Revised 1101
Code has the same right to carry a concealed handgun in this 1102
state as a person who was issued a concealed handgun license 1103
under section 2923.125 of the Revised Code and is subject to the 1104
same restrictions as specified in this section. 1105

(3) A tactical medical professional who is qualified to 1106

carry firearms while on duty under section 109.771 of the 1107
Revised Code has the same right to carry a concealed handgun in 1108
this state as a person who was issued a concealed handgun 1109
license under section 2923.125 of the Revised Code. 1110

(F) (1) A qualified retired peace officer who possesses a 1111
retired peace officer identification card issued pursuant to 1112
division (F) (2) of this section and a valid firearms 1113
requalification certification issued pursuant to division (F) (3) 1114
of this section has the same right to carry a concealed handgun 1115
in this state as a person who was issued a concealed handgun 1116
license under section 2923.125 of the Revised Code and is 1117
subject to the same restrictions that apply to a person who 1118
~~carries~~ has been issued a license issued under that section that 1119
is valid at the time in question. For purposes of reciprocity 1120
with other states, a qualified retired peace officer who 1121
possesses a retired peace officer identification card issued 1122
pursuant to division (F) (2) of this section and a valid firearms 1123
requalification certification issued pursuant to division (F) (3) 1124
of this section shall be considered to be a licensee in this 1125
state. 1126

(2) (a) Each public agency of this state or of a political 1127
subdivision of this state that is served by one or more peace 1128
officers shall issue a retired peace officer identification card 1129
to any person who retired from service as a peace officer with 1130
that agency, if the issuance is in accordance with the agency's 1131
policies and procedures and if the person, with respect to the 1132
person's service with that agency, satisfies all of the 1133
following: 1134

(i) The person retired in good standing from service as a 1135
peace officer with the public agency, and the retirement was not 1136

for reasons of mental instability. 1137

(ii) Before retiring from service as a peace officer with 1138
that agency, the person was authorized to engage in or supervise 1139
the prevention, detection, investigation, or prosecution of, or 1140
the incarceration of any person for, any violation of law and 1141
the person had statutory powers of arrest. 1142

(iii) At the time of the person's retirement as a peace 1143
officer with that agency, the person was trained and qualified 1144
to carry firearms in the performance of the peace officer's 1145
duties. 1146

(iv) Before retiring from service as a peace officer with 1147
that agency, the person was regularly employed as a peace 1148
officer for an aggregate of fifteen years or more, or, in the 1149
alternative, the person retired from service as a peace officer 1150
with that agency, after completing any applicable probationary 1151
period of that service, due to a service-connected disability, 1152
as determined by the agency. 1153

(b) A retired peace officer identification card issued to 1154
a person under division (F) (2) (a) of this section shall identify 1155
the person by name, contain a photograph of the person, identify 1156
the public agency of this state or of the political subdivision 1157
of this state from which the person retired as a peace officer 1158
and that is issuing the identification card, and specify that 1159
the person retired in good standing from service as a peace 1160
officer with the issuing public agency and satisfies the 1161
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1162
section. In addition to the required content specified in this 1163
division, a retired peace officer identification card issued to 1164
a person under division (F) (2) (a) of this section may include 1165
the firearms requalification certification described in division 1166

(F) (3) of this section, and if the identification card includes 1167
that certification, the identification card shall serve as the 1168
firearms requalification certification for the retired peace 1169
officer. If the issuing public agency issues credentials to 1170
active law enforcement officers who serve the agency, the agency 1171
may comply with division (F) (2) (a) of this section by issuing 1172
the same credentials to persons who retired from service as a 1173
peace officer with the agency and who satisfy the criteria set 1174
forth in divisions (F) (2) (a) (i) to (iv) of this section, 1175
provided that the credentials so issued to retired peace 1176
officers are stamped with the word "RETIRED." 1177

(c) A public agency of this state or of a political 1178
subdivision of this state may charge persons who retired from 1179
service as a peace officer with the agency a reasonable fee for 1180
issuing to the person a retired peace officer identification 1181
card pursuant to division (F) (2) (a) of this section. 1182

(3) If a person retired from service as a peace officer 1183
with a public agency of this state or of a political subdivision 1184
of this state and the person satisfies the criteria set forth in 1185
divisions (F) (2) (a) (i) to (iv) of this section, the public 1186
agency may provide the retired peace officer with the 1187
opportunity to attend a firearms requalification program that is 1188
approved for purposes of firearms requalification required under 1189
section 109.801 of the Revised Code. The retired peace officer 1190
may be required to pay the cost of the course. 1191

If a retired peace officer who satisfies the criteria set 1192
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 1193
a firearms requalification program that is approved for purposes 1194
of firearms requalification required under section 109.801 of 1195
the Revised Code, the retired peace officer's successful 1196

completion of the firearms requalification program requalifies 1197
the retired peace officer for purposes of division (F) of this 1198
section for five years from the date on which the program was 1199
successfully completed, and the requalification is valid during 1200
that five-year period. If a retired peace officer who satisfies 1201
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1202
section satisfactorily completes such a firearms requalification 1203
program, the retired peace officer shall be issued a firearms 1204
requalification certification that identifies the retired peace 1205
officer by name, identifies the entity that taught the program, 1206
specifies that the retired peace officer successfully completed 1207
the program, specifies the date on which the course was 1208
successfully completed, and specifies that the requalification 1209
is valid for five years from that date of successful completion. 1210
The firearms requalification certification for a retired peace 1211
officer may be included in the retired peace officer 1212
identification card issued to the retired peace officer under 1213
division (F) (2) of this section. 1214

A retired peace officer who attends a firearms 1215
requalification program that is approved for purposes of 1216
firearms requalification required under section 109.801 of the 1217
Revised Code may be required to pay the cost of the program. 1218

