

As Introduced

135th General Assembly

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H. B. No. 418

Representatives Brown, Isaacsohn

Cosponsors: Representatives Jarrells, Mohamed, Piccolantonio, Russo, Liston, Abdullahi, Somani, Skindell, Brennan, Dell'Aquila, Sweeney, Brewer, Robinson, Upchurch, Forhan, Brent, Thomas, C., Denson, Baker, Miranda, Sims, Weinstein, Blackshear, Grim, Rogers, Miller, J., McNally, Troy

A BILL

To amend sections 109.69, 109.731, 311.41, 311.42, 1
311.43, 1547.69, 2921.13, 2923.11, 2923.12, 2
2923.121, 2923.122, 2923.123, 2923.124, 3
2923.125, 2923.126, 2923.127, 2923.128, 4
2923.129, 2923.1210, 2923.1211, 2923.1213, 5
2923.16, 2953.35, and 5502.411 and to repeal 6
section 2923.111 of the Revised Code to repeal 7
the changes made by S.B. 215 of the 134th 8
General Assembly to the laws regarding a 9
concealed handgun licensee's duty to carry the 10
license and notify a law enforcement officer if 11
the licensee is carrying a concealed handgun and 12
the rights of a qualifying adult to carry a 13
concealed handgun in the same manner as if the 14
person was a licensee, and to rename concealed 15
handgun licenses as basic competency licenses. 16

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

Section 1. That sections 109.69, 109.731, 311.41, 311.42, 17

311.43, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 18
2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 19
2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, 2953.35, and 20
5502.411 of the Revised Code be amended to read as follows: 21

Sec. 109.69. (A) (1) The attorney general shall negotiate 22
and enter into a reciprocity agreement with any other license- 23
issuing state under which a ~~concealed handgun~~ basic competency 24
license that is issued by the other state is recognized in this 25
state, except as provided in division (B) of this section, if 26
the attorney general determines that both of the following 27
apply: 28

(a) The eligibility requirements imposed by that license- 29
issuing state for that license are substantially comparable to 30
the eligibility requirements for a ~~concealed handgun~~ basic 31
competency license issued under section 2923.125 of the Revised 32
Code. 33

(b) That license-issuing state recognizes a ~~concealed~~ 34
~~handgun~~ basic competency license issued under section 2923.125 of 35
the Revised Code. 36

(2) A reciprocity agreement entered into under division 37
(A) (1) of this section also may provide for the recognition in 38
this state of a ~~concealed handgun~~ basic competency license 39
issued on a temporary or emergency basis by the other license- 40
issuing state, if the eligibility requirements imposed by that 41
license-issuing state for the temporary or emergency license are 42
substantially comparable to the eligibility requirements for a 43
~~concealed handgun~~ basic competency license issued under section 44
2923.125 or 2923.1213 of the Revised Code and if that license- 45
issuing state recognizes a ~~concealed handgun~~ basic competency 46
license issued under section 2923.1213 of the Revised Code. 47

(3) The attorney general shall not negotiate any agreement 48
with any other license-issuing state under which a ~~concealed-~~ 49
~~handgun-basic competency~~ license issued by the other state is 50
recognized in this state other than as provided in divisions (A) 51
(1) and (2) of this section. 52

(B) (1) If, on or after ~~the effective date of this~~ 53
~~amendment~~ March 23, 2015, a person who is a resident of this 54
state has a valid ~~concealed handgun~~basic competency license that 55
was issued by another license-issuing state that has entered 56
into a reciprocity agreement with the attorney general under 57
division (A) (1) of this section or the attorney general 58
determines that the eligibility requirements imposed by that 59
license-issuing state for that license are substantially 60
comparable to the eligibility requirements for a ~~concealed-~~ 61
~~handgun-basic competency~~ license issued under section 2923.125 62
of the Revised Code, the license issued by the other license- 63
issuing state shall be recognized in this state, shall be 64
accepted and valid in this state, and grants the person the same 65
right to carry a concealed handgun in this state as a person who 66
was issued a ~~concealed handgun~~basic competency license under 67
section 2923.125 of the Revised Code. 68

(2) If, on or after ~~the effective date of this amendment~~ 69
March 23, 2015, a person who is a resident of this state has a 70
valid ~~concealed handgun~~basic competency license that was issued 71
by another license-issuing state that has not entered into a 72
reciprocity agreement with the attorney general under division 73
(A) (1) of this section, the license issued by the other license- 74
issuing state shall be recognized in this state, shall be 75
accepted and valid in this state, and grants the person the same 76
right to carry a concealed handgun in this state as a person who 77
was issued a ~~concealed handgun~~basic competency license under 78

section 2923.125 of the Revised Code for a period of six months 79
after the person became a resident of this state. After that 80
six-month period, if the person wishes to obtain a ~~concealed-~~ 81
~~handgun-basic competency license,~~ the person shall apply for a 82
~~concealed handgun-basic competency license~~ pursuant to section 83
2923.125 of the Revised Code. 84

(3) If, on or after ~~the effective date of this amendment-~~ 85
March 23, 2015, a person who is not a resident of this state has 86
a valid ~~concealed handgun-basic competency license~~ that was 87
issued by another license-issuing state, regardless of whether 88
the other license-issuing state has entered into a reciprocity 89
agreement with the attorney general under division (A) (1) of 90
this section, and the person is temporarily in this state, 91
during the time that the person is temporarily in this state the 92
license issued by the other license-issuing state shall be 93
recognized in this state, shall be accepted and valid in this 94
state, and grants the person the same right to carry a concealed 95
handgun in this state as a person who was issued a ~~concealed-~~ 96
~~handgun-basic competency license~~ under section 2923.125 of the 97
Revised Code. 98

(C) The attorney general shall publish each determination 99
described in division (B) (1) of this section that the attorney 100
general makes in the same manner that written agreements entered 101
into under division (A) (1) or (2) of this section are published. 102

(D) As used in this section: 103

(1) "Handgun," "~~concealed handgun-basic competency~~ 104
license," and "valid ~~concealed handgun-basic competency license~~" 105
have the same meanings as in section 2923.11 of the Revised 106
Code. 107

(2) "License-issuing state" means a state other than this 108
state that, pursuant to law, provides for the issuance of a 109
license to carry a concealed handgun. 110

Sec. 109.731. (A) (1) The attorney general shall prescribe, 111
and shall make available to sheriffs an application form that is 112
to be used under section 2923.125 of the Revised Code by a 113
person who applies for a ~~concealed handgun~~ basic competency 114
license and an application form that is to be used under section 115
2923.125 of the Revised Code by a person who applies for the 116
renewal of a license of that nature. The attorney general shall 117
design the form to enable applicants to provide the information 118
that is required by law to be collected, and shall update the 119
form as necessary. Burdens or restrictions to obtaining a 120
~~concealed handgun~~ basic competency license that are not 121
expressly prescribed in law shall not be incorporated into the 122
form. The attorney general shall post a printable version of the 123
form on the web site of the attorney general and shall provide 124
the address of the web site to any person who requests the form. 125

(2) The Ohio peace officer training commission shall 126
prescribe, and shall make available to sheriffs, all of the 127
following: 128

(a) A form for the ~~concealed handgun~~ basic competency 129
license that is to be issued by sheriffs to persons who qualify 130
for a ~~concealed handgun~~ basic competency license under section 131
2923.125 of the Revised Code and that conforms to the following 132
requirements: 133

(i) It has space for the licensee's full name, residence 134
address, and date of birth and for a color photograph of the 135
licensee. 136

(ii) It has space for the date of issuance of the license, 137
its expiration date, its county of issuance, the name of the 138
sheriff who issues the license, and the unique combination of 139
letters and numbers that identify the county of issuance and the 140
license given to the licensee by the sheriff in accordance with 141
division (A) (2) (c) of this section. 142

(iii) It has space for the signature of the licensee and 143
the signature or a facsimile signature of the sheriff who issues 144
the license. 145

(iv) It does not require the licensee to include serial 146
numbers of handguns, other identification related to handguns, 147
or similar data that is not pertinent or relevant to obtaining 148
the license and that could be used as a de facto means of 149
registration of handguns owned by the licensee. 150

(b) A series of three-letter county codes that identify 151
each county in this state; 152

(c) A procedure by which a sheriff shall give each 153
~~concealed handgun basic competency~~ license, replacement 154
~~concealed handgun basic competency~~ license, or renewal ~~concealed~~ 155
~~handgun basic competency~~ license and each ~~concealed handgun~~ 156
basic competency license on a temporary emergency basis or 157
replacement license on a temporary emergency basis the sheriff 158
issues under section 2923.125 or 2923.1213 of the Revised Code a 159
unique combination of letters and numbers that identifies the 160
county in which the license was issued and that uses the county 161
code and a unique number for each license the sheriff of that 162
county issues; 163

(d) A form for a ~~concealed handgun basic competency~~ 164
license on a temporary emergency basis that is to be issued by 165

sheriffs to persons who qualify for such a license under section 166
2923.1213 of the Revised Code, which form shall conform to all 167
the requirements set forth in divisions (A) (2) (a) (i) to (iv) of 168
this section and shall additionally conspicuously specify that 169
the license is issued on a temporary emergency basis and the 170
date of its issuance. 171

(B) (1) The Ohio peace officer training commission, in 172
consultation with the attorney general, shall prepare a pamphlet 173
that does all of the following, in everyday language: 174

(a) Explains the firearms laws of this state; 175

(b) Instructs the reader in dispute resolution and 176
explains the laws of this state related to that matter; 177

(c) Provides information to the reader regarding all 178
aspects of the use of deadly force with a firearm, including, 179
but not limited to, the steps that should be taken before 180
contemplating the use of, or using, deadly force with a firearm, 181
possible alternatives to using deadly force with a firearm, and 182
the law governing the use of deadly force with a firearm. 183

(2) The attorney general shall consult with and assist the 184
commission in the preparation of the pamphlet described in 185
division (B) (1) of this section and, as necessary, shall 186
recommend to the commission changes in the pamphlet to reflect 187
changes in the law that are relevant to it. The attorney general 188
shall publish the pamphlet on the web site of the attorney 189
general and shall provide the address of the web site to any 190
person who requests the pamphlet. 191

(3) The attorney general shall create and maintain a 192
section on the attorney general's web site that provides 193
information on firearms laws of this state specifically 194

applicable to members of the armed forces of the United States 195
and a link to the pamphlet described in division (B) (1) of this 196
section. 197

(C) The Ohio peace officer training commission shall 198
maintain statistics with respect to the issuance, renewal, 199
suspension, revocation, and denial of ~~concealed handgun~~ basic 200
competency licenses under section 2923.125 of the Revised Code 201
and the suspension of processing of applications for those 202
licenses, and with respect to the issuance, suspension, 203
revocation, and denial of ~~concealed handgun~~ basic competency 204
licenses on a temporary emergency basis under section 2923.1213 205
of the Revised Code, as reported by the sheriffs pursuant to 206
division (C) of section 2923.129 of the Revised Code. Not later 207
than the first day of March in each year, the commission shall 208
submit a statistical report to the governor, the president of 209
the senate, and the speaker of the house of representatives 210
indicating the number of ~~concealed handgun~~ basic competency 211
licenses that were issued, renewed, suspended, revoked, and 212
denied under section 2923.125 of the Revised Code in the 213
previous calendar year, the number of applications for those 214
licenses for which processing was suspended in accordance with 215
division (D) (3) of that section in the previous calendar year, 216
and the number of ~~concealed handgun~~ basic competency licenses on 217
a temporary emergency basis that were issued, suspended, 218
revoked, or denied under section 2923.1213 of the Revised Code 219
in the previous calendar year. Nothing in the statistics or the 220
statistical report shall identify, or enable the identification 221
of, any individual who was issued or denied a license, for whom 222
a license was renewed, whose license was suspended or revoked, 223
or for whom application processing was suspended. The statistics 224
and the statistical report are public records for the purpose of 225

section 149.43 of the Revised Code. 226

(D) As used in this section, "~~concealed handgun basic~~
competency license" and "handgun" have the same meanings as in 227
section 2923.11 of the Revised Code. 228
229

Sec. 311.41. (A) (1) Upon receipt of an application for a 230
~~concealed handgun basic competency~~ license under division (C) of 231
section 2923.125 of the Revised Code, an application to renew a 232
~~concealed handgun basic competency~~ license under division (F) of 233
that section, or an application for a ~~concealed handgun basic~~
competency license on a temporary emergency basis under section 234
2923.1213 of the Revised Code, the sheriff shall conduct a 235
criminal records check and an incompetency check of the 236
applicant to determine whether the applicant fails to meet the 237
criteria described in division (D) (1) of section 2923.125 of the 238
Revised Code. As part of any such criminal records check, the 239
sheriff shall contact the national instant criminal background 240
check system to verify that the applicant is eligible lawfully 241
to receive or possess a firearm in the United States. The 242
sheriff shall conduct the criminal records check and the 243
incompetency records check required by this division through use 244
of an electronic fingerprint reading device or, if the sheriff 245
does not possess and does not have ready access to the use of an 246
electronic fingerprint reading device, by requesting the bureau 247
of criminal identification and investigation to conduct the 248
checks as described in this division. 249
250

In order to conduct the criminal records check and the 251
incompetency records check, the sheriff shall obtain the 252
fingerprints of at least four fingers of the applicant by using 253
an electronic fingerprint reading device for the purpose of 254
conducting the criminal records check and the incompetency 255

records check or, if the sheriff does not possess and does not 256
have ready access to the use of an electronic fingerprint 257
reading device, shall obtain from the applicant a completed 258
standard fingerprint impression sheet prescribed pursuant to 259
division (C) (2) of section 109.572 of the Revised Code. The 260
fingerprints so obtained, along with the applicant's social 261
security number, shall be used to conduct the criminal records 262
check and the incompetency records check. If the sheriff does 263
not use an electronic fingerprint reading device to obtain the 264
fingerprints and conduct the records checks, the sheriff shall 265
submit the completed standard fingerprint impression sheet of 266
the applicant, along with the applicant's social security 267
number, to the superintendent of the bureau of criminal 268
identification and investigation and shall request the bureau to 269
conduct the criminal records check and the incompetency records 270
check of the applicant and, if necessary, shall request the 271
superintendent of the bureau to obtain information from the 272
federal bureau of investigation as part of the criminal records 273
check for the applicant. If it is not possible to use an 274
electronic fingerprint reading device to conduct an incompetency 275
records check, the sheriff shall submit the completed standard 276
fingerprint impression sheet of the applicant, along with the 277
applicant's social security number, to the superintendent of the 278
bureau of criminal identification and investigation and shall 279
request the bureau to conduct the incompetency records check. 280
The sheriff shall not retain the applicant's fingerprints as 281
part of the application. 282

(2) Except as otherwise provided in this division, if at 283
any time the applicant decides not to continue with the 284
application process, the sheriff immediately shall cease any 285
investigation that is being conducted under division (A) (1) of 286

this section. The sheriff shall not cease that investigation if, 287
at the time of the applicant's decision not to continue with the 288
application process, the sheriff had determined from any of the 289
sheriff's investigations that the applicant then was engaged in 290
activity of a criminal nature. 291

(B) If a criminal records check and an incompetency 292
records check conducted under division (A) of this section do 293
not indicate that the applicant fails to meet the criteria 294
described in division (D) (1) of section 2923.125 of the Revised 295
Code, except as otherwise provided in this division, the sheriff 296
shall destroy or cause a designated employee to destroy all 297
records other than the application for a ~~concealed handgun~~ basic 298
competency license, the application to renew a ~~concealed handgun~~ 299
basic competency license, or the affidavit submitted regarding 300
an application for a ~~concealed handgun~~ basic competency license 301
on a temporary emergency basis that were made in connection with 302
the criminal records check and incompetency records check within 303
twenty days after conducting the criminal records check and 304
incompetency records check. If an applicant appeals a denial of 305
an application as described in division (D) (2) of section 306
2923.125 of the Revised Code or challenges the results of a 307
criminal records check pursuant to section 2923.127 of the 308
Revised Code, records of fingerprints of the applicant shall not 309
be destroyed during the pendency of the appeal or the challenge 310
and review. When an applicant appeals a denial as described in 311
that division, the twenty-day period described in this division 312
commences regarding the fingerprints upon the determination of 313
the appeal. When required as a result of a challenge and review 314
performed pursuant to section 2923.127 of the Revised Code, the 315
source the sheriff used in conducting the criminal records check 316
shall destroy or the chief operating officer of the source shall 317

cause an employee of the source designated by the chief to 318
destroy all records other than the application for a ~~concealed-~~ 319
~~handgun-basic competency~~ license, the application to renew a 320
~~concealed handgun-basic competency~~ license, or the affidavit 321
submitted regarding an application for a ~~concealed handgun-basic~~ 322
competency license on a temporary emergency basis that were made 323
in connection with the criminal records check within twenty days 324
after completion of that challenge and review. 325

(C) If division (B) of this section applies to a 326
particular criminal records check or incompetency records check, 327
no sheriff, employee of a sheriff designated by the sheriff to 328
destroy records under that division, source the sheriff used in 329
conducting the criminal records check or incompetency records 330
check, or employee of the source designated by the chief 331
operating officer of the source to destroy records under that 332
division shall fail to destroy or cause to be destroyed within 333
the applicable twenty-day period specified in that division all 334
records other than the application for a ~~concealed handgun-basic~~ 335
competency license, the application to renew a ~~concealed handgun-~~ 336
basic competency license, or the affidavit submitted regarding 337
an application for a ~~concealed handgun-basic competency~~ license 338
on a temporary emergency basis made in connection with the 339
particular criminal records check or incompetency records check. 340

(D) Whoever violates division (C) of this section is 341
guilty of failure to destroy records, a misdemeanor of the 342
second degree. 343

(E) As used in this section: 344

(1) "~~Concealed handgun-Basic competency~~ license" and 345
"handgun" have the same meanings as in section 2923.11 of the 346
Revised Code. 347

(2) "National instant criminal background check system" 348
means the system established by the United States attorney 349
general pursuant to section 103 of the "Brady Handgun Violence 350
Prevention Act," Pub. L. No. 103-159. 351

Sec. 311.42. (A) Each county shall establish in the county 352
treasury a sheriff's ~~concealed handgun~~ basic competency license 353
issuance expense fund. The sheriff of that county shall deposit 354
into that fund all fees paid by applicants for the issuance or 355
renewal of a ~~concealed handgun~~ basic competency license or 356
duplicate ~~concealed handgun~~ basic competency license under 357
section 2923.125 of the Revised Code and all fees paid by the 358
person seeking a ~~concealed handgun~~ basic competency license on a 359
temporary emergency basis under section 2923.1213 of the Revised 360
Code. The county shall distribute all fees deposited into the 361
fund except forty dollars of each fee paid by an applicant under 362
division (B) of section 2923.125 of the Revised Code, fifteen 363
dollars of each fee paid under section 2923.1213 of the Revised 364
Code, and thirty-five dollars of each fee paid under division 365
(F) of section 2923.125 of the Revised Code to the attorney 366
general to be used to pay the cost of background checks 367
performed by the bureau of criminal identification and 368
investigation and the federal bureau of investigation and to 369
cover administrative costs associated with issuing the license. 370

(B) The sheriff, with the approval of the board of county 371
commissioners, may expend any county portion of the fees 372
deposited into the sheriff's ~~concealed handgun~~ basic competency 373
license issuance expense fund for any of the following: 374

(1) Any costs incurred by the sheriff in connection with 375
performing any administrative functions related to the issuance 376
of ~~concealed handgun~~ basic competency licenses under section 377

2923.125 or 2923.1213 of the Revised Code, including, but not 378
limited to, personnel expenses and any costs associated with a 379
firearm safety education program, or a firearm training or 380
qualification program that the sheriff chooses to fund; 381

(2) Ammunition and firearms to be used by the sheriff and 382
the sheriff's employees; 383

(3) Any costs incurred in constructing, maintaining, or 384
renovating a shooting range to be used by the sheriff or the 385
sheriff's employees, including costs incurred for equipment 386
associated with the shooting range. 387

Sec. 311.43. (A) As used in this section: 388

(1) "Certification" means the participation and assent of 389
the chief law enforcement officer necessary under federal law 390
for the approval of an application to make or transfer a 391
firearm. 392

(2) "Chief law enforcement officer" means any official the 393
bureau of alcohol, tobacco, firearms, and explosives, or any 394
successor agency, identifies by regulation or otherwise as 395
eligible to provide any required certification for the making or 396
transfer of a firearm. 397

