

H. B. No. 272
As Introduced

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 1
109.57,"; after "2923.123" insert ", 2923.125, 2923.128, 2923.1213, and 2
2923.13 and to enact sections 2923.26, 2923.27, 2923.28, 2923.29, 2923.30, 3
and 2923.99" 4

In line 6 of the title, after "session" insert "and to enact the 5
Extreme Risk Protection Order Act to allow family members, household 6
members, and law enforcement officers to obtain a court order that 7
temporarily restricts a person's access to firearms if that person poses a 8
danger to themselves or others" 9

In line 7, delete "section" and insert "sections 109.57,"; after 10
"2923.123" insert ", 2923.125, 2923.128, 2923.1213, and 2923.13 be amended 11
and sections 2923.26, 2923.27, 2923.28, 2923.29, 2923.30, and 2923.99" 12

In line 8, delete "amended" and insert "enacted" 13

After line 8, insert: 14

"**Sec. 109.57.** (A) (1) The superintendent of the bureau of 15
criminal identification and investigation shall procure from 16



wherever procurable and file for record photographs, pictures, 17
descriptions, fingerprints, measurements, and other information 18
that may be pertinent of all persons who have been convicted of 19
committing within this state a felony, any crime constituting a 20
misdemeanor on the first offense and a felony on subsequent 21
offenses, or any misdemeanor described in division (A) (1) (a), 22
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 23
of all children under eighteen years of age who have been 24
adjudicated delinquent children for committing within this state 25
an act that would be a felony or an offense of violence if 26
committed by an adult or who have been convicted of or pleaded 27
guilty to committing within this state a felony or an offense of 28
violence, and of all well-known and habitual criminals. The 29
person in charge of any county, multicounty, municipal, 30
municipal-county, or multicounty-municipal jail or workhouse, 31
community-based correctional facility, halfway house, 32
alternative residential facility, or state correctional 33
institution and the person in charge of any state institution 34
having custody of a person suspected of having committed a 35
felony, any crime constituting a misdemeanor on the first 36
offense and a felony on subsequent offenses, or any misdemeanor 37
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 38
section 109.572 of the Revised Code or having custody of a child 39
under eighteen years of age with respect to whom there is 40
probable cause to believe that the child may have committed an 41
act that would be a felony or an offense of violence if 42
committed by an adult shall furnish such material to the 43
superintendent of the bureau. Fingerprints, photographs, or 44
other descriptive information of a child who is under eighteen 45
years of age, has not been arrested or otherwise taken into 46
custody for committing an act that would be a felony or an 47

offense of violence who is not in any other category of child 48
specified in this division, if committed by an adult, has not 49
been adjudicated a delinquent child for committing an act that 50
would be a felony or an offense of violence if committed by an 51
adult, has not been convicted of or pleaded guilty to committing 52
a felony or an offense of violence, and is not a child with 53
respect to whom there is probable cause to believe that the 54
child may have committed an act that would be a felony or an 55
offense of violence if committed by an adult shall not be 56
procured by the superintendent or furnished by any person in 57
charge of any county, multicounty, municipal, municipal-county, 58
or multicounty-municipal jail or workhouse, community-based 59
correctional facility, halfway house, alternative residential 60
facility, or state correctional institution, except as 61
authorized in section 2151.313 of the Revised Code. 62

(2) Every clerk of a court of record in this state, other 63
than the supreme court or a court of appeals, shall send to the 64
superintendent of the bureau a weekly report containing a 65
summary of each case involving a felony, involving any crime 66
constituting a misdemeanor on the first offense and a felony on 67
subsequent offenses, involving a misdemeanor described in 68
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 69
of the Revised Code, or involving an adjudication in a case in 70
which a child under eighteen years of age was alleged to be a 71
delinquent child for committing an act that would be a felony or 72
an offense of violence if committed by an adult. The clerk of 73
the court of common pleas shall include in the report and 74
summary the clerk sends under this division all information 75
described in divisions (A) (2) (a) to (f) of this section 76
regarding a case before the court of appeals that is served by 77
that clerk. The summary shall be written on the standard forms 78

furnished by the superintendent pursuant to division (B) of this	79
section and shall include the following information:	80
(a) The incident tracking number contained on the standard	81
forms furnished by the superintendent pursuant to division (B)	82
of this section;	83
(b) The style and number of the case;	84
(c) The date of arrest, offense, summons, or arraignment;	85
(d) The date that the person was convicted of or pleaded	86
guilty to the offense, adjudicated a delinquent child for	87
committing the act that would be a felony or an offense of	88
violence if committed by an adult, found not guilty of the	89
offense, or found not to be a delinquent child for committing an	90
act that would be a felony or an offense of violence if	91
committed by an adult, the date of an entry dismissing the	92
charge, an entry declaring a mistrial of the offense in which	93
the person is discharged, an entry finding that the person or	94
child is not competent to stand trial, or an entry of a nolle	95
prosequi, or the date of any other determination that	96
constitutes final resolution of the case;	97
(e) A statement of the original charge with the section of	98
the Revised Code that was alleged to be violated;	99
(f) If the person or child was convicted, pleaded guilty,	100
or was adjudicated a delinquent child, the sentence or terms of	101
probation imposed or any other disposition of the offender or	102
the delinquent child.	103
If the offense involved the disarming of a law enforcement	104
officer or an attempt to disarm a law enforcement officer, the	105
clerk shall clearly state that fact in the summary, and the	106

superintendent shall ensure that a clear statement of that fact 107
is placed in the bureau's records. 108

(3) The superintendent shall cooperate with and assist 109
sheriffs, chiefs of police, and other law enforcement officers 110
in the establishment of a complete system of criminal 111
identification and in obtaining fingerprints and other means of 112
identification of all persons arrested on a charge of a felony, 113
any crime constituting a misdemeanor on the first offense and a 114
felony on subsequent offenses, or a misdemeanor described in 115
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 116
of the Revised Code and of all children under eighteen years of 117
age arrested or otherwise taken into custody for committing an 118
act that would be a felony or an offense of violence if 119
committed by an adult. The superintendent also shall file for 120
record the fingerprint impressions of all persons confined in a 121
county, multicounty, municipal, municipal-county, or 122
multicounty-municipal jail or workhouse, community-based 123
correctional facility, halfway house, alternative residential 124
facility, or state correctional institution for the violation of 125
state laws and of all children under eighteen years of age who 126
are confined in a county, multicounty, municipal, municipal- 127
county, or multicounty-municipal jail or workhouse, community- 128
based correctional facility, halfway house, alternative 129
residential facility, or state correctional institution or in 130
any facility for delinquent children for committing an act that 131
would be a felony or an offense of violence if committed by an 132
adult, and any other information that the superintendent may 133
receive from law enforcement officials of the state and its 134
political subdivisions. 135

(4) The superintendent shall carry out Chapter 2950. of 136
the Revised Code with respect to the registration of persons who 137

are convicted of or plead guilty to a sexually oriented offense 138
or a child-victim oriented offense and with respect to all other 139
duties imposed on the bureau under that chapter. 140

(5) The bureau shall perform centralized recordkeeping 141
functions for criminal history records and services in this 142
state for purposes of the national crime prevention and privacy 143
compact set forth in section 109.571 of the Revised Code and is 144
the criminal history record repository as defined in that 145
section for purposes of that compact. The superintendent or the 146
superintendent's designee is the compact officer for purposes of 147
that compact and shall carry out the responsibilities of the 148
compact officer specified in that compact. 149

(6) The superintendent shall, upon request, assist a 150
county coroner in the identification of a deceased person 151
through the use of fingerprint impressions obtained pursuant to 152
division (A)(1) of this section or collected pursuant to section 153
109.572 or 311.41 of the Revised Code. 154

(B) The superintendent shall prepare and furnish to every 155
county, multicounty, municipal, municipal-county, or 156
multicounty-municipal jail or workhouse, community-based 157
correctional facility, halfway house, alternative residential 158
facility, or state correctional institution and to every clerk 159
of a court in this state specified in division (A)(2) of this 160
section standard forms for reporting the information required 161
under division (A) of this section. The standard forms that the 162
superintendent prepares pursuant to this division may be in a 163
tangible format, in an electronic format, or in both tangible 164
formats and electronic formats. 165

(C)(1) The superintendent may operate a center for 166
electronic, automated, or other data processing for the storage 167

and retrieval of information, data, and statistics pertaining to 168
criminals and to children under eighteen years of age who are 169
adjudicated delinquent children for committing an act that would 170
be a felony or an offense of violence if committed by an adult, 171
criminal activity, crime prevention, law enforcement, and 172
criminal justice, and may establish and operate a statewide 173
communications network to be known as the Ohio law enforcement 174
gateway to gather and disseminate information, data, and 175
statistics for the use of law enforcement agencies and for other 176
uses specified in this division. The superintendent may gather, 177
store, retrieve, and disseminate information, data, and 178
statistics that pertain to children who are under eighteen years 179
of age and that are gathered pursuant to sections 109.57 to 180
109.61 of the Revised Code together with information, data, and 181
statistics that pertain to adults and that are gathered pursuant 182
to those sections. 183

(2) The superintendent or the superintendent's designee 184
shall gather information of the nature described in division (C) 185
(1) of this section that pertains to the offense and delinquency 186
history of a person who has been convicted of, pleaded guilty 187
to, or been adjudicated a delinquent child for committing a 188
sexually oriented offense or a child-victim oriented offense for 189
inclusion in the state registry of sex offenders and child- 190
victim offenders maintained pursuant to division (A)(1) of 191
section 2950.13 of the Revised Code and in the internet database 192
operated pursuant to division (A)(13) of that section and for 193
possible inclusion in the internet database operated pursuant to 194
division (A)(11) of that section. 195

(3) In addition to any other authorized use of 196
information, data, and statistics of the nature described in 197
division (C)(1) of this section, the superintendent or the 198

superintendent's designee may provide and exchange the 199
information, data, and statistics pursuant to the national crime 200
prevention and privacy compact as described in division (A) (5) 201
of this section. 202

(4) The Ohio law enforcement gateway shall contain the 203
name, confidential address, and telephone number of program 204
participants in the address confidentiality program established 205
under sections 111.41 to 111.47 of the Revised Code. 206

(5) The attorney general may adopt rules under Chapter 207
119. of the Revised Code establishing guidelines for the 208
operation of and participation in the Ohio law enforcement 209
gateway. The rules may include criteria for granting and 210
restricting access to information gathered and disseminated 211
through the Ohio law enforcement gateway. The attorney general 212
shall adopt rules under Chapter 119. of the Revised Code that 213
grant access to information in the gateway regarding an address 214
confidentiality program participant under sections 111.41 to 215
111.47 of the Revised Code to only chiefs of police, village 216
marshals, county sheriffs, county prosecuting attorneys, and a 217
designee of each of these individuals. The attorney general 218
shall permit an office of a county coroner, the state medical 219
board, and board of nursing to access and view, but not alter, 220
information gathered and disseminated through the Ohio law 221
enforcement gateway. 222

The attorney general may appoint a steering committee to 223
advise the attorney general in the operation of the Ohio law 224
enforcement gateway that is comprised of persons who are 225
representatives of the criminal justice agencies in this state 226
that use the Ohio law enforcement gateway and is chaired by the 227
superintendent or the superintendent's designee. 228

(D) (1) The following are not public records under section 149.43 of the Revised Code:	229 230
(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;	231 232
(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C) (1) of this section;	233 234 235
(c) Information and materials furnished to any board or person under division (F) or (G) of this section.	236 237
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C) (2) of this section.	238 239 240 241 242 243 244
(E) (1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E) (2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A) (1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	245 246 247 248 249 250 251 252 253 254 255 256
(2) Except as otherwise provided in this division or	257

division (E) (3) or (4) of this section, a rule adopted under 258
 division (E) (1) of this section may provide only for the release 259
 of information gathered pursuant to division (A) of this section 260
 that relates to the conviction of a person, or a person's plea 261
 of guilty to, a criminal offense or to the arrest of a person as 262
 provided in division (E) (3) of this section. The superintendent 263
 shall not release, and the attorney general shall not adopt any 264
 rule under division (E) (1) of this section that permits the 265
 release of, any information gathered pursuant to division (A) of 266
 this section that relates to an adjudication of a child as a 267
 delinquent child, or that relates to a criminal conviction of a 268
 person under eighteen years of age if the person's case was 269
 transferred back to a juvenile court under division (B) (2) or 270
 (3) of section 2152.121 of the Revised Code and the juvenile 271
 court imposed a disposition or serious youthful offender 272
 disposition upon the person under either division, unless either 273
 of the following applies with respect to the adjudication or 274
 conviction: 275

(a) The adjudication or conviction was for a violation of 276
 section 2903.01 or 2903.02 of the Revised Code. 277

(b) The adjudication or conviction was for a sexually 278
 oriented offense, the juvenile court was required to classify 279
 the child a juvenile offender registrant for that offense under 280
 section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 281
 classification has not been removed, and the records of the 282
 adjudication or conviction have not been sealed or expunged 283
 pursuant to sections 2151.355 to 2151.358 or sealed or expunged 284
 pursuant to section 2953.32 of the Revised Code. 285

(3) A rule adopted under division (E) (1) of this section 286
 may provide for the release of information gathered pursuant to 287

division (A) of this section that relates to the arrest of a 288
person who is eighteen years of age or older when the person has 289
not been convicted as a result of that arrest if any of the 290
following applies: 291

(a) The arrest was made outside of this state. 292

(b) A criminal action resulting from the arrest is 293
pending, and the superintendent confirms that the criminal 294
action has not been resolved at the time the criminal records 295
check is performed. 296

(c) The bureau cannot reasonably determine whether a 297
criminal action resulting from the arrest is pending, and not 298
more than one year has elapsed since the date of the arrest. 299