(G) As used in this section: 1219

(1) "Qualified retired peace officer" means a person who 1220
satisfies all of the following: 1221

(a) The person satisfies the criteria set forth in 1222
divisions (F) (2) (a) (i) to (v) of this section. 1223

(b) The person is not under the influence of alcohol or 1224
another intoxicating or hallucinatory drug or substance. 1225

(c) The person is not prohibited by federal law from receiving firearms.	1226 1227
(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.	1228 1229 1230
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	1231 1232
(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;	1233 1234 1235 1236 1237 1238
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	1239 1240 1241
(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.	1242 1243
(5) "Tactical medical professional" has the same meaning as in section 109.71 of the Revised Code.	1244 1245
(6) "Validating identification" means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.	1246 1247 1248 1249
(7) "Nonprofit corporation" means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.	1250 1251 1252 1253

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1254
concealed handgun license is arrested for or otherwise charged 1255
with an offense described in division (D) (1) (d) of section 1256
2923.125 of the Revised Code or with a violation of section 1257
2923.15 of the Revised Code or becomes subject to a temporary 1258
protection order or to a protection order issued by a court of 1259
another state that is substantially equivalent to a temporary 1260
protection order, the sheriff who issued the license shall 1261
suspend it and shall comply with division (A) (3) of this section 1262
upon becoming aware of the arrest, charge, or protection order. 1263
Upon suspending the license, the sheriff also shall comply with 1264
division (H) of section 2923.125 of the Revised Code. 1265

(b) A suspension under division (A) (1) (a) of this section 1266
shall be considered as beginning on the date that the licensee 1267
is arrested for or otherwise charged with an offense described 1268
in that division or on the date the appropriate court issued the 1269
protection order described in that division, irrespective of 1270
when the sheriff notifies the licensee under division (A) (3) of 1271
this section. The suspension shall end on the date on which the 1272
charges are dismissed or the licensee is found not guilty of the 1273
offense described in division (A) (1) (a) of this section or, 1274
subject to division (B) of this section, on the date the 1275
appropriate court terminates the protection order described in 1276
that division. If the suspension so ends, the sheriff shall 1277
return the license or temporary emergency license to the 1278
licensee. 1279

(2) (a) If a licensee holding a valid concealed handgun 1280
license is convicted of or pleads guilty to a misdemeanor 1281
violation of division ~~(B) (1), (2), (B) (2)~~ or (4) of section 1282
2923.12 of the Revised Code or of division ~~(E) (1), (2), (3), (E)~~ 1283
(3) or (5) of section 2923.16 of the Revised Code, ~~except as~~ 1284

~~provided in division (A) (2) (c) of this section and subject to~~ 1285
division (C) of this section, the sheriff who issued the license 1286
shall suspend it and shall comply with division (A) (3) of this 1287
section upon becoming aware of the conviction or guilty plea. 1288
Upon suspending the license, the sheriff also shall comply with 1289
division (H) of section 2923.125 of the Revised Code. 1290

(b) A suspension under division (A) (2) (a) of this section 1291
shall be considered as beginning on the date that the licensee 1292
is convicted of or pleads guilty to the offense described in 1293
that division, irrespective of when the sheriff notifies the 1294
licensee under division (A) (3) of this section. If the 1295
suspension is imposed for a misdemeanor violation of division 1296
~~(B) (1) or (2)~~ (B) (2) of section 2923.12 of the Revised Code or 1297
of division ~~(E) (1), (2), or (3)~~ (E) (3) of section 2923.16 of the 1298
Revised Code, it shall end on the date that is one year after 1299
the date that the licensee is convicted of or pleads guilty to 1300
that violation. If the suspension is imposed for a misdemeanor 1301
violation of division (B) (4) of section 2923.12 of the Revised 1302
Code or of division (E) (5) of section 2923.16 of the Revised 1303
Code, it shall end on the date that is two years after the date 1304
that the licensee is convicted of or pleads guilty to that 1305
violation. If the licensee's license was issued under section 1306
2923.125 of the Revised Code and the license remains valid after 1307
the suspension ends as described in this division, when the 1308
suspension ends, the sheriff shall return the license to the 1309
licensee. If the licensee's license was issued under section 1310
2923.125 of the Revised Code and the license expires before the 1311
suspension ends as described in this division, or if the 1312
licensee's license was issued under section 2923.1213 of the 1313
Revised Code, the licensee is not eligible to apply for a new 1314
license under section 2923.125 or 2923.1213 of the Revised Code 1315

or to renew the license under section 2923.125 of the Revised 1316
Code until after the suspension ends as described in this 1317
division. 1318

~~(c) The license of a licensee who is convicted of or 1319
pleads guilty to a violation of division (B) (1) of section 1320
2923.12 or division (E) (1) or (2) of section 2923.16 of the 1321
Revised Code shall not be suspended pursuant to division (A) (2) 1322
(a) of this section if, at the time of the stop of the licensee 1323
for a law enforcement purpose, for a traffic stop, or for a 1324
purpose defined in section 5503.34 of the Revised Code that was 1325
the basis of the violation, any law enforcement officer involved 1326
with the stop or the employee of the motor carrier enforcement 1327
unit who made the stop had actual knowledge of the licensee's 1328
status as a licensee. 1329~~