(3) "~~Concealed handgun~~ Basic competency license" has the 398
same meaning as in section 2923.11 of the Revised Code. 399

(B) A resident of this state may submit to the sheriff of 400
the county in which the resident resides or to the sheriff of 401
any county adjacent to the county in which the resident resides 402
any federal form that requires a law enforcement certification 403
by a chief law enforcement officer. 404

(C) The sheriff shall accept and process the certification 405

in the same manner as an application for a ~~concealed handgun~~ 406
basic competency license is processed under section 2923.125 of 407
the Revised Code, including the requirement for a background 408
check, except as follows: 409

(1) If a resident of this state submits one or more 410
federal forms, the sheriff shall charge the resident no more 411
than the applicable fee described in division (B) (1) (a) of 412
section 2923.125 of the Revised Code, without regard to how many 413
federal forms are submitted at the same time. 414

(2) If a resident of this state submits one or more 415
federal forms and currently has a ~~concealed handgun~~ basic 416
competency license or the sheriff has previously approved a 417
federal form for that resident, the sheriff shall charge the 418
resident no more than the applicable fee described in division 419
(F) (4) of section 2923.125 of the Revised Code, without regard 420
to how many federal forms are submitted at the same time. 421

Sec. 1547.69. (A) As used in this section: 422

(1) "Firearm," "~~concealed handgun~~ basic competency 423
license," "handgun," "valid ~~concealed handgun~~ basic competency 424
license," and "active duty" have the same meanings as in section 425
2923.11 of the Revised Code. 426

(2) "Unloaded" has the same meanings as in divisions (K) 427
(5) and (6) of section 2923.16 of the Revised Code, except that 428
all references in the definition in division (K) (5) of that 429
section to "vehicle" shall be construed for purposes of this 430
section to be references to "vessel." 431

(B) No person shall knowingly discharge a firearm while in 432
or on a vessel. 433

(C) No person shall knowingly transport or have a loaded 434

firearm in a vessel in a manner that the firearm is accessible 435
to the operator or any passenger. 436

(D) No person shall knowingly transport or have a firearm 437
in a vessel unless it is unloaded and is carried in one of the 438
following ways: 439

(1) In a closed package, box, or case; 440

(2) In plain sight with the action opened or the weapon 441
stripped, or, if the firearm is of a type on which the action 442
will not stay open or that cannot easily be stripped, in plain 443
sight. 444

(E) (1) The affirmative defenses authorized in divisions 445
(D) (1) and (2) of section 2923.12 of the Revised Code are 446
affirmative defenses to a charge under division (C) or (D) of 447
this section that involves a firearm other than a handgun. It is 448
an affirmative defense to a charge under division (C) or (D) of 449
this section of transporting or having a firearm of any type, 450
including a handgun, in a vessel that the actor transported or 451
had the firearm in the vessel for any lawful purpose and while 452
the vessel was on the actor's own property, provided that this 453
affirmative defense is not available unless the actor, prior to 454
arriving at the vessel on the actor's own property, did not 455
transport or possess the firearm in the vessel or in a motor 456
vehicle in a manner prohibited by this section or division (B) 457
or (C) of section 2923.16 of the Revised Code while the vessel 458
was being operated on a waterway that was not on the actor's own 459
property or while the motor vehicle was being operated on a 460
street, highway, or other public or private property used by the 461
public for vehicular traffic. 462

(2) No person who is charged with a violation of division 463

(C) or (D) of this section shall be required to obtain a basic 464
competency license or temporary emergency license to carry a 465
concealed handgun under section 2923.125 or 2923.1213 of the 466
Revised Code as a condition for the dismissal of the charge. 467

(F) Divisions (B), (C), and (D) of this section do not 468
apply to the possession or discharge of a United States coast 469
guard approved signaling device required to be carried aboard a 470
vessel under section 1547.251 of the Revised Code when the 471
signaling device is possessed or used for the purpose of giving 472
a visual distress signal. No person shall knowingly transport or 473
possess any signaling device of that nature in or on a vessel in 474
a loaded condition at any time other than immediately prior to 475
the discharge of the signaling device for the purpose of giving 476
a visual distress signal. 477

(G) No person shall operate or permit to be operated any 478
vessel on the waters in this state in violation of this section. 479

(H) (1) This section does not apply to any of the 480
following: 481

(a) An officer, agent, or employee of this or any other 482
state or of the United States, or to a law enforcement officer, 483
when authorized to carry or have loaded or accessible firearms 484
in a vessel and acting within the scope of the officer's, 485
agent's, or employee's duties; 486

(b) Any person who is employed in this state, who is 487
authorized to carry or have loaded or accessible firearms in a 488
vessel, and who is subject to and in compliance with the 489
requirements of section 109.801 of the Revised Code, unless the 490
appointing authority of the person has expressly specified that 491
the exemption provided in division (H) (1) (b) of this section 492

does not apply to the person; 493

(c) Any person legally engaged in hunting. 494

(2) Divisions (C) and (D) of this section do not apply to 495
a person who transports or possesses a handgun in a vessel and 496
~~who has been issued a concealed handgun license that is valid at~~ 497
~~the time of that transportation or possession or~~ who, at the 498
time of that transportation or possession, either is carrying a 499
valid basic competency license or is an active duty member of 500
the armed forces of the United States and is carrying a valid 501
military identification card and documentation of successful 502
completion of firearms training that meets or exceeds the 503
training requirements described in division (G) (1) of section 504
2923.125 of the Revised Code, unless the person knowingly is in 505
a place on the vessel described in division (B) of section 506
2923.126 of the Revised Code. 507

(I) If a law enforcement officer stops a vessel for a 508
violation of this section or any other law enforcement purpose, 509
if any person on the vessel surrenders a firearm to the officer, 510
either voluntarily or pursuant to a request or demand of the 511
officer, and if the officer does not charge the person with a 512
violation of this section or arrest the person for any offense, 513
the person is not otherwise prohibited by law from possessing 514
the firearm, and the firearm is not contraband, the officer 515
shall return the firearm to the person at the termination of the 516
stop. 517

(J) Division (L) of section 2923.16 of the Revised Code 518
applies with respect to division (A) (2) of this section, except 519
that all references in division (L) of section 2923.16 of the 520
Revised Code to "vehicle," to "this chapter," or to "division 521
(K) (5) (a) or (b) of this section" shall be construed for 522

purposes of this section to be, respectively, references to 523
"vessel," to "section 1547.69 of the Revised Code," and to 524
divisions (K) (5) (a) and (b) of section 2923.16 of the Revised 525
Code as incorporated under the definition of firearm adopted 526
under division (A) (2) of this section. 527

Sec. 2921.13. (A) No person shall knowingly make a false 528
statement, or knowingly swear or affirm the truth of a false 529
statement previously made, when any of the following applies: 530

(1) The statement is made in any official proceeding. 531

(2) The statement is made with purpose to incriminate 532
another. 533

(3) The statement is made with purpose to mislead a public 534
official in performing the public official's official function. 535

(4) The statement is made with purpose to secure the 536
payment of unemployment compensation; Ohio works first; 537
prevention, retention, and contingency benefits and services; 538
disability financial assistance; retirement benefits or health 539
care coverage from a state retirement system; economic 540
development assistance, as defined in section 9.66 of the 541
Revised Code; or other benefits administered by a governmental 542
agency or paid out of a public treasury. 543

(5) The statement is made with purpose to secure the 544
issuance by a governmental agency of a license, permit, 545
authorization, certificate, registration, release, or provider 546
agreement. 547

(6) The statement is sworn or affirmed before a notary 548
public or another person empowered to administer oaths. 549

(7) The statement is in writing on or in connection with a 550

report or return that is required or authorized by law. 551

(8) The statement is in writing and is made with purpose 552
to induce another to extend credit to or employ the offender, to 553
confer any degree, diploma, certificate of attainment, award of 554
excellence, or honor on the offender, or to extend to or bestow 555
upon the offender any other valuable benefit or distinction, 556
when the person to whom the statement is directed relies upon it 557
to that person's detriment. 558

(9) The statement is made with purpose to commit or 559
facilitate the commission of a theft offense. 560

(10) The statement is knowingly made to a probate court in 561
connection with any action, proceeding, or other matter within 562
its jurisdiction, either orally or in a written document, 563
including, but not limited to, an application, petition, 564
complaint, or other pleading, or an inventory, account, or 565
report. 566

(11) The statement is made on an account, form, record, 567
stamp, label, or other writing that is required by law. 568

(12) The statement is made in connection with the purchase 569
of a firearm, as defined in section 2923.11 of the Revised Code, 570
and in conjunction with the furnishing to the seller of the 571
firearm of a fictitious or altered driver's or commercial 572
driver's license or permit, a fictitious or altered 573
identification card, or any other document that contains false 574
information about the purchaser's identity. 575

(13) The statement is made in a document or instrument of 576
writing that purports to be a judgment, lien, or claim of 577
indebtedness and is filed or recorded with the secretary of 578
state, a county recorder, or the clerk of a court of record. 579

(14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a ~~concealed handgun~~ basic competency license or is made in an affidavit submitted to a county sheriff to obtain a ~~concealed handgun~~ basic competency license on a temporary emergency basis under section 2923.1213 of the Revised Code.

(15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a ~~concealed handgun~~ basic competency license under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B) (3) of that section.

(D) It is no defense to a charge under division (A) (6) of this section that the oath or affirmation was administered or taken in an irregular manner.

(E) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the

prosecution to prove which statement was false but only that one 609
or the other was false. 610

(F) (1) Whoever violates division (A) (1), (2), (3), (4), 611
(5), (6), (7), (8), (10), (11), (13), or (15) of this section is 612
guilty of falsification. Except as otherwise provided in this 613
division, falsification is a misdemeanor of the first degree. 614

(2) Whoever violates division (A) (9) of this section is 615
guilty of falsification in a theft offense. Except as otherwise 616
provided in this division, falsification in a theft offense is a 617
misdemeanor of the first degree. If the value of the property or 618
services stolen is one thousand dollars or more and is less than 619
seven thousand five hundred dollars, falsification in a theft 620
offense is a felony of the fifth degree. If the value of the 621
property or services stolen is seven thousand five hundred 622
dollars or more and is less than one hundred fifty thousand 623
dollars, falsification in a theft offense is a felony of the 624
fourth degree. If the value of the property or services stolen 625
is one hundred fifty thousand dollars or more, falsification in 626
a theft offense is a felony of the third degree. 627

(3) Whoever violates division (A) (12) or (B) of this 628
section is guilty of falsification to purchase a firearm, a 629
felony of the fifth degree. 630

(4) Whoever violates division (A) (14) or (C) of this 631
section is guilty of falsification to obtain a ~~concealed handgun~~ 632
basic competency license, a felony of the fourth degree. 633

(5) Whoever violates division (A) of this section in 634
removal proceedings under section 319.26, 321.37, 507.13, or 635
733.78 of the Revised Code is guilty of falsification regarding 636
a removal proceeding, a felony of the third degree. 637

(G) A person who violates this section is liable in a 638
civil action to any person harmed by the violation for injury, 639
death, or loss to person or property incurred as a result of the 640
commission of the offense and for reasonable attorney's fees, 641
court costs, and other expenses incurred as a result of 642
prosecuting the civil action commenced under this division. A 643
civil action under this division is not the exclusive remedy of 644
a person who incurs injury, death, or loss to person or property 645
as a result of a violation of this section. 646

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 647
the Revised Code: 648

(A) "Deadly weapon" means any instrument, device, or thing 649
capable of inflicting death, and designed or specially adapted 650
for use as a weapon, or possessed, carried, or used as a weapon. 651

(B) (1) "Firearm" means any deadly weapon capable of 652
expelling or propelling one or more projectiles by the action of 653
an explosive or combustible propellant. "Firearm" includes an 654
unloaded firearm, and any firearm that is inoperable but that 655
can readily be rendered operable. 656

(2) When determining whether a firearm is capable of 657
expelling or propelling one or more projectiles by the action of 658
an explosive or combustible propellant, the trier of fact may 659
rely upon circumstantial evidence, including, but not limited 660
to, the representations and actions of the individual exercising 661
control over the firearm. 662

(C) "Handgun" means any of the following: 663

(1) Any firearm that has a short stock and is designed to 664
be held and fired by the use of a single hand; 665

(2) Any combination of parts from which a firearm of a 666

type described in division (C) (1) of this section can be 667
assembled. 668

(D) "Semi-automatic firearm" means any firearm designed or 669
specially adapted to fire a single cartridge and automatically 670
chamber a succeeding cartridge ready to fire, with a single 671
function of the trigger. 672

(E) "Automatic firearm" means any firearm designed or 673
specially adapted to fire a succession of cartridges with a 674
single function of the trigger. 675

(F) "Sawed-off firearm" means a shotgun with a barrel less 676
than eighteen inches long, or a rifle with a barrel less than 677
sixteen inches long, or a shotgun or rifle less than twenty-six 678
inches long overall. "Sawed-off firearm" does not include any 679
firearm with an overall length of at least twenty-six inches 680
that is approved for sale by the federal bureau of alcohol, 681
tobacco, firearms, and explosives under the "Gun Control Act of 682
1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but that is found by 683
the bureau not to be regulated under the "National Firearms 684
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 685

(G) "Zip-gun" means any of the following: 686

(1) Any firearm of crude and extemporized manufacture; 687

(2) Any device, including without limitation a starter's 688
pistol, that is not designed as a firearm, but that is specially 689
adapted for use as a firearm; 690

(3) Any industrial tool, signalling device, or safety 691
device, that is not designed as a firearm, but that as designed 692
is capable of use as such, when possessed, carried, or used as a 693
firearm. 694

(H) "Explosive device" means any device designed or 695
specially adapted to cause physical harm to persons or property 696
by means of an explosion, and consisting of an explosive 697
substance or agency and a means to detonate it. "Explosive 698
device" includes without limitation any bomb, any explosive 699
demolition device, any blasting cap or detonator containing an 700
explosive charge, and any pressure vessel that has been 701
knowingly tampered with or arranged so as to explode. 702

(I) "Incendiary device" means any firebomb, and any device 703
designed or specially adapted to cause physical harm to persons 704
or property by means of fire, and consisting of an incendiary 705
substance or agency and a means to ignite it. 706

(J) "Ballistic knife" means a knife with a detachable 707
blade that is propelled by a spring-operated mechanism. 708

(K) "Dangerous ordnance" means any of the following, 709
except as provided in division (L) of this section: 710

(1) Any automatic or sawed-off firearm, zip-gun, or 711
ballistic knife; 712

(2) Any explosive device or incendiary device; 713

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 714
cyclonite, TNT, picric acid, and other high explosives; amatol, 715
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 716
high explosive compositions; plastic explosives; dynamite, 717
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 718
liquid-oxygen blasting explosives, blasting powder, and other 719
blasting agents; and any other explosive substance having 720
sufficient brisance or power to be particularly suitable for use 721
as a military explosive, or for use in mining, quarrying, 722
excavating, or demolitions; 723

(4) Any firearm, rocket launcher, mortar, artillery piece,	724
grenade, mine, bomb, torpedo, or similar weapon, designed and	725
manufactured for military purposes, and the ammunition for that	726
weapon;	727
(5) Any firearm muffler or suppressor;	728
(6) Any combination of parts that is intended by the owner	729
for use in converting any firearm or other device into a	730
dangerous ordnance.	731
(L) "Dangerous ordnance" does not include any of the	732
following:	733
(1) Any firearm, including a military weapon and the	734
ammunition for that weapon, and regardless of its actual age,	735
that employs a percussion cap or other obsolete ignition system,	736
or that is designed and safe for use only with black powder;	737
(2) Any pistol, rifle, or shotgun, designed or suitable	738
for sporting purposes, including a military weapon as issued or	739
as modified, and the ammunition for that weapon, unless the	740
firearm is an automatic or sawed-off firearm;	741
(3) Any cannon or other artillery piece that, regardless	742
of its actual age, is of a type in accepted use prior to 1887,	743
has no mechanical, hydraulic, pneumatic, or other system for	744
absorbing recoil and returning the tube into battery without	745
displacing the carriage, and is designed and safe for use only	746
with black powder;	747
(4) Black powder, priming quills, and percussion caps	748
possessed and lawfully used to fire a cannon of a type defined	749
in division (L) (3) of this section during displays,	750
celebrations, organized matches or shoots, and target practice,	751
and smokeless and black powder, primers, and percussion caps	752

possessed and lawfully used as a propellant or ignition device 753
in small-arms or small-arms ammunition; 754

(5) Dangerous ordnance that is inoperable or inert and 755
cannot readily be rendered operable or activated, and that is 756
kept as a trophy, souvenir, curio, or museum piece; 757

(6) Any device that is expressly excepted from the 758
definition of a destructive device pursuant to the "Gun Control 759
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, 760
and regulations issued under that act; 761

(7) Any firearm with an overall length of at least twenty- 762
six inches that is approved for sale by the federal bureau of 763
alcohol, tobacco, firearms, and explosives under the "Gun 764
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but 765
that is found by the bureau not to be regulated under the 766
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 767
5845(a). 768

(M) "Explosive" means any chemical compound, mixture, or 769
device, the primary or common purpose of which is to function by 770
explosion. "Explosive" includes all materials that have been 771
classified as division 1.1, division 1.2, division 1.3, or 772
division 1.4 explosives by the United States department of 773
transportation in its regulations and includes, but is not 774
limited to, dynamite, black powder, pellet powders, initiating 775
explosives, blasting caps, electric blasting caps, safety fuses, 776
fuse igniters, squibs, cordeau detonant fuses, instantaneous 777
fuses, and igniter cords and igniters. "Explosive" does not 778
include "fireworks," as defined in section 3743.01 of the 779
Revised Code, or any substance or material otherwise meeting the 780
definition of explosive set forth in this section that is 781
manufactured, sold, possessed, transported, stored, or used in 782

any activity described in section 3743.80 of the Revised Code, 783
provided the activity is conducted in accordance with all 784
applicable laws, rules, and regulations, including, but not 785
limited to, the provisions of section 3743.80 of the Revised 786
Code and the rules of the fire marshal adopted pursuant to 787
section 3737.82 of the Revised Code. 788

(N) (1) "~~Concealed handgun~~ Basic competency license" or 789
"license to carry a concealed handgun" means, subject to 790
division (N) (2) of this section, a basic competency license or 791
temporary emergency license to carry a concealed handgun issued 792
under section 2923.125 or 2923.1213 of the Revised Code or a 793
license to carry a concealed handgun issued by another state 794
with which the attorney general has entered into a reciprocity 795
agreement under section 109.69 of the Revised Code. 796

(2) A reference in any provision of the Revised Code to a 797
~~concealed handgun~~ basic competency license issued under section 798
2923.125 of the Revised Code or a license to carry a concealed 799
handgun issued under section 2923.125 of the Revised Code means 800
only a license of the type that is specified in that section. A 801
reference in any provision of the Revised Code to a ~~concealed~~ 802
~~handgun~~ basic competency license issued under section 2923.1213 803
of the Revised Code, a license to carry a concealed handgun 804
issued under section 2923.1213 of the Revised Code, or a license 805
to carry a concealed handgun on a temporary emergency basis 806
means only a license of the type that is specified in section 807
2923.1213 of the Revised Code. A reference in any provision of 808
the Revised Code to a ~~concealed handgun~~ basic competency license 809
issued by another state or a license to carry a concealed 810
handgun issued by another state means only a license issued by 811
another state with which the attorney general has entered into a 812
reciprocity agreement under section 109.69 of the Revised Code. 813

(O) "Valid ~~concealed handgun basic competency~~ license" or 814
"valid license to carry a concealed handgun" means a ~~concealed-~~ 815
~~handgun basic competency~~ license that is currently valid, that 816
is not under a suspension under division (A) (1) of section 817
2923.128 of the Revised Code, under section 2923.1213 of the 818
Revised Code, or under a suspension provision of the state other 819
than this state in which the license was issued, and that has 820
not been revoked under division (B) (1) of section 2923.128 of 821
the Revised Code, under section 2923.1213 of the Revised Code, 822
or under a revocation provision of the state other than this 823
state in which the license was issued. 824

(P) "Misdemeanor punishable by imprisonment for a term 825
exceeding one year" does not include any of the following: 826