(4) A rule adopted under division (E)(1) of this section 300
may provide for the release of information gathered pursuant to 301
division (A) of this section that relates to an adjudication of 302
a child as a delinquent child if not more than five years have 303
elapsed since the date of the adjudication, the adjudication was 304
for an act that would have been a felony if committed by an 305
adult, the records of the adjudication have not been sealed or 306
expunged pursuant to sections 2151.355 to 2151.358 of the 307
Revised Code, and the request for information is made under 308
division (F) of this section or under section 109.572 of the 309
Revised Code. In the case of an adjudication for a violation of 310
the terms of community control or supervised release, the five- 311
year period shall be calculated from the date of the 312
adjudication to which the community control or supervised 313
release pertains. 314

(F)(1) As used in division (F)(2) of this section, "head 315
start agency" means an entity in this state that has been 316

approved to be an agency for purposes of subchapter II of the 317
"Community Economic Development Act," 95 Stat. 489 (1981), 42 318
U.S.C.A. 9831, as amended. 319

(2) (a) In addition to or in conjunction with any request 320
that is required to be made under section 109.572, 2151.86, 321
3301.32, 3301.541, division (C) of section 3310.58, or section 322
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 323
5153.111 of the Revised Code or that is made under section 324
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 325
board of education of any school district; the director of 326
developmental disabilities; any county board of developmental 327
disabilities; any provider or subcontractor as defined in 328
section 5123.081 of the Revised Code; the chief administrator of 329
any chartered nonpublic school; the chief administrator of a 330
registered private provider that is not also a chartered 331
nonpublic school; the chief administrator of any home health 332
agency; the chief administrator of or person operating any child 333
care center, type A family child care home, or type B family 334
child care home licensed under Chapter 5104. of the Revised 335
Code; the chief administrator of any head start agency; the 336
executive director of a public children services agency; a 337
private company described in section 3314.41, 3319.392, 3326.25, 338
or 3328.20 of the Revised Code; or an employer described in 339
division (J) (2) of section 3327.10 of the Revised Code may 340
request that the superintendent of the bureau investigate and 341
determine, with respect to any individual who has applied for 342
employment in any position after October 2, 1989, or any 343
individual wishing to apply for employment with a board of 344
education may request, with regard to the individual, whether 345
the bureau has any information gathered under division (A) of 346
this section that pertains to that individual. On receipt of the 347

request, subject to division (E) (2) of this section, the 348
superintendent shall determine whether that information exists 349
and, upon request of the person, board, or entity requesting 350
information, also shall request from the federal bureau of 351
investigation any criminal records it has pertaining to that 352
individual. The superintendent or the superintendent's designee 353
also may request criminal history records from other states or 354
the federal government pursuant to the national crime prevention 355
and privacy compact set forth in section 109.571 of the Revised 356
Code. Within thirty days of the date that the superintendent 357
receives a request, subject to division (E) (2) of this section, 358
the superintendent shall send to the board, entity, or person a 359
report of any information that the superintendent determines 360
exists, including information contained in records that have 361
been sealed under section 2953.32 of the Revised Code, and, 362
within thirty days of its receipt, subject to division (E) (2) of 363
this section, shall send the board, entity, or person a report 364
of any information received from the federal bureau of 365
investigation, other than information the dissemination of which 366
is prohibited by federal law. 367

(b) When a board of education or a registered private 368
provider is required to receive information under this section 369
as a prerequisite to employment of an individual pursuant to 370
division (C) of section 3310.58 or section 3319.39 of the 371
Revised Code, it may accept a certified copy of records that 372
were issued by the bureau of criminal identification and 373
investigation and that are presented by an individual applying 374
for employment with the district in lieu of requesting that 375
information itself. In such a case, the board shall accept the 376
certified copy issued by the bureau in order to make a photocopy 377
of it for that individual's employment application documents and 378

shall return the certified copy to the individual. In a case of 379
that nature, a district or provider only shall accept a 380
certified copy of records of that nature within one year after 381
the date of their issuance by the bureau. 382

(c) Notwithstanding division (F) (2) (a) of this section, in 383
the case of a request under section 3319.39, 3319.391, or 384
3327.10 of the Revised Code only for criminal records maintained 385
by the federal bureau of investigation, the superintendent shall 386
not determine whether any information gathered under division 387
(A) of this section exists on the person for whom the request is 388
made. 389

(3) The state board of education or the department of 390
education and workforce may request, with respect to any 391
individual who has applied for employment after October 2, 1989, 392
in any position with the state board or the department of 393
education and workforce, any information that a school district 394
board of education is authorized to request under division (F) 395
(2) of this section, and the superintendent of the bureau shall 396
proceed as if the request has been received from a school 397
district board of education under division (F) (2) of this 398
section. 399

(4) When the superintendent of the bureau receives a 400
request for information under section 3319.291 of the Revised 401
Code, the superintendent shall proceed as if the request has 402
been received from a school district board of education and 403
shall comply with divisions (F) (2) (a) and (c) of this section. 404

(G) In addition to or in conjunction with any request that 405
is required to be made under section 3712.09, 3721.121, or 406
3740.11 of the Revised Code with respect to an individual who 407
has applied for employment in a position that involves providing 408

direct care to an older adult or adult resident, the chief 409
administrator of a home health agency, hospice care program, 410
home licensed under Chapter 3721. of the Revised Code, or adult 411
day-care program operated pursuant to rules adopted under 412
section 3721.04 of the Revised Code may request that the 413
superintendent of the bureau investigate and determine, with 414
respect to any individual who has applied after January 27, 415
1997, for employment in a position that does not involve 416
providing direct care to an older adult or adult resident, 417
whether the bureau has any information gathered under division 418
(A) of this section that pertains to that individual. 419

In addition to or in conjunction with any request that is 420
required to be made under section 173.27 of the Revised Code 421
with respect to an individual who has applied for employment in 422
a position that involves providing ombudsman services to 423
residents of long-term care facilities or recipients of 424
community-based long-term care services, the state long-term 425
care ombudsman, the director of aging, a regional long-term care 426
ombudsman program, or the designee of the ombudsman, director, 427
or program may request that the superintendent investigate and 428
determine, with respect to any individual who has applied for 429
employment in a position that does not involve providing such 430
ombudsman services, whether the bureau has any information 431
gathered under division (A) of this section that pertains to 432
that applicant. 433

In addition to or in conjunction with any request that is 434
required to be made under section 173.38 of the Revised Code 435
with respect to an individual who has applied for employment in 436
a direct-care position, the chief administrator of a provider, 437
as defined in section 173.39 of the Revised Code, may request 438
that the superintendent investigate and determine, with respect 439

to any individual who has applied for employment in a position 440
that is not a direct-care position, whether the bureau has any 441
information gathered under division (A) of this section that 442
pertains to that applicant. 443

In addition to or in conjunction with any request that is 444
required to be made under section 3712.09 of the Revised Code 445
with respect to an individual who has applied for employment in 446
a position that involves providing direct care to a pediatric 447
respite care patient, the chief administrator of a pediatric 448
respite care program may request that the superintendent of the 449
bureau investigate and determine, with respect to any individual 450
who has applied for employment in a position that does not 451
involve providing direct care to a pediatric respite care 452
patient, whether the bureau has any information gathered under 453
division (A) of this section that pertains to that individual. 454

On receipt of a request under this division, the 455
superintendent shall determine whether that information exists 456
and, on request of the individual requesting information, shall 457
also request from the federal bureau of investigation any 458
criminal records it has pertaining to the applicant. The 459
superintendent or the superintendent's designee also may request 460
criminal history records from other states or the federal 461
government pursuant to the national crime prevention and privacy 462
compact set forth in section 109.571 of the Revised Code. Within 463
thirty days of the date a request is received, subject to 464
division (E) (2) of this section, the superintendent shall send 465
to the requester a report of any information determined to 466
exist, including information contained in records that have been 467
sealed under section 2953.32 of the Revised Code, and, within 468
thirty days of its receipt, shall send the requester a report of 469
any information received from the federal bureau of 470

investigation, other than information the dissemination of which 471
is prohibited by federal law. 472

(H) Information obtained by a government entity or person 473
under this section is confidential and shall not be released or 474
disseminated. 475

(I) The superintendent may charge a reasonable fee for 476
providing information or criminal records under division (F) (2) 477
or (G) of this section. 478

~~(J)~~ (J) (1) The superintendent shall develop and prepare 479
instructions and informational brochures, standard petitions, 480
and extreme risk protection order forms, and a court staff 481
handbook on the extreme risk protection order process. The 482
standard petitions and order forms shall be prepared and 483
available for use not later than six months after the effective 484
date of this amendment, for all petitions filed and orders 485
issued under sections 2923.26 to 2923.30 of the Revised Code. 486
The instructions, brochures, forms, and handbook shall be 487
prepared in consultation with interested parties, including 488
representatives of gun violence prevention groups, judges, and 489
law enforcement personnel. Materials shall be based on best 490
practices and shall be made available online to the public. The 491
petitions and petition forms referred to in divisions (J) (1) to 492
(11) of this section mean both petitions for requesting an 493
extreme risk protection order under section 2923.26 of the 494
Revised Code and applications for requesting an ex parte extreme 495
risk protection order under section 2923.27 of the Revised Code. 496

(2) The instructions shall be designed to assist 497
petitioners in completing the petition, and shall include a 498
sample of a standard petition and an extreme risk protection 499
order form. 500

(3) The instructions and standard petition shall include a means for the petitioner to identify, without special knowledge, the firearms the respondent may own, possess, receive, or have in the respondent's custody or control. The instructions shall provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms. 501
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(4) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating an extreme risk protection order under sections 2923.26 to 2923.30 of the Revised Code and provide relevant forms. 510
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(5) The extreme risk protection order form shall include, in a conspicuous location, notice of criminal penalties resulting from a violation of the order, and the following statement: 514
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"You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written application." 518
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(6) The court staff handbook shall allow for a clerk of court to add to the handbook a community resource list. 521
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(7) The superintendent shall distribute a master copy of the petition and order forms, instructions, and informational brochures to every clerk of court and shall distribute a master copy of the petition and order forms to all county courts, municipal courts, and courts of common pleas. 523
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(8) The superintendent shall distribute all documents in an electronic format or formats accessible to all courts and 528
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clerks of court in the state and may additionally distribute the 530
documents in other formats. 531

(9) The superintendent shall determine the significant 532
non-English-speaking or limited English-speaking populations in 533
the state and arrange for translation of the instructions and 534
informational brochures required by this section into the 535
languages spoken by those populations. The translated 536
instructions and informational brochures shall contain a sample 537
of the standard petition and order for protection forms. The 538
superintendent shall distribute a master copy of the translated 539
instructions and informational brochures to every clerk of court 540
not later than one year after the effective date of this 541
amendment. 542

(10) The superintendent shall update the instructions, 543
brochures, standard petitions and extreme risk protection order 544
forms, and court staff handbook as necessary, including when 545
changes in the law make an update necessary. 546

(11) Any assistance or information provided by a clerk of 547
court under division (J) of this section does not constitute the 548
practice of law. 549

(K) In addition to informational brochures and materials 550
made available by the superintendent under division (J) of this 551
section, each clerk of court may create a community resource 552
list of crisis intervention, mental health, substance abuse, 553
interpreter, counseling, and other relevant resources serving 554
the county in which the court is located. 555

(L) As used in this section: 556

(1) "Pediatric respite care program" and "pediatric care 557
patient" have the same meanings as in section 3712.01 of the 558

Revised Code.	559
(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	560 561 562
(3) "Registered private provider" means a nonpublic school or entity registered with the department of education and workforce under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	563 564 565 566 567 568
<u>(4) "Extreme risk protection order" and "ex parte extreme risk protection order" have the same meanings as in section 2923.26 of the Revised Code."</u>	569 570 571
After line 145, insert:	572
"Sec. 2923.125. It is the intent of the general assembly that Ohio concealed handgun license law be compliant with the national instant criminal background check system, that the bureau of alcohol, tobacco, firearms, and explosives is able to determine that Ohio law is compliant with the national instant criminal background check system, and that no person shall be eligible to receive a concealed handgun license permit under section 2923.125 or 2923.1213 of the Revised Code unless the person is eligible lawfully to receive or possess a firearm in the United States.	573 574 575 576 577 578 579 580 581 582
(A) This section applies with respect to the application for and issuance by this state of concealed handgun licenses other than concealed handgun licenses on a temporary emergency basis that are issued under section 2923.1213 of the Revised Code. Upon the request of a person who wishes to obtain a	583 584 585 586 587

concealed handgun license with respect to which this section 588
applies or to renew a concealed handgun license with respect to 589
which this section applies, a sheriff, as provided in division 590
(I) of this section, shall provide to the person free of charge 591
an application form and the web site address at which a 592
printable version of the application form that can be downloaded 593
and the pamphlet described in division (B) of section 109.731 of 594
the Revised Code may be found. A sheriff shall accept a 595
completed application form and the fee, items, materials, and 596
information specified in divisions (B) (1) to (5) of this section 597
at the times and in the manners described in division (I) of 598
this section. 599

(B) An applicant for a concealed handgun license who is a 600
resident of this state shall submit a completed application form 601
and all of the material and information described in divisions 602
(B) (1) to (6) of this section to the sheriff of the county in 603
which the applicant resides or to the sheriff of any county 604
adjacent to the county in which the applicant resides. An 605
applicant for a license who resides in another state shall 606
submit a completed application form and all of the material and 607
information described in divisions (B) (1) to (7) of this section 608
to the sheriff of the county in which the applicant is employed 609
or to the sheriff of any county adjacent to the county in which 610
the applicant is employed: 611

(1) (a) A nonrefundable license fee as described in either 612
of the following: 613

(i) For an applicant who has been a resident of this state 614
for five or more years, a fee of sixty-seven dollars; 615

(ii) For an applicant who has been a resident of this 616
state for less than five years or who is not a resident of this 617

state, but who is employed in this state, a fee of sixty-seven 618
dollars plus the actual cost of having a background check 619
performed by the federal bureau of investigation. 620

(b) No sheriff shall require an applicant to pay for the 621
cost of a background check performed by the bureau of criminal 622
identification and investigation. 623