(3) Upon becoming aware of an arrest, charge, or 1330
protection order described in division (A) (1) (a) of this section 1331
with respect to a licensee who was issued a concealed handgun 1332
license, or a conviction of or plea of guilty to a misdemeanor 1333
offense described in division (A) (2) (a) of this section with 1334
respect to a licensee who was issued a concealed handgun license 1335
~~and with respect to which division (A) (2) (c) of this section 1336
does not apply,~~ subject to division (C) of this section, the 1337
sheriff who issued the licensee's license shall notify the 1338
licensee, by certified mail, return receipt requested, at the 1339
licensee's last known residence address that the license has 1340
been suspended and that the licensee is required to surrender 1341
the license at the sheriff's office within ten days of the date 1342
on which the notice was mailed. If the suspension is pursuant to 1343
division (A) (2) of this section, the notice shall identify the 1344
date on which the suspension ends. 1345

(B) (1) A sheriff who issues a concealed handgun license to 1346
a licensee shall revoke the license in accordance with division 1347
(B) (2) of this section upon becoming aware that the licensee 1348
satisfies any of the following: 1349

(a) The licensee is under twenty-one years of age. 1350

(b) Subject to division (C) of this section, at the time 1351
of the issuance of the license, the licensee did not satisfy the 1352
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1353
(g), or (h) of section 2923.125 of the Revised Code. 1354

(c) Subject to division (C) of this section, on or after 1355
the date on which the license was issued, the licensee is 1356
convicted of or pleads guilty to a violation of section 2923.15 1357
of the Revised Code or an offense described in division (D) (1) 1358
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1359

(d) On or after the date on which the license was issued, 1360
the licensee becomes subject to a civil protection order or to a 1361
protection order issued by a court of another state that is 1362
substantially equivalent to a civil protection order. 1363

(e) The licensee knowingly carries a concealed handgun 1364
into a place that the licensee knows is an unauthorized place 1365
specified in division (B) of section 2923.126 of the Revised 1366
Code. 1367

(f) On or after the date on which the license was issued, 1368
the licensee is adjudicated as a mental defective or is 1369
committed to a mental institution. 1370

(g) At the time of the issuance of the license, the 1371
licensee did not meet the residency requirements described in 1372
division (D) (1) of section 2923.125 of the Revised Code and 1373
currently does not meet the residency requirements described in 1374

that division. 1375

(h) Regarding a license issued under section 2923.125 of 1376
the Revised Code, the competency certificate the licensee 1377
submitted was forged or otherwise was fraudulent. 1378

(2) Upon becoming aware of any circumstance listed in 1379
division (B)(1) of this section that applies to a particular 1380
licensee who was issued a concealed handgun license, subject to 1381
division (C) of this section, the sheriff who issued the license 1382
to the licensee shall notify the licensee, by certified mail, 1383
return receipt requested, at the licensee's last known residence 1384
address that the license is subject to revocation and that the 1385
licensee may come to the sheriff's office and contest the 1386
sheriff's proposed revocation within fourteen days of the date 1387
on which the notice was mailed. After the fourteen-day period 1388
and after consideration of any information that the licensee 1389
provides during that period, if the sheriff determines on the 1390
basis of the information of which the sheriff is aware that the 1391
licensee is described in division (B)(1) of this section and no 1392
longer satisfies the requirements described in division (D)(1) 1393
of section 2923.125 of the Revised Code that are applicable to 1394
the licensee's type of license, the sheriff shall revoke the 1395
license, notify the licensee of that fact, and require the 1396
licensee to surrender the license. Upon revoking the license, 1397
the sheriff also shall comply with division (H) of section 1398
2923.125 of the Revised Code. 1399

(C) If a sheriff who issues a concealed handgun license to 1400
a licensee becomes aware that at the time of the issuance of the 1401
license the licensee had been convicted of or pleaded guilty to 1402
an offense identified in division (D)(1)(e), (f), or (h) of 1403
section 2923.125 of the Revised Code or had been adjudicated a 1404

delinquent child for committing an act or violation identified 1405
in any of those divisions or becomes aware that on or after the 1406
date on which the license was issued the licensee has been 1407
convicted of or pleaded guilty to an offense identified in 1408
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 1409
shall not consider that conviction, guilty plea, or adjudication 1410
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 1411
(1), and (B) (2) of this section if a court has ordered the 1412
sealing or expungement of the records of that conviction, guilty 1413
plea, or adjudication pursuant to sections 2151.355 to 2151.358 1414
or sections 2953.31 to 2953.36 of the Revised Code or the 1415
licensee has been relieved under operation of law or legal 1416
process from the disability imposed pursuant to section 2923.13 1417
of the Revised Code relative to that conviction, guilty plea, or 1418
adjudication. 1419

(D) As used in this section, "motor carrier enforcement 1420
unit" has the same meaning as in section 2923.16 of the Revised 1421
Code. 1422

Sec. 2923.16. (A) No person shall knowingly discharge a 1423
firearm while in or on a motor vehicle. 1424

(B) No person shall knowingly transport or have a loaded 1425
firearm in a motor vehicle in such a manner that the firearm is 1426
accessible to the operator or any passenger without leaving the 1427
vehicle. 1428

(C) No person shall knowingly transport or have a firearm 1429
in a motor vehicle, unless the person may lawfully possess that 1430
firearm under applicable law of this state or the United States, 1431
the firearm is unloaded, and the firearm is carried in one of 1432
the following ways: 1433