(1) Any federal or state offense pertaining to antitrust 827
violations, unfair trade practices, restraints of trade, or 828
other similar offenses relating to the regulation of business 829
practices; 830

(2) Any misdemeanor offense punishable by a term of 831
imprisonment of two years or less. 832

(Q) "Alien registration number" means the number issued by 833
the United States citizenship and immigration services agency 834
that is located on the alien's permanent resident card and may 835
also be commonly referred to as the "USCIS number" or the "alien 836
number." 837

(R) "Active duty" has the same meaning as defined in 10 838
U.S.C. 101. 839

Sec. 2923.12. (A) No person shall knowingly carry or have, 840
concealed on the person's person or concealed ready at hand, any 841
of the following: 842

- (1) A deadly weapon other than a handgun; 843
- (2) A handgun other than a dangerous ordnance; 844
- (3) A dangerous ordnance. 845
- (B) No person who has been issued a ~~concealed handgun~~ 846
basic competency license shall do any of the following: 847
- (1) If the person is stopped for a law enforcement purpose 848
and is carrying a concealed handgun, ~~before or at the time a law~~ 849
~~enforcement officer asks if the person is carrying a concealed~~ 850
~~handgun, knowingly fail to disclose that~~promptly inform any law 851
enforcement officer who approaches the person after the person 852
has been stopped that the person has been issued a basic 853
competency license and that the person then is carrying a 854
concealed handgun, ~~provided that it is not a violation of this~~ 855
~~division if the person fails to disclose that fact to an officer~~ 856
~~during the stop and the person already has notified another~~ 857
~~officer of that fact during the same stop;~~ 858
- (2) If the person is stopped for a law enforcement purpose 859
and is carrying a concealed handgun, knowingly fail to keep the 860
person's hands in plain sight at any time after any law 861
enforcement officer begins approaching the person while stopped 862
and before the law enforcement officer leaves, unless the 863
failure is pursuant to and in accordance with directions given 864
by a law enforcement officer; 865
- (3) If the person is stopped for a law enforcement 866
purpose, if the person is carrying a concealed handgun, and if 867
the person is approached by any law enforcement officer while 868
stopped, knowingly remove or attempt to remove the loaded 869
handgun from the holster, pocket, or other place in which the 870
person is carrying it, knowingly grasp or hold the loaded 871

handgun, or knowingly have contact with the loaded handgun by 872
touching it with the person's hands or fingers at any time after 873
the law enforcement officer begins approaching and before the 874
law enforcement officer leaves, unless the person removes, 875
attempts to remove, grasps, holds, or has contact with the 876
loaded handgun pursuant to and in accordance with directions 877
given by the law enforcement officer; 878

(4) If the person is stopped for a law enforcement purpose 879
and is carrying a concealed handgun, knowingly disregard or fail 880
to comply with any lawful order of any law enforcement officer 881
given while the person is stopped, including, but not limited 882
to, a specific order to the person to keep the person's hands in 883
plain sight. 884

(C) (1) This section does not apply to any of the 885
following: 886

(a) An officer, agent, or employee of this or any other 887
state or the United States, or to a law enforcement officer, who 888
is authorized to carry concealed weapons or dangerous ordnance 889
or is authorized to carry handguns and is acting within the 890
scope of the officer's, agent's, or employee's duties; 891

(b) Any person who is employed in this state, who is 892
authorized to carry concealed weapons or dangerous ordnance or 893
is authorized to carry handguns, and who is subject to and in 894
compliance with the requirements of section 109.801 of the 895
Revised Code, unless the appointing authority of the person has 896
expressly specified that the exemption provided in division (C) 897
(1) (b) of this section does not apply to the person; 898

(c) A person's transportation or storage of a firearm, 899
other than a firearm described in divisions (G) to (M) of 900

section 2923.11 of the Revised Code, in a motor vehicle for any 901
lawful purpose if the firearm is not on the actor's person; 902

(d) A person's storage or possession of a firearm, other 903
than a firearm described in divisions (G) to (M) of section 904
2923.11 of the Revised Code, in the actor's own home for any 905
lawful purpose. 906

(2) Division (A) (2) of this section does not apply to any 907
~~person who has been issued a concealed handgun license that is~~ 908
~~valid at the time of the alleged carrying or possession of a~~ 909
~~handgun or~~ who, at the time of the alleged carrying or 910
possession of a handgun, either is carrying a valid basic 911
competency license or is an active duty member of the armed 912
forces of the United States and is carrying a valid military 913
identification card and documentation of successful completion 914
of firearms training that meets or exceeds the training 915
requirements described in division (G) (1) of section 2923.125 of 916
the Revised Code, unless the person knowingly is in a place 917
described in division (B) of section 2923.126 of the Revised 918
Code. 919

(D) It is an affirmative defense to a charge under 920
division (A) (1) of this section of carrying or having control of 921
a weapon other than a handgun and other than a dangerous 922
ordnance that the actor was not otherwise prohibited by law from 923
having the weapon and that any of the following applies: 924

(1) The weapon was carried or kept ready at hand by the 925
actor for defensive purposes while the actor was engaged in or 926
was going to or from the actor's lawful business or occupation, 927
which business or occupation was of a character or was 928
necessarily carried on in a manner or at a time or place as to 929
render the actor particularly susceptible to criminal attack, 930

such as would justify a prudent person in going armed. 931

(2) The weapon was carried or kept ready at hand by the 932
actor for defensive purposes while the actor was engaged in a 933
lawful activity and had reasonable cause to fear a criminal 934
attack upon the actor, a member of the actor's family, or the 935
actor's home, such as would justify a prudent person in going 936
armed. 937

(3) The weapon was carried or kept ready at hand by the 938
actor for any lawful purpose and while in the actor's own home. 939

~~(E) (1) (E)~~ No person who is charged with a violation of 940
this section shall be required to obtain a ~~concealed handgun~~ 941
basic competency license as a condition for the dismissal of the 942
charge. 943

~~(2) If a person is convicted of, was convicted of, pleads~~ 944
~~guilty to, or has pleaded guilty to a violation of division (B)~~ 945
~~(1) of this section as it existed prior to June 13, 2022, the~~ 946
~~person may file an application under section 2953.35 of the~~ 947
~~Revised Code requesting the expungement of the record of~~ 948
~~conviction.~~ 949

(F) (1) Whoever violates this section is guilty of carrying 950
concealed weapons. Except as otherwise provided in this division 951
or divisions (F) (2), (6), and (7) of this section, carrying 952
concealed weapons in violation of division (A) of this section 953
is a misdemeanor of the first degree. Except as otherwise 954
provided in this division or divisions (F) (2), (6), and (7) of 955
this section, if the offender previously has been convicted of a 956
violation of this section or of any offense of violence, if the 957
weapon involved is a firearm that is either loaded or for which 958
the offender has ammunition ready at hand, or if the weapon 959

involved is dangerous ordnance, carrying concealed weapons in 960
violation of division (A) of this section is a felony of the 961
fourth degree. Except as otherwise provided in divisions (F) (2) 962
and (6) of this section, if the offense is committed aboard an 963
aircraft, or with purpose to carry a concealed weapon aboard an 964
aircraft, regardless of the weapon involved, carrying concealed 965
weapons in violation of division (A) of this section is a felony 966
of the third degree. 967

(2) A-Except as provided in division (F) (6) of this 968
section, if a person shall not be being arrested for a violation 969
of division (A) (2) of this section solely because the person 970
does not promptly produceproduces a valid concealed handgun 971
basic competency license. If a person is arrested for a 972
violation of division (A) (2) of this section and is convicted of 973
or pleads guilty to the violation, and if at the time of the 974
violation the person was not knowingly in a place described in 975
division (B) of section 2923.126 of the Revised Code, the 976
officer shall not arrest the person for a violation of that 977
division. If the person is not able to promptly produce any 978
basic competency license and if the person is not in a place 979
described in that section, the officer may arrest the person for 980
a violation of that division, and the offender shall be punished 981
as follows: 982

(a) The offender shall be guilty of a minor misdemeanor if 983
both of the following apply: 984

(i) Within ten days after the arrest, the offender 985
presents a ~~concealed handgun~~ basic competency license, which 986
license was valid at the time of the arrest, to the law 987
enforcement agency that employs the arresting officer. 988

(ii) At the time of the arrest, the offender was not 989

knowingly in a place described in division (B) of section 990
2923.126 of the Revised Code. 991

(b) The offender shall be guilty of a misdemeanor and 992
shall be fined five hundred dollars if all of the following 993
apply: 994

(i) The offender previously had been issued a ~~concealed-~~ 995
~~handgun-basic competency~~ license, and that license expired 996
within the two years immediately preceding the arrest. 997

(ii) Within forty-five days after the arrest, the offender 998
presents a ~~concealed handgun-basic competency~~ license to the law 999
enforcement agency that employed the arresting officer, and the 1000
offender waives in writing the offender's right to a speedy 1001
trial on the charge of the violation that is provided in section 1002
2945.71 of the Revised Code. 1003

(iii) At the time of the commission of the offense, the 1004
offender was not knowingly in a place described in division (B) 1005
of section 2923.126 of the Revised Code. 1006

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 1007
section do not apply, the offender shall be punished under 1008
division (F) (1) or (7) of this section. 1009

(3) ~~Carrying~~ Except as otherwise provided in this 1010
division, carrying concealed weapons in violation of division 1011
(B) (1) of this section is a misdemeanor of the ~~second~~ first 1012
degree, and, in addition to any other penalty or sanction 1013
imposed for a violation of division (B) (1) of this section, the 1014
offender's basic competency license shall be suspended pursuant 1015
to division (A) (2) of section 2923.128 of the Revised Code. If, 1016
at the time of the stop of the offender for a law enforcement 1017
purpose that was the basis of the violation, any law enforcement 1018

officer involved with the stop had actual knowledge that the 1019
offender has been issued a basic competency license, carrying 1020
concealed weapons in violation of division (B) (1) of this 1021
section is a minor misdemeanor, and the offender's basic 1022
competency license shall not be suspended pursuant to division 1023
(A) (2) of section 2923.128 of the Revised Code. 1024

(4) Carrying concealed weapons in violation of division 1025
(B) (2) or (4) of this section is a misdemeanor of the first 1026
degree or, if the offender previously has been convicted of or 1027
pleaded guilty to a violation of division (B) (2) or (4) of this 1028
section, a felony of the fifth degree. In addition to any other 1029
penalty or sanction imposed for a misdemeanor violation of 1030
division (B) (2) or (4) of this section, the offender's ~~concealed~~ 1031
~~handgun~~ basic competency license shall be suspended pursuant to 1032
division (A) (2) of section 2923.128 of the Revised Code. 1033

(5) Carrying concealed weapons in violation of division 1034
(B) (3) of this section is a felony of the fifth degree. 1035

(6) If a person being arrested for a violation of division 1036
(A) (2) of this section is an active duty member of the armed 1037
forces of the United States and is carrying a valid military 1038
identification card and documentation of successful completion 1039
of firearms training that meets or exceeds the training 1040
requirements described in division (G) (1) of section 2923.125 of 1041
the Revised Code, and if at the time of the violation the person 1042
was not knowingly in a place described in division (B) of 1043
section 2923.126 of the Revised Code, the officer shall not 1044
arrest the person for a violation of that division. If the 1045
person is not able to promptly produce a valid military 1046
identification card and documentation of successful completion 1047
of firearms training that meets or exceeds the training 1048

requirements described in division (G) (1) of section 2923.125 of 1049
the Revised Code and if the person is not in a place described 1050
in division (B) of section 2923.126 of the Revised Code, the 1051
officer shall issue a citation and the offender shall be 1052
assessed a civil penalty of not more than five hundred dollars. 1053
The citation shall be automatically dismissed and the civil 1054
penalty shall not be assessed if both of the following apply: 1055

(a) Within ten days after the issuance of the citation, 1056
the offender presents a valid military identification card and 1057
documentation of successful completion of firearms training that 1058
meets or exceeds the training requirements described in division 1059
(G) (1) of section 2923.125 of the Revised Code, which were both 1060
valid at the time of the issuance of the citation to the law 1061
enforcement agency that employs the citing officer. 1062

(b) At the time of the citation, the offender was not 1063
knowingly in a place described in division (B) of section 1064
2923.126 of the Revised Code. 1065

(7) If a person being arrested for a violation of division 1066
(A) (2) of this section is knowingly in a place described in 1067
division (B) (5) of section 2923.126 of the Revised Code and is 1068
not authorized to carry a handgun or have a handgun concealed on 1069
the person's person or concealed ready at hand under that 1070
division, the penalty shall be as follows: 1071

(a) Except as otherwise provided in this division, if the 1072
person produces a valid ~~concealed handgun~~ basic competency 1073
license within ten days after the arrest and has not previously 1074
been convicted or pleaded guilty to a violation of division (A) 1075
(2) of this section, the person is guilty of a minor 1076
misdemeanor; 1077

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

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

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

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

(H) For purposes of this section, "deadly weapon" or 1108
"weapon" does not include any knife, razor, or cutting 1109
instrument if the instrument was not used as a weapon. 1110

Sec. 2923.121. (A) No person shall possess a firearm in 1111
any room in which any person is consuming beer or intoxicating 1112
liquor in a premises for which a D permit has been issued under 1113
Chapter 4303. of the Revised Code or in an open air arena for 1114
which a permit of that nature has been issued. 1115

(B) (1) This section does not apply to any of the 1116
following: 1117

(a) An officer, agent, or employee of this or any other 1118
state or the United States, or a law enforcement officer, who is 1119
authorized to carry firearms and is acting within the scope of 1120
the officer's, agent's, or employee's duties; 1121

(b) A law enforcement officer or investigator who is 1122
authorized to carry firearms but is not acting within the scope 1123
of the officer's or investigator's duties, as long as all of the 1124
following apply: 1125

(i) The officer or investigator is carrying validating 1126
identification. 1127

(ii) If the firearm the officer or investigator possesses 1128
is a firearm issued or approved by the law enforcement agency 1129
served by the officer or by the bureau of criminal 1130
identification and investigation with respect to an 1131
investigator, the agency or bureau does not have a restrictive 1132
firearms carrying policy. 1133

(iii) The officer or investigator is not consuming beer or 1134
intoxicating liquor and is not under the influence of alcohol or 1135
a drug of abuse. 1136

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

(d) The principal holder of a D permit issued for a premises or an open air arena under Chapter 4303. of the Revised Code while in the premises or open air arena for which the permit was issued if the principal holder of the D permit also ~~has been issued~~ possesses a valid concealed handgun basic competency license ~~that is valid at the time in question~~ and as long as the principal holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse, or any agent or employee of that holder who also is a peace officer, as defined in section 2151.3515 of the Revised Code, who is off duty, and who otherwise is authorized to carry firearms while in the course of the officer's official duties and while in the premises or open air arena for which the permit was issued and as long as the agent or employee of that holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.

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

(2) This section does not prohibit any person who is a member of a veteran's organization, as defined in section

2915.01 of the Revised Code, from possessing a rifle in any room 1167
in any premises owned, leased, or otherwise under the control of 1168
the veteran's organization, if the rifle is not loaded with live 1169
ammunition and if the person otherwise is not prohibited by law 1170
from having the rifle. 1171

(3) This section does not apply to any person possessing 1172
or displaying firearms in any room used to exhibit unloaded 1173
firearms for sale or trade in a soldiers' memorial established 1174
pursuant to Chapter 345. of the Revised Code, in a convention 1175
center, or in any other public meeting place, if the person is 1176
an exhibitor, trader, purchaser, or seller of firearms and is 1177
not otherwise prohibited by law from possessing, trading, 1178
purchasing, or selling the firearms. 1179

(C) It is an affirmative defense to a charge under this 1180
section of illegal possession of a firearm in a liquor permit 1181
premises that involves the possession of a firearm other than a 1182
handgun, that the actor was not otherwise prohibited by law from 1183
having the firearm, and that any of the following apply: 1184

(1) The firearm was carried or kept ready at hand by the 1185
actor for defensive purposes, while the actor was engaged in or 1186
was going to or from the actor's lawful business or occupation, 1187
which business or occupation was of such character or was 1188
necessarily carried on in such manner or at such a time or place 1189
as to render the actor particularly susceptible to criminal 1190
attack, such as would justify a prudent person in going armed. 1191

(2) The firearm was carried or kept ready at hand by the 1192
actor for defensive purposes, while the actor was engaged in a 1193
lawful activity, and had reasonable cause to fear a criminal 1194
attack upon the actor or a member of the actor's family, or upon 1195
the actor's home, such as would justify a prudent person in 1196

going armed. 1197

(D) No person who is charged with a violation of this 1198
section shall be required to obtain a ~~concealed handgun basic~~ 1199
competency license as a condition for the dismissal of the 1200
charge. 1201

(E) Whoever violates this section is guilty of illegal 1202
possession of a firearm in a liquor permit premises. Except as 1203
otherwise provided in this division, illegal possession of a 1204
firearm in a liquor permit premises is a felony of the fifth 1205
degree. If the offender commits the violation of this section by 1206
knowingly carrying or having the firearm concealed on the 1207
offender's person or concealed ready at hand, illegal possession 1208
of a firearm in a liquor permit premises is a felony of the 1209
third degree. 1210

(F) As used in this section: 1211

(1) "Beer" and "intoxicating liquor" have the same 1212
meanings as in section 4301.01 of the Revised Code. 1213

(2) "Investigator" has the same meaning as in section 1214
109.541 of the Revised Code. 1215

(3) "Restrictive firearms carrying policy" means a 1216
specific policy of a law enforcement agency or the bureau of 1217
criminal identification and investigation that prohibits all 1218
officers of the agency or all investigators of the bureau, while 1219
not acting within the scope of the officer's or investigator's 1220
duties, from doing either of the following: 1221

(a) Carrying a firearm issued or approved by the agency or 1222
bureau in any room, premises, or arena described in division (A) 1223
of this section; 1224

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

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

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

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

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

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

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

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

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

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

(D) (1) This section does not apply to any of the 1252
following: 1253

(a) An officer, agent, or employee of this or any other 1254
state or the United States who is authorized to carry deadly 1255
weapons or dangerous ordnance and is acting within the scope of 1256
the officer's, agent's, or employee's duties; 1257

(b) A law enforcement officer who is authorized to carry 1258
deadly weapons or dangerous ordnance; 1259

(c) A security officer employed by a board of education or 1260
governing body of a school during the time that the security 1261
officer is on duty pursuant to that contract of employment; 1262

(d) Any person not described in divisions (D) (1) (a) to (c) 1263
of this section who has written authorization from the board of 1264
education or governing body of a school to convey deadly weapons 1265
or dangerous ordnance into a school safety zone or to possess a 1266
deadly weapon or dangerous ordnance in a school safety zone and 1267
who conveys or possesses the deadly weapon or dangerous ordnance 1268
in accordance with that authorization, provided both of the 1269
following apply: 1270

(i) Either the person has successfully completed the 1271
curriculum, instruction, and training established under section 1272
5502.703 of the Revised Code, or the person has received a 1273
certificate of having satisfactorily completed an approved basic 1274
peace officer training program or is a law enforcement officer; 1275

(ii) The board or governing body has notified the public, 1276
by whatever means the affected school regularly communicates 1277
with the public, that the board or governing body has authorized 1278
one or more persons to go armed within a school operated by the 1279
board or governing authority. 1280

A district board or school governing body that authorizes 1281
a person under division (D) (1) (d) of this section shall require 1282
that person to submit to an annual criminal records check 1283
conducted in the same manner as section 3319.39 or 3319.391 of 1284
the Revised Code. 1285

(e) Any person who is employed in this state, who is 1286
authorized to carry deadly weapons or dangerous ordnance, and 1287
who is subject to and in compliance with the requirements of 1288
section 109.801 of the Revised Code, unless the appointing 1289
authority of the person has expressly specified that the 1290
exemption provided in division (D) (1) (e) of this section does 1291
not apply to the person. 1292

(2) Division (C) of this section does not apply to 1293
premises upon which home schooling is conducted. Division (C) of 1294
this section also does not apply to a school administrator, 1295
teacher, or employee who possesses an object that is 1296
indistinguishable from a firearm for legitimate school purposes 1297
during the course of employment, a student who uses an object 1298
that is indistinguishable from a firearm under the direction of 1299
a school administrator, teacher, or employee, or any other 1300
person who with the express prior approval of a school 1301
administrator possesses an object that is indistinguishable from 1302
a firearm for a legitimate purpose, including the use of the 1303
object in a ceremonial activity, a play, reenactment, or other 1304
dramatic presentation, school safety training, or a ROTC 1305
activity or another similar use of the object. 1306