(c) A sheriff shall waive the payment of the license fee 624
described in division (B) (1) (a) of this section in connection 625
with an initial or renewal application for a license that is 626
submitted by an applicant who is an active or reserve member of 627
the armed forces of the United States or has retired from or was 628
honorably discharged from military service in the active or 629
reserve armed forces of the United States, a retired peace 630
officer, a retired person described in division (B) (1) (b) of 631
section 109.77 of the Revised Code, or a retired federal law 632
enforcement officer who, prior to retirement, was authorized 633
under federal law to carry a firearm in the course of duty, 634
unless the retired peace officer, person, or federal law 635
enforcement officer retired as the result of a mental 636
disability. 637

(d) The sheriff shall deposit all fees paid by an 638
applicant under division (B) (1) (a) of this section into the 639
sheriff's concealed handgun license issuance fund established 640
pursuant to section 311.42 of the Revised Code. The county shall 641
distribute the fees in accordance with section 311.42 of the 642
Revised Code. 643

(2) A color photograph of the applicant that was taken 644
within thirty days prior to the date of the application; 645

(3) One or more of the following competency 646

certifications, each of which shall reflect that, regarding a 647
certification described in division (B) (3) (a), (b), (c), (e), or 648
(f) of this section, within the three years immediately 649
preceding the application the applicant has performed that to 650
which the competency certification relates and that, regarding a 651
certification described in division (B) (3) (d) of this section, 652
the applicant currently is an active or reserve member of the 653
armed forces of the United States, the applicant has retired 654
from or was honorably discharged from military service in the 655
active or reserve armed forces of the United States, or within 656
the ten years immediately preceding the application the 657
retirement of the peace officer, person described in division 658
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 659
enforcement officer to which the competency certification 660
relates occurred: 661

(a) An original or photocopy of a certificate of 662
completion of a firearms safety, training, or requalification or 663
firearms safety instructor course, class, or program that was 664
offered by or under the auspices of a national gun advocacy 665
organization and that complies with the requirements set forth 666
in division (G) of this section; 667

(b) An original or photocopy of a certificate of 668
completion of a firearms safety, training, or requalification or 669
firearms safety instructor course, class, or program that 670
satisfies all of the following criteria: 671

(i) It was open to members of the general public. 672

(ii) It utilized qualified instructors who were certified 673
by a national gun advocacy organization, the executive director 674
of the Ohio peace officer training commission pursuant to 675
section 109.75 or 109.78 of the Revised Code, or a governmental 676

official or entity of another state. 677

(iii) It was offered by or under the auspices of a law 678
enforcement agency of this or another state or the United 679
States, a public or private college, university, or other 680
similar postsecondary educational institution located in this or 681
another state, a firearms training school located in this or 682
another state, or another type of public or private entity or 683
organization located in this or another state. 684

(iv) It complies with the requirements set forth in 685
division (G) of this section. 686

(c) An original or photocopy of a certificate of 687
completion of a state, county, municipal, or department of 688
natural resources peace officer training school that is approved 689
by the executive director of the Ohio peace officer training 690
commission pursuant to section 109.75 of the Revised Code and 691
that complies with the requirements set forth in division (G) of 692
this section, or the applicant has satisfactorily completed and 693
been issued a certificate of completion of a basic firearms 694
training program, a firearms requalification training program, 695
or another basic training program described in section 109.78 or 696
109.801 of the Revised Code that complies with the requirements 697
set forth in division (G) of this section; 698

(d) A document that evidences both of the following: 699

(i) That the applicant is an active or reserve member of 700
the armed forces of the United States, has retired from or was 701
honorably discharged from military service in the active or 702
reserve armed forces of the United States, is a retired trooper 703
of the state highway patrol, or is a retired peace officer or 704
federal law enforcement officer described in division (B)(1) of 705

this section or a retired person described in division (B) (1) (b) 706
of section 109.77 of the Revised Code and division (B) (1) of 707
this section; 708

(ii) That, through participation in the military service 709
or through the former employment described in division (B) (3) (d) 710
(i) of this section, the applicant acquired experience with 711
handling handguns or other firearms, and the experience so 712
acquired was equivalent to training that the applicant could 713
have acquired in a course, class, or program described in 714
division (B) (3) (a), (b), or (c) of this section. 715

(e) A certificate or another similar document that 716
evidences satisfactory completion of a firearms training, 717
safety, or requalification or firearms safety instructor course, 718
class, or program that is not otherwise described in division 719
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 720
by an instructor who was certified by an official or entity of 721
the government of this or another state or the United States or 722
by a national gun advocacy organization, and that complies with 723
the requirements set forth in division (G) of this section; 724

(f) An affidavit that attests to the applicant's 725
satisfactory completion of a course, class, or program described 726
in division (B) (3) (a), (b), (c), or (e) of this section and that 727
is subscribed by the applicant's instructor or an authorized 728
representative of the entity that offered the course, class, or 729
program or under whose auspices the course, class, or program 730
was offered; 731

(g) A document that evidences that the applicant has 732
successfully completed the Ohio peace officer training program 733
described in section 109.79 of the Revised Code. 734

(4) A certification by the applicant that the applicant has read the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code.

(6) If the applicant is not a citizen or national of the United States, the name of the applicant's country of citizenship and the applicant's alien registration number issued by the United States citizenship and immigration services agency.

(7) If the applicant resides in another state, adequate proof of employment in Ohio.

(C) Upon receipt of the completed application form, supporting documentation, and, if not waived, license fee of an applicant under this section, a sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.

(D) (1) Except as provided in division (D) (3) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a concealed handgun license under this section, the supporting documentation, and,

if not waived, the license fee, the sheriff shall make available 764
through the law enforcement automated data system in accordance 765
with division (H) of this section the information described in 766
that division and, upon making the information available through 767
the system, shall issue to the applicant a concealed handgun 768
license that shall expire as described in division (D)(2)(a) of 769
this section if all of the following apply: 770

(a) The applicant is legally living in the United States. 771
For purposes of division (D)(1)(a) of this section, if a person 772
is absent from the United States in compliance with military or 773
naval orders as an active or reserve member of the armed forces 774
of the United States and if prior to leaving the United States 775
the person was legally living in the United States, the person, 776
solely by reason of that absence, shall not be considered to 777
have lost the person's status as living in the United States. 778

(b) The applicant is at least twenty-one years of age. 779

(c) The applicant is not a fugitive from justice. 780

(d) The applicant is not under indictment for or otherwise 781
charged with a felony; an offense under Chapter 2925., 3719., or 782
4729. of the Revised Code that involves the illegal possession, 783
use, sale, administration, or distribution of or trafficking in 784
a drug of abuse; a misdemeanor offense of violence; or a 785
violation of section 2903.14 or 2923.1211 of the Revised Code. 786

(e) Except as otherwise provided in division (D)(4) or (5) 787
of this section, the applicant has not been convicted of or 788
pleaded guilty to a felony or an offense under Chapter 2925., 789
3719., or 4729. of the Revised Code that involves the illegal 790
possession, use, sale, administration, or distribution of or 791
trafficking in a drug of abuse; has not been adjudicated a 792

delinquent child for committing an act that if committed by an 793
adult would be a felony or would be an offense under Chapter 794
2925., 3719., or 4729. of the Revised Code that involves the 795
illegal possession, use, sale, administration, or distribution 796
of or trafficking in a drug of abuse; has not been convicted of, 797
pleaded guilty to, or adjudicated a delinquent child for 798
committing a violation of section 2903.13 of the Revised Code 799
when the victim of the violation is a peace officer, regardless 800
of whether the applicant was sentenced under division (C) (4) of 801
that section; and has not been convicted of, pleaded guilty to, 802
or adjudicated a delinquent child for committing any other 803
offense that is not previously described in this division that 804
is a misdemeanor punishable by imprisonment for a term exceeding 805
one year. 806

(f) Except as otherwise provided in division (D) (4) or (5) 807
of this section, the applicant, within three years of the date 808
of the application, has not been convicted of or pleaded guilty 809
to a misdemeanor offense of violence other than a misdemeanor 810
violation of section 2921.33 of the Revised Code or a violation 811
of section 2903.13 of the Revised Code when the victim of the 812
violation is a peace officer, or a misdemeanor violation of 813
section 2923.1211 of the Revised Code; and has not been 814
adjudicated a delinquent child for committing an act that if 815
committed by an adult would be a misdemeanor offense of violence 816
other than a misdemeanor violation of section 2921.33 of the 817
Revised Code or a violation of section 2903.13 of the Revised 818
Code when the victim of the violation is a peace officer or for 819
committing an act that if committed by an adult would be a 820
misdemeanor violation of section 2923.1211 of the Revised Code. 821

(g) Except as otherwise provided in division (D) (1) (e) of 822
this section, the applicant, within five years of the date of 823

the application, has not been convicted of, pleaded guilty to, 824
or adjudicated a delinquent child for committing two or more 825
violations of section 2903.13 or 2903.14 of the Revised Code. 826

(h) Except as otherwise provided in division (D) (4) or (5) 827
of this section, the applicant, within ten years of the date of 828
the application, has not been convicted of, pleaded guilty to, 829
or adjudicated a delinquent child for committing a violation of 830
section 2921.33 of the Revised Code. 831

(i) The applicant has not been committed to any mental 832
institution, is not under adjudication of mental incompetence, 833
has not been found by a court to be a person with a mental 834
illness subject to court order, and is not an involuntary 835
patient other than one who is a patient only for purposes of 836
observation. As used in this division, "person with a mental 837
illness subject to court order" and "patient" have the same 838
meanings as in section 5122.01 of the Revised Code. 839

(j) The applicant is not currently subject to a civil 840
protection order, a temporary protection order, an extreme risk 841
protection order or ex parte extreme risk protection order 842
issued under sections 2923.26 to 2923.30 of the Revised Code, or 843
a protection order issued by a court of another state. 844

(k) The applicant certifies that the applicant desires a 845
legal means to carry a concealed handgun for defense of the 846
applicant or a member of the applicant's family while engaged in 847
lawful activity. 848

(l) The applicant submits a competency certification of 849
the type described in division (B) (3) of this section and 850
submits a certification of the type described in division (B) (4) 851
of this section regarding the applicant's reading of the 852

pamphlet prepared by the Ohio peace officer training commission	853
pursuant to section 109.731 of the Revised Code.	854
(m) The applicant currently is not subject to a suspension	855
imposed under division (A) (2) of section 2923.128 of the Revised	856
Code of a concealed handgun license that previously was issued	857
to the applicant under this section or section 2923.1213 of the	858
Revised Code or a similar suspension imposed by another state	859
regarding a concealed handgun license issued by that state.	860
(n) If the applicant resides in another state, the	861
applicant is employed in this state.	862
(o) The applicant certifies that the applicant is not an	863
unlawful user of or addicted to any controlled substance as	864
defined in 21 U.S.C. 802.	865
(p) If the applicant is not a United States citizen, the	866
applicant is an alien and has not been admitted to the United	867
States under a nonimmigrant visa, as defined in the "Immigration	868
and Nationality Act," 8 U.S.C. 1101(a) (26).	869
(q) The applicant has not been discharged from the armed	870
forces of the United States under dishonorable conditions.	871
(r) The applicant certifies that the applicant has not	872
renounced the applicant's United States citizenship, if	873
applicable.	874
(s) The applicant has not been convicted of, pleaded	875
guilty to, or adjudicated a delinquent child for committing a	876
violation of section 2919.25 of the Revised Code or a similar	877
violation in another state.	878
(2) (a) A concealed handgun license that a sheriff issues	879
under division (D) (1) of this section shall expire five years	880

after the date of issuance. 881

If a sheriff issues a license under this section, the 882
sheriff shall place on the license a unique combination of 883
letters and numbers identifying the license in accordance with 884
the procedure prescribed by the Ohio peace officer training 885
commission pursuant to section 109.731 of the Revised Code. 886

(b) If a sheriff denies an application under this section 887
because the applicant does not satisfy the criteria described in 888
division (D)(1) of this section, the sheriff shall specify the 889
grounds for the denial in a written notice to the applicant. The 890
applicant may appeal the denial pursuant to section 119.12 of 891
the Revised Code in the county served by the sheriff who denied 892
the application. If the denial was as a result of the criminal 893
records check conducted pursuant to section 311.41 of the 894
Revised Code and if, pursuant to section 2923.127 of the Revised 895
Code, the applicant challenges the criminal records check 896
results using the appropriate challenge and review procedure 897
specified in that section, the time for filing the appeal 898
pursuant to section 119.12 of the Revised Code and this division 899
is tolled during the pendency of the request or the challenge 900
and review. 901

(c) If the court in an appeal under section 119.12 of the 902
Revised Code and division (D)(2)(b) of this section enters a 903
judgment sustaining the sheriff's refusal to grant to the 904
applicant a concealed handgun license, the applicant may file a 905
new application beginning one year after the judgment is 906
entered. If the court enters a judgment in favor of the 907
applicant, that judgment shall not restrict the authority of a 908
sheriff to suspend or revoke the license pursuant to section 909
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 910

the license for any proper cause that may occur after the date 911
the judgment is entered. In the appeal, the court shall have 912
full power to dispose of all costs. 913

(3) If the sheriff with whom an application for a 914
concealed handgun license was filed under this section becomes 915
aware that the applicant has been arrested for or otherwise 916
charged with an offense that would disqualify the applicant from 917
holding the license, the sheriff shall suspend the processing of 918
the application until the disposition of the case arising from 919
the arrest or charge. 920

(4) If an applicant has been convicted of or pleaded 921
guilty to an offense identified in division (D)(1)(e), (f), or 922
(h) of this section or has been adjudicated a delinquent child 923
for committing an act or violation identified in any of those 924
divisions, and if a court has ordered the sealing or expungement 925
of the records of that conviction, guilty plea, or adjudication 926
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 927
2953.35, or section 2953.39 of the Revised Code or the applicant 928
has been relieved under operation of law or legal process from 929
the disability imposed pursuant to section 2923.13 of the 930
Revised Code relative to that conviction, guilty plea, or 931
adjudication, the sheriff with whom the application was 932
submitted shall not consider the conviction, guilty plea, or 933
adjudication in making a determination under division (D)(1) or 934
(F) of this section or, in relation to an application for a 935
concealed handgun license on a temporary emergency basis 936
submitted under section 2923.1213 of the Revised Code, in making 937
a determination under division (B)(2) of that section. 938