- (1) In a closed package, box, or case; 1434
- (2) In a compartment that can be reached only by leaving 1435
the vehicle; 1436
- (3) In plain sight and secured in a rack or holder made 1437
for the purpose; 1438
- (4) If the firearm is at least twenty-four inches in 1439
overall length as measured from the muzzle to the part of the 1440
stock furthest from the muzzle and if the barrel is at least 1441
eighteen inches in length, either in plain sight with the action 1442
open or the weapon stripped, or, if the firearm is of a type on 1443
which the action will not stay open or which cannot easily be 1444
stripped, in plain sight. 1445
- (D) No person shall knowingly transport or have a loaded 1446
handgun in a motor vehicle if, at the time of that 1447
transportation or possession, any of the following applies: 1448
- (1) The person is under the influence of alcohol, a drug 1449
of abuse, or a combination of them. 1450
- (2) The person's whole blood, blood serum or plasma, 1451
breath, or urine contains a concentration of alcohol, a listed 1452
controlled substance, or a listed metabolite of a controlled 1453
substance prohibited for persons operating a vehicle, as 1454
specified in division (A) of section 4511.19 of the Revised 1455
Code, regardless of whether the person at the time of the 1456
transportation or possession as described in this division is 1457
the operator of or a passenger in the motor vehicle. 1458
- (E) No person who has been issued a concealed handgun 1459
license or who is an active duty member of the armed forces of 1460
the United States and is carrying a valid military 1461
identification card and documentation of successful completion 1462

of firearms training that meets or exceeds the training 1463
requirements described in division (G) (1) of section 2923.125 of 1464
the Revised Code, who is the driver or an occupant of a motor 1465
vehicle that is stopped as a result of a traffic stop or a stop 1466
for another law enforcement purpose or is the driver or an 1467
occupant of a commercial motor vehicle that is stopped by an 1468
employee of the motor carrier enforcement unit for the purposes 1469
defined in section 5503.34 of the Revised Code, and who is 1470
transporting or has a loaded handgun in the motor vehicle or 1471
commercial motor vehicle in any manner, shall do any of the 1472
following: 1473

(1) ~~Fail to promptly inform any law enforcement officer~~ 1474
~~who approaches the vehicle while stopped that the person has~~ 1475
~~been issued a concealed handgun license or is authorized to~~ 1476
~~carry a concealed handgun as an active duty member of the armed~~ 1477
~~forces of the United States and Before or at the time a law~~ 1478
~~enforcement officer asks if the person is carrying a concealed~~ 1479
~~handgun, knowingly fail to disclose that the person then~~ 1480
possesses or has a loaded handgun in the motor vehicle, provided 1481
that it is not a violation of this division if the person fails 1482
to disclose that fact to an officer during the stop and the 1483
person already has notified another officer of that fact during 1484
the same stop; 1485

(2) ~~Fail to promptly inform the employee of the unit who~~ 1486
~~approaches the vehicle while stopped that the person has been~~ 1487
~~issued a concealed handgun license or is authorized to carry a~~ 1488
~~concealed handgun as an active duty member of the armed forces~~ 1489
~~of the United States and Before or at the time an employee of~~ 1490
~~the motor carrier enforcement unit asks if the person is~~ 1491
~~carrying a concealed handgun, knowingly fail to disclose that~~ 1492
the person then possesses or has a loaded handgun in the 1493

commercial motor vehicle, provided that it is not a violation of 1494
this division if the person fails to disclose that fact to an 1495
employee of the unit during the stop and the person already has 1496
notified another employee of the unit of that fact during the 1497
same stop; 1498

(3) Knowingly fail to remain in the motor vehicle while 1499
stopped or knowingly fail to keep the person's hands in plain 1500
sight at any time after any law enforcement officer begins 1501
approaching the person while stopped and before the law 1502
enforcement officer leaves, unless the failure is pursuant to 1503
and in accordance with directions given by a law enforcement 1504
officer; 1505

(4) Knowingly have contact with the loaded handgun by 1506
touching it with the person's hands or fingers in the motor 1507
vehicle at any time after the law enforcement officer begins 1508
approaching and before the law enforcement officer leaves, 1509
unless the person has contact with the loaded handgun pursuant 1510
to and in accordance with directions given by the law 1511
enforcement officer; 1512

(5) Knowingly disregard or fail to comply with any lawful 1513
order of any law enforcement officer given while the motor 1514
vehicle is stopped, including, but not limited to, a specific 1515
order to the person to keep the person's hands in plain sight. 1516

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1517
not apply to any of the following: 1518

(a) An officer, agent, or employee of this or any other 1519
state or the United States, or a law enforcement officer, when 1520
authorized to carry or have loaded or accessible firearms in 1521
motor vehicles and acting within the scope of the officer's, 1522

agent's, or employee's duties; 1523

(b) Any person who is employed in this state, who is 1524
authorized to carry or have loaded or accessible firearms in 1525
motor vehicles, and who is subject to and in compliance with the 1526
requirements of section 109.801 of the Revised Code, unless the 1527
appointing authority of the person has expressly specified that 1528
the exemption provided in division (F) (1) (b) of this section 1529
does not apply to the person. 1530

(2) Division (A) of this section does not apply to a 1531
person if all of the following circumstances apply: 1532

(a) The person discharges a firearm from a motor vehicle 1533
at a coyote or groundhog, the discharge is not during the deer 1534
gun hunting season as set by the chief of the division of 1535
wildlife of the department of natural resources, and the 1536
discharge at the coyote or groundhog, but for the operation of 1537
this section, is lawful. 1538

(b) The motor vehicle from which the person discharges the 1539
firearm is on real property that is located in an unincorporated 1540
area of a township and that either is zoned for agriculture or 1541
is used for agriculture. 1542

(c) The person owns the real property described in 1543
division (F) (2) (b) of this section, is the spouse or a child of 1544
another person who owns that real property, is a tenant of 1545
another person who owns that real property, or is the spouse or 1546
a child of a tenant of another person who owns that real 1547
property. 1548

(d) The person does not discharge the firearm in any of 1549
the following manners: 1550

(i) While under the influence of alcohol, a drug of abuse, 1551

or alcohol and a drug of abuse; 1552

(ii) In the direction of a street, highway, or other 1553
public or private property used by the public for vehicular 1554
traffic or parking; 1555

(iii) At or into an occupied structure that is a permanent 1556
or temporary habitation; 1557