(3) This section does not apply to a person who conveys or 1307
attempts to convey a handgun into, or possesses a handgun in, a 1308
school safety zone if, at the time of that conveyance, attempted 1309
conveyance, or possession of the handgun, all of the following 1310

apply: 1311

(a) The person does not enter into a school building or 1312
onto school premises and is not at a school activity. 1313

(b) The person ~~has been issued~~ is carrying a valid 1314
~~concealed handgun basic competency license that is valid at the~~ 1315
~~time of the conveyance, attempted conveyance, or possession~~ or 1316
the person is an active duty member of the armed forces of the 1317
United States and is carrying a valid military identification 1318
card and documentation of successful completion of firearms 1319
training that meets or exceeds the training requirements 1320
described in division (G) (1) of section 2923.125 of the Revised 1321
Code. 1322

(c) The person is in the school safety zone in accordance 1323
with 18 U.S.C. 922(q) (2) (B). 1324

(d) The person is not knowingly in a place described in 1325
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 1326
Revised Code. 1327

(4) This section does not apply to a person who conveys or 1328
attempts to convey a handgun into, or possesses a handgun in, a 1329
school safety zone if at the time of that conveyance, attempted 1330
conveyance, or possession of the handgun all of the following 1331
apply: 1332

(a) The person ~~has been issued~~ is carrying a valid 1333
~~concealed handgun basic competency license that is valid at the~~ 1334
~~time of the conveyance, attempted conveyance, or possession~~ or 1335
the person is an active duty member of the armed forces of the 1336
United States and is carrying a valid military identification 1337
card and documentation of successful completion of firearms 1338
training that meets or exceeds the training requirements 1339

described in division (G) (1) of section 2923.125 of the Revised Code. 1340
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(b) The person leaves the handgun in a motor vehicle. 1342

(c) The handgun does not leave the motor vehicle. 1343

(d) If the person exits the motor vehicle, the person locks the motor vehicle. 1344
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(E) (1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. 1346
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Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree. 1349
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(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony of the fifth degree. 1356
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(F) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F) (2) of this section, if the offender has not attained nineteen years of age, regardless 1365
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of whether the offender is attending or is enrolled in a school 1369
operated by a board of education or for which the director of 1370
education and workforce prescribes minimum standards under 1371
section 3301.07 of the Revised Code, the court shall impose upon 1372
the offender a class four suspension of the offender's 1373
probationary driver's license, restricted license, driver's 1374
license, commercial driver's license, temporary instruction 1375
permit, or probationary commercial driver's license that then is 1376
in effect from the range specified in division (A)(4) of section 1377
4510.02 of the Revised Code and shall deny the offender the 1378
issuance of any permit or license of that type during the period 1379
of the suspension. 1380

If the offender is not a resident of this state, the court 1381
shall impose a class four suspension of the nonresident 1382
operating privilege of the offender from the range specified in 1383
division (A)(4) of section 4510.02 of the Revised Code. 1384

(2) If the offender shows good cause why the court should 1385
not suspend one of the types of licenses, permits, or privileges 1386
specified in division (F)(1) of this section or deny the 1387
issuance of one of the temporary instruction permits specified 1388
in that division, the court in its discretion may choose not to 1389
impose the suspension, revocation, or denial required in that 1390
division, but the court, in its discretion, instead may require 1391
the offender to perform community service for a number of hours 1392
determined by the court. 1393

(G) As used in this section, "object that is 1394
indistinguishable from a firearm" means an object made, 1395
constructed, or altered so that, to a reasonable person without 1396
specialized training in firearms, the object appears to be a 1397
firearm. 1398

Sec. 2923.123. (A) No person shall knowingly convey or 1399
attempt to convey a deadly weapon or dangerous ordnance into a 1400
courthouse or into another building or structure in which a 1401
courtroom is located. 1402

(B) No person shall knowingly possess or have under the 1403
person's control a deadly weapon or dangerous ordnance in a 1404
courthouse or in another building or structure in which a 1405
courtroom is located. 1406

(C) This section does not apply to any of the following: 1407

(1) Except as provided in division (E) of this section, a 1408
judge of a court of record of this state or a magistrate; 1409

(2) A peace officer, officer of a law enforcement agency, 1410
or person who is in either of the following categories: 1411

(a) Except as provided in division (E) of this section, a 1412
peace officer, or an officer of a law enforcement agency of 1413
another state, a political subdivision of another state, or the 1414
United States, who is authorized to carry a deadly weapon or 1415
dangerous ordnance, who possesses or has under that individual's 1416
control a deadly weapon or dangerous ordnance as a requirement 1417
of that individual's duties, and who is acting within the scope 1418
of that individual's duties at the time of that possession or 1419
control; 1420

(b) Except as provided in division (E) of this section, a 1421
person who is employed in this state, who is authorized to carry 1422
a deadly weapon or dangerous ordnance, who possesses or has 1423
under that individual's control a deadly weapon or dangerous 1424
ordnance as a requirement of that person's duties, and who is 1425
subject to and in compliance with the requirements of section 1426
109.801 of the Revised Code, unless the appointing authority of 1427

the person has expressly specified that the exemption provided 1428
in division (C) (2) (b) of this section does not apply to the 1429
person. 1430

(3) A person who conveys, attempts to convey, possesses, 1431
or has under the person's control a deadly weapon or dangerous 1432
ordnance that is to be used as evidence in a pending criminal or 1433
civil action or proceeding; 1434

(4) Except as provided in division (E) of this section, a 1435
bailiff or deputy bailiff of a court of record of this state who 1436
is authorized to carry a firearm pursuant to section 109.77 of 1437
the Revised Code, who possesses or has under that individual's 1438
control a firearm as a requirement of that individual's duties, 1439
and who is acting within the scope of that individual's duties 1440
at the time of that possession or control; 1441

(5) Except as provided in division (E) of this section, a 1442
prosecutor, or a secret service officer appointed by a county 1443
prosecuting attorney, who is authorized to carry a deadly weapon 1444
or dangerous ordnance in the performance of the individual's 1445
duties, who possesses or has under that individual's control a 1446
deadly weapon or dangerous ordnance as a requirement of that 1447
individual's duties, and who is acting within the scope of that 1448
individual's duties at the time of that possession or control; 1449

(6) Except as provided in division (E) of this section, a 1450
person who conveys or attempts to convey a handgun into a 1451
courthouse or into another building or structure in which a 1452
courtroom is located, ~~if the person has been issued a concealed~~ 1453
~~handgun license that is valid at the time of the conveyance or~~ 1454
~~attempt or who,~~ at the time of the conveyance or attempt, ~~the~~ 1455
~~person either is carrying a valid basic competency license or is~~ 1456
an active duty member of the armed forces of the United States 1457

and is carrying a valid military identification card and 1458
documentation of successful completion of firearms training that 1459
meets or exceeds the training requirements described in division 1460
(G) (1) of section 2923.125 of the Revised Code, and ~~if in either~~ 1461
~~case the person~~ who transfers possession of the handgun to the 1462
officer or officer's designee who has charge of the courthouse 1463
or building. The officer shall secure the handgun until the 1464
licensee is prepared to leave the premises. The exemption 1465
described in this division applies only if the officer who has 1466
charge of the courthouse or building provides services of the 1467
nature described in this division. An officer who has charge of 1468
the courthouse or building is not required to offer services of 1469
the nature described in this division. 1470

(D) (1) Whoever violates division (A) of this section is 1471
guilty of illegal conveyance of a deadly weapon or dangerous 1472
ordnance into a courthouse. Except as otherwise provided in this 1473
division, illegal conveyance of a deadly weapon or dangerous 1474
ordnance into a courthouse is a felony of the fifth degree. If 1475
the offender previously has been convicted of a violation of 1476
division (A) or (B) of this section, illegal conveyance of a 1477
deadly weapon or dangerous ordnance into a courthouse is a 1478
felony of the fourth degree. 1479

(2) Whoever violates division (B) of this section is 1480
guilty of illegal possession or control of a deadly weapon or 1481
dangerous ordnance in a courthouse. Except as otherwise provided 1482
in this division, illegal possession or control of a deadly 1483
weapon or dangerous ordnance in a courthouse is a felony of the 1484
fifth degree. If the offender previously has been convicted of a 1485
violation of division (A) or (B) of this section, illegal 1486
possession or control of a deadly weapon or dangerous ordnance 1487
in a courthouse is a felony of the fourth degree. 1488

(E) The exemptions described in divisions (C) (1), (2) (a), 1489
(2) (b), (4), (5), and (6) of this section do not apply to any 1490
judge, magistrate, peace officer, officer of a law enforcement 1491
agency, bailiff, deputy bailiff, prosecutor, secret service 1492
officer, or other person described in any of those divisions if 1493
a rule of superintendence or another type of rule adopted by the 1494
supreme court pursuant to Article IV, Ohio Constitution, or an 1495
applicable local rule of court prohibits all persons from 1496
conveying or attempting to convey a deadly weapon or dangerous 1497
ordnance into a courthouse or into another building or structure 1498
in which a courtroom is located or from possessing or having 1499
under one's control a deadly weapon or dangerous ordnance in a 1500
courthouse or in another building or structure in which a 1501
courtroom is located. 1502

(F) As used in this section: 1503

(1) "Magistrate" means an individual who is appointed by a 1504
court of record of this state and who has the powers and may 1505
perform the functions specified in Civil Rule 53, Criminal Rule 1506
19, or Juvenile Rule 40. 1507

(2) "Peace officer" and "prosecutor" have the same 1508
meanings as in section 2935.01 of the Revised Code. 1509

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 1510
of the Revised Code: 1511

(A) "Application form" means the application form 1512
prescribed pursuant to division (A) (1) of section 109.731 of the 1513
Revised Code and includes a copy of that form. 1514

(B) "Competency certification" and "competency 1515
certificate" mean a document of the type described in division 1516
(B) (3) of section 2923.125 of the Revised Code. 1517

- (C) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code. 1518
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- (D) "Licensee" means a person to whom a ~~concealed handgun~~ basic competency license has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a ~~concealed handgun~~ basic competency license on a temporary emergency basis has been issued under section 2923.1213 of the Revised Code and a person to whom a ~~concealed handgun~~ basic competency license has been issued by another state. 1520
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- (E) "License fee" or "license renewal fee" means the fee for a ~~concealed handgun~~ basic competency license or the fee to renew that license that is to be paid by an applicant for a license of that type. 1528
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- (F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 1532
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- (G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code. 1534
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- (H) "Civil protection order" means a protection order issued, or consent agreement approved, under section 2903.214 or 3113.31 of the Revised Code. 1536
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- (I) "Temporary protection order" means a protection order issued under section 2903.213 or 2919.26 of the Revised Code. 1539
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- (J) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. 1541
1542
- (K) "Child care center," "type A family child care home" and "type B family child care home" have the same meanings as in section 5104.01 of the Revised Code. 1543
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(L) "Foreign air transportation," "interstate air transportation," and "intrastate air transportation" have the same meanings as in 49 U.S.C. 40102, as now or hereafter amended.

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

(N) "Motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code.

Sec. 2923.125. It is the intent of the general assembly that Ohio ~~concealed handgun~~ basic competency 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~~ basic competency 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.

(A) This section applies with respect to the application for and issuance by this state of ~~concealed handgun~~ basic competency licenses other than ~~concealed handgun~~ basic competency 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 ~~concealed handgun~~ basic competency license with respect to which this section applies or to renew a ~~concealed handgun~~ basic competency license with respect to which this section applies, a sheriff, as provided in division (I) of this section, shall provide to the person free of charge an application form and the web site address at which a printable version of the application form

that can be downloaded and the pamphlet described in division 1576
(B) of section 109.731 of the Revised Code may be found. A 1577
sheriff shall accept a completed application form and the fee, 1578
items, materials, and information specified in divisions (B)(1) 1579
to (5) of this section at the times and in the manners described 1580
in division (I) of this section. 1581

(B) An applicant for a ~~concealed handgun~~ basic competency 1582
license who is a resident of this state shall submit a completed 1583
application form and all of the material and information 1584
described in divisions (B)(1) to (6) of this section to the 1585
sheriff of the county in which the applicant resides or to the 1586
sheriff of any county adjacent to the county in which the 1587
applicant resides. An applicant for a license who resides in 1588
another state shall submit a completed application form and all 1589
of the material and information described in divisions (B)(1) to 1590
(7) of this section to the sheriff of the county in which the 1591
applicant is employed or to the sheriff of any county adjacent 1592
to the county in which the applicant is employed: 1593

(1) (a) A nonrefundable license fee as described in either 1594
of the following: 1595

(i) For an applicant who has been a resident of this state 1596
for five or more years, a fee of sixty-seven dollars; 1597

(ii) For an applicant who has been a resident of this 1598
state for less than five years or who is not a resident of this 1599
state, but who is employed in this state, a fee of sixty-seven 1600
dollars plus the actual cost of having a background check 1601
performed by the federal bureau of investigation. 1602

(b) No sheriff shall require an applicant to pay for the 1603
cost of a background check performed by the bureau of criminal 1604

identification and investigation. 1605

(c) A sheriff shall waive the payment of the license fee 1606
described in division (B) (1) (a) of this section in connection 1607
with an initial or renewal application for a license that is 1608
submitted by an applicant who is an active or reserve member of 1609
the armed forces of the United States or has retired from or was 1610
honorably discharged from military service in the active or 1611
reserve armed forces of the United States, a retired peace 1612
officer, a retired person described in division (B) (1) (b) of 1613
section 109.77 of the Revised Code, or a retired federal law 1614
enforcement officer who, prior to retirement, was authorized 1615
under federal law to carry a firearm in the course of duty, 1616
unless the retired peace officer, person, or federal law 1617
enforcement officer retired as the result of a mental 1618
disability. 1619

(d) The sheriff shall deposit all fees paid by an 1620
applicant under division (B) (1) (a) of this section into the 1621
sheriff's ~~concealed handgun~~ basic competency license issuance 1622
fund established pursuant to section 311.42 of the Revised Code. 1623
The county shall distribute the fees in accordance with section 1624
311.42 of the Revised Code. 1625

(2) A color photograph of the applicant that was taken 1626
within thirty days prior to the date of the application; 1627

(3) One or more of the following competency 1628
certifications, each of which shall reflect that, regarding a 1629
certification described in division (B) (3) (a), (b), (c), (e), or 1630
(f) of this section, within the three years immediately 1631
preceding the application the applicant has performed that to 1632
which the competency certification relates and that, regarding a 1633
certification described in division (B) (3) (d) of this section, 1634

the applicant currently is an active or reserve member of the 1635
armed forces of the United States, the applicant has retired 1636
from or was honorably discharged from military service in the 1637
active or reserve armed forces of the United States, or within 1638
the ten years immediately preceding the application the 1639
retirement of the peace officer, person described in division 1640
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 1641
enforcement officer to which the competency certification 1642
relates occurred: 1643

(a) An original or photocopy of a certificate of 1644
completion of a firearms safety, training, or requalification or 1645
firearms safety instructor course, class, or program that was 1646
offered by or under the auspices of a national gun advocacy 1647
organization and that complies with the requirements set forth 1648
in division (G) of this section; 1649

(b) An original or photocopy of a certificate of 1650
completion of a firearms safety, training, or requalification or 1651
firearms safety instructor course, class, or program that 1652
satisfies all of the following criteria: 1653

(i) It was open to members of the general public. 1654

(ii) It utilized qualified instructors who were certified 1655
by a national gun advocacy organization, the executive director 1656
of the Ohio peace officer training commission pursuant to 1657
section 109.75 or 109.78 of the Revised Code, or a governmental 1658
official or entity of another state. 1659

(iii) It was offered by or under the auspices of a law 1660
enforcement agency of this or another state or the United 1661
States, a public or private college, university, or other 1662
similar postsecondary educational institution located in this or 1663

another state, a firearms training school located in this or 1664
another state, or another type of public or private entity or 1665
organization located in this or another state. 1666

(iv) It complies with the requirements set forth in 1667
division (G) of this section. 1668

(c) An original or photocopy of a certificate of 1669
completion of a state, county, municipal, or department of 1670
natural resources peace officer training school that is approved 1671
by the executive director of the Ohio peace officer training 1672
commission pursuant to section 109.75 of the Revised Code and 1673
that complies with the requirements set forth in division (G) of 1674
this section, or the applicant has satisfactorily completed and 1675
been issued a certificate of completion of a basic firearms 1676
training program, a firearms requalification training program, 1677
or another basic training program described in section 109.78 or 1678
109.801 of the Revised Code that complies with the requirements 1679
set forth in division (G) of this section; 1680

(d) A document that evidences both of the following: 1681

(i) That the applicant is an active or reserve member of 1682
the armed forces of the United States, has retired from or was 1683
honorably discharged from military service in the active or 1684
reserve armed forces of the United States, is a retired trooper 1685
of the state highway patrol, or is a retired peace officer or 1686
federal law enforcement officer described in division (B) (1) of 1687
this section or a retired person described in division (B) (1) (b) 1688
of section 109.77 of the Revised Code and division (B) (1) of 1689
this section; 1690

(ii) That, through participation in the military service 1691
or through the former employment described in division (B) (3) (d) 1692

(i) of this section, the applicant acquired experience with 1693
handling handguns or other firearms, and the experience so 1694
acquired was equivalent to training that the applicant could 1695
have acquired in a course, class, or program described in 1696
division (B) (3) (a), (b), or (c) of this section. 1697

(e) A certificate or another similar document that 1698
evidences satisfactory completion of a firearms training, 1699
safety, or requalification or firearms safety instructor course, 1700
class, or program that is not otherwise described in division 1701
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 1702
by an instructor who was certified by an official or entity of 1703
the government of this or another state or the United States or 1704
by a national gun advocacy organization, and that complies with 1705
the requirements set forth in division (G) of this section; 1706

(f) An affidavit that attests to the applicant's 1707
satisfactory completion of a course, class, or program described 1708
in division (B) (3) (a), (b), (c), or (e) of this section and that 1709
is subscribed by the applicant's instructor or an authorized 1710
representative of the entity that offered the course, class, or 1711
program or under whose auspices the course, class, or program 1712
was offered; 1713

(g) A document that evidences that the applicant has 1714
successfully completed the Ohio peace officer training program 1715
described in section 109.79 of the Revised Code. 1716

(4) A certification by the applicant that the applicant 1717
has read the pamphlet prepared by the Ohio peace officer 1718
training commission pursuant to section 109.731 of the Revised 1719
Code that reviews firearms, dispute resolution, and use of 1720
deadly force matters. 1721

(5) A set of fingerprints of the applicant provided as 1722
described in section 311.41 of the Revised Code through use of 1723
an electronic fingerprint reading device or, if the sheriff to 1724
whom the application is submitted does not possess and does not 1725
have ready access to the use of such a reading device, on a 1726
standard impression sheet prescribed pursuant to division (C) (2) 1727
of section 109.572 of the Revised Code. 1728

(6) If the applicant is not a citizen or national of the 1729
United States, the name of the applicant's country of 1730
citizenship and the applicant's alien registration number issued 1731
by the United States citizenship and immigration services 1732
agency. 1733

(7) If the applicant resides in another state, adequate 1734
proof of employment in Ohio. 1735

(C) Upon receipt of the completed application form, 1736
supporting documentation, and, if not waived, license fee of an 1737
applicant under this section, a sheriff, in the manner specified 1738
in section 311.41 of the Revised Code, shall conduct or cause to 1739
be conducted the criminal records check and the incompetency 1740
records check described in section 311.41 of the Revised Code. 1741

(D) (1) Except as provided in division (D) (3) of this 1742
section, within forty-five days after a sheriff's receipt of an 1743
applicant's completed application form for a ~~concealed handgun~~ 1744
basic competency license under this section, the supporting 1745
documentation, and, if not waived, the license fee, the sheriff 1746
shall make available through the law enforcement automated data 1747
system in accordance with division (H) of this section the 1748
information described in that division and, upon making the 1749
information available through the system, shall issue to the 1750
applicant a ~~concealed handgun~~ basic competency license that 1751

shall expire as described in division (D)(2)(a) of this section 1752
if all of the following apply: 1753