(5) If an applicant has been convicted of or pleaded 939
guilty to a minor misdemeanor offense or has been adjudicated a 940

delinquent child for committing an act or violation that is a 941
minor misdemeanor offense, the sheriff with whom the application 942
was submitted shall not consider the conviction, guilty plea, or 943
adjudication in making a determination under division (D) (1) or 944
(F) of this section or, in relation to an application for a 945
concealed handgun license on a temporary basis submitted under 946
section 2923.1213 of the Revised Code, in making a determination 947
under division (B) (2) of that section. 948

(E) If a concealed handgun license issued under this 949
section is lost or is destroyed, the licensee may obtain from 950
the sheriff who issued that license a duplicate license upon the 951
payment of a fee of fifteen dollars and the submission of an 952
affidavit attesting to the loss or destruction of the license. 953
The sheriff, in accordance with the procedures prescribed in 954
section 109.731 of the Revised Code, shall place on the 955
replacement license a combination of identifying numbers 956
different from the combination on the license that is being 957
replaced. 958

(F) (1) (a) Except as provided in division (F) (1) (b) of this 959
section, a licensee who wishes to renew a concealed handgun 960
license issued under this section may do so at any time before 961
the expiration date of the license or at any time after the 962
expiration date of the license by filing with the sheriff of the 963
county in which the applicant resides or with the sheriff of an 964
adjacent county, or in the case of an applicant who resides in 965
another state with the sheriff of the county that issued the 966
applicant's previous concealed handgun license an application 967
for renewal of the license obtained pursuant to division (D) of 968
this section, a certification by the applicant that, subsequent 969
to the issuance of the license, the applicant has reread the 970
pamphlet prepared by the Ohio peace officer training commission 971

pursuant to section 109.731 of the Revised Code that reviews 972
firearms, dispute resolution, and use of deadly force matters, 973
and a nonrefundable license renewal fee in an amount determined 974
pursuant to division (F) (4) of this section unless the fee is 975
waived. 976

(b) A person on active duty in the armed forces of the 977
United States or in service with the peace corps, volunteers in 978
service to America, or the foreign service of the United States 979
is exempt from the license requirements of this section for the 980
period of the person's active duty or service and for six months 981
thereafter, provided the person was a licensee under this 982
section at the time the person commenced the person's active 983
duty or service or had obtained a license while on active duty 984
or service. The spouse or a dependent of any such person on 985
active duty or in service also is exempt from the license 986
requirements of this section for the period of the person's 987
active duty or service and for six months thereafter, provided 988
the spouse or dependent was a licensee under this section at the 989
time the person commenced the active duty or service or had 990
obtained a license while the person was on active duty or 991
service, and provided further that the person's active duty or 992
service resulted in the spouse or dependent relocating outside 993
of this state during the period of the active duty or service. 994
This division does not prevent such a person or the person's 995
spouse or dependent from making an application for the renewal 996
of a concealed handgun license during the period of the person's 997
active duty or service. 998

(2) A sheriff shall accept a completed renewal 999
application, the license renewal fee, and the information 1000
specified in division (F) (1) of this section at the times and in 1001
the manners described in division (I) of this section. Upon 1002

receipt of a completed renewal application, of certification 1003
that the applicant has reread the specified pamphlet prepared by 1004
the Ohio peace officer training commission, and of a license 1005
renewal fee unless the fee is waived, a sheriff, in the manner 1006
specified in section 311.41 of the Revised Code shall conduct or 1007
cause to be conducted the criminal records check and the 1008
incompetency records check described in section 311.41 of the 1009
Revised Code. The sheriff shall renew the license if the sheriff 1010
determines that the applicant continues to satisfy the 1011
requirements described in division (D) (1) of this section, 1012
except that the applicant is not required to meet the 1013
requirements of division (D) (1) (1) of this section. A renewed 1014
license shall expire five years after the date of issuance. A 1015
renewed license is subject to division (E) of this section and 1016
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1017
shall comply with divisions (D) (2) and (3) of this section when 1018
the circumstances described in those divisions apply to a 1019
requested license renewal. If a sheriff denies the renewal of a 1020
concealed handgun license, the applicant may appeal the denial, 1021
or challenge the criminal record check results that were the 1022
basis of the denial if applicable, in the same manner as 1023
specified in division (D) (2) (b) of this section and in section 1024
2923.127 of the Revised Code, regarding the denial of a license 1025
under this section. 1026

(3) A renewal application submitted pursuant to division 1027
(F) of this section shall only require the licensee to list on 1028
the application form information and matters occurring since the 1029
date of the licensee's last application for a license pursuant 1030
to division (B) or (F) of this section. A sheriff conducting the 1031
criminal records check and the incompetency records check 1032
described in section 311.41 of the Revised Code shall conduct 1033

the check only from the date of the licensee's last application 1034
for a license pursuant to division (B) or (F) of this section 1035
through the date of the renewal application submitted pursuant 1036
to division (F) of this section. 1037

(4) An applicant for a renewal concealed handgun license 1038
under this section shall submit to the sheriff of the county in 1039
which the applicant resides or to the sheriff of any county 1040
adjacent to the county in which the applicant resides, or in the 1041
case of an applicant who resides in another state to the sheriff 1042
of the county that issued the applicant's previous concealed 1043
handgun license, a nonrefundable license fee as described in 1044
either of the following: 1045

(a) For an applicant who has been a resident of this state 1046
for five or more years, a fee of fifty dollars; 1047

(b) For an applicant who has been a resident of this state 1048
for less than five years or who is not a resident of this state 1049
but who is employed in this state, a fee of fifty dollars plus 1050
the actual cost of having a background check performed by the 1051
federal bureau of investigation. 1052

(5) The concealed handgun license of a licensee who is no 1053
longer a resident of this state or no longer employed in this 1054
state, as applicable, is valid until the date of expiration on 1055
the license, and the licensee is prohibited from renewing the 1056
concealed handgun license. 1057

(G) (1) Each course, class, or program described in 1058
division (B) (3) (a), (b), (c), or (e) of this section shall 1059
provide to each person who takes the course, class, or program 1060
the web site address at which the pamphlet prepared by the Ohio 1061
peace officer training commission pursuant to section 109.731 of 1062

the Revised Code that reviews firearms, dispute resolution, and 1063
use of deadly force matters may be found. Each such course, 1064
class, or program described in one of those divisions shall 1065
include at least eight hours of training in the safe handling 1066
and use of a firearm that shall include training, provided as 1067
described in division (G) (3) of this section, on all of the 1068
following: 1069

(a) The ability to name, explain, and demonstrate the 1070
rules for safe handling of a handgun and proper storage 1071
practices for handguns and ammunition; 1072

(b) The ability to demonstrate and explain how to handle 1073
ammunition in a safe manner; 1074

(c) The ability to demonstrate the knowledge, skills, and 1075
attitude necessary to shoot a handgun in a safe manner; 1076

(d) Gun handling training; 1077

(e) A minimum of two hours of in-person training that 1078
consists of range time and live-fire training. 1079

(2) To satisfactorily complete the course, class, or 1080
program described in division (B) (3) (a), (b), (c), or (e) of 1081
this section, the applicant shall pass a competency examination 1082
that shall include both of the following: 1083

(a) A written section, provided as described in division 1084
(G) (3) of this section, on the ability to name and explain the 1085
rules for the safe handling of a handgun and proper storage 1086
practices for handguns and ammunition; 1087

(b) An in-person physical demonstration of competence in 1088
the use of a handgun and in the rules for safe handling and 1089
storage of a handgun and a physical demonstration of the 1090

attitude necessary to shoot a handgun in a safe manner. 1091

(3) (a) Except as otherwise provided in this division, the 1092
training specified in division (G) (1) (a) of this section shall 1093
be provided to the person receiving the training in person by an 1094
instructor. If the training specified in division (G) (1) (a) of 1095
this section is provided by a course, class, or program 1096
described in division (B) (3) (a) of this section, or it is 1097
provided by a course, class, or program described in division 1098
(B) (3) (b), (c), or (e) of this section and the instructor is a 1099
qualified instructor certified by a national gun advocacy 1100
organization, the training so specified, other than the training 1101
that requires the person receiving the training to demonstrate 1102
handling abilities, may be provided online or as a combination 1103
of in-person and online training, as long as the online training 1104
includes an interactive component that regularly engages the 1105
person. 1106

(b) Except as otherwise provided in this division, the 1107
written section of the competency examination specified in 1108
division (G) (2) (a) of this section shall be administered to the 1109
person taking the competency examination in person by an 1110
instructor. If the training specified in division (G) (1) (a) of 1111
this section is provided to the person receiving the training by 1112
a course, class, or program described in division (B) (3) (a) of 1113
this section, or it is provided by a course, class, or program 1114
described in division (B) (3) (b), (c), or (e) of this section and 1115
the instructor is a qualified instructor certified by a national 1116
gun advocacy organization, the written section of the competency 1117
examination specified in division (G) (2) (a) of this section may 1118
be administered online, as long as the online training includes 1119
an interactive component that regularly engages the person. 1120

(4) The competency certification described in division (B) 1121
(3) (a), (b), (c), or (e) of this section shall be dated and 1122
shall attest that the course, class, or program the applicant 1123
successfully completed met the requirements described in 1124
division (G) (1) of this section and that the applicant passed 1125
the competency examination described in division (G) (2) of this 1126
section. 1127

(H) Upon deciding to issue a concealed handgun license, 1128
deciding to issue a replacement concealed handgun license, or 1129
deciding to renew a concealed handgun license pursuant to this 1130
section, and before actually issuing or renewing the license, 1131
the sheriff shall make available through the law enforcement 1132
automated data system all information contained on the license. 1133
If the license subsequently is suspended under division (A) (1) 1134
or (2) of section 2923.128 of the Revised Code, revoked pursuant 1135
to division (B) (1) of section 2923.128 of the Revised Code, or 1136
lost or destroyed, the sheriff also shall make available through 1137
the law enforcement automated data system a notation of that 1138
fact. The superintendent of the state highway patrol shall 1139
ensure that the law enforcement automated data system is so 1140
configured as to permit the transmission through the system of 1141
the information specified in this division. 1142

(I) (1) A sheriff shall accept a completed application form 1143
or renewal application, and the fee, items, materials, and 1144
information specified in divisions (B) (1) to (5) or division (F) 1145
of this section, whichever is applicable, and shall provide an 1146
application form or renewal application to any person during at 1147
least fifteen hours a week and shall provide the web site 1148
address at which a printable version of the application form 1149
that can be downloaded and the pamphlet described in division 1150
(B) of section 109.731 of the Revised Code may be found at any 1151

time, upon request. The sheriff shall post notice of the hours 1152
during which the sheriff is available to accept or provide the 1153
information described in this division. 1154

(2) A sheriff shall transmit a notice to the attorney 1155
general, in a manner determined by the attorney general, every 1156
time a license is issued that waived payment under division (B) 1157
(1)(c) of this section for an applicant who is an active or 1158
reserve member of the armed forces of the United States or has 1159
retired from or was honorably discharged from military service 1160
in the active or reserve armed forces of the United States. The 1161
attorney general shall monitor and inform sheriffs issuing 1162
licenses under this section when the amount of license fee 1163
payments waived and transmitted to the attorney general reach 1164
one million five hundred thousand dollars each year. Once a 1165
sheriff is informed that the payments waived reached one million 1166
five hundred thousand dollars in any year, a sheriff shall no 1167
longer waive payment of a license fee for an applicant who is an 1168
active or reserve member of the armed forces of the United 1169
States or has retired from or was honorably discharged from 1170
military service in the active or reserve armed forces of the 1171
United States for the remainder of that year. 1172

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1173
concealed handgun license is arrested for or otherwise charged 1174
with an offense described in division (D) (1) (d) of section 1175
2923.125 of the Revised Code or with a violation of section 1176
2923.15 of the Revised Code or becomes subject to a temporary 1177
protection order or to a protection order issued by a court of 1178
another state that is substantially equivalent to a temporary 1179
protection order, the sheriff who issued the license shall 1180
suspend it and shall comply with division (A) (3) of this section 1181
upon becoming aware of the arrest, charge, or protection order. 1182

Upon suspending the license, the sheriff also shall comply with 1183
division (H) of section 2923.125 of the Revised Code. 1184

(b) A suspension under division (A) (1) (a) of this section 1185
shall be considered as beginning on the date that the licensee 1186
is arrested for or otherwise charged with an offense described 1187
in that division or on the date the appropriate court issued the 1188
protection order described in that division, irrespective of 1189
when the sheriff notifies the licensee under division (A) (3) of 1190
this section. The suspension shall end on the date on which the 1191
charges are dismissed or the licensee is found not guilty of the 1192
offense described in division (A) (1) (a) of this section or, 1193
subject to division (B) of this section, on the date the 1194
appropriate court terminates the protection order described in 1195
that division. If the suspension so ends, the sheriff shall 1196
return the license or temporary emergency license to the 1197
licensee. 1198

(2) (a) If a licensee holding a valid concealed handgun 1199
license is convicted of or pleads guilty to a misdemeanor 1200
violation of division (B) (2) or (4) of section 2923.12 of the 1201
Revised Code or of division (E) (3) or (5) of section 2923.16 of 1202
the Revised Code, subject to division (C) of this section, the 1203
sheriff who issued the license shall suspend it and shall comply 1204
with division (A) (3) of this section upon becoming aware of the 1205
conviction or guilty plea. Upon suspending the license, the 1206
sheriff also shall comply with division (H) of section 2923.125 1207
of the Revised Code. 1208