(iv) In the commission of any violation of law, including, 1558
but not limited to, a felony that includes, as an essential 1559
element, purposely or knowingly causing or attempting to cause 1560
the death of or physical harm to another and that was committed 1561
by discharging a firearm from a motor vehicle. 1562

(3) Division (A) of this section does not apply to a 1563
person if all of the following apply: 1564

(a) The person possesses a valid all-purpose vehicle 1565
permit issued under section 1533.103 of the Revised Code by the 1566
chief of the division of wildlife. 1567

(b) The person discharges a firearm at a wild quadruped or 1568
game bird as defined in section 1531.01 of the Revised Code 1569
during the open hunting season for the applicable wild quadruped 1570
or game bird. 1571

(c) The person discharges a firearm from a stationary all- 1572
purpose vehicle as defined in section 1531.01 of the Revised 1573
Code from private or publicly owned lands or from a motor 1574
vehicle that is parked on a road that is owned or administered 1575
by the division of wildlife. 1576

(d) The person does not discharge the firearm in any of 1577
the following manners: 1578

(i) While under the influence of alcohol, a drug of abuse, 1579

or alcohol and a drug of abuse; 1580

(ii) In the direction of a street, a highway, or other 1581
public or private property that is used by the public for 1582
vehicular traffic or parking; 1583

(iii) At or into an occupied structure that is a permanent 1584
or temporary habitation; 1585

(iv) In the commission of any violation of law, including, 1586
but not limited to, a felony that includes, as an essential 1587
element, purposely or knowingly causing or attempting to cause 1588
the death of or physical harm to another and that was committed 1589
by discharging a firearm from a motor vehicle. 1590

(4) Divisions (B) and (C) of this section do not apply to 1591
a person if all of the following circumstances apply: 1592

(a) At the time of the alleged violation of either of 1593
those divisions, the person is the operator of or a passenger in 1594
a motor vehicle. 1595

(b) The motor vehicle is on real property that is located 1596
in an unincorporated area of a township and that either is zoned 1597
for agriculture or is used for agriculture. 1598

(c) The person owns the real property described in 1599
division ~~(D) (4) (b)~~ (F) (4) (b) of this section, is the spouse or a 1600
child of another person who owns that real property, is a tenant 1601
of another person who owns that real property, or is the spouse 1602
or a child of a tenant of another person who owns that real 1603
property. 1604

(d) The person, prior to arriving at the real property 1605
described in division ~~(D) (4) (b)~~ (F) (4) (b) of this section, did 1606
not transport or possess a firearm in the motor vehicle in a 1607

manner prohibited by division (B) or (C) of this section while 1608
the motor vehicle was being operated on a street, highway, or 1609
other public or private property used by the public for 1610
vehicular traffic or parking. 1611

(5) Divisions (B) and (C) of this section do not apply to 1612
a person who transports or possesses a handgun in a motor 1613
vehicle if, at the time of that transportation or possession, 1614
both of the following apply: 1615

(a) The person transporting or possessing the handgun ~~is~~ 1616
~~either carrying a valid~~ has been issued a concealed handgun 1617
license that is valid at the time in question or the person is 1618
an active duty member of the armed forces of the United States 1619
and is carrying a valid military identification card and 1620
documentation of successful completion of firearms training that 1621
meets or exceeds the training requirements described in division 1622
(G) (1) of section 2923.125 of the Revised Code. 1623

(b) The person transporting or possessing the handgun is 1624
not knowingly in a place described in division (B) of section 1625
2923.126 of the Revised Code. 1626

(6) Divisions (B) and (C) of this section do not apply to 1627
a person if all of the following apply: 1628

(a) The person possesses a valid all-purpose vehicle 1629
permit issued under section 1533.103 of the Revised Code by the 1630
chief of the division of wildlife. 1631

(b) The person is on or in an all-purpose vehicle as 1632
defined in section 1531.01 of the Revised Code or a motor 1633
vehicle during the open hunting season for a wild quadruped or 1634
game bird. 1635

(c) The person is on or in an all-purpose vehicle as 1636

defined in section 1531.01 of the Revised Code on private or 1637
publicly owned lands or on or in a motor vehicle that is parked 1638
on a road that is owned or administered by the division of 1639
wildlife. 1640

(7) Nothing in this section prohibits or restricts a 1641
person from possessing, storing, or leaving a firearm in a 1642
locked motor vehicle that is parked in the state underground 1643
parking garage at the state capitol building or in the parking 1644
garage at the Riffe center for government and the arts in 1645
Columbus, if the person's transportation and possession of the 1646
firearm in the motor vehicle while traveling to the premises or 1647
facility was not in violation of division (A), (B), (C), (D), or 1648
(E) of this section or any other provision of the Revised Code. 1649

(G) (1) The affirmative defenses authorized in divisions 1650
(D) (1) and (2) of section 2923.12 of the Revised Code are 1651
affirmative defenses to a charge under division (B) or (C) of 1652
this section that involves a firearm other than a handgun. 1653

(2) It is an affirmative defense to a charge under 1654
division (B) or (C) of this section of improperly handling 1655
firearms in a motor vehicle that the actor transported or had 1656
the firearm in the motor vehicle for any lawful purpose and 1657
while the motor vehicle was on the actor's own property, 1658
provided that this affirmative defense is not available unless 1659
the person, immediately prior to arriving at the actor's own 1660
property, did not transport or possess the firearm in a motor 1661
vehicle in a manner prohibited by division (B) or (C) of this 1662
section while the motor vehicle was being operated on a street, 1663
highway, or other public or private property used by the public 1664
for vehicular traffic. 1665

(H) (1) No person who is charged with a violation of 1666

division (B), (C), or (D) of this section shall be required to 1667
obtain a concealed handgun license as a condition for the 1668
dismissal of the charge. 1669