(a) The applicant is legally living in the United States. 1754
For purposes of division (D)(1)(a) of this section, if a person 1755
is absent from the United States in compliance with military or 1756
naval orders as an active or reserve member of the armed forces 1757
of the United States and if prior to leaving the United States 1758
the person was legally living in the United States, the person, 1759
solely by reason of that absence, shall not be considered to 1760
have lost the person's status as living in the United States. 1761

(b) The applicant is at least twenty-one years of age. 1762

(c) The applicant is not a fugitive from justice. 1763

(d) The applicant is not under indictment for or otherwise 1764
charged with a felony; an offense under Chapter 2925., 3719., or 1765
4729. of the Revised Code that involves the illegal possession, 1766
use, sale, administration, or distribution of or trafficking in 1767
a drug of abuse; a misdemeanor offense of violence; or a 1768
violation of section 2903.14 or 2923.1211 of the Revised Code. 1769

(e) Except as otherwise provided in division (D)(4) or (5) 1770
of this section, the applicant has not been convicted of or 1771
pleaded guilty to a felony or an offense under Chapter 2925., 1772
3719., or 4729. of the Revised Code that involves the illegal 1773
possession, use, sale, administration, or distribution of or 1774
trafficking in a drug of abuse; has not been adjudicated a 1775
delinquent child for committing an act that if committed by an 1776
adult would be a felony or would be an offense under Chapter 1777
2925., 3719., or 4729. of the Revised Code that involves the 1778
illegal possession, use, sale, administration, or distribution 1779
of or trafficking in a drug of abuse; has not been convicted of, 1780

pleaded guilty to, or adjudicated a delinquent child for 1781
committing a violation of section 2903.13 of the Revised Code 1782
when the victim of the violation is a peace officer, regardless 1783
of whether the applicant was sentenced under division ~~(C)(4)~~ (C) 1784
(6) of that section; and has not been convicted of, pleaded 1785
guilty to, or adjudicated a delinquent child for committing any 1786
other offense that is not previously described in this division 1787
that is a misdemeanor punishable by imprisonment for a term 1788
exceeding one year. 1789

(f) Except as otherwise provided in division (D) (4) or (5) 1790
of this section, the applicant, within three years of the date 1791
of the application, has not been convicted of or pleaded guilty 1792
to a misdemeanor offense of violence other than a misdemeanor 1793
violation of section 2921.33 of the Revised Code or a violation 1794
of section 2903.13 of the Revised Code when the victim of the 1795
violation is a peace officer, or a misdemeanor violation of 1796
section 2923.1211 of the Revised Code; and has not been 1797
adjudicated a delinquent child for committing an act that if 1798
committed by an adult would be a misdemeanor offense of violence 1799
other than a misdemeanor violation of section 2921.33 of the 1800
Revised Code or a violation of section 2903.13 of the Revised 1801
Code when the victim of the violation is a peace officer or for 1802
committing an act that if committed by an adult would be a 1803
misdemeanor violation of section 2923.1211 of the Revised Code. 1804

(g) Except as otherwise provided in division (D) (1) (e) of 1805
this section, the applicant, within five years of the date of 1806
the application, has not been convicted of, pleaded guilty to, 1807
or adjudicated a delinquent child for committing two or more 1808
violations of section 2903.13 or 2903.14 of the Revised Code. 1809

(h) Except as otherwise provided in division (D) (4) or (5) 1810

of this section, the applicant, within ten years of the date of 1811
the application, has not been convicted of, pleaded guilty to, 1812
or adjudicated a delinquent child for committing a violation of 1813
section 2921.33 of the Revised Code. 1814

(i) The applicant has not been committed to any mental 1815
institution, is not under adjudication of mental incompetence, 1816
has not been found by a court to be a person with a mental 1817
illness subject to court order, and is not an involuntary 1818
patient other than one who is a patient only for purposes of 1819
observation. As used in this division, "person with a mental 1820
illness subject to court order" and "patient" have the same 1821
meanings as in section 5122.01 of the Revised Code. 1822

(j) The applicant is not currently subject to a civil 1823
protection order, a temporary protection order, or a protection 1824
order issued by a court of another state. 1825

(k) The applicant certifies that the applicant desires a 1826
legal means to carry a concealed handgun for defense of the 1827
applicant or a member of the applicant's family while engaged in 1828
lawful activity. 1829

(l) The applicant submits a competency certification of 1830
the type described in division (B) (3) of this section and 1831
submits a certification of the type described in division (B) (4) 1832
of this section regarding the applicant's reading of the 1833
pamphlet prepared by the Ohio peace officer training commission 1834
pursuant to section 109.731 of the Revised Code. 1835

(m) The applicant currently is not subject to a suspension 1836
imposed under division (A) (2) of section 2923.128 of the Revised 1837
Code of a ~~concealed handgun~~-basic competency license that 1838
previously was issued to the applicant under this section or 1839

section 2923.1213 of the Revised Code or a similar suspension 1840
imposed by another state regarding a ~~concealed handgun~~ basic 1841
competency license issued by that state. 1842

(n) If the applicant resides in another state, the 1843
applicant is employed in this state. 1844

(o) The applicant certifies that the applicant is not an 1845
unlawful user of or addicted to any controlled substance as 1846
defined in 21 U.S.C. 802. 1847

(p) If the applicant is not a United States citizen, the 1848
applicant is an alien and has not been admitted to the United 1849
States under a nonimmigrant visa, as defined in the "Immigration 1850
and Nationality Act," 8 U.S.C. 1101(a) (26). 1851

(q) The applicant has not been discharged from the armed 1852
forces of the United States under dishonorable conditions. 1853

(r) The applicant certifies that the applicant has not 1854
renounced the applicant's United States citizenship, if 1855
applicable. 1856

(s) The applicant has not been convicted of, pleaded 1857
guilty to, or adjudicated a delinquent child for committing a 1858
violation of section 2919.25 of the Revised Code or a similar 1859
violation in another state. 1860

(2) (a) A ~~concealed handgun~~ basic competency license that a 1861
sheriff issues under division (D) (1) of this section shall 1862
expire five years after the date of issuance. 1863

If a sheriff issues a license under this section, the 1864
sheriff shall place on the license a unique combination of 1865
letters and numbers identifying the license in accordance with 1866
the procedure prescribed by the Ohio peace officer training 1867

commission pursuant to section 109.731 of the Revised Code. 1868

(b) If a sheriff denies an application under this section 1869
because the applicant does not satisfy the criteria described in 1870
division (D)(1) of this section, the sheriff shall specify the 1871
grounds for the denial in a written notice to the applicant. The 1872
applicant may appeal the denial pursuant to section 119.12 of 1873
the Revised Code in the county served by the sheriff who denied 1874
the application. If the denial was as a result of the criminal 1875
records check conducted pursuant to section 311.41 of the 1876
Revised Code and if, pursuant to section 2923.127 of the Revised 1877
Code, the applicant challenges the criminal records check 1878
results using the appropriate challenge and review procedure 1879
specified in that section, the time for filing the appeal 1880
pursuant to section 119.12 of the Revised Code and this division 1881
is tolled during the pendency of the request or the challenge 1882
and review. 1883

(c) If the court in an appeal under section 119.12 of the 1884
Revised Code and division (D)(2)(b) of this section enters a 1885
judgment sustaining the sheriff's refusal to grant to the 1886
applicant a ~~concealed handgun~~ basic competency license, the 1887
applicant may file a new application beginning one year after 1888
the judgment is entered. If the court enters a judgment in favor 1889
of the applicant, that judgment shall not restrict the authority 1890
of a sheriff to suspend or revoke the license pursuant to 1891
section 2923.128 or 2923.1213 of the Revised Code or to refuse 1892
to renew the license for any proper cause that may occur after 1893
the date the judgment is entered. In the appeal, the court shall 1894
have full power to dispose of all costs. 1895

(3) If the sheriff with whom an application for a 1896
~~concealed handgun~~ basic competency license was filed under this 1897

section becomes aware that the applicant has been arrested for 1898
or otherwise charged with an offense that would disqualify the 1899
applicant from holding the license, the sheriff shall suspend 1900
the processing of the application until the disposition of the 1901
case arising from the arrest or charge. 1902

(4) If an applicant has been convicted of or pleaded 1903
guilty to an offense identified in division (D)(1)(e), (f), or 1904
(h) of this section or has been adjudicated a delinquent child 1905
for committing an act or violation identified in any of those 1906
divisions, and if a court has ordered the sealing or expungement 1907
of the records of that conviction, guilty plea, or adjudication 1908
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1909
2953.35, or section 2953.39 of the Revised Code or the applicant 1910
has been relieved under operation of law or legal process from 1911
the disability imposed pursuant to section 2923.13 of the 1912
Revised Code relative to that conviction, guilty plea, or 1913
adjudication, the sheriff with whom the application was 1914
submitted shall not consider the conviction, guilty plea, or 1915
adjudication in making a determination under division (D)(1) or 1916
(F) of this section or, in relation to an application for a 1917
~~concealed handgun~~ basic competency license on a temporary 1918
emergency basis submitted under section 2923.1213 of the Revised 1919
Code, in making a determination under division (B)(2) of that 1920
section. 1921

(5) If an applicant has been convicted of or pleaded 1922
guilty to a minor misdemeanor offense or has been adjudicated a 1923
delinquent child for committing an act or violation that is a 1924
minor misdemeanor offense, the sheriff with whom the application 1925
was submitted shall not consider the conviction, guilty plea, or 1926
adjudication in making a determination under division (D)(1) or 1927
(F) of this section or, in relation to an application for a 1928

~~concealed handgun~~ basic competency license on a temporary basis 1929
submitted under section 2923.1213 of the Revised Code, in making 1930
a determination under division (B) (2) of that section. 1931

(E) If a ~~concealed handgun~~ basic competency license issued 1932
under this section is lost or is destroyed, the licensee may 1933
obtain from the sheriff who issued that license a duplicate 1934
license upon the payment of a fee of fifteen dollars and the 1935
submission of an affidavit attesting to the loss or destruction 1936
of the license. The sheriff, in accordance with the procedures 1937
prescribed in section 109.731 of the Revised Code, shall place 1938
on the replacement license a combination of identifying numbers 1939
different from the combination on the license that is being 1940
replaced. 1941

(F) (1) (a) Except as provided in division (F) (1) (b) of this 1942
section, a licensee who wishes to renew a ~~concealed handgun~~ 1943
basic competency license issued under this section may do so at 1944
any time before the expiration date of the license or at any 1945
time after the expiration date of the license by filing with the 1946
sheriff of the county in which the applicant resides or with the 1947
sheriff of an adjacent county, or in the case of an applicant 1948
who resides in another state with the sheriff of the county that 1949
issued the applicant's previous ~~concealed handgun~~ basic 1950
competency license an application for renewal of the license 1951
obtained pursuant to division (D) of this section, a 1952
certification by the applicant that, subsequent to the issuance 1953
of the license, the applicant has reread the pamphlet prepared 1954
by the Ohio peace officer training commission pursuant to 1955
section 109.731 of the Revised Code that reviews firearms, 1956
dispute resolution, and use of deadly force matters, and a 1957
nonrefundable license renewal fee in an amount determined 1958
pursuant to division (F) (4) of this section unless the fee is 1959

waived. 1960

(b) A person on active duty in the armed forces of the 1961
United States or in service with the peace corps, volunteers in 1962
service to America, or the foreign service of the United States 1963
is exempt from the license requirements of this section for the 1964
period of the person's active duty or service and for six months 1965
thereafter, provided the person was a licensee under this 1966
section at the time the person commenced the person's active 1967
duty or service or had obtained a license while on active duty 1968
or service. The spouse or a dependent of any such person on 1969
active duty or in service also is exempt from the license 1970
requirements of this section for the period of the person's 1971
active duty or service and for six months thereafter, provided 1972
the spouse or dependent was a licensee under this section at the 1973
time the person commenced the active duty or service or had 1974
obtained a license while the person was on active duty or 1975
service, and provided further that the person's active duty or 1976
service resulted in the spouse or dependent relocating outside 1977
of this state during the period of the active duty or service. 1978
This division does not prevent such a person or the person's 1979
spouse or dependent from making an application for the renewal 1980
of a ~~concealed handgun~~ basic competency license during the 1981
period of the person's active duty or service. 1982

(2) A sheriff shall accept a completed renewal 1983
application, the license renewal fee, and the information 1984
specified in division (F) (1) of this section at the times and in 1985
the manners described in division (I) of this section. Upon 1986
receipt of a completed renewal application, of certification 1987
that the applicant has reread the specified pamphlet prepared by 1988
the Ohio peace officer training commission, and of a license 1989
renewal fee unless the fee is waived, a sheriff, in the manner 1990

specified in section 311.41 of the Revised Code shall conduct or 1991
cause to be conducted the criminal records check and the 1992
incompetency records check described in section 311.41 of the 1993
Revised Code. The sheriff shall renew the license if the sheriff 1994
determines that the applicant continues to satisfy the 1995
requirements described in division (D) (1) of this section, 1996
except that the applicant is not required to meet the 1997
requirements of division (D) (1) (1) of this section. A renewed 1998
license shall expire five years after the date of issuance. A 1999
renewed license is subject to division (E) of this section and 2000
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 2001
shall comply with divisions (D) (2) and (3) of this section when 2002
the circumstances described in those divisions apply to a 2003
requested license renewal. If a sheriff denies the renewal of a 2004
~~concealed handgun~~ basic competency license, the applicant may 2005
appeal the denial, or challenge the criminal record check 2006
results that were the basis of the denial if applicable, in the 2007
same manner as specified in division (D) (2) (b) of this section 2008
and in section 2923.127 of the Revised Code, regarding the 2009
denial of a license under this section. 2010

(3) A renewal application submitted pursuant to division 2011
(F) of this section shall only require the licensee to list on 2012
the application form information and matters occurring since the 2013
date of the licensee's last application for a license pursuant 2014
to division (B) or (F) of this section. A sheriff conducting the 2015
criminal records check and the incompetency records check 2016
described in section 311.41 of the Revised Code shall conduct 2017
the check only from the date of the licensee's last application 2018
for a license pursuant to division (B) or (F) of this section 2019
through the date of the renewal application submitted pursuant 2020
to division (F) of this section. 2021

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

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

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

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

(G) (1) Each course, class, or program described in division (B) (3) (a), (b), (c), or (e) of this section shall provide to each person who takes the course, class, or program the web site address at which 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 may be found. Each such course, class, or program described in one of those divisions shall include at least eight hours of training in the safe handling

and use of a firearm that shall include training, provided as 2052
described in division (G) (3) of this section, on all of the 2053
following: 2054

(a) The ability to name, explain, and demonstrate the 2055
rules for safe handling of a handgun and proper storage 2056
practices for handguns and ammunition; 2057

(b) The ability to demonstrate and explain how to handle 2058
ammunition in a safe manner; 2059

(c) The ability to demonstrate the knowledge, skills, and 2060
attitude necessary to shoot a handgun in a safe manner; 2061

(d) Gun handling training; 2062

(e) A minimum of two hours of in-person training that 2063
consists of range time and live-fire training. 2064

(2) To satisfactorily complete the course, class, or 2065
program described in division (B) (3) (a), (b), (c), or (e) of 2066
this section, the applicant shall pass a competency examination 2067
that shall include both of the following: 2068

(a) A written section, provided as described in division 2069
(G) (3) of this section, on the ability to name and explain the 2070
rules for the safe handling of a handgun and proper storage 2071
practices for handguns and ammunition; 2072

(b) An in-person physical demonstration of competence in 2073
the use of a handgun and in the rules for safe handling and 2074
storage of a handgun and a physical demonstration of the 2075
attitude necessary to shoot a handgun in a safe manner. 2076

(3) (a) Except as otherwise provided in this division, the 2077
training specified in division (G) (1) (a) of this section shall 2078
be provided to the person receiving the training in person by an 2079

instructor. If the training specified in division (G) (1) (a) of 2080
this section is provided by a course, class, or program 2081
described in division (B) (3) (a) of this section, or it is 2082
provided by a course, class, or program described in division 2083
(B) (3) (b), (c), or (e) of this section and the instructor is a 2084
qualified instructor certified by a national gun advocacy 2085
organization, the training so specified, other than the training 2086
that requires the person receiving the training to demonstrate 2087
handling abilities, may be provided online or as a combination 2088
of in-person and online training, as long as the online training 2089
includes an interactive component that regularly engages the 2090
person. 2091

(b) Except as otherwise provided in this division, the 2092
written section of the competency examination specified in 2093
division (G) (2) (a) of this section shall be administered to the 2094
person taking the competency examination in person by an 2095
instructor. If the training specified in division (G) (1) (a) of 2096
this section is provided to the person receiving the training by 2097
a course, class, or program described in division (B) (3) (a) of 2098
this section, or it is provided by a course, class, or program 2099
described in division (B) (3) (b), (c), or (e) of this section and 2100
the instructor is a qualified instructor certified by a national 2101
gun advocacy organization, the written section of the competency 2102
examination specified in division (G) (2) (a) of this section may 2103
be administered online, as long as the online training includes 2104
an interactive component that regularly engages the person. 2105

(4) The competency certification described in division (B) 2106
(3) (a), (b), (c), or (e) of this section shall be dated and 2107
shall attest that the course, class, or program the applicant 2108
successfully completed met the requirements described in 2109
division (G) (1) of this section and that the applicant passed 2110

the competency examination described in division (G) (2) of this section. 2111
2112

(H) Upon deciding to issue a ~~concealed handgun basic~~ 2113
competency license, deciding to issue a replacement ~~concealed-~~ 2114
~~handgun basic competency license~~, or deciding to renew a 2115
~~concealed handgun basic competency license~~ pursuant to this 2116
section, and before actually issuing or renewing the license, 2117
the sheriff shall make available through the law enforcement 2118
automated data system all information contained on the license. 2119
If the license subsequently is suspended under division (A) (1) 2120
or (2) of section 2923.128 of the Revised Code, revoked pursuant 2121
to division (B) (1) of section 2923.128 of the Revised Code, or 2122
lost or destroyed, the sheriff also shall make available through 2123
the law enforcement automated data system a notation of that 2124
fact. The superintendent of the state highway patrol shall 2125
ensure that the law enforcement automated data system is so 2126
configured as to permit the transmission through the system of 2127
the information specified in this division. 2128

(I) (1) A sheriff shall accept a completed application form 2129
or renewal application, and the fee, items, materials, and 2130
information specified in divisions (B) (1) to (5) or division (F) 2131
of this section, whichever is applicable, and shall provide an 2132
application form or renewal application to any person during at 2133
least fifteen hours a week and shall provide the web site 2134
address at which a printable version of the application form 2135
that can be downloaded and the pamphlet described in division 2136
(B) of section 109.731 of the Revised Code may be found at any 2137
time, upon request. The sheriff shall post notice of the hours 2138
during which the sheriff is available to accept or provide the 2139
information described in this division. 2140

(2) A sheriff shall transmit a notice to the attorney 2141
general, in a manner determined by the attorney general, every 2142
time a license is issued that waived payment under division (B) 2143
(1)(c) of this section for an applicant who is an active or 2144
reserve member of the armed forces of the United States or has 2145
retired from or was honorably discharged from military service 2146
in the active or reserve armed forces of the United States. The 2147
attorney general shall monitor and inform sheriffs issuing 2148
licenses under this section when the amount of license fee 2149
payments waived and transmitted to the attorney general reach 2150
one million five hundred thousand dollars each year. Once a 2151
sheriff is informed that the payments waived reached one million 2152
five hundred thousand dollars in any year, a sheriff shall no 2153
longer waive payment of a license fee for an applicant who is an 2154
active or reserve member of the armed forces of the United 2155
States or has retired from or was honorably discharged from 2156
military service in the active or reserve armed forces of the 2157
United States for the remainder of that year. 2158

Sec. 2923.126. (A) A ~~concealed handgun~~ basic competency 2159
license that is issued under section 2923.125 of the Revised 2160
Code shall expire five years after the date of issuance. A 2161
licensee who has been issued a license under that section shall 2162
be granted a grace period of thirty days after the licensee's 2163
license expires during which the licensee's license remains 2164
valid. Except as provided in divisions (B) and (C) of this 2165
section, a licensee who has been issued a ~~concealed handgun~~ 2166
basic competency license under section 2923.125 or 2923.1213 of 2167
the Revised Code may carry a concealed handgun anywhere in this 2168
state if the ~~license is~~ licensee also carries a valid license 2169
when the licensee is in actual possession of a concealed 2170
handgun. The licensee shall give notice of any change in the 2171

licensee's residence address to the sheriff who issued the 2172
license within forty-five days after that change. 2173