(b) A suspension under division (A) (2) (a) of this section 1209
shall be considered as beginning on the date that the licensee 1210
is convicted of or pleads guilty to the offense described in 1211
that division, irrespective of when the sheriff notifies the 1212

licensee under division (A) (3) of this section. If the 1213
suspension is imposed for a misdemeanor violation of division 1214
(B) (2) of section 2923.12 of the Revised Code or of division (E) 1215
(3) of section 2923.16 of the Revised Code, it shall end on the 1216
date that is one year after the date that the licensee is 1217
convicted of or pleads guilty to that violation. If the 1218
suspension is imposed for a misdemeanor violation of division 1219
(B) (4) of section 2923.12 of the Revised Code or of division (E) 1220
(5) of section 2923.16 of the Revised Code, it shall end on the 1221
date that is two years after the date that the licensee is 1222
convicted of or pleads guilty to that violation. If the 1223
licensee's license was issued under section 2923.125 of the 1224
Revised Code and the license remains valid after the suspension 1225
ends as described in this division, when the suspension ends, 1226
the sheriff shall return the license to the licensee. If the 1227
licensee's license was issued under section 2923.125 of the 1228
Revised Code and the license expires before the suspension ends 1229
as described in this division, or if the licensee's license was 1230
issued under section 2923.1213 of the Revised Code, the licensee 1231
is not eligible to apply for a new license under section 1232
2923.125 or 2923.1213 of the Revised Code or to renew the 1233
license under section 2923.125 of the Revised Code until after 1234
the suspension ends as described in this division. 1235

(3) Upon becoming aware of an arrest, charge, or 1236
protection order described in division (A) (1) (a) of this section 1237
with respect to a licensee who was issued a concealed handgun 1238
license, or a conviction of or plea of guilty to a misdemeanor 1239
offense described in division (A) (2) (a) of this section with 1240
respect to a licensee who was issued a concealed handgun 1241
license, subject to division (C) of this section, the sheriff 1242
who issued the licensee's license shall notify the licensee, by 1243

certified mail, return receipt requested, at the licensee's last 1244
known residence address that the license has been suspended and 1245
that the licensee is required to surrender the license at the 1246
sheriff's office within ten days of the date on which the notice 1247
was mailed. If the suspension is pursuant to division (A)(2) of 1248
this section, the notice shall identify the date on which the 1249
suspension ends. 1250

(B)(1) A sheriff who issues a concealed handgun license to 1251
a licensee shall revoke the license in accordance with division 1252
(B)(2) of this section upon becoming aware that the licensee 1253
satisfies any of the following: 1254

(a) The licensee is under twenty-one years of age. 1255

(b) Subject to division (C) of this section, at the time 1256
of the issuance of the license, the licensee did not satisfy the 1257
eligibility requirements of division (D)(1)(c), (d), (e), (f), 1258
(g), or (h) of section 2923.125 of the Revised Code. 1259

(c) Subject to division (C) of this section, on or after 1260
the date on which the license was issued, the licensee is 1261
convicted of or pleads guilty to a violation of section 2923.15 1262
of the Revised Code or an offense described in division (D)(1) 1263
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1264

(d) On or after the date on which the license was issued, 1265
the licensee becomes subject to an extreme risk protection order 1266
or ex parte extreme risk protection order issued under sections 1267
2923.26 to 2923.30 of the Revised Code, a civil protection order 1268
or to a protection order issued by a court of another state that 1269
is substantially equivalent to a civil protection order. 1270

(e) The licensee knowingly carries a concealed handgun 1271
into a place that the licensee knows is an unauthorized place 1272

specified in division (B) of section 2923.126 of the Revised	1273
Code.	1274
(f) On or after the date on which the license was issued,	1275
the licensee is under adjudication of mental incompetence or is	1276
committed to a mental institution.	1277
(g) At the time of the issuance of the license, the	1278
licensee did not meet the residency requirements described in	1279
division (D) (1) of section 2923.125 of the Revised Code and	1280
currently does not meet the residency requirements described in	1281
that division.	1282
(h) Regarding a license issued under section 2923.125 of	1283
the Revised Code, the competency certificate the licensee	1284
submitted was forged or otherwise was fraudulent.	1285
(2) Upon becoming aware of any circumstance listed in	1286
division (B) (1) of this section that applies to a particular	1287
licensee who was issued a concealed handgun license, subject to	1288
division (C) of this section, the sheriff who issued the license	1289
to the licensee shall notify the licensee, by certified mail,	1290
return receipt requested, at the licensee's last known residence	1291
address that the license is subject to revocation and that the	1292
licensee may come to the sheriff's office and contest the	1293
sheriff's proposed revocation within fourteen days of the date	1294
on which the notice was mailed. After the fourteen-day period	1295
and after consideration of any information that the licensee	1296
provides during that period, if the sheriff determines on the	1297
basis of the information of which the sheriff is aware that the	1298
licensee is described in division (B) (1) of this section and no	1299
longer satisfies the requirements described in division (D) (1)	1300
of section 2923.125 of the Revised Code that are applicable to	1301
the licensee's type of license, the sheriff shall revoke the	1302

license, notify the licensee of that fact, and require the 1303
licensee to surrender the license. Upon revoking the license, 1304
the sheriff also shall comply with division (H) of section 1305
2923.125 of the Revised Code. 1306

(C) If a sheriff who issues a concealed handgun license to 1307
a licensee becomes aware that at the time of the issuance of the 1308
license the licensee had been convicted of or pleaded guilty to 1309
an offense identified in division (D) (1) (e), (f), or (h) of 1310
section 2923.125 of the Revised Code or had been adjudicated a 1311
delinquent child for committing an act or violation identified 1312
in any of those divisions or becomes aware that on or after the 1313
date on which the license was issued the licensee has been 1314
convicted of or pleaded guilty to an offense identified in 1315
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 1316
shall not consider that conviction, guilty plea, or adjudication 1317
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 1318
(1), and (B) (2) of this section if a court has ordered the 1319
sealing or expungement of the records of that conviction, guilty 1320
plea, or adjudication pursuant to sections 2151.355 to 2151.358, 1321
sections 2953.31 to 2953.35, or section 2953.39 of the Revised 1322
Code or the licensee has been relieved under operation of law or 1323
legal process from the disability imposed pursuant to section 1324
2923.13 of the Revised Code relative to that conviction, guilty 1325
plea, or adjudication. 1326

(D) As used in this section, "motor carrier enforcement 1327
unit" has the same meaning as in section 2923.16 of the Revised 1328
Code. 1329

Sec. 2923.1213. (A) As used in this section: 1330

(1) "Evidence of imminent danger" means any of the 1331
following: 1332

(a) A statement sworn by the person seeking to carry a
concealed handgun that is made under threat of perjury and that
states that the person has reasonable cause to fear a criminal
attack upon the person or a member of the person's family, such
as would justify a prudent person in going armed;

(b) A written document prepared by a governmental entity
or public official describing the facts that give the person
seeking to carry a concealed handgun reasonable cause to fear a
criminal attack upon the person or a member of the person's
family, such as would justify a prudent person in going armed.
Written documents of this nature include, but are not limited
to, any temporary protection order, civil protection order,
protection order issued by another state, or other court order,
any court report, and any report filed with or made by a law
enforcement agency or prosecutor.

(2) "Prosecutor" has the same meaning as in section
2935.01 of the Revised Code.

(B) (1) A person seeking a concealed handgun license on a
temporary emergency basis shall submit to the sheriff of the
county in which the person resides or, if the person usually
resides in another state, to the sheriff of the county in which
the person is temporarily staying, all of the following:

(a) Evidence of imminent danger to the person or a member
of the person's family;

(b) A sworn affidavit that contains all of the information
required to be on the license and attesting that the person is
legally living in the United States; is at least twenty-one
years of age; is not a fugitive from justice; is not under
indictment for or otherwise charged with an offense identified

in division (D) (1) (d) of section 2923.125 of the Revised Code; 1362
has not been convicted of or pleaded guilty to an offense, and 1363
has not been adjudicated a delinquent child for committing an 1364
act, identified in division (D) (1) (e) of that section and to 1365
which division (B) (3) of this section does not apply; within 1366
three years of the date of the submission, has not been 1367
convicted of or pleaded guilty to an offense, and has not been 1368
adjudicated a delinquent child for committing an act, identified 1369
in division (D) (1) (f) of that section and to which division (B) 1370
(3) of this section does not apply; within five years of the 1371
date of the submission, has not been convicted of, pleaded 1372
guilty, or adjudicated a delinquent child for committing two or 1373
more violations identified in division (D) (1) (g) of that 1374
section; within ten years of the date of the submission, has not 1375
been convicted of, pleaded guilty, or adjudicated a delinquent 1376
child for committing a violation identified in division (D) (1) 1377
(h) of that section and to which division (B) (3) of this section 1378
does not apply; has not been committed to any mental 1379
institution, is not under adjudication of mental incompetence, 1380
has not been found by a court to be a person with a mental 1381
illness subject to court order, and is not an involuntary 1382
patient other than one who is a patient only for purposes of 1383
observation, as described in division (D) (1) (i) of that section; 1384
is not currently subject to a civil protection order, a 1385
temporary protection order, an extreme risk protection order or 1386
ex parte extreme risk protection order issued under sections 1387
2923.26 to 2923.30 of the Revised Code, or a protection order 1388
issued by a court of another state, as described in division (D) 1389
(1) (j) of that section; is not currently subject to a suspension 1390
imposed under division (A) (2) of section 2923.128 of the Revised 1391
Code of a concealed handgun license that previously was issued 1392

to the person or a similar suspension imposed by another state 1393
regarding a concealed handgun license issued by that state; is 1394
not an unlawful user of or addicted to any controlled substance 1395
as defined in 21 U.S.C. 802; if applicable, is an alien and has 1396
not been admitted to the United States under a nonimmigrant 1397
visa, as defined in the "Immigration and Nationality Act," 8 1398
U.S.C. 1101(a)(26); has not been discharged from the armed 1399
forces of the United States under dishonorable conditions; if 1400
applicable, has not renounced the applicant's United States 1401
citizenship; and has not been convicted of, pleaded guilty to, 1402
or been adjudicated a delinquent child for committing a 1403
violation identified in division (D)(1)(s) of section 2923.125 1404
of the Revised Code; 1405

(c) A nonrefundable temporary emergency license fee as 1406
described in either of the following: 1407

(i) For an applicant who has been a resident of this state 1408
for five or more years, a fee of fifteen dollars plus the actual 1409
cost of having a background check performed by the bureau of 1410
criminal identification and investigation pursuant to section 1411
311.41 of the Revised Code; 1412

(ii) For an applicant who has been a resident of this 1413
state for less than five years or who is not a resident of this 1414
state, but is temporarily staying in this state, a fee of 1415
fifteen dollars plus the actual cost of having background checks 1416
performed by the federal bureau of investigation and the bureau 1417
of criminal identification and investigation pursuant to section 1418
311.41 of the Revised Code. 1419

(d) A set of fingerprints of the applicant provided as 1420
described in section 311.41 of the Revised Code through use of 1421
an electronic fingerprint reading device or, if the sheriff to 1422

whom the application is submitted does not possess and does not 1423
have ready access to the use of an electronic fingerprint 1424
reading device, on a standard impression sheet prescribed 1425
pursuant to division (C)(2) of section 109.572 of the Revised 1426
Code. If the fingerprints are provided on a standard impression 1427
sheet, the person also shall provide the person's social 1428
security number to the sheriff. 1429

(2) A sheriff shall accept the evidence of imminent 1430
danger, the sworn affidavit, the fee, and the set of 1431
fingerprints required under division (B)(1) of this section at 1432
the times and in the manners described in division (I) of this 1433
section. Upon receipt of the evidence of imminent danger, the 1434
sworn affidavit, the fee, and the set of fingerprints required 1435
under division (B)(1) of this section, the sheriff, in the 1436
manner specified in section 311.41 of the Revised Code, 1437
immediately shall conduct or cause to be conducted the criminal 1438
records check and the incompetency records check described in 1439
section 311.41 of the Revised Code. Immediately upon receipt of 1440
the results of the records checks, the sheriff shall review the 1441
information and shall determine whether the criteria set forth 1442
in divisions (D)(1)(a) to (j) and (m) to (s) of section 2923.125 1443
of the Revised Code apply regarding the person. If the sheriff 1444
determines that all of the criteria set forth in divisions (D) 1445
(1)(a) to (j) and (m) to (s) of section 2923.125 of the Revised 1446
Code apply regarding the person, the sheriff shall immediately 1447
make available through the law enforcement automated data system 1448
all information that will be contained on the temporary 1449
emergency license for the person if one is issued, and the 1450
superintendent of the state highway patrol shall ensure that the 1451
system is so configured as to permit the transmission through 1452
the system of that information. Upon making that information 1453

available through the law enforcement automated data system, the 1454
sheriff shall immediately issue to the person a concealed 1455
handgun license on a temporary emergency basis. 1456

If the sheriff denies the issuance of a license on a 1457
temporary emergency basis to the person, the sheriff shall 1458
specify the grounds for the denial in a written notice to the 1459
person. The person may appeal the denial, or challenge criminal 1460
records check results that were the basis of the denial if 1461
applicable, in the same manners specified in division (D) (2) of 1462
section 2923.125 and in section 2923.127 of the Revised Code, 1463
regarding the denial of an application for a concealed handgun 1464
license under that section. 1465

The license on a temporary emergency basis issued under 1466
this division shall be in the form, and shall include all of the 1467
information, described in divisions (A) (2) (a) and (d) of section 1468
109.731 of the Revised Code, and also shall include a unique 1469
combination of identifying letters and numbers in accordance 1470
with division (A) (2) (c) of that section. 1471

The license on a temporary emergency basis issued under 1472
this division is valid for ninety days and may not be renewed. A 1473
person who has been issued a license on a temporary emergency 1474
basis under this division shall not be issued another license on 1475
a temporary emergency basis unless at least four years has 1476
expired since the issuance of the prior license on a temporary 1477
emergency basis. 1478