(2) (a) If a person is convicted of, was convicted of, 1670
pleads guilty to, or has pleaded guilty to a violation of 1671
division (E) of this section as it existed prior to September 1672
30, 2011, and ~~if~~ the conduct that was the basis of the violation 1673
no longer would be a violation of division (E) of this section 1674
on or after September 30, 2011, or if a person is convicted of, 1675
was convicted of, pleads guilty to, or has pleaded guilty to a 1676
violation of division (E) (1) or (2) of this section as it 1677
existed prior to the effective date of this amendment, the 1678
person may file an application under section 2953.37 of the 1679
Revised Code requesting the expungement of the record of 1680
conviction. 1681

If a person is convicted of, was convicted of, pleads 1682
guilty to, or has pleaded guilty to a violation of division (B) 1683
or (C) of this section as the division existed prior to 1684
September 30, 2011, and if the conduct that was the basis of the 1685
violation no longer would be a violation of division (B) or (C) 1686
of this section on or after September 30, 2011, due to the 1687
application of division (F) (5) of this section as it exists on 1688
and after September 30, 2011, the person may file an application 1689
under section 2953.37 of the Revised Code requesting the 1690
expungement of the record of conviction. 1691

(b) The attorney general shall develop a public media 1692
advisory that summarizes the expungement procedure established 1693
under section 2953.37 of the Revised Code and the offenders 1694
identified in division (H) (2) (a) of this section and those 1695
identified in division (E) (2) of section 2923.12 of the Revised 1696

Code who are authorized to apply for the expungement. Within 1697
thirty days after September 30, 2011, with respect to violations 1698
of division (B), (C), or (E) of this section as they existed 1699
prior to that date, and within thirty days after the effective 1700
date of this amendment with respect to a violation of division 1701
(E)(1) or (2) of this section or division (B)(1) of section 1702
2923.12 of the Revised Code as they existed prior to the 1703
effective date of this amendment, the attorney general shall 1704
provide a copy of the advisory to each daily newspaper published 1705
in this state and each television station that broadcasts in 1706
this state. The attorney general may provide the advisory in a 1707
tangible form, an electronic form, or in both tangible and 1708
electronic forms. 1709

(I) Whoever violates this section is guilty of improperly 1710
handling firearms in a motor vehicle. ~~Violation~~ A violation of 1711
division (A) of this section is a felony of the fourth degree. 1712
~~Violation~~ A violation of division (C) of this section is a 1713
misdemeanor of the fourth degree. A violation of division (D) of 1714
this section is a felony of the fifth degree or, if the loaded 1715
handgun is concealed on the person's person, a felony of the 1716
fourth degree. ~~Except as otherwise provided in this division, a~~ 1717
A violation of division (E) (1) or (2) of this section is a 1718
misdemeanor of the ~~first~~ second degree, ~~and, in addition to any~~ 1719
~~other penalty or sanction imposed for the violation, the~~ 1720
~~offender's concealed handgun license shall be suspended pursuant~~ 1721
~~to division (A) (2) of section 2923.128 of the Revised Code. If~~ 1722
~~at the time of the stop of the offender for a traffic stop, for~~ 1723
~~another law enforcement purpose, or for a purpose defined in~~ 1724
~~section 5503.34 of the Revised Code that was the basis of the~~ 1725
~~violation any law enforcement officer involved with the stop or~~ 1726
~~the employee of the motor carrier enforcement unit who made the~~ 1727

~~stop had actual knowledge of the offender's status as a~~ 1728
~~licensee, a violation of division (E) (1) or (2) of this section~~ 1729
~~is a minor misdemeanor, and the offender's concealed handgun~~ 1730
~~license shall not be suspended pursuant to division (A) (2) of~~ 1731
~~section 2923.128 of the Revised Code. A violation of division~~ 1732
(E) (4) of this section is a felony of the fifth degree. A 1733
violation of division (E) (3) or (5) of this section is a 1734
misdemeanor of the first degree or, if the offender previously 1735
has been convicted of or pleaded guilty to a violation of 1736
division (E) (3) or (5) of this section, a felony of the fifth 1737
degree. In addition to any other penalty or sanction imposed for 1738
a misdemeanor violation of division (E) (3) or (5) of this 1739
section, the offender's concealed handgun license shall be 1740
suspended pursuant to division (A) (2) of section 2923.128 of the 1741
Revised Code. A violation of division (B) of this section is a 1742
felony of the fourth degree. 1743

(J) If a law enforcement officer stops a motor vehicle for 1744
a traffic stop or any other purpose, if any person in the motor 1745
vehicle surrenders a firearm to the officer, either voluntarily 1746
or pursuant to a request or demand of the officer, and if the 1747
officer does not charge the person with a violation of this 1748
section or arrest the person for any offense, the person is not 1749
otherwise prohibited by law from possessing the firearm, and the 1750
firearm is not contraband, the officer shall return the firearm 1751
to the person at the termination of the stop. If a court orders 1752
a law enforcement officer to return a firearm to a person 1753
pursuant to the requirement set forth in this division, division 1754
(B) of section 2923.163 of the Revised Code applies. 1755

(K) As used in this section: 1756

(1) "Motor vehicle," "street," and "highway" have the same 1757

meanings as in section 4511.01 of the Revised Code. 1758

(2) "Occupied structure" has the same meaning as in 1759
section 2909.01 of the Revised Code. 1760

(3) "Agriculture" has the same meaning as in section 1761
519.01 of the Revised Code. 1762

(4) "Tenant" has the same meaning as in section 1531.01 of 1763
the Revised Code. 1764