If a licensee is the driver or an occupant of a motor 2174
vehicle that is stopped as the result of a traffic stop or a 2175
stop for another law enforcement purpose and if the licensee is 2176
transporting or has a loaded handgun in the motor vehicle at 2177
that time, the licensee shall promptly inform any law 2178
enforcement officer who approaches the vehicle while stopped 2179
that the licensee has been issued a basic competency license and 2180
that the licensee currently possesses or has a loaded handgun; 2181
the licensee shall not knowingly disregard or fail to comply 2182
with lawful orders of a law enforcement officer given while the 2183
motor vehicle is stopped, knowingly fail to remain in the motor 2184
vehicle while stopped, or knowingly fail to keep the licensee's 2185
hands in plain sight after any law enforcement officer begins 2186
approaching the licensee while stopped and before the officer 2187
leaves, unless directed otherwise by a law enforcement officer; 2188
and the licensee shall not knowingly have contact with the 2189
loaded handgun by touching it with the licensee's hands or 2190
fingers, in any manner in violation of division (E) of section 2191
2923.16 of the Revised Code, after any law enforcement officer 2192
begins approaching the licensee while stopped and before the 2193
officer leaves. Additionally, if a licensee is the driver or an 2194
occupant of a commercial motor vehicle that is stopped by an 2195
employee of the motor carrier enforcement unit for the purposes 2196
defined in section 5503.34 of the Revised Code and the licensee 2197
is transporting or has a loaded handgun in the commercial motor 2198
vehicle at that time, the licensee shall promptly inform the 2199
employee of the unit who approaches the vehicle while stopped 2200
that the licensee has been issued a basic competency license and 2201
that the licensee currently possesses or has a loaded handgun. 2202

If a licensee is stopped for a law enforcement purpose and 2203
if the licensee is carrying a concealed handgun at the time the 2204
officer approaches, the licensee shall promptly inform any law 2205
enforcement officer who approaches the licensee while stopped 2206
that the licensee has been issued a basic competency license and 2207
that the licensee currently is carrying a concealed handgun; the 2208
licensee shall not knowingly disregard or fail to comply with 2209
lawful orders of a law enforcement officer given while the 2210
licensee is stopped, or knowingly fail to keep the licensee's 2211
hands in plain sight after any law enforcement officer begins 2212
approaching the licensee while stopped and before the officer 2213
leaves, unless directed otherwise by a law enforcement officer; 2214
and the licensee shall not knowingly remove, attempt to remove, 2215
grasp, or hold the loaded handgun or knowingly have contact with 2216
the loaded handgun by touching it with the licensee's hands or 2217
fingers, in any manner in violation of division (B) of section 2218
2923.12 of the Revised Code, after any law enforcement officer 2219
begins approaching the licensee while stopped and before the 2220
officer leaves. 2221

(B) A valid ~~concealed handgun~~ basic competency license 2222
does not authorize the licensee to carry a concealed handgun in 2223
any manner prohibited under division (B) of section 2923.12 of 2224
the Revised Code or in any manner prohibited under section 2225
2923.16 of the Revised Code. A valid license does not authorize 2226
the licensee to carry a concealed handgun into any of the 2227
following places: 2228

(1) A police station, sheriff's office, or state highway 2229
patrol station, premises controlled by the bureau of criminal 2230
identification and investigation; a state correctional 2231
institution, jail, workhouse, or other detention facility; any 2232
area of an airport passenger terminal that is beyond a passenger 2233

or property screening checkpoint or to which access is 2234
restricted through security measures by the airport authority or 2235
a public agency; or an institution that is maintained, operated, 2236
managed, and governed pursuant to division (A) of section 2237
5119.14 of the Revised Code or division (A)(1) of section 2238
5123.03 of the Revised Code; 2239

(2) A school safety zone if the licensee's carrying the 2240
concealed handgun is in violation of section 2923.122 of the 2241
Revised Code; 2242

(3) A courthouse or another building or structure in which 2243
a courtroom is located if the licensee's carrying the concealed 2244
handgun is in violation of section 2923.123 of the Revised Code; 2245

(4) Any premises or open air arena for which a D permit 2246
has been issued under Chapter 4303. of the Revised Code if the 2247
licensee's carrying the concealed handgun is in violation of 2248
section 2923.121 of the Revised Code; 2249

(5) Any premises owned or leased by any public or private 2250
college, university, or other institution of higher education, 2251
unless the handgun is in a locked motor vehicle or the licensee 2252
is in the immediate process of placing the handgun in a locked 2253
motor vehicle or unless the licensee is carrying the concealed 2254
handgun pursuant to a written policy, rule, or other 2255
authorization that is adopted by the institution's board of 2256
trustees or other governing body and that authorizes specific 2257
individuals or classes of individuals to carry a concealed 2258
handgun on the premises; 2259

(6) Any church, synagogue, mosque, or other place of 2260
worship, unless the church, synagogue, mosque, or other place of 2261
worship posts or permits otherwise; 2262

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

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

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

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

decision to permit a licensee to bring, or prohibit a licensee 2293
from bringing, a handgun onto the premises or property of the 2294
private employer. 2295

(b) A political subdivision shall be immune from liability 2296
in a civil action, to the extent and in the manner provided in 2297
Chapter 2744. of the Revised Code, for any injury, death, or 2298
loss to person or property that allegedly was caused by or 2299
related to a licensee bringing a handgun onto any premises or 2300
property owned, leased, or otherwise under the control of the 2301
political subdivision. As used in this division, "political 2302
subdivision" has the same meaning as in section 2744.01 of the 2303
Revised Code. 2304

(c) An institution of higher education shall be immune 2305
from liability in a civil action for any injury, death, or loss 2306
to person or property that allegedly was caused by or related to 2307
a licensee bringing a handgun onto the premises of the 2308
institution, including motor vehicles owned by the institution, 2309
unless the institution acted with malicious purpose. An 2310
institution of higher education is immune from liability in a 2311
civil action for any injury, death, or loss to person or 2312
property that allegedly was caused by or related to the 2313
institution's decision to permit a licensee or class of 2314
licensees to bring a handgun onto the premises of the 2315
institution. 2316

(d) A nonprofit corporation shall be immune from liability 2317
in a civil action for any injury, death, or loss to person or 2318
property that allegedly was caused by or related to a licensee 2319
bringing a handgun onto the premises of the nonprofit 2320
corporation, including any motor vehicle owned by the nonprofit 2321
corporation, or to any event organized by the nonprofit 2322

corporation, unless the nonprofit corporation acted with 2323
malicious purpose. A nonprofit corporation is immune from 2324
liability in a civil action for any injury, death, or loss to 2325
person or property that allegedly was caused by or related to 2326
the nonprofit corporation's decision to permit a licensee to 2327
bring a handgun onto the premises of the nonprofit corporation 2328
or to any event organized by the nonprofit corporation. 2329

(3) (a) Except as provided in division (C) (3) (b) of this 2330
section and section 2923.1214 of the Revised Code, the owner or 2331
person in control of private land or premises, and a private 2332
person or entity leasing land or premises owned by the state, 2333
the United States, or a political subdivision of the state or 2334
the United States, may post a sign in a conspicuous location on 2335
that land or on those premises prohibiting persons from carrying 2336
firearms or concealed firearms on or onto that land or those 2337
premises. Except as otherwise provided in this division, a 2338
person who knowingly violates a posted prohibition of that 2339
nature is guilty of criminal trespass in violation of division 2340
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 2341
misdemeanor of the fourth degree. If a person knowingly violates 2342
a posted prohibition of that nature and the posted land or 2343
premises primarily was a parking lot or other parking facility, 2344
the person is not guilty of criminal trespass under section 2345
2911.21 of the Revised Code or under any other criminal law of 2346
this state or criminal law, ordinance, or resolution of a 2347
political subdivision of this state, and instead is subject only 2348
to a civil cause of action for trespass based on the violation. 2349

If a person knowingly violates a posted prohibition of the 2350
nature described in this division and the posted land or 2351
premises is a child care center, type A family child care home, 2352
or type B family child care home, unless the person is a 2353

licensee who resides in a type A family child care home or type 2354
B family child care home, the person is guilty of aggravated 2355
trespass in violation of section 2911.211 of the Revised Code. 2356
Except as otherwise provided in this division, the offender is 2357
guilty of a misdemeanor of the first degree. If the person 2358
previously has been convicted of a violation of this division or 2359
of any offense of violence, if the weapon involved is a firearm 2360
that is either loaded or for which the offender has ammunition 2361
ready at hand, or if the weapon involved is dangerous ordnance, 2362
the offender is guilty of a felony of the fourth degree. 2363

(b) A landlord may not prohibit or restrict a tenant who 2364
is a licensee and who on or after September 9, 2008, enters into 2365
a rental agreement with the landlord for the use of residential 2366
premises, and the tenant's guest while the tenant is present, 2367
from lawfully carrying or possessing a handgun on those 2368
residential premises. 2369

(c) As used in division (C) (3) of this section: 2370

(i) "Residential premises" has the same meaning as in 2371
section 5321.01 of the Revised Code, except "residential 2372
premises" does not include a dwelling unit that is owned or 2373
operated by a college or university. 2374

(ii) "Landlord," "tenant," and "rental agreement" have the 2375
same meanings as in section 5321.01 of the Revised Code. 2376

(D) A person who holds a valid ~~concealed handgun~~ basic 2377
competency license issued by another state that is recognized by 2378
the attorney general pursuant to a reciprocity agreement entered 2379
into pursuant to section 109.69 of the Revised Code or a person 2380
who holds a valid ~~concealed handgun~~ basic competency license 2381
under the circumstances described in division (B) of section 2382

109.69 of the Revised Code has the same right to carry a 2383
concealed handgun in this state as a person who was issued a 2384
~~concealed handgun basic competency~~ license under section 2385
2923.125 of the Revised Code and is subject to the same 2386
restrictions that apply to a person who ~~has been issued~~ carries 2387
a license issued under that section ~~that is valid at the time in~~ 2388
question. 2389

(E) (1) A peace officer has the same right to carry a 2390
concealed handgun in this state as a person who was issued a 2391
~~concealed handgun basic competency~~ license under section 2392
2923.125 of the Revised Code, provided that the officer when 2393
carrying a concealed handgun under authority of this division is 2394
carrying validating identification. For purposes of reciprocity 2395
with other states, a peace officer shall be considered to be a 2396
licensee in this state. 2397

(2) An active duty member of the armed forces of the 2398
United States who is carrying a valid military identification 2399
card and documentation of successful completion of firearms 2400
training that meets or exceeds the training requirements 2401
described in division (G) (1) of section 2923.125 of the Revised 2402
Code has the same right to carry a concealed handgun in this 2403
state as a person who was issued a ~~concealed handgun basic~~ 2404
competency license under section 2923.125 of the Revised Code 2405
and is subject to the same restrictions as specified in this 2406
section. 2407

(3) A tactical medical professional who is qualified to 2408
carry firearms while on duty under section 109.771 of the 2409
Revised Code has the same right to carry a concealed handgun in 2410
this state as a person who was issued a ~~concealed handgun basic~~ 2411
competency license under section 2923.125 of the Revised Code. 2412

(F) (1) A qualified retired peace officer who possesses a 2413
retired peace officer identification card issued pursuant to 2414
division (F) (2) of this section and a valid firearms 2415
requalification certification issued pursuant to division (F) (3) 2416
of this section has the same right to carry a concealed handgun 2417
in this state as a person who was issued a ~~concealed handgun~~ 2418
basic competency license under section 2923.125 of the Revised 2419
Code and is subject to the same restrictions that apply to a 2420
person who ~~has been issued~~ carries a license issued under that 2421
section ~~that is valid at the time in question~~. For purposes of 2422
reciprocity with other states, a qualified retired peace officer 2423
who possesses a retired peace officer identification card issued 2424
pursuant to division (F) (2) of this section and a valid firearms 2425
requalification certification issued pursuant to division (F) (3) 2426
of this section shall be considered to be a licensee in this 2427
state. 2428

(2) (a) Each public agency of this state or of a political 2429
subdivision of this state that is served by one or more peace 2430
officers shall issue a retired peace officer identification card 2431
to any person who retired from service as a peace officer with 2432
that agency, if the issuance is in accordance with the agency's 2433
policies and procedures and if the person, with respect to the 2434
person's service with that agency, satisfies all of the 2435
following: 2436

(i) The person retired in good standing from service as a 2437
peace officer with the public agency, and the retirement was not 2438
for reasons of mental instability. 2439

(ii) Before retiring from service as a peace officer with 2440
that agency, the person was authorized to engage in or supervise 2441
the prevention, detection, investigation, or prosecution of, or 2442

the incarceration of any person for, any violation of law and 2443
the person had statutory powers of arrest. 2444

(iii) At the time of the person's retirement as a peace 2445
officer with that agency, the person was trained and qualified 2446
to carry firearms in the performance of the peace officer's 2447
duties. 2448

(iv) Before retiring from service as a peace officer with 2449
that agency, the person was regularly employed as a peace 2450
officer for an aggregate of fifteen years or more, or, in the 2451
alternative, the person retired from service as a peace officer 2452
with that agency, after completing any applicable probationary 2453
period of that service, due to a service-connected disability, 2454
as determined by the agency. 2455

(b) A retired peace officer identification card issued to 2456
a person under division (F)(2)(a) of this section shall identify 2457
the person by name, contain a photograph of the person, identify 2458
the public agency of this state or of the political subdivision 2459
of this state from which the person retired as a peace officer 2460
and that is issuing the identification card, and specify that 2461
the person retired in good standing from service as a peace 2462
officer with the issuing public agency and satisfies the 2463
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 2464
section. In addition to the required content specified in this 2465
division, a retired peace officer identification card issued to 2466
a person under division (F)(2)(a) of this section may include 2467
the firearms requalification certification described in division 2468
(F)(3) of this section, and if the identification card includes 2469
that certification, the identification card shall serve as the 2470
firearms requalification certification for the retired peace 2471
officer. If the issuing public agency issues credentials to 2472

active law enforcement officers who serve the agency, the agency 2473
may comply with division (F) (2) (a) of this section by issuing 2474
the same credentials to persons who retired from service as a 2475
peace officer with the agency and who satisfy the criteria set 2476
forth in divisions (F) (2) (a) (i) to (iv) of this section, 2477
provided that the credentials so issued to retired peace 2478
officers are stamped with the word "RETIRED." 2479

(c) A public agency of this state or of a political 2480
subdivision of this state may charge persons who retired from 2481
service as a peace officer with the agency a reasonable fee for 2482
issuing to the person a retired peace officer identification 2483
card pursuant to division (F) (2) (a) of this section. 2484

(3) If a person retired from service as a peace officer 2485
with a public agency of this state or of a political subdivision 2486
of this state and the person satisfies the criteria set forth in 2487
divisions (F) (2) (a) (i) to (iv) of this section, the public 2488
agency may provide the retired peace officer with the 2489
opportunity to attend a firearms requalification program that is 2490
approved for purposes of firearms requalification required under 2491
section 109.801 of the Revised Code. The retired peace officer 2492
may be required to pay the cost of the course. 2493

If a retired peace officer who satisfies the criteria set 2494
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 2495
a firearms requalification program that is approved for purposes 2496
of firearms requalification required under section 109.801 of 2497
the Revised Code, the retired peace officer's successful 2498
completion of the firearms requalification program requalifies 2499
the retired peace officer for purposes of division (F) of this 2500
section for five years from the date on which the program was 2501
successfully completed, and the requalification is valid during 2502

that five-year period. If a retired peace officer who satisfies 2503
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 2504
section satisfactorily completes such a firearms requalification 2505
program, the retired peace officer shall be issued a firearms 2506
requalification certification that identifies the retired peace 2507
officer by name, identifies the entity that taught the program, 2508
specifies that the retired peace officer successfully completed 2509
the program, specifies the date on which the course was 2510
successfully completed, and specifies that the requalification 2511
is valid for five years from that date of successful completion. 2512
The firearms requalification certification for a retired peace 2513
officer may be included in the retired peace officer 2514
identification card issued to the retired peace officer under 2515
division (F) (2) of this section. 2516

A retired peace officer who attends a firearms 2517
requalification program that is approved for purposes of 2518
firearms requalification required under section 109.801 of the 2519
Revised Code may be required to pay the cost of the program. 2520

(G) As used in this section: 2521

(1) "Qualified retired peace officer" means a person who 2522
satisfies all of the following: 2523

(a) The person satisfies the criteria set forth in 2524
divisions (F) (2) (a) (i) to (v) of this section. 2525

(b) The person is not under the influence of alcohol or 2526
another intoxicating or hallucinatory drug or substance. 2527

(c) The person is not prohibited by federal law from 2528
receiving firearms. 2529

(2) "Retired peace officer identification card" means an 2530
identification card that is issued pursuant to division (F) (2) 2531

of this section to a person who is a retired peace officer. 2532

(3) "Government facility of this state or a political 2533
subdivision of this state" means any of the following: 2534

(a) A building or part of a building that is owned or 2535
leased by the government of this state or a political 2536
subdivision of this state and where employees of the government 2537
of this state or the political subdivision regularly are present 2538
for the purpose of performing their official duties as employees 2539
of the state or political subdivision; 2540

(b) The office of a deputy registrar serving pursuant to 2541
Chapter 4503. of the Revised Code that is used to perform deputy 2542
registrar functions. 2543

(4) "Governing body" has the same meaning as in section 2544
154.01 of the Revised Code. 2545

(5) "Tactical medical professional" has the same meaning 2546
as in section 109.71 of the Revised Code. 2547

(6) "Validating identification" means photographic 2548
identification issued by the agency for which an individual 2549
serves as a peace officer that identifies the individual as a 2550
peace officer of the agency. 2551

(7) "Nonprofit corporation" means any private organization 2552
that is exempt from federal income taxation pursuant to 2553
subsection 501(a) and described in subsection 501(c) of the 2554
Internal Revenue Code. 2555

Sec. 2923.127. (A) If a sheriff denies an application for 2556
a ~~concealed handgun~~ basic competency license under section 2557
2923.125 of the Revised Code, denies the renewal of a ~~concealed~~ 2558
~~handgun~~ basic competency license under that section, or denies 2559

an application for a ~~concealed handgun~~ basic competency license 2560
on a temporary emergency basis under section 2923.1213 of the 2561
Revised Code as a result of the criminal records check conducted 2562
pursuant to section 311.41 of the Revised Code and if the 2563
applicant believes the denial was based on incorrect information 2564
reported by the source the sheriff used in conducting the 2565
criminal records check, the applicant may challenge the criminal 2566
records check results using whichever of the following is 2567
applicable: 2568

(1) If the bureau of criminal identification and 2569
investigation performed the criminal records check, by using the 2570
bureau's existing challenge and review procedures; 2571

(2) If division (A) (1) of this section does not apply, by 2572
using the existing challenge and review procedure of the sheriff 2573
who denied the application or, if the sheriff does not have a 2574
challenge and review procedure, by using the challenge and 2575
review procedure prescribed by the bureau of criminal 2576
identification and investigation pursuant to division (B) of 2577
this section. 2578

(B) The bureau of criminal identification and 2579
investigation shall prescribe a challenge and review procedure 2580
for applicants to use to challenge criminal records checks under 2581
division (A) (2) of this section in counties in which the sheriff 2582
with whom an application of a type described in division (A) of 2583
this section was filed or submitted does not have an existing 2584
challenge and review procedure. 2585

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 2586
~~concealed handgun~~ basic competency license is arrested for or 2587
otherwise charged with an offense described in division (D) (1) 2588
(d) of section 2923.125 of the Revised Code or with a violation 2589

of section 2923.15 of the Revised Code or becomes subject to a 2590
temporary protection order or to a protection order issued by a 2591
court of another state that is substantially equivalent to a 2592
temporary protection order, the sheriff who issued the license 2593
shall suspend it and shall comply with division (A) (3) of this 2594
section upon becoming aware of the arrest, charge, or protection 2595
order. Upon suspending the license, the sheriff also shall 2596
comply with division (H) of section 2923.125 of the Revised 2597
Code. 2598