(3) If a person seeking a concealed handgun license on a 1479
temporary emergency basis has been convicted of or pleaded 1480
guilty to an offense identified in division (D) (1) (e), (f), or 1481
(h) of section 2923.125 of the Revised Code or has been 1482
adjudicated a delinquent child for committing an act or 1483

violation identified in any of those divisions, and if a court 1484
has ordered the sealing or expungement of the records of that 1485
conviction, guilty plea, or adjudication pursuant to sections 1486
2151.355 to 2151.358, sections 2953.31 to 2953.35, or section 1487
2953.39 of the Revised Code or the applicant has been relieved 1488
under operation of law or legal process from the disability 1489
imposed pursuant to section 2923.13 of the Revised Code relative 1490
to that conviction, guilty plea, or adjudication, the 1491
conviction, guilty plea, or adjudication shall not be relevant 1492
for purposes of the sworn affidavit described in division (B) (1) 1493
(b) of this section, and the person may complete, and swear to 1494
the truth of, the affidavit as if the conviction, guilty plea, 1495
or adjudication never had occurred. 1496

(4) The sheriff shall waive the payment pursuant to 1497
division (B) (1) (c) of this section of the license fee in 1498
connection with an application that is submitted by an applicant 1499
who is a retired peace officer, a retired person described in 1500
division (B) (1) (b) of section 109.77 of the Revised Code, or a 1501
retired federal law enforcement officer who, prior to 1502
retirement, was authorized under federal law to carry a firearm 1503
in the course of duty, unless the retired peace officer, person, 1504
or federal law enforcement officer retired as the result of a 1505
mental disability. 1506

The sheriff shall deposit all fees paid by an applicant 1507
under division (B) (1) (c) of this section into the sheriff's 1508
concealed handgun license issuance fund established pursuant to 1509
section 311.42 of the Revised Code. 1510

(C) A person who holds a concealed handgun license on a 1511
temporary emergency basis has the same right to carry a 1512
concealed handgun as a person who was issued a concealed handgun 1513

license under section 2923.125 of the Revised Code, and any 1514
exceptions to the prohibitions contained in section 1547.69 and 1515
sections 2923.12 to 2923.16 of the Revised Code for a licensee 1516
under section 2923.125 of the Revised Code apply to a licensee 1517
under this section. The person is subject to the same 1518
restrictions, and to all other procedures, duties, and 1519
sanctions, that apply to a person who carries a license issued 1520
under section 2923.125 of the Revised Code, other than the 1521
license renewal procedures set forth in that section. 1522

(D) A sheriff who issues a concealed handgun license on a 1523
temporary emergency basis under this section shall not require a 1524
person seeking to carry a concealed handgun in accordance with 1525
this section to submit a competency certificate as a 1526
prerequisite for issuing the license and shall comply with 1527
division (H) of section 2923.125 of the Revised Code in regards 1528
to the license. The sheriff shall suspend or revoke the license 1529
in accordance with section 2923.128 of the Revised Code. In 1530
addition to the suspension or revocation procedures set forth in 1531
section 2923.128 of the Revised Code, the sheriff may revoke the 1532
license upon receiving information, verifiable by public 1533
documents, that the person is not eligible to possess a firearm 1534
under either the laws of this state or of the United States or 1535
that the person committed perjury in obtaining the license; if 1536
the sheriff revokes a license under this additional authority, 1537
the sheriff shall notify the person, by certified mail, return 1538
receipt requested, at the person's last known residence address 1539
that the license has been revoked and that the person is 1540
required to surrender the license at the sheriff's office within 1541
ten days of the date on which the notice was mailed. Division 1542
(H) of section 2923.125 of the Revised Code applies regarding 1543
any suspension or revocation of a concealed handgun license on a 1544

temporary emergency basis. 1545

(E) A sheriff who issues a concealed handgun license on a 1546
temporary emergency basis under this section shall retain, for 1547
the entire period during which the license is in effect, the 1548
evidence of imminent danger that the person submitted to the 1549
sheriff and that was the basis for the license, or a copy of 1550
that evidence, as appropriate. 1551

(F) If a concealed handgun license on a temporary 1552
emergency basis issued under this section is lost or is 1553
destroyed, the licensee may obtain from the sheriff who issued 1554
that license a duplicate license upon the payment of a fee of 1555
fifteen dollars and the submission of an affidavit attesting to 1556
the loss or destruction of the license. The sheriff, in 1557
accordance with the procedures prescribed in section 109.731 of 1558
the Revised Code, shall place on the replacement license a 1559
combination of identifying numbers different from the 1560
combination on the license that is being replaced. 1561

(G) The attorney general shall prescribe, and shall make 1562
available to sheriffs, a standard form to be used under division 1563
(B) of this section by a person who applies for a concealed 1564
handgun license on a temporary emergency basis on the basis of 1565
imminent danger of a type described in division (A) (1) (a) of 1566
this section. The attorney general shall design the form to 1567
enable applicants to provide the information that is required by 1568
law to be collected, and shall update the form as necessary. 1569
Burdens or restrictions to obtaining a concealed handgun license 1570
that are not expressly prescribed in law shall not be 1571
incorporated into the form. The attorney general shall post a 1572
printable version of the form on the web site of the attorney 1573
general and shall provide the address of the web site to any 1574

person who requests the form. 1575

(H) A sheriff who receives any fees paid by a person under 1576
this section shall deposit all fees so paid into the sheriff's 1577
concealed handgun license issuance expense fund established 1578
under section 311.42 of the Revised Code. 1579

(I) A sheriff shall accept evidence of imminent danger, a 1580
sworn affidavit, the fee, and the set of fingerprints specified 1581
in division (B)(1) of this section at any time during normal 1582
business hours. In no case shall a sheriff require an 1583
appointment, or designate a specific period of time, for the 1584
submission or acceptance of evidence of imminent danger, a sworn 1585
affidavit, the fee, and the set of fingerprints specified in 1586
division (B)(1) of this section, or for the provision to any 1587
person of a standard form to be used for a person to apply for a 1588
concealed handgun license on a temporary emergency basis. 1589

Sec. 2923.13. (A) Unless relieved from disability under 1590
operation of law or legal process, no person shall knowingly 1591
acquire, have, carry, or use any firearm or dangerous ordnance, 1592
if any of the following apply: 1593

(1) The person is a fugitive from justice. 1594

(2) The person is under indictment for or has been 1595
convicted of any felony offense of violence or has been 1596
adjudicated a delinquent child for the commission of an offense 1597
that, if committed by an adult, would have been a felony offense 1598
of violence. 1599

(3) The person is under indictment for or has been 1600
convicted of any felony offense involving the illegal 1601
possession, use, sale, administration, distribution, or 1602
trafficking in any drug of abuse or has been adjudicated a 1603

delinquent child for the commission of an offense that, if 1604
committed by an adult, would have been a felony offense 1605
involving the illegal possession, use, sale, administration, 1606
distribution, or trafficking in any drug of abuse. 1607

(4) The person has a drug dependency, is in danger of drug 1608
dependence, or has chronic alcoholism. 1609

(5) The person is under adjudication of mental 1610
incompetence, has been committed to a mental institution, has 1611
been found by a court to be a person with a mental illness 1612
subject to court order, or is an involuntary patient other than 1613
one who is a patient only for purposes of observation. ~~As used~~ 1614
~~in this division, "person with a mental illness subject to court~~ 1615
~~order" and "patient" have the same meanings as in section~~ 1616
~~5122.01 of the Revised Code.~~ 1617

(6) The person has been found guilty of having a firearm 1618
while under extreme risk protection order disability, and is 1619
prohibited from acquiring, having, carrying, or using a firearm 1620
under section 2923.99 of the Revised Code. 1621

(B) Whoever violates this section is guilty of having 1622
weapons while under disability, a felony of the third degree. 1623

(C) For the purposes of this section, ~~"under:~~ 1624

(1) "Under operation of law or legal process" shall not 1625
itself include mere completion, termination, or expiration of a 1626
sentence imposed as a result of a criminal conviction. 1627

(2) "Mentally ill person subject to court order" and 1628
"patient" have the same meanings as in section 5122.01 of the 1629
Revised Code. 1630

Sec. 2923.26. (A) As used in this section and sections 1631

<u>2923.27 to 2923.30 of the Revised Code:</u>	1632
<u>(1) "Extreme risk protection order" means a final order</u>	1633
<u>granted under section 2923.26 of the Revised Code.</u>	1634
<u>(2) "Ex parte extreme risk protection order" means an ex</u>	1635
<u>parte order granted under section 2923.27 of the Revised Code.</u>	1636
<u>(3) "Family or household member" means, with respect to a</u>	1637
<u>respondent, any of the following:</u>	1638
<u>(a) A person related by blood, marriage, or adoption to</u>	1639
<u>the respondent;</u>	1640
<u>(b) A person in a dating relationship with the respondent;</u>	1641
<u>(c) A person who has a child in common with the</u>	1642
<u>respondent, regardless of whether the person has been married to</u>	1643
<u>the respondent or has lived together with the respondent at any</u>	1644
<u>time;</u>	1645
<u>(d) A person who resides with the respondent or who has</u>	1646
<u>resided with the respondent within the past year;</u>	1647
<u>(e) A person who has a biological or legal parent-child</u>	1648
<u>relationship with the respondent, including a stepparent,</u>	1649
<u>stepchild, grandparent, and grandchild of the respondent;</u>	1650
<u>(f) A person who is acting or has acted as the</u>	1651
<u>respondent's legal guardian.</u>	1652
<u>(4) "Petitioner" means the person who petitions for an</u>	1653
<u>extreme risk protection order under this section.</u>	1654
<u>(5) "Respondent" means the person who is identified as the</u>	1655
<u>subject of a petition for an extreme risk protection order under</u>	1656
<u>this section.</u>	1657

(6) "Law enforcement officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, municipal police officer, or state highway patrol trooper. 1658
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(7) "Law enforcement agency" means a municipal or township police department, a county sheriff's office, or the state highway patrol. 1662
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(B) (1) Any of the following persons may seek relief under sections 2923.26 to 2923.30 of the Revised Code by filing a petition for an extreme risk protection order in the court of common pleas in the county where the petitioner resides or in the county where the respondent resides: 1665
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(a) A family or household member of the respondent; 1670

(b) A law enforcement officer or law enforcement agency. 1671

(2) If a petitioner files a petition for an extreme risk protection order, in addition to the petition, the petitioner may file an application for an ex parte extreme risk protection order under section 2923.27 of the Revised Code. An application for an ex parte extreme risk protection order may be filed as specified in that section in the court of common pleas in which the petition is filed or in a county court or municipal court. If a petitioner who files a petition for an extreme risk protection order also files an application for an ex parte extreme risk protection order, except as expressly specified to the contrary, the provisions of this section apply with respect to the petition that is related to the application. 1672
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(C) A petition for an extreme risk protection order shall include all of the following: 1684
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(1) An allegation that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, or receiving a firearm, accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent; 1686
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(2) An inventory list including the number, types, and locations of every firearm the petitioner believes to be in the respondent's ownership, possession, custody, or control; 1693
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(3) A list of any protection order issued under section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code to which the respondent is subject and of which the petitioner is aware; 1696
1697
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(4) A list of any pending lawsuit, complaint, petition, or other legal action between the parties. 1700
1701

(D) The court shall verify the terms of any existing order governing the parties but shall not delay granting relief under this section or section 2923.27 of the Revised Code because an action is pending between the parties. A petition for an extreme risk protection order may be granted whether or not an action between the parties is pending. 1702
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(E) If the petitioner for an extreme risk protection order is a law enforcement officer or agency, the petitioner shall make a good faith effort to provide notice to a family or household member or third party who may be at risk of violence. The notice shall state that the petitioner intends to petition the court for an extreme risk protection order or that the petitioner has already done so, and include referrals to 1708
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appropriate resources, including mental health, domestic 1715
violence, and counseling resources. The petitioner shall attest 1716
in the petition to having provided this notice, or attest to the 1717
steps that will be taken to provide the notice. 1718

(F) If the petition for an extreme risk protection order 1719
states that disclosure of the petitioner's address would risk 1720
harm to the petitioner or any member of the petitioner's family 1721
or household, the petitioner's address may be omitted from all 1722
documents filed with the court. If the petitioner has not 1723
disclosed an address under this division, the petitioner shall 1724
designate an alternate address at which the respondent may serve 1725
notice of any motions. If the petitioner is a law enforcement 1726
officer or agency, the address of record shall be the address of 1727
the law enforcement agency. 1728

(G) The court shall not charge a fee to a petitioner for 1729
filing a petition under this section or for filing an 1730
application for an ex parte extreme risk protection order under 1731
section 2923.27 of the Revised Code, and shall not charge the 1732
petitioner for service of process of the petition. The court 1733
shall provide the necessary certified copies and forms and shall 1734
provide materials explaining the process of filing a petition 1735
for an extreme risk protection order to persons free of charge. 1736

(H) No petitioner for an extreme risk protection order 1737
shall be required to post a bond to obtain relief under this 1738
section or sections 2923.27 to 2923.30 of the Revised Code. 1739

(I) (1) Upon receiving a petition for an extreme risk 1740
protection order, the court shall do all of the following, 1741
subject to division (I) (2) of this section: 1742

(a) Order a hearing to be held not later than fourteen 1743

days after the date the petition is filed; 1744

(b) Issue a notice of the date, time, and location of the hearing to the respondent named in the petition; 1745
1746

(c) Cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to a local law enforcement agency for service on the respondent. 1747
1748
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(2) If a petitioner who files a petition for an extreme risk protection order also files an application for an ex parte extreme risk protection order under section 2923.27 of the Revised Code with respect to the same respondent, the court shall order the hearing specified in division (I)(1)(a) of this section, but except as provided in division (E)(4) of section 2923.27 of the Revised Code, the court shall not issue the notice under division (I)(1)(b) of this section, cause the copy of the notice and petition to be served under division (I)(1)(c) of this section, or conduct the hearing. 1750
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(J) The court may do either of the following with respect to a petition for an extreme risk protection order: 1760
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(1) Subject to division (K) of this section, schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or, in exceptional circumstances, to protect a petitioner from potential harm; 1762
1763
1764
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(2) Issue an ex parte extreme risk protection order under section 2923.27 of the Revised Code, if an application for such an order is made under that section. 1766
1767
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(K) The court shall require assurances of the petitioner's identity before conducting a telephonic hearing under division (J)(1) of this section. 1769
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(L) Except as otherwise provided in this division, the local law enforcement agency shall personally serve the petition and notice of the hearing on the respondent not less than five judicial days prior to the hearing. If the petitioner who filed the petition for an extreme risk protection order also filed an application for an ex parte extreme risk protection order under section 2923.27 of the Revised Code with respect to the same respondent, the agency shall serve the notice and petition as specified in division (E) (3) or (4) of section 2923.27 of the Revised Code. Service issued under this section shall take precedence over other service of other documents, unless those documents are also of an emergency nature. If the local law enforcement agency cannot serve process under this section within the time period specified, the court shall set a new hearing date and either require the local law enforcement agency to attempt personal service again or shall permit service by publication or mail as provided in division (H) of section 2923.28 of the Revised Code. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail after two attempts unless the petitioner requests additional time to attempt personal service. If the court issues an order that permits service by publication or mail, the court shall set the hearing date not later than twenty-four days after the date the order is issued.