(5) (a) "Unloaded" means, with respect to a firearm other 1765
than a firearm described in division (K) (6) of this section, 1766
that no ammunition is in the firearm in question, no magazine or 1767
speed loader containing ammunition is inserted into the firearm 1768
in question, and one of the following applies: 1769

(i) There is no ammunition in a magazine or speed loader 1770
that is in the vehicle in question and that may be used with the 1771
firearm in question. 1772

(ii) Any magazine or speed loader that contains ammunition 1773
and that may be used with the firearm in question is stored in a 1774
compartment within the vehicle in question that cannot be 1775
accessed without leaving the vehicle or is stored in a container 1776
that provides complete and separate enclosure. 1777

(b) For the purposes of division (K) (5) (a) (ii) of this 1778
section, a "container that provides complete and separate 1779
enclosure" includes, but is not limited to, any of the 1780
following: 1781

(i) A package, box, or case with multiple compartments, as 1782
long as the loaded magazine or speed loader and the firearm in 1783
question either are in separate compartments within the package, 1784
box, or case, or, if they are in the same compartment, the 1785

magazine or speed loader is contained within a separate 1786
enclosure in that compartment that does not contain the firearm 1787
and that closes using a snap, button, buckle, zipper, hook and 1788
loop closing mechanism, or other fastener that must be opened to 1789
access the contents or the firearm is contained within a 1790
separate enclosure of that nature in that compartment that does 1791
not contain the magazine or speed loader; 1792

(ii) A pocket or other enclosure on the person of the 1793
person in question that closes using a snap, button, buckle, 1794
zipper, hook and loop closing mechanism, or other fastener that 1795
must be opened to access the contents. 1796

(c) For the purposes of divisions (K) (5) (a) and (b) of 1797
this section, ammunition held in stripper-clips or in en-bloc 1798
clips is not considered ammunition that is loaded into a 1799
magazine or speed loader. 1800

(6) "Unloaded" means, with respect to a firearm employing 1801
a percussion cap, flintlock, or other obsolete ignition system, 1802
when the weapon is uncapped or when the priming charge is 1803
removed from the pan. 1804

(7) "Commercial motor vehicle" has the same meaning as in 1805
division (A) of section 4506.25 of the Revised Code. 1806

(8) "Motor carrier enforcement unit" means the motor 1807
carrier enforcement unit in the department of public safety, 1808
division of state highway patrol, that is created by section 1809
5503.34 of the Revised Code. 1810

(L) Divisions (K) (5) (a) and (b) of this section do not 1811
affect the authority of a person who ~~is carrying~~ has been issued 1812
a ~~valid~~ concealed handgun license that is valid at the time in 1813
question to have one or more magazines or speed loaders 1814

containing ammunition anywhere in a vehicle, without being 1815
transported as described in those divisions, as long as no 1816
ammunition is in a firearm, other than a handgun, in the vehicle 1817
other than as permitted under any other provision of this 1818
chapter. A person who ~~is carrying~~ has been issued a valid- 1819
concealed handgun license that is valid at the time in question 1820
may have one or more magazines or speed loaders containing 1821
ammunition anywhere in a vehicle without further restriction, as 1822
long as no ammunition is in a firearm, other than a handgun, in 1823
the vehicle other than as permitted under any provision of this 1824
chapter. 1825

Sec. 2953.37. (A) As used in this section: 1826

(1) "Expunge" means to destroy, delete, and erase a record 1827
as appropriate for the record's physical or electronic form or 1828
characteristic so that the record is permanently irretrievable. 1829

(2) "Official records" has the same meaning as in section 1830
2953.51 of the Revised Code. 1831

(3) "Prosecutor" has the same meaning as in section 1832
2953.31 of the Revised Code. 1833

(4) "Record of conviction" means the record related to a 1834
conviction of or plea of guilty to an offense. 1835

(B) Any person who is convicted of, was convicted of, 1836
pleads guilty to, or has pleaded guilty to a violation of 1837
division (B), (C), or (E) of section 2923.16 of the Revised Code 1838
as the division existed prior to September 30, 2011, or a 1839
violation of division (E) (1) or (2) of section 2923.16 of the 1840
Revised Code as the division existed prior to the effective date 1841
of this amendment and who is authorized by division (H) (2) (a) of 1842
that section to file an application under this section for the 1843

expungement of the conviction record may apply to the sentencing 1844
court for the expungement of the record of conviction. Any 1845
person who is convicted of, was convicted of, pleads guilty to, 1846
or has pleaded guilty to a violation of division (B) (1) of 1847
section 2923.12 of the Revised Code as it existed prior to the 1848
effective date of this amendment and who is authorized by 1849
division (E) (2) of that section may apply to the sentencing 1850
court for the expungement of the record of conviction. The 1851
person may file the application at any time on or after 1852
September 30, 2011, with respect to violations of division (B), 1853
(C), or (E) of section 2923.16 of the Revised Code as they 1854
existed prior to that date, or at any time on or after the 1855
effective date of this amendment with respect to a violation of 1856
division (B) (1) of section 2923.12 of the Revised Code or of 1857
division (E) (1) or (2) of section 2923.16 of the Revised Code as 1858
the particular division existed prior to the effective date of 1859
this amendment. The application shall do all of the following: 1860

(1) Identify the applicant, the offense for which the 1861
expungement is sought, the date of the conviction of or plea of 1862
guilty to that offense, and the court in which the conviction 1863
occurred or the plea of guilty was entered; 1864

(2) Include evidence that the offense was a violation of 1865
division (B), (C), or (E) of section 2923.16 of the Revised Code 1866
as the division existed prior to September 30, 2011, or was a 1867
violation of division (B) (1) of section 2923.12 of the Revised 1868
Code or of division (E) (1) or (2) of section 2923.16 of the 1869
Revised Code as the particular division existed prior to the 1870
effective date of this amendment and that the applicant is 1871
authorized by division (H) (2) (a) of ~~that~~ section 2923.16 or 1872
division (E) (2) of section 2923.12 of the Revised Code, 1873
whichever is applicable, to file an application under this 1874

section; 1875

(3) Include a request for expungement of the record of 1876
conviction of that offense under this section. 1877