(b) A suspension under division (A) (1) (a) of this section 2599
shall be considered as beginning on the date that the licensee 2600
is arrested for or otherwise charged with an offense described 2601
in that division or on the date the appropriate court issued the 2602
protection order described in that division, irrespective of 2603
when the sheriff notifies the licensee under division (A) (3) of 2604
this section. The suspension shall end on the date on which the 2605
charges are dismissed or the licensee is found not guilty of the 2606
offense described in division (A) (1) (a) of this section or, 2607
subject to division (B) of this section, on the date the 2608
appropriate court terminates the protection order described in 2609
that division. If the suspension so ends, the sheriff shall 2610
return the license or temporary emergency license to the 2611
licensee. 2612

(2) (a) If a licensee holding a valid ~~concealed handgun~~ 2613
basic competency license is convicted of or pleads guilty to a 2614
misdemeanor violation of division ~~(B) (2)~~ (B) (1), (2), or (4) of 2615
section 2923.12 of the Revised Code or of division ~~(E) (3)~~ (E) (1), 2616
(2), (3), or (5) of section 2923.16 of the Revised Code, except 2617
as provided in division (A) (2) (c) of this section and subject to 2618
division (C) of this section, the sheriff who issued the license 2619
shall suspend it and shall comply with division (A) (3) of this 2620

section upon becoming aware of the conviction or guilty plea. 2621
Upon suspending the license, the sheriff also shall comply with 2622
division (H) of section 2923.125 of the Revised Code. 2623

(b) A suspension under division (A) (2) (a) of this section 2624
shall be considered as beginning on the date that the licensee 2625
is convicted of or pleads guilty to the offense described in 2626
that division, irrespective of when the sheriff notifies the 2627
licensee under division (A) (3) of this section. If the 2628
suspension is imposed for a misdemeanor violation of division 2629
~~(B) (2)~~ (B) (1) or (2) of section 2923.12 of the Revised Code or of 2630
division ~~(E) (3)~~ (E) (1), (2), or (3) of section 2923.16 of the 2631
Revised Code, it shall end on the date that is one year after 2632
the date that the licensee is convicted of or pleads guilty to 2633
that violation. If the suspension is imposed for a misdemeanor 2634
violation of division (B) (4) of section 2923.12 of the Revised 2635
Code or of division (E) (5) of section 2923.16 of the Revised 2636
Code, it shall end on the date that is two years after the date 2637
that the licensee is convicted of or pleads guilty to that 2638
violation. If the licensee's license was issued under section 2639
2923.125 of the Revised Code and the license remains valid after 2640
the suspension ends as described in this division, when the 2641
suspension ends, the sheriff shall return the license to the 2642
licensee. If the licensee's license was issued under section 2643
2923.125 of the Revised Code and the license expires before the 2644
suspension ends as described in this division, or if the 2645
licensee's license was issued under section 2923.1213 of the 2646
Revised Code, the licensee is not eligible to apply for a new 2647
license under section 2923.125 or 2923.1213 of the Revised Code 2648
or to renew the license under section 2923.125 of the Revised 2649
Code until after the suspension ends as described in this 2650
division. 2651

(c) The license of a licensee who is convicted of or 2652
pleads guilty to a violation of division (B) (1) of section 2653
2923.12 or division (E) (1) or (2) of section 2923.16 of the 2654
Revised Code shall not be suspended pursuant to division (A) (2) 2655
(a) of this section if, at the time of the stop of the licensee 2656
for a law enforcement purpose, for a traffic stop, or for a 2657
purpose defined in section 5503.34 of the Revised Code that was 2658
the basis of the violation, any law enforcement officer involved 2659
with the stop or the employee of the motor carrier enforcement 2660
unit who made the stop had actual knowledge of the licensee's 2661
status as a licensee. 2662

(3) Upon becoming aware of an arrest, charge, or 2663
protection order described in division (A) (1) (a) of this section 2664
with respect to a licensee who was issued a ~~concealed handgun~~ 2665
basic competency license, or a conviction of or plea of guilty 2666
to a misdemeanor offense described in division (A) (2) (a) of this 2667
section with respect to a licensee who was issued a ~~concealed~~ 2668
~~handgun~~ basic competency license and with respect to which 2669
division (A) (2) (c) of this section does not apply, subject to 2670
division (C) of this section, the sheriff who issued the 2671
licensee's license shall notify the licensee, by certified mail, 2672
return receipt requested, at the licensee's last known residence 2673
address that the license has been suspended and that the 2674
licensee is required to surrender the license at the sheriff's 2675
office within ten days of the date on which the notice was 2676
mailed. If the suspension is pursuant to division (A) (2) of this 2677
section, the notice shall identify the date on which the 2678
suspension ends. 2679

(B) (1) A sheriff who issues a ~~concealed handgun~~ basic 2680
competency license to a licensee shall revoke the license in 2681
accordance with division (B) (2) of this section upon becoming 2682

aware that the licensee satisfies any of the following:	2683
(a) The licensee is under twenty-one years of age.	2684
(b) Subject to division (C) of this section, at the time of the issuance of the license, the licensee did not satisfy the eligibility requirements of division (D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the Revised Code.	2685 2686 2687 2688
(c) Subject to division (C) of this section, on or after the date on which the license was issued, the licensee is convicted of or pleads guilty to a violation of section 2923.15 of the Revised Code or an offense described in division (D)(1) (e), (f), (g), or (h) of section 2923.125 of the Revised Code.	2689 2690 2691 2692 2693
(d) On or after the date on which the license was issued, the licensee becomes subject to a civil protection order or to a protection order issued by a court of another state that is substantially equivalent to a civil protection order.	2694 2695 2696 2697
(e) The licensee knowingly carries a concealed handgun into a place that the licensee knows is an unauthorized place specified in division (B) of section 2923.126 of the Revised Code.	2698 2699 2700 2701
(f) On or after the date on which the license was issued, the licensee is under adjudication of mental incompetence or is committed to a mental institution.	2702 2703 2704
(g) At the time of the issuance of the license, the licensee did not meet the residency requirements described in division (D)(1) of section 2923.125 of the Revised Code and currently does not meet the residency requirements described in that division.	2705 2706 2707 2708 2709
(h) Regarding a license issued under section 2923.125 of	2710

the Revised Code, the competency certificate the licensee 2711
submitted was forged or otherwise was fraudulent. 2712

(2) Upon becoming aware of any circumstance listed in 2713
division (B)(1) of this section that applies to a particular 2714
licensee who was issued a ~~concealed handgun~~ basic competency 2715
license, subject to division (C) of this section, the sheriff 2716
who issued the license to the licensee shall notify the 2717
licensee, by certified mail, return receipt requested, at the 2718
licensee's last known residence address that the license is 2719
subject to revocation and that the licensee may come to the 2720
sheriff's office and contest the sheriff's proposed revocation 2721
within fourteen days of the date on which the notice was mailed. 2722
After the fourteen-day period and after consideration of any 2723
information that the licensee provides during that period, if 2724
the sheriff determines on the basis of the information of which 2725
the sheriff is aware that the licensee is described in division 2726
(B)(1) of this section and no longer satisfies the requirements 2727
described in division (D)(1) of section 2923.125 of the Revised 2728
Code that are applicable to the licensee's type of license, the 2729
sheriff shall revoke the license, notify the licensee of that 2730
fact, and require the licensee to surrender the license. Upon 2731
revoking the license, the sheriff also shall comply with 2732
division (H) of section 2923.125 of the Revised Code. 2733

(C) If a sheriff who issues a ~~concealed handgun~~ basic 2734
competency license to a licensee becomes aware that at the time 2735
of the issuance of the license the licensee had been convicted 2736
of or pleaded guilty to an offense identified in division (D)(1) 2737
(e), (f), or (h) of section 2923.125 of the Revised Code or had 2738
been adjudicated a delinquent child for committing an act or 2739
violation identified in any of those divisions or becomes aware 2740
that on or after the date on which the license was issued the 2741

licensee has been convicted of or pleaded guilty to an offense 2742
identified in division (A) (2) (a) or (B) (1) (c) of this section, 2743
the sheriff shall not consider that conviction, guilty plea, or 2744
adjudication as having occurred for purposes of divisions (A) 2745
(2), (A) (3), (B) (1), and (B) (2) of this section if a court has 2746
ordered the sealing or expungement of the records of that 2747
conviction, guilty plea, or adjudication pursuant to sections 2748
2151.355 to 2151.358, sections 2953.31 to 2953.35, or section 2749
2953.39 of the Revised Code or the licensee has been relieved 2750
under operation of law or legal process from the disability 2751
imposed pursuant to section 2923.13 of the Revised Code relative 2752
to that conviction, guilty plea, or adjudication. 2753

(D) As used in this section, "motor carrier enforcement 2754
unit" has the same meaning as in section 2923.16 of the Revised 2755
Code. 2756

Sec. 2923.129. (A) (1) If a sheriff, the superintendent of 2757
the bureau of criminal identification and investigation, the 2758
employees of the bureau, the Ohio peace officer training 2759
commission, or the employees of the commission make a good faith 2760
effort in performing the duties imposed upon the sheriff, the 2761
superintendent, the bureau's employees, the commission, or the 2762
commission's employees by sections 109.731, 311.41, and 2923.124 2763
to 2923.1213 of the Revised Code, in addition to the personal 2764
immunity provided by section 9.86 of the Revised Code or 2765
division (A) (6) of section 2744.03 of the Revised Code and the 2766
governmental immunity of sections 2744.02 and 2744.03 of the 2767
Revised Code and in addition to any other immunity possessed by 2768
the bureau, the commission, and their employees, the sheriff, 2769
the sheriff's office, the county in which the sheriff has 2770
jurisdiction, the bureau, the superintendent of the bureau, the 2771
bureau's employees, the commission, and the commission's 2772

employees are immune from liability in a civil action for 2773
injury, death, or loss to person or property that allegedly was 2774
caused by or related to any of the following: 2775

(a) The issuance, renewal, suspension, or revocation of a 2776
~~concealed handgun~~ basic competency license; 2777

(b) The failure to issue, renew, suspend, or revoke a 2778
~~concealed handgun~~ basic competency license; 2779

(c) Any action or misconduct with a handgun committed by a 2780
licensee. 2781

(2) Any action of a sheriff relating to the issuance, 2782
renewal, suspension, or revocation of a ~~concealed handgun~~ basic
competency license shall be considered to be a governmental 2783
function for purposes of Chapter 2744. of the Revised Code. 2784
2785

(3) An entity that or instructor who provides a competency 2786
certification of a type described in division (B) (3) of section 2787
2923.125 of the Revised Code is immune from civil liability that 2788
might otherwise be incurred or imposed for any death or any 2789
injury or loss to person or property that is caused by or 2790
related to a person to whom the entity or instructor has issued 2791
the competency certificate if all of the following apply: 2792

(a) The alleged liability of the entity or instructor 2793
relates to the training provided in the course, class, or 2794
program covered by the competency certificate. 2795

(b) The entity or instructor makes a good faith effort in 2796
determining whether the person has satisfactorily completed the 2797
course, class, or program and makes a good faith effort in 2798
assessing the person in the competency examination conducted 2799
pursuant to division (G) (2) of section 2923.125 of the Revised 2800
Code. 2801

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

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

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

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

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

311.41 of the Revised Code, are confidential and are not public 2832
records. No person shall release or otherwise disseminate 2833
records that are confidential under this division unless 2834
required to do so pursuant to a court order. 2835

(C) Each sheriff shall report to the Ohio peace officer 2836
training commission the number of ~~concealed handgun basic~~ 2837
competency licenses that the sheriff issued, renewed, suspended, 2838
revoked, or denied under section 2923.125 of the Revised Code 2839
during the previous quarter of the calendar year, the number of 2840
applications for those licenses for which processing was 2841
suspended in accordance with division (D)(3) of section 2923.125 2842
of the Revised Code during the previous quarter of the calendar 2843
year, and the number of ~~concealed handgun basic competency~~ 2844
licenses on a temporary emergency basis that the sheriff issued, 2845
suspended, revoked, or denied under section 2923.1213 of the 2846
Revised Code during the previous quarter of the calendar year. 2847
The sheriff shall not include in the report the name or any 2848
other identifying information of an applicant or licensee. The 2849
sheriff shall report that information in a manner that permits 2850
the commission to maintain the statistics described in division 2851
(C) of section 109.731 of the Revised Code and to timely prepare 2852
the statistical report described in that division. The 2853
information that is received by the commission under this 2854
division is a public record kept by the commission for the 2855
purposes of section 149.43 of the Revised Code. 2856

(D) Law enforcement agencies may use the information a 2857
sheriff makes available through the use of the law enforcement 2858
automated data system pursuant to division (H) of section 2859
2923.125 or division (B)(2) or (D) of section 2923.1213 of the 2860
Revised Code for law enforcement purposes only. The information 2861
is confidential and is not a public record. Except as provided 2862

in section 5503.101 of the Revised Code, a person who releases 2863
or otherwise disseminates this information obtained through the 2864
law enforcement automated data system in a manner not described 2865
in this division is guilty of a violation of section 2913.04 of 2866
the Revised Code. 2867

(E) Whoever violates division (B) of this section is 2868
guilty of illegal release of confidential ~~concealed handgun~~ 2869
basic competency license records, a felony of the fifth degree. 2870
In addition to any penalties imposed under Chapter 2929. of the 2871
Revised Code for a violation of division (B) of this section or 2872
a violation of section 2913.04 of the Revised Code described in 2873
division (D) of this section, if the offender is a sheriff, an 2874
employee of a sheriff, or any other public officer or employee, 2875
and if the violation was willful and deliberate, the offender 2876
shall be subject to a civil fine of one thousand dollars. Any 2877
person who is harmed by a violation of division (B) or (C) of 2878
this section or a violation of section 2913.04 of the Revised 2879
Code described in division (D) of this section has a private 2880
cause of action against the offender for any injury, death, or 2881
loss to person or property that is a proximate result of the 2882
violation and may recover court costs and attorney's fees 2883
related to the action. 2884

Sec. 2923.1210. (A) A business entity, property owner, or 2885
public or private employer may not establish, maintain, or 2886
enforce a policy or rule that prohibits or has the effect of 2887
prohibiting a person who has been issued a valid ~~concealed~~ 2888
~~handgun~~ basic competency license from transporting or storing a 2889
firearm or ammunition when both of the following conditions are 2890
met: 2891

(1) Each firearm and all of the ammunition remains inside 2892

the person's privately owned motor vehicle while the person is 2893
physically present inside the motor vehicle, or each firearm and 2894
all of the ammunition is locked within the trunk, glove box, or 2895
other enclosed compartment or container within or on the 2896
person's privately owned motor vehicle; 2897

(2) The vehicle is in a location where it is otherwise 2898
permitted to be. 2899

(B) A business entity, property owner, or public or 2900
private employer that violates division (A) of this section may 2901
be found liable in a civil action for injunctive relief brought 2902
by any individual injured by the violation. The court may grant 2903
any injunctive relief it finds appropriate. 2904

(C) No business entity, property owner, or public or 2905
private employer shall be held liable in any civil action for 2906
damages, injuries, or death resulting from or arising out of 2907
another person's actions involving a firearm or ammunition 2908
transported or stored pursuant to division (A) of this section 2909
including the theft of a firearm from an employee's or invitee's 2910
automobile, unless the business entity, property owner, or 2911
public or private employer intentionally solicited or procured 2912
the other person's injurious actions. 2913

Sec. 2923.1211. (A) No person shall alter a ~~concealed~~ 2914
~~handgun~~ basic competency license or create a fictitious document 2915
that purports to be a license of that nature. 2916

(B) No person, except in the performance of official 2917
duties, shall possess a ~~concealed handgun~~ basic competency 2918
license that was issued and that has been revoked or suspended. 2919

(C) Whoever violates division (A) of this section is 2920
guilty of falsification of a ~~concealed handgun~~ basic competency 2921

license, a felony of the fifth degree. Whoever violates division 2922
(B) of this section is guilty of possessing a revoked or 2923
suspended ~~concealed handgun~~ basic competency license, a 2924
misdemeanor of the third degree. 2925

Sec. 2923.1213. (A) As used in this section: 2926

(1) "Evidence of imminent danger" means any of the 2927
following: 2928

(a) A statement sworn by the person seeking to carry a 2929
concealed handgun that is made under threat of perjury and that 2930
states that the person has reasonable cause to fear a criminal 2931
attack upon the person or a member of the person's family, such 2932
as would justify a prudent person in going armed; 2933

(b) A written document prepared by a governmental entity 2934
or public official describing the facts that give the person 2935
seeking to carry a concealed handgun reasonable cause to fear a 2936
criminal attack upon the person or a member of the person's 2937
family, such as would justify a prudent person in going armed. 2938
Written documents of this nature include, but are not limited 2939
to, any temporary protection order, civil protection order, 2940
protection order issued by another state, or other court order, 2941
any court report, and any report filed with or made by a law 2942
enforcement agency or prosecutor. 2943

(2) "Prosecutor" has the same meaning as in section 2944
2935.01 of the Revised Code. 2945

(B) (1) A person seeking a ~~concealed handgun~~ basic 2946
competency license on a temporary emergency basis shall submit 2947
to the sheriff of the county in which the person resides or, if 2948
the person usually resides in another state, to the sheriff of 2949
the county in which the person is temporarily staying, all of 2950

the following: 2951

(a) Evidence of imminent danger to the person or a member 2952
of the person's family; 2953

(b) A sworn affidavit that contains all of the information 2954
required to be on the license and attesting that the person is 2955
legally living in the United States; is at least twenty-one 2956
years of age; is not a fugitive from justice; is not under 2957
indictment for or otherwise charged with an offense identified 2958
in division (D) (1) (d) of section 2923.125 of the Revised Code; 2959
has not been convicted of or pleaded guilty to an offense, and 2960
has not been adjudicated a delinquent child for committing an 2961
act, identified in division (D) (1) (e) of that section and to 2962
which division (B) (3) of this section does not apply; within 2963
three years of the date of the submission, has not been 2964
convicted of or pleaded guilty to an offense, and has not been 2965
adjudicated a delinquent child for committing an act, identified 2966
in division (D) (1) (f) of that section and to which division (B) 2967
(3) of this section does not apply; within five years of the 2968
date of the submission, has not been convicted of, pleaded 2969
guilty, or adjudicated a delinquent child for committing two or 2970
more violations identified in division (D) (1) (g) of that 2971
section; within ten years of the date of the submission, has not 2972
been convicted of, pleaded guilty, or adjudicated a delinquent 2973
child for committing a violation identified in division (D) (1) 2974
(h) of that section and to which division (B) (3) of this section 2975
does not apply; has not been committed to any mental 2976
institution, is not under adjudication of mental incompetence, 2977
has not been found by a court to be a person with a mental 2978
illness subject to court order, and is not an involuntary 2979
patient other than one who is a patient only for purposes of 2980
observation, as described in division (D) (1) (i) of that section; 2981

is not currently subject to a civil protection order, a 2982
temporary protection order, or a protection order issued by a 2983
court of another state, as described in division (D) (1) (j) of 2984
that section; is not currently subject to a suspension imposed 2985
under division (A) (2) of section 2923.128 of the Revised Code of 2986
a ~~concealed handgun~~ basic competency license that previously was 2987
issued to the person or a similar suspension imposed by another 2988
state regarding a ~~concealed handgun~~ basic competency license 2989
issued by that state; is not an unlawful user of or addicted to 2990
any controlled substance as defined in 21 U.S.C. 802; if 2991
applicable, is an alien and has not been admitted to the United 2992
States under a nonimmigrant visa, as defined in the "Immigration 2993
and Nationality Act," 8 U.S.C. 1101(a) (26); has not been 2994
discharged from the armed forces of the United States under 2995
dishonorable conditions; if applicable, has not renounced the 2996
applicant's United States citizenship; and has not been 2997
convicted of, pleaded guilty to, or been adjudicated a 2998
delinquent child for committing a violation identified in 2999
division (D) (1) (s) of section 2923.125 of the Revised Code; 3000

(c) A nonrefundable temporary emergency license fee as 3001
described in either of the following: 3002

(i) For an applicant who has been a resident of this state 3003
for five or more years, a fee of fifteen dollars plus the actual 3004
cost of having a background check performed by the bureau of 3005
criminal identification and investigation pursuant to section 3006
311.41 of the Revised Code; 3007