(M) (1) Upon hearing a petition for an extreme risk protection order, subject to division (M) (2) of this section, if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing personal injury to self or others by having custody or control of a firearm or the ability to purchase, possess, or receive a firearm, the court shall issue an extreme risk protection order for a period

of one hundred eighty days. 1803

(2) Division (M)(1) of this section does not apply to a 1804
determination of whether an ex parte extreme risk protection 1805
order should be issued under section 2923.27 of the Revised 1806
Code. Divisions (B) and (C) of that section govern the 1807
determination of whether such an order should be issued. If a 1808
court issues an ex parte extreme risk protection order under 1809
that section, division (M)(1) of this section applies in 1810
determining whether to issue a final extreme risk protection 1811
order after a hearing held on the related petition for an order. 1812
If a court denies an application for an ex parte extreme risk 1813
protection order under that section, division (M)(1) of this 1814
section applies in determining whether to issue an extreme risk 1815
protection order after a hearing held on the related petition 1816
for an order. 1817

(N) In determining whether grounds for an extreme risk 1818
protection order exist under division (M)(1) of this section or 1819
whether grounds for an ex parte extreme risk protection order 1820
exist under divisions (B) and (C) of section 2923.27 of the 1821
Revised Code, the court may do any of the following: 1822

(1) Consider any relevant evidence including any of the 1823
following: 1824

(a) A recent act or threat of violence by the respondent 1825
against the respondent or against another, whether or not the 1826
violence or threat involves a firearm; 1827

(b) A pattern of acts or threats of violence by the 1828
respondent within the past twelve months, including acts or 1829
threats of violence by the respondent against the respondent or 1830
against others; 1831

<u>(c) Any dangerous mental health issues of the respondent;</u>	1832
<u>(d) A violation by the respondent of any of the following:</u>	1833
<u>(i) A protection order issued or consent agreement</u>	1834
<u>approved pursuant to section 2919.26 or 3113.31 of the Revised</u>	1835
<u>Code;</u>	1836
<u>(ii) A protection order issued pursuant to section</u>	1837
<u>2151.34, 2903.213, or 2903.214 of the Revised Code;</u>	1838
<u>(iii) A protection order issued by a court of another</u>	1839
<u>state.</u>	1840
<u>(e) A previous or existing extreme risk protection order</u>	1841
<u>issued against the respondent;</u>	1842
<u>(f) A violation of a previous or existing extreme risk</u>	1843
<u>protection order issued against the respondent;</u>	1844
<u>(g) A conviction of the respondent for a violation of</u>	1845
<u>section 2919.25 of the Revised Code;</u>	1846
<u>(h) The respondent's ownership, access to, or intent to</u>	1847
<u>possess firearms;</u>	1848
<u>(i) The unlawful or reckless use, display, or brandishing</u>	1849
<u>of a firearm by the respondent;</u>	1850
<u>(j) The history of use, attempted use, or threatened use</u>	1851
<u>of physical force by the respondent against another person, or</u>	1852
<u>the respondent's history of stalking another person;</u>	1853
<u>(k) Any prior arrest of the respondent for a felony</u>	1854
<u>offense or violent crime;</u>	1855
<u>(l) Corroborated evidence of the abuse of controlled</u>	1856
<u>substances or alcohol by the respondent;</u>	1857

(m) Evidence of recent acquisition of firearms by the respondent. 1858
1859

(2) Examine under oath the petitioner, the respondent, and any witness called by the petitioner or respondent; 1860
1861

(3) Ensure that a reasonable search has been conducted for criminal history records related to the respondent. 1862
1863

(O) During a hearing for an extreme risk protection order, the court shall consider whether a mental health evaluation or chemical dependency evaluation is appropriate and may order such an evaluation if appropriate. 1864
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(P) An extreme risk protection order issued under this section shall include all of the following: 1868
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(1) A statement of the grounds supporting the order; 1870

(2) The date and time that the order was issued; 1871

(3) The date and time the order expires; 1872

(4) Whether a mental health evaluation or chemical dependency evaluation of the respondent is required; 1873
1874

(5) The address of the court in which any responsive pleading should be filed; 1875
1876

(6) A description of the requirements for relinquishment of firearms under section 2923.30 of the Revised Code; 1877
1878

(7) The following statement: 1879

"To the subject of the protection order: 1880

This order will last until the date and time noted above. 1881
If you have not done so already, you must surrender to the 1882
(insert name of local law enforcement agency) all firearms in 1883

your custody, control, or possession and any license to carry a 1884
concealed handgun issued to you under section 2923.125 or 1885
2923.1213 of the Revised Code. You may not have in your custody 1886
or control, purchase, possess, receive, or attempt to purchase 1887
or receive, a firearm while this order is in effect. You have 1888
the right to request one hearing to terminate this order every 1889
one-hundred-eighty-day period that this order is in effect, 1890
starting from the date of this order and continuing through any 1891
renewals. You may seek the advice of an attorney as to any 1892
matter connected with this order." 1893

(Q) When the court issues an extreme risk protection order 1894
under this section, the court shall inform the respondent that 1895
the respondent is entitled to request termination of the order 1896
in the manner prescribed in section 2923.29 of the Revised Code. 1897

(R) If the court declines to issue an extreme risk 1898
protection order under this section, the court shall state the 1899
particular reasons for denial in the court's order. 1900

(S) Sections 2923.26 to 2923.30 of the Revised Code do not 1901
affect the ability of a law enforcement officer to remove a 1902
firearm or concealed handgun license from any person or conduct 1903
any search and seizure for firearms pursuant to any other lawful 1904
authority. 1905

Sec. 2923.27. (A) A petitioner who files a petition for an 1906
extreme risk protection order under section 2923.26 of the 1907
Revised Code may request that an ex parte extreme risk 1908
protection order be issued before a hearing for an extreme risk 1909
protection order under that section, without notice to the 1910
respondent, by filing an application for an ex parte extreme 1911
risk protection order in a court of common pleas, county court, 1912
or municipal court. An application for an ex parte order shall 1913

include detailed allegations based on personal knowledge that 1914
the respondent poses a significant danger of causing personal 1915
injury to self or others in the near future by having custody or 1916
control of a firearm or the ability to purchase, possess, or 1917
receive a firearm. The application shall be filed in addition to 1918
the petition for the extreme risk protection order. 1919

(B) In considering whether to issue an ex parte extreme 1920
risk protection order under this section, the court that 1921
receives the application shall consider all relevant evidence, 1922
including the evidence described in division (N)(1) of section 1923
2923.26 of the Revised Code. 1924

(C) If a court finds there is reasonable cause to believe 1925
that the respondent poses a significant danger of causing 1926
personal injury to self or others in the near future by having 1927
custody or control of a firearm or the ability to purchase, 1928
possess, or receive a firearm, the court shall issue an ex parte 1929
extreme risk protection order. 1930

(D) The court shall hold an ex parte extreme risk 1931
protection order hearing in person or by telephone on the day 1932
the petition is filed or on the judicial day immediately 1933
following the day the petition is filed. 1934

(E) (1) If a court of common pleas issues an ex parte 1935
extreme risk protection order, the court shall schedule a 1936
hearing to be held within three days of the issuance of the 1937
order to determine if an extreme risk protection order should be 1938
issued and shall hold the hearing on the date, and at the time 1939
and place, scheduled. 1940

(2) If a county court or municipal court issues an ex 1941
parte extreme risk protection order, the court shall transfer 1942

the case to the court of common pleas and that court shall 1943
schedule a hearing to be held within three days of the issuance 1944
of the order to determine if an extreme risk protection order 1945
should be issued, and shall hold the hearing on the date, and at 1946
the time and place, scheduled. 1947

(3) If a court of common pleas, county court, or municipal 1948
court issues an ex parte extreme risk protection order, the 1949
hearing scheduled under division (I) (1) (a) of section 2923.26 of 1950
the Revised Code shall not be conducted. Instead, the 1951
appropriate court shall conduct the hearing scheduled under 1952
division (E) (1) or (2) of this section to determine if an 1953
extreme risk protection order should be issued. The court shall 1954
issue a notice of the date, time, and location of the hearing to 1955
the respondent and shall cause a copy of the notice of the 1956
hearing and petition to be forwarded on or before the next 1957
judicial day to a local law enforcement agency for service on 1958
the respondent. The local law enforcement agency shall 1959
personally serve the notice of the hearing and petition on the 1960
day that it is received and shall serve the ex parte order 1961
concurrently with the notice. 1962

(4) If a petitioner files an application requesting that 1963
an ex parte extreme risk protection order be issued and the 1964
court denies the application, the court in which the petition 1965
was filed under section 2923.26 of the Revised Code shall 1966
conduct the hearing scheduled under division (I) (1) (a) of that 1967
section to determine if an extreme risk protection order should 1968
be issued. The court shall issue the notice under division (I) 1969
(1) (b) of that section and cause the copy of the notice and 1970
petition to be served under division (I) (1) (c) of that section. 1971
The local law enforcement agency that is served with the copy of 1972
the notice and petition shall personally serve the petition and 1973

<u>notice of the hearing on the respondent not less than five</u>	1974
<u>judicial days prior to the hearing.</u>	1975
<u>(F) An ex parte extreme risk protection order issued under</u>	1976
<u>this section shall include all of the following:</u>	1977
<u>(1) A statement of the grounds asserted for the order;</u>	1978
<u>(2) The date and time the order was issued;</u>	1979
<u>(3) The date and time the order expires;</u>	1980
<u>(4) The address of the court in which any responsive</u>	1981
<u>pleading should be filed;</u>	1982
<u>(5) The date, time, and location of the hearing scheduled</u>	1983
<u>under division (E) (1) or (2) of this section;</u>	1984
<u>(6) A description of the requirements for surrender of</u>	1985
<u>firearms under section 2923.30 of the Revised Code;</u>	1986
<u>(7) The following statement:</u>	1987
<u>"To the subject of this protection order:</u>	1988
<u>This order is valid until the date and time noted above.</u>	1989
<u>You are required to surrender all firearms in your custody,</u>	1990
<u>control, or possession. You may not have in your custody or</u>	1991
<u>control, purchase, possess, receive, or attempt to purchase or</u>	1992
<u>receive, a firearm while this order is in effect. You must</u>	1993
<u>immediately surrender to the (insert name of local law</u>	1994
<u>enforcement agency) all firearms in your custody, control, or</u>	1995
<u>possession and any license to carry a concealed handgun issued</u>	1996
<u>to you under section 2923.125 or 2923.1213 of the Revised Code</u>	1997
<u>immediately. A hearing will be held on the date and at the time</u>	1998
<u>and location noted above to determine if an extreme risk</u>	1999
<u>protection order should be issued. Failure to appear at that</u>	2000

hearing may result in a court making an order against you that is valid for one hundred eighty days. You may seek the advice of an attorney as to any matter connected with this order." 2001
2002
2003

(G) Any ex parte extreme risk protection order issued under this section expires upon the hearing on the petition for the extreme risk protection order. 2004
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(H) If the court of common pleas, county court, or municipal court declines to issue an ex parte extreme risk protection order, the court shall state the particular reasons for the denial. 2007
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Sec. 2923.28. (A) An extreme risk protection order issued under section 2923.26 of the Revised Code shall be personally served upon the respondent, except as otherwise provided in sections 2923.26 to 2923.30 of the Revised Code. 2011
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(B) The law enforcement agency with jurisdiction over the area in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. 2015
2016
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(C) If service by the local law enforcement agency is to be used, the clerk of court shall cause a copy of the order issued under section 2923.26 of the Revised Code to be forwarded on or before the next judicial day to the local law enforcement agency specified in the order for service upon the respondent. 2019
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(D) If the law enforcement agency is unable to complete service on the respondent within ten days, the law enforcement agency shall notify the petitioner. The petitioner shall provide any information necessary to allow the law enforcement agency to complete service on the respondent. 2024
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(E) If an order entered by the court specifies that the respondent appeared in person before the court, further service is waived and proof of service is not necessary. 2029
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(F) If the court previously entered an order allowing service of the notice and petition or an ex parte extreme risk protection order by publication or mail under division (H) of this section, or if the court finds there are now grounds to allow for that method of service, the court may permit service by publication or mail of the extreme risk protection order as provided in that division. 2032
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(G) Return of service under sections 2923.26 to 2923.30 of the Revised Code shall be made in accordance with applicable rules of court. 2039
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(H) The court may order service by publication or service by mail as provided by the Rules of Civil Procedure except that any summons shall contain the name of the respondent and petitioner, the date and time of the hearing, and any ex parte extreme risk protection order that has been issued against the respondent, and the following notice: 2042
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"If you fail to respond, an extreme risk protection order may be issued against you pursuant to sections 2923.26 to 2923.30 of the Revised Code for one hundred eighty days from the date you are required to appear." 2048
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(I) If the court orders service by publication or mail for notice of an extreme risk protection order hearing, it shall also reissue the ex parte extreme risk protection order, if issued, to expire on the date of the extreme risk protection order hearing. 2052
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(J) Following completion of service by publication or by 2057

mail for notice of an extreme risk protection order hearing, if 2058
the respondent fails to appear at the hearing, the court may 2059
issue an extreme risk protection order as provided in section 2060
2923.26 of the Revised Code. 2061