(C) Upon the filing of an application under division (B) 1878
of this section and the payment of the fee described in division 1879
(D) (3) of this section if applicable, the court shall set a date 1880
for a hearing and shall notify the prosecutor for the case of 1881
the hearing on the application. The prosecutor may object to the 1882
granting of the application by filing an objection with the 1883
court prior to the date set for the hearing. The prosecutor 1884
shall specify in the objection the reasons for believing a 1885
denial of the application is justified. The court shall direct 1886
its regular probation officer, a state probation officer, or the 1887
department of probation of the county in which the applicant 1888
resides to make inquiries and written reports as the court 1889
requires concerning the applicant. The court shall hold the 1890
hearing scheduled under this division. 1891

(D) (1) At the hearing held under division (C) of this 1892
section, the court shall do each of the following: 1893

(a) Determine whether the applicant has been convicted of 1894
or pleaded guilty to a violation of division (E) of section 1895
2923.16 of the Revised Code as the division existed prior to 1896
September 30, 2011, and whether the conduct that was the basis 1897
of the violation no longer would be a violation of that division 1898
on or after September 30, 2011; 1899

(b) Determine whether the applicant has been convicted of 1900
or pleaded guilty to a violation of division (B) or (C) of 1901
section 2923.16 of the Revised Code as the division existed 1902
prior to September 30, 2011, and whether the conduct that was 1903

the basis of the violation no longer would be a violation of 1904
that division on or after September 30, 2011, due to the 1905
application of division (F) (5) of that section as it exists on 1906
and after September 30, 2011; 1907

(c) Determine whether the applicant has been convicted of 1908
or pleaded guilty to a violation of division (B) (1) of section 1909
2923.12 of the Revised Code or of division (E) (1) or (2) of 1910
section 2923.16 of the Revised Code as the particular division 1911
existed prior to the effective date of this amendment; 1912

(d) If the prosecutor has filed an objection in accordance 1913
with division (C) of this section, consider the reasons against 1914
granting the application specified by the prosecutor in the 1915
objection; 1916

~~(d)~~ (e) Weigh the interests of the applicant in having the 1917
records pertaining to the applicant's conviction or guilty plea 1918
expunged against the legitimate needs, if any, of the government 1919
to maintain those records. 1920

(2) (a) The court may order the expungement of all official 1921
records pertaining to the case and the deletion of all index 1922
references to the case and, if it does order the expungement, 1923
shall send notice of the order to each public office or agency 1924
that the court has reason to believe may have an official record 1925
pertaining to the case if the court, after complying with 1926
division (D) (1) of this section, determines both of the 1927
following: 1928

(i) That the applicant has been convicted of or pleaded 1929
guilty to a violation of division (E) of section 2923.16 of the 1930
Revised Code as it existed prior to September 30, 2011, and the 1931
conduct that was the basis of the violation no longer would be a 1932

violation of that division on or after September 30, 2011, ~~or;~~ 1933
that the applicant has been convicted of or pleaded guilty to a 1934
violation of division (B) or (C) of section 2923.16 of the 1935
Revised Code as the division existed prior to September 30, 1936
2011, and the conduct that was the basis of the violation no 1937
longer would be a violation of that division on or after 1938
September 30, 2011, due to the application of division (F) (5) of 1939
that section as it exists on and after September 30, 2011; or 1940
that the applicant has been convicted of or pleaded guilty to a 1941
violation of division (B) (1) of section 2923.12 of the Revised 1942
Code or of division (E) (1) or (2) of section 2923.16 of the 1943
Revised Code as the particular division existed prior to the 1944
effective date of this amendment; 1945

(ii) That the interests of the applicant in having the 1946
records pertaining to the applicant's conviction or guilty plea 1947
expunged are not outweighed by any legitimate needs of the 1948
government to maintain those records. 1949

(b) The proceedings in the case that is the subject of an 1950
order issued under division (D) (2) (a) of this section shall be 1951
considered not to have occurred and the conviction or guilty 1952
plea of the person who is the subject of the proceedings shall 1953
be expunged. The record of the conviction shall not be used for 1954
any purpose, including, but not limited to, a criminal records 1955
check under section 109.572 of the Revised Code or a 1956
determination under section 2923.125 or 2923.1213 of the Revised 1957
Code of eligibility for a concealed handgun license. The 1958
applicant may, and the court shall, reply that no record exists 1959
with respect to the applicant upon any inquiry into the matter. 1960

(3) Upon the filing of an application under this section, 1961
the applicant, unless indigent, shall pay a fee of fifty 1962

dollars. The court shall pay thirty dollars of the fee into the 1963
state treasury and shall pay twenty dollars of the fee into the 1964
county general revenue fund. 1965

Section 2. That existing sections 1547.69, 2923.12, 1966
2923.121, 2923.122, 2923.123, 2923.126, 2923.128, 2923.16, and 1967
2953.37 of the Revised Code are hereby repealed. 1968

Section 3. Section 2953.37 of the Revised Code is 1969
presented in this act as a composite of the section as amended 1970
by both H.B. 228 and H.B. 425 of the 132nd General Assembly. The 1971
General Assembly, applying the principle stated in division (B) 1972
of section 1.52 of the Revised Code that amendments are to be 1973
harmonized if reasonably capable of simultaneous operation, 1974
finds that the composite is the resulting version of the section 1975
in effect prior to the effective date of the section as 1976
presented in this act. 1977