(K) The clerk of the court shall enter any extreme risk 2062
protection order or ex parte extreme risk protection order 2063
issued under sections 2923.26 to 2923.30 of the Revised Code 2064
into a statewide judicial information system on the same day 2065
such order is issued. 2066

(L) The clerk of the court shall forward a copy of an 2067
order issued under sections 2923.26 to 2923.30 of the Revised 2068
Code the same day the order is issued to the appropriate law 2069
enforcement agency specified in the order. Upon receipt of the 2070
copy of the order, the law enforcement agency shall enter the 2071
order into the national instant criminal background check 2072
system, any other federal or state computer-based systems used 2073
by law enforcement or others to identify prohibited purchasers 2074
of firearms, and any computer-based criminal intelligence 2075
information system available in this state used by law 2076
enforcement agencies to list outstanding warrants. The order 2077
shall remain in each system for the period stated in the order, 2078
and the law enforcement agency shall only remove orders from the 2079
systems that have expired or terminated. Entry into the 2080
computer-based criminal intelligence information system 2081
constitutes notice to all law enforcement agencies of the 2082
existence of the order. The order is fully enforceable in any 2083
county in the state. 2084

(M) (1) The issuing court shall, within three judicial days 2085
after issuance of an extreme risk protection order or ex parte 2086
extreme risk protection order, forward a copy of the 2087

respondent's driver's license or state identification card, or 2088
comparable information, along with the date of the order's 2089
issuance, to the sheriff that has issued a concealed handgun 2090
license to the respondent. Upon receipt of the information, the 2091
sheriff shall immediately revoke the respondent's license in 2092
accordance with division (B) of section 2923.128 of the Revised 2093
Code. 2094

(2) The court, if necessary, may apply for access to the 2095
law enforcement automated data system to identify a sheriff that 2096
has issued a concealed handgun license to a respondent. For 2097
purposes of this inquiry, the court is a criminal justice 2098
agency. 2099

(N) If an extreme risk protection order is terminated 2100
before its expiration date, the clerk of the court shall forward 2101
the same day a copy of the termination order to the appropriate 2102
law enforcement agency specified in the termination order. Upon 2103
receipt of the order, the law enforcement agency shall promptly 2104
remove the order from any computer-based system in which it was 2105
entered pursuant to division (L) of this section. 2106

Sec. 2923.29. (A) The respondent may submit one written 2107
request for a hearing to terminate an extreme risk protection 2108
order issued under sections 2923.26 to 2923.30 of the Revised 2109
Code every one-hundred-eighty-day period that the order is in 2110
effect, starting from the date of the order and continuing 2111
through any renewals. 2112

(1) Upon receipt of the request for a hearing to terminate 2113
an extreme risk protection order, the court shall set a date for 2114
a hearing. Notice of the request shall be served on the 2115
petitioner in accordance with the Rules of Civil Procedure. The 2116
hearing shall occur not sooner than fourteen days and not later 2117

than thirty days after the date the petitioner is served with 2118
the request. 2119

(2) The respondent shall have the burden of proving by a 2120
preponderance of the evidence that the respondent does not pose 2121
a significant danger of causing personal injury to self or 2122
others by having custody or control of a firearm or the ability 2123
to purchase, possess, or receive a firearm. The court may 2124
consider any relevant evidence, including evidence of the 2125
considerations listed in division (N)(1) of section 2923.26 of 2126
the Revised Code. 2127

(3) If the court finds after the hearing that the 2128
respondent has met the respondent's burden, the court shall 2129
terminate the order. 2130

(B) The court shall notify the petitioner of the impending 2131
expiration of an extreme risk protection order. Notice shall be 2132
received by the petitioner sixty calendar days before the date 2133
the order expires. 2134

(C) A family or household member of a respondent or a law 2135
enforcement officer or agency may by motion request a renewal of 2136
an extreme risk protection not sooner than sixty calendar days 2137
before the expiration of the order. 2138

(D) Upon receipt of a motion to renew, the court shall 2139
order that a hearing be held not later than fourteen days from 2140
the date of the request for renewal. The court may schedule a 2141
hearing by telephone in the manner prescribed by division (J)(1) 2142
of section 2923.26 of the Revised Code. The respondent shall be 2143
personally served in the same manner prescribed by divisions (I) 2144
(3) and (L) of section 2923.26 of the Revised Code. 2145

(E) In determining whether to renew an extreme risk 2146

protection order under this section, the court shall consider 2147
all relevant evidence presented by the petitioner and follow the 2148
same procedure as provided in section 2923.26 of the Revised 2149
Code. 2150

If the court finds by a preponderance of the evidence that 2151
the requirements for issuance of an extreme risk protection 2152
order as provided in section 2923.26 of the Revised Code 2153
continue to be met, the court shall renew the order. However, 2154
if, after notice, the motion for renewal is uncontested and the 2155
petitioner seeks no modification of the order, the order may be 2156
renewed on the basis of the petitioner's motion or affidavit 2157
stating that there has been no material change in relevant 2158
circumstances since entry of the order and stating the reason 2159
for the requested renewal. 2160

(F) The renewal of an extreme risk protection order has a 2161
duration of one hundred eighty days, subject to termination as 2162
provided in division (A) of this section or further renewal by 2163
order of the court. 2164

Sec. 2923.30. (A) Upon issuance of any extreme risk 2165
protection order or ex parte extreme risk protection order under 2166
sections 2923.26 to 2923.30 of the Revised Code, the court shall 2167
order the respondent to surrender to the local law enforcement 2168
agency all firearms in the respondent's custody, control, or 2169
possession and any license to carry a concealed handgun issued 2170
to the respondent under section 2923.125 or 2923.1213 of the 2171
Revised Code. 2172

(B) The law enforcement officer serving any extreme risk 2173
protection order or ex parte extreme risk protection order 2174
issued under sections 2923.26 to 2923.30 of the Revised Code 2175
shall request that the respondent immediately surrender all 2176

firearms in the respondent's custody, control, or possession and 2177
any license to carry a concealed handgun issued to the 2178
respondent under section 2923.125 or 2923.1213 of the Revised 2179
Code, and conduct any search permitted by law for such firearms. 2180

(C) The law enforcement officer shall take possession of 2181
all firearms belonging to the respondent that are surrendered, 2182
in plain sight, or discovered pursuant to a lawful search. 2183
Alternatively, if personal service by a law enforcement officer 2184
is not possible, or not required because the respondent was 2185
present at the extreme risk protection order hearing, the 2186
respondent shall surrender the firearms in a safe manner to the 2187
control of the local law enforcement agency within forty-eight 2188
hours of being served with the order by alternate service or 2189
within forty-eight hours of the hearing at which the respondent 2190
was present. 2191

(D) At the time of surrender, a law enforcement officer 2192
taking possession of a firearm or concealed handgun license 2193
shall issue a receipt identifying all firearms that have been 2194
surrendered and provide a copy of the receipt to the respondent. 2195
Within seventy-two hours after service of the order, the officer 2196
-serving the order shall file the original receipt with the court 2197
and shall ensure that the officer's law enforcement agency 2198
retains a copy of the receipt. 2199

(E) Upon the sworn statement or testimony of the 2200
petitioner or of any law enforcement officer alleging that the 2201
respondent has failed to comply with the surrender of firearms 2202
as required by an order issued under sections 2923.26 to 2923.30 2203
of the Revised Code, the court shall determine whether probable 2204
cause exists to believe that the respondent has failed to 2205
surrender all firearms in the respondent's possession, custody, 2206

or control. If probable cause exists, the court shall issue a 2207
warrant describing the firearms and authorizing a search of the 2208
locations where the firearms are reasonably believed to be and 2209
the seizure of any firearms discovered pursuant to such search. 2210

(F) If a person other than the respondent claims title to 2211
any firearm surrendered pursuant to this section, and the other 2212
person is determined by the law enforcement agency to be the 2213
lawful owner of the firearm, the firearm shall be returned to 2214
the other person, provided that both of the following apply: 2215

(1) The firearm is removed from the respondent's custody, 2216
control, or possession and the lawful owner agrees to store the 2217
firearm in a manner such that the respondent does not have 2218
access to or control of the firearm. 2219

(2) The lawful owner is not prohibited from possessing the 2220
firearm under state or federal law. 2221

(G) Upon the issuance of an extreme risk protection order, 2222
the court shall order a new hearing date and require the 2223
respondent to appear not later than three judicial days from the 2224
issuance of the order. The court shall require a showing that 2225
the respondent has surrendered any firearms in the respondent's 2226
custody, control, or possession. The court may dismiss the 2227
hearing upon a satisfactory showing that the respondent is in 2228
compliance with the order. 2229

(H) All law enforcement agencies shall develop policies 2230
and procedures not later than six months after the effective 2231
date of this section regarding the acceptance, storage, and 2232
return of firearms required to be surrendered under sections 2233
2923.26 to 2923.30 of the Revised Code. 2234

(I) If an extreme risk protection order is terminated or 2235

expires without renewal or an ex parte extreme risk protection 2236
order expires and an extreme risk protection order is not issued 2237
regarding the respondent, a law enforcement agency holding any 2238
firearm that has been surrendered pursuant to sections 2923.26 2239
to 2923.30 of the Revised Code shall return any surrendered 2240
firearm requested by a respondent only after confirming, through 2241
a background check, that the respondent is currently eligible to 2242
own or possess firearms under federal and state law and after 2243
confirming with the court that the extreme risk protection order 2244
has terminated or has expired without renewal. 2245

(J) A law enforcement agency shall, if requested by a 2246
family or household member of a respondent, provide prior notice 2247
of the return of a firearm to a respondent to that family or 2248
household member. 2249

(K) Any firearm surrendered by a respondent pursuant to 2250
this section that remains unclaimed by the lawful owner shall be 2251
disposed of in accordance with the law enforcement agency's 2252
policies and procedures for the disposal of firearms in police 2253
custody. 2254

Sec. 2923.99. (A) Except as provided in this section, 2255
sections 2923.26 to 2923.30 of the Revised Code do not impose 2256
criminal or civil liability on any person or entity for acts or 2257
omissions related to obtaining an extreme risk protection order 2258
or ex parte extreme risk protection order including for 2259
reporting, declining to report, investigating, declining to 2260
investigate, filing, or declining to file a petition under those 2261
sections. 2262

(B) (1) No person shall do either of the following: 2263

(a) File a petition for an extreme risk protection order 2264

under section 2923.26 of the Revised Code alleging that the 2265
respondent poses a significant danger of causing personal injury 2266
to self or others by having in the respondent's custody or 2267
control, purchasing, possessing, or receiving a firearm if the 2268
person knows the allegation is false; 2269

(b) File an application for an ex parte extreme risk 2270
protection order under section 2923.27 of the Revised Code 2271
alleging that the respondent poses a significant danger of 2272
causing personal injury to self or others in the near future by 2273
having custody or control of a firearm or the ability to 2274
purchase, possess, or receive a firearm if the person knows the 2275
allegation is false. 2276

(2) An individual injured in person or property by a 2277
violation of division (B) (1) (a) or (b) of this section has, and 2278
may recover full damages in, a civil action under section 2279
2307.60 of the Revised Code. A civil action described in this 2280
division is in addition to, and does not preclude, any possible 2281
criminal prosecution of the person who violates division (B) (1) 2282
(a) or (b) of this section. 2283

(3) Whoever violates division (B) (1) (a) or (b) of this 2284
section is guilty of a felony of the fifth degree. 2285

(C) (1) No person shall acquire, have, carry, or use any 2286
firearm with knowledge that the person is prohibited from doing 2287
so by an order issued under this section or sections 2923.26 to 2288
2923.30 of the Revised Code. 2289

(2) A person who violates division (C) (1) of this section 2290
is guilty of having a firearm while under extreme risk 2291
protection order disability. Except as provided in division (C) 2292
(3) of this section, having a firearm while under extreme risk 2293

protection order disability is a misdemeanor of the third 2294
degree. 2295

(3) If a person found guilty of having a firearm while 2296
under extreme risk protection order disability has two or more 2297
previous convictions for such an offense, having a firearm while 2298
under extreme risk protection order disability is a felony of 2299
the fifth degree. 2300

(D) In addition to the penalties prescribed in division 2301
(C) of this section, no person found guilty of having a firearm 2302
while under extreme risk protection order disability shall 2303
knowingly acquire, have, carry, or use any firearm or dangerous 2304
ordnance for a period of five years after the date the 2305
underlying extreme risk protection order expires." 2306

In line 146, delete "section" and insert "sections 109.57,"; after 2307
"2923.123" insert ", 2923.125, 2923.128, 2923.1213, and 2923.13" 2308

In line 147, delete "is" and insert "are" 2309

After line 147, insert: 2310

"Section 3. Sections 2923.26 to 2923.30 and 2923.99 of the 2311
Revised Code, as enacted by this act, shall be known as the 2312
Extreme Risk Protection Order Act. 2313

Section 4. The General Assembly, applying the principle 2314
stated in division (B) of section 1.52 of the Revised Code that 2315
amendments are to be harmonized if reasonably capable of 2316
simultaneous operation, finds that the following sections, 2317
presented in this act as composites of the sections as amended 2318
by the acts indicated, are the resulting versions of the 2319
sections in effect prior to the effective date of the sections 2320
as presented in this act: 2321

Section 2923.125 of the Revised Code as amended by both 2322
H.B. 281 and S.B. 288 of the 134th General Assembly. 2323

Section 2923.128 of the Revised Code as amended by H.B. 2324
281, S.B. 215, and S.B. 288, all of the 134th General Assembly. 2325

Section 2923.1213 of the Revised Code as amended by both 2326
H.B. 281 and S.B. 288 of the 134th General Assembly." 2327

The motion was _____ agreed to.

SYNOPSIS 2328

Extreme Risk Protection Order Act 2329

R.C. 109.57, 2923.125, 2923.128, 2923.1213, 2923.13, 2330
2923.26, 2923.27, 2923.28, 2923.29, 2923.30, and 2923.99 2331

Allows family members, household members, and law 2332
enforcement officers to obtain a court order that temporarily 2333
restricts a person's access to firearms if that person poses a 2334
danger to themselves or others. 2335