(ii) For an applicant who has been a resident of this 3008
state for less than five years or who is not a resident of this 3009
state, but is temporarily staying in this state, a fee of 3010
fifteen dollars plus the actual cost of having background checks 3011

performed by the federal bureau of investigation and the bureau 3012
of criminal identification and investigation pursuant to section 3013
311.41 of the Revised Code. 3014

(d) A set of fingerprints of the applicant provided as 3015
described in section 311.41 of the Revised Code through use of 3016
an electronic fingerprint reading device or, if the sheriff to 3017
whom the application is submitted does not possess and does not 3018
have ready access to the use of an electronic fingerprint 3019
reading device, on a standard impression sheet prescribed 3020
pursuant to division (C) (2) of section 109.572 of the Revised 3021
Code. If the fingerprints are provided on a standard impression 3022
sheet, the person also shall provide the person's social 3023
security number to the sheriff. 3024

(2) A sheriff shall accept the evidence of imminent 3025
danger, the sworn affidavit, the fee, and the set of 3026
fingerprints required under division (B) (1) of this section at 3027
the times and in the manners described in division (I) of this 3028
section. Upon receipt of the evidence of imminent danger, the 3029
sworn affidavit, the fee, and the set of fingerprints required 3030
under division (B) (1) of this section, the sheriff, in the 3031
manner specified in section 311.41 of the Revised Code, 3032
immediately shall conduct or cause to be conducted the criminal 3033
records check and the incompetency records check described in 3034
section 311.41 of the Revised Code. Immediately upon receipt of 3035
the results of the records checks, the sheriff shall review the 3036
information and shall determine whether the criteria set forth 3037
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 3038
of the Revised Code apply regarding the person. If the sheriff 3039
determines that all of the criteria set forth in divisions (D) 3040
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 3041
Code apply regarding the person, the sheriff shall immediately 3042

make available through the law enforcement automated data system 3043
all information that will be contained on the temporary 3044
emergency license for the person if one is issued, and the 3045
superintendent of the state highway patrol shall ensure that the 3046
system is so configured as to permit the transmission through 3047
the system of that information. Upon making that information 3048
available through the law enforcement automated data system, the 3049
sheriff shall immediately issue to the person a ~~concealed-~~ 3050
~~handgun-~~basic competency license on a temporary emergency basis. 3051

If the sheriff denies the issuance of a license on a 3052
temporary emergency basis to the person, the sheriff shall 3053
specify the grounds for the denial in a written notice to the 3054
person. The person may appeal the denial, or challenge criminal 3055
records check results that were the basis of the denial if 3056
applicable, in the same manners specified in division (D) (2) of 3057
section 2923.125 and in section 2923.127 of the Revised Code, 3058
regarding the denial of an application for a ~~concealed handgun-~~ 3059
basic competency license under that section. 3060

The license on a temporary emergency basis issued under 3061
this division shall be in the form, and shall include all of the 3062
information, described in divisions (A) (2) (a) and (d) of section 3063
109.731 of the Revised Code, and also shall include a unique 3064
combination of identifying letters and numbers in accordance 3065
with division (A) (2) (c) of that section. 3066

The license on a temporary emergency basis issued under 3067
this division is valid for ninety days and may not be renewed. A 3068
person who has been issued a license on a temporary emergency 3069
basis under this division shall not be issued another license on 3070
a temporary emergency basis unless at least four years has 3071
expired since the issuance of the prior license on a temporary 3072

emergency basis. 3073

(3) If a person seeking a ~~concealed handgun~~ basic 3074
competency license on a temporary emergency basis has been 3075
convicted of or pleaded guilty to an offense identified in 3076
division (D) (1) (e), (f), or (h) of section 2923.125 of the 3077
Revised Code or has been adjudicated a delinquent child for 3078
committing an act or violation identified in any of those 3079
divisions, and if a court has ordered the sealing or expungement 3080
of the records of that conviction, guilty plea, or adjudication 3081
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 3082
2953.35, or section 2953.39 of the Revised Code or the applicant 3083
has been relieved under operation of law or legal process from 3084
the disability imposed pursuant to section 2923.13 of the 3085
Revised Code relative to that conviction, guilty plea, or 3086
adjudication, the conviction, guilty plea, or adjudication shall 3087
not be relevant for purposes of the sworn affidavit described in 3088
division (B) (1) (b) of this section, and the person may complete, 3089
and swear to the truth of, the affidavit as if the conviction, 3090
guilty plea, or adjudication never had occurred. 3091

(4) The sheriff shall waive the payment pursuant to 3092
division (B) (1) (c) of this section of the license fee in 3093
connection with an application that is submitted by an applicant 3094
who is a retired peace officer, a retired person described in 3095
division (B) (1) (b) of section 109.77 of the Revised Code, or a 3096
retired federal law enforcement officer who, prior to 3097
retirement, was authorized under federal law to carry a firearm 3098
in the course of duty, unless the retired peace officer, person, 3099
or federal law enforcement officer retired as the result of a 3100
mental disability. 3101

The sheriff shall deposit all fees paid by an applicant 3102

under division (B) (1) (c) of this section into the sheriff's 3103
~~concealed handgun basic competency~~ license issuance fund 3104
established pursuant to section 311.42 of the Revised Code. 3105

(C) A person who holds a ~~concealed handgun basic~~ 3106
competency license on a temporary emergency basis has the same 3107
right to carry a concealed handgun as a person who was issued a 3108
~~concealed handgun basic competency~~ license under section 3109
2923.125 of the Revised Code, and any exceptions to the 3110
prohibitions contained in section 1547.69 and sections 2923.12 3111
to 2923.16 of the Revised Code for a licensee under section 3112
2923.125 of the Revised Code apply to a licensee under this 3113
section. The person is subject to the same restrictions, and to 3114
all other procedures, duties, and sanctions, that apply to a 3115
person who carries a license issued under section 2923.125 of 3116
the Revised Code, other than the license renewal procedures set 3117
forth in that section. 3118

(D) A sheriff who issues a ~~concealed handgun basic~~ 3119
competency license on a temporary emergency basis under this 3120
section shall not require a person seeking to carry a concealed 3121
handgun in accordance with this section to submit a competency 3122
certificate as a prerequisite for issuing the license and shall 3123
comply with division (H) of section 2923.125 of the Revised Code 3124
in regards to the license. The sheriff shall suspend or revoke 3125
the license in accordance with section 2923.128 of the Revised 3126
Code. In addition to the suspension or revocation procedures set 3127
forth in section 2923.128 of the Revised Code, the sheriff may 3128
revoke the license upon receiving information, verifiable by 3129
public documents, that the person is not eligible to possess a 3130
firearm under either the laws of this state or of the United 3131
States or that the person committed perjury in obtaining the 3132
license; if the sheriff revokes a license under this additional 3133

authority, the sheriff shall notify the person, by certified 3134
mail, return receipt requested, at the person's last known 3135
residence address that the license has been revoked and that the 3136
person is required to surrender the license at the sheriff's 3137
office within ten days of the date on which the notice was 3138
mailed. Division (H) of section 2923.125 of the Revised Code 3139
applies regarding any suspension or revocation of a ~~concealed-~~ 3140
~~handgun-~~basic competency license on a temporary emergency basis. 3141

(E) A sheriff who issues a ~~concealed handgun-~~basic 3142
competency license on a temporary emergency basis under this 3143
section shall retain, for the entire period during which the 3144
license is in effect, the evidence of imminent danger that the 3145
person submitted to the sheriff and that was the basis for the 3146
license, or a copy of that evidence, as appropriate. 3147

(F) If a ~~concealed handgun-~~basic competency license on a 3148
temporary emergency basis issued under this section is lost or 3149
is destroyed, the licensee may obtain from the sheriff who 3150
issued that license a duplicate license upon the payment of a 3151
fee of fifteen dollars and the submission of an affidavit 3152
attesting to the loss or destruction of the license. The 3153
sheriff, in accordance with the procedures prescribed in section 3154
109.731 of the Revised Code, shall place on the replacement 3155
license a combination of identifying numbers different from the 3156
combination on the license that is being replaced. 3157

(G) The attorney general shall prescribe, and shall make 3158
available to sheriffs, a standard form to be used under division 3159
(B) of this section by a person who applies for a ~~concealed-~~ 3160
~~handgun-~~basic competency license on a temporary emergency basis 3161
on the basis of imminent danger of a type described in division 3162
(A) (1) (a) of this section. The attorney general shall design the 3163

form to enable applicants to provide the information that is 3164
required by law to be collected, and shall update the form as 3165
necessary. Burdens or restrictions to obtaining a ~~concealed-~~ 3166
~~handgun~~-basic competency license that are not expressly 3167
prescribed in law shall not be incorporated into the form. The 3168
attorney general shall post a printable version of the form on 3169
the web site of the attorney general and shall provide the 3170
address of the web site to any person who requests the form. 3171

(H) A sheriff who receives any fees paid by a person under 3172
this section shall deposit all fees so paid into the sheriff's 3173
~~concealed handgun~~-basic competency license issuance expense fund 3174
established under section 311.42 of the Revised Code. 3175

(I) A sheriff shall accept evidence of imminent danger, a 3176
sworn affidavit, the fee, and the set of fingerprints specified 3177
in division (B) (1) of this section at any time during normal 3178
business hours. In no case shall a sheriff require an 3179
appointment, or designate a specific period of time, for the 3180
submission or acceptance of evidence of imminent danger, a sworn 3181
affidavit, the fee, and the set of fingerprints specified in 3182
division (B) (1) of this section, or for the provision to any 3183
person of a standard form to be used for a person to apply for a 3184
~~concealed handgun~~-basic competency license on a temporary 3185
emergency basis. 3186

Sec. 2923.16. (A) No person shall knowingly discharge a 3187
firearm while in or on a motor vehicle. 3188

(B) No person shall knowingly transport or have a loaded 3189
firearm in a motor vehicle in such a manner that the firearm is 3190
accessible to the operator or any passenger without leaving the 3191
vehicle. 3192

(C) No person shall knowingly transport or have a firearm 3193
in a motor vehicle, unless the person may lawfully possess that 3194
firearm under applicable law of this state or the United States, 3195
the firearm is unloaded, and the firearm is carried in one of 3196
the following ways: 3197

(1) In a closed package, box, or case; 3198

(2) In a compartment that can be reached only by leaving 3199
the vehicle; 3200

(3) In plain sight and secured in a rack or holder made 3201
for the purpose; 3202

(4) If the firearm is at least twenty-four inches in 3203
overall length as measured from the muzzle to the part of the 3204
stock furthest from the muzzle and if the barrel is at least 3205
eighteen inches in length, either in plain sight with the action 3206
open or the weapon stripped, or, if the firearm is of a type on 3207
which the action will not stay open or which cannot easily be 3208
stripped, in plain sight. 3209

(D) No person shall knowingly transport or have a loaded 3210
handgun in a motor vehicle if, at the time of that 3211
transportation or possession, any of the following applies: 3212

(1) The person is under the influence of alcohol, a drug 3213
of abuse, or a combination of them. 3214

(2) The person's whole blood, blood serum or plasma, 3215
breath, or urine contains a concentration of alcohol, a listed 3216
controlled substance, or a listed metabolite of a controlled 3217
substance prohibited for persons operating a vehicle, as 3218
specified in division (A) of section 4511.19 of the Revised 3219
Code, regardless of whether the person at the time of the 3220
transportation or possession as described in this division is 3221

the operator of or a passenger in the motor vehicle. 3222

(E) No person who has been issued a ~~concealed handgun~~ 3223
basic competency license or who is an active duty member of the 3224
armed forces of the United States and is carrying a valid 3225
military identification card and documentation of successful 3226
completion of firearms training that meets or exceeds the 3227
training requirements described in division (G) (1) of section 3228
2923.125 of the Revised Code, who is the driver or an occupant 3229
of a motor vehicle that is stopped as a result of a traffic stop 3230
or a stop for another law enforcement purpose or is the driver 3231
or an occupant of a commercial motor vehicle that is stopped by 3232
an employee of the motor carrier enforcement unit for the 3233
purposes defined in section 5503.34 of the Revised Code, and who 3234
is transporting or has a loaded handgun in the motor vehicle or 3235
commercial motor vehicle in any manner, shall do any of the 3236
following: 3237

(1) ~~Before or at the time a law enforcement officer asks~~ 3238
~~if the person is carrying a concealed handgun, knowingly fail to~~ 3239
~~disclose~~ Fail to promptly inform any law enforcement officer 3240
who approaches the vehicle while stopped that the person has 3241
been issued a basic competency license or is authorized to carry 3242
a concealed handgun as an active duty member of the armed forces 3243
of the United States and that the person then possesses or has a 3244
loaded handgun in the motor vehicle, ~~provided that it is not a~~ 3245
~~violation of this division if the person fails to disclose that~~ 3246
~~fact to an officer during the stop and the person already has~~ 3247
~~notified another officer of that fact during the same stop;~~ 3248

(2) ~~Before or at the time an employee of the motor carrier~~ 3249
~~enforcement unit asks if the person is carrying a concealed~~ 3250
~~handgun, knowingly fail to disclose~~ Fail to promptly inform the 3251

employee of the unit who approaches the vehicle while stopped 3252
that the person has been issued a basic competency license or is 3253
authorized to carry a concealed handgun as an active duty member 3254
of the armed forces of the United States and that the person 3255
then possesses or has a loaded handgun in the commercial motor 3256
vehicle, ~~provided that it is not a violation of this division if~~ 3257
~~the person fails to disclose that fact to an employee of the~~ 3258
~~unit during the stop and the person already has notified another~~ 3259
~~employee of the unit of that fact during the same stop;~~ 3260

(3) Knowingly fail to remain in the motor vehicle while 3261
stopped or knowingly fail to keep the person's hands in plain 3262
sight at any time after any law enforcement officer begins 3263
approaching the person while stopped and before the law 3264
enforcement officer leaves, unless the failure is pursuant to 3265
and in accordance with directions given by a law enforcement 3266
officer; 3267

(4) Knowingly have contact with the loaded handgun by 3268
touching it with the person's hands or fingers in the motor 3269
vehicle at any time after the law enforcement officer begins 3270
approaching and before the law enforcement officer leaves, 3271
unless the person has contact with the loaded handgun pursuant 3272
to and in accordance with directions given by the law 3273
enforcement officer; 3274

(5) Knowingly disregard or fail to comply with any lawful 3275
order of any law enforcement officer given while the motor 3276
vehicle is stopped, including, but not limited to, a specific 3277
order to the person to keep the person's hands in plain sight. 3278

(F) (1) Divisions (A), (B), (C), and (E) of this section do 3279
not apply to any of the following: 3280

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

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

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

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

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

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

property. 3310

(d) The person does not discharge the firearm in any of 3311
the following manners: 3312

(i) While under the influence of alcohol, a drug of abuse, 3313
or alcohol and a drug of abuse; 3314

(ii) In the direction of a street, highway, or other 3315
public or private property used by the public for vehicular 3316
traffic or parking; 3317

(iii) At or into an occupied structure that is a permanent 3318
or temporary habitation; 3319

(iv) In the commission of any violation of law, including, 3320
but not limited to, a felony that includes, as an essential 3321
element, purposely or knowingly causing or attempting to cause 3322
the death of or physical harm to another and that was committed 3323
by discharging a firearm from a motor vehicle. 3324

(3) Division (A) of this section does not apply to a 3325
person if all of the following apply: 3326

(a) The person possesses a valid all-purpose vehicle 3327
permit issued under section 1533.103 of the Revised Code by the 3328
chief of the division of wildlife. 3329

(b) The person discharges a firearm at a wild quadruped or 3330
game bird as defined in section 1531.01 of the Revised Code 3331
during the open hunting season for the applicable wild quadruped 3332
or game bird. 3333

(c) The person discharges a firearm from a stationary all- 3334
purpose vehicle as defined in section 1531.01 of the Revised 3335
Code from private or publicly owned lands or from a motor 3336
vehicle that is parked on a road that is owned or administered 3337

by the division of wildlife. 3338

(d) The person does not discharge the firearm in any of 3339
the following manners: 3340

(i) While under the influence of alcohol, a drug of abuse, 3341
or alcohol and a drug of abuse; 3342

(ii) In the direction of a street, a highway, or other 3343
public or private property that is used by the public for 3344
vehicular traffic or parking; 3345

(iii) At or into an occupied structure that is a permanent 3346
or temporary habitation; 3347

(iv) In the commission of any violation of law, including, 3348
but not limited to, a felony that includes, as an essential 3349
element, purposely or knowingly causing or attempting to cause 3350
the death of or physical harm to another and that was committed 3351
by discharging a firearm from a motor vehicle. 3352

(4) Divisions (B) and (C) of this section do not apply to 3353
a person if all of the following circumstances apply: 3354

(a) At the time of the alleged violation of either of 3355
those divisions, the person is the operator of or a passenger in 3356
a motor vehicle. 3357

(b) The motor vehicle is on real property that is located 3358
in an unincorporated area of a township and that either is zoned 3359
for agriculture or is used for agriculture. 3360

(c) The person owns the real property described in 3361
division (F) (4) (b) of this section, is the spouse or a child of 3362
another person who owns that real property, is a tenant of 3363
another person who owns that real property, or is the spouse or 3364
a child of a tenant of another person who owns that real 3365

property. 3366

(d) The person, prior to arriving at the real property 3367
described in division (F) (4) (b) of this section, did not 3368
transport or possess a firearm in the motor vehicle in a manner 3369
prohibited by division (B) or (C) of this section while the 3370
motor vehicle was being operated on a street, highway, or other 3371
public or private property used by the public for vehicular 3372
traffic or parking. 3373

(5) Divisions (B) and (C) of this section do not apply to 3374
a person who transports or possesses a handgun in a motor 3375
vehicle if, at the time of that transportation or possession, 3376
both of the following apply: 3377

(a) The person transporting or possessing the handgun ~~has~~ 3378
~~been issued a~~ is either carrying a valid concealed handgun basic 3379
competency license that is valid at the time in question or the 3380
~~person~~ is an active duty member of the armed forces of the 3381
United States and is carrying a valid military identification 3382
card and documentation of successful completion of firearms 3383
training that meets or exceeds the training requirements 3384
described in division (G) (1) of section 2923.125 of the Revised 3385
Code. 3386

(b) The person transporting or possessing the handgun is 3387
not knowingly in a place described in division (B) of section 3388
2923.126 of the Revised Code. 3389

(6) Divisions (B) and (C) of this section do not apply to 3390
a person if all of the following apply: 3391

(a) The person possesses a valid all-purpose vehicle 3392
permit issued under section 1533.103 of the Revised Code by the 3393
chief of the division of wildlife. 3394

(b) The person is on or in an all-purpose vehicle as 3395
defined in section 1531.01 of the Revised Code or a motor 3396
vehicle during the open hunting season for a wild quadruped or 3397
game bird. 3398

(c) The person is on or in an all-purpose vehicle as 3399
defined in section 1531.01 of the Revised Code on private or 3400
publicly owned lands or on or in a motor vehicle that is parked 3401
on a road that is owned or administered by the division of 3402
wildlife. 3403

(7) Nothing in this section prohibits or restricts a 3404
person from possessing, storing, or leaving a firearm in a 3405
locked motor vehicle that is parked in the state underground 3406
parking garage at the state capitol building or in the parking 3407
garage at the Riffe center for government and the arts in 3408
Columbus, if the person's transportation and possession of the 3409
firearm in the motor vehicle while traveling to the premises or 3410
facility was not in violation of division (A), (B), (C), (D), or 3411
(E) of this section or any other provision of the Revised Code. 3412

(G) (1) The affirmative defenses authorized in divisions 3413
(D) (1) and (2) of section 2923.12 of the Revised Code are 3414
affirmative defenses to a charge under division (B) or (C) of 3415
this section that involves a firearm other than a handgun. 3416

(2) It is an affirmative defense to a charge under 3417
division (B) or (C) of this section of improperly handling 3418
firearms in a motor vehicle that the actor transported or had 3419
the firearm in the motor vehicle for any lawful purpose and 3420
while the motor vehicle was on the actor's own property, 3421
provided that this affirmative defense is not available unless 3422
the person, immediately prior to arriving at the actor's own 3423
property, did not transport or possess the firearm in a motor 3424

vehicle in a manner prohibited by division (B) or (C) of this 3425
section while the motor vehicle was being operated on a street, 3426
highway, or other public or private property used by the public 3427
for vehicular traffic. 3428

(H) (1) No person who is charged with a violation of 3429
division (B), (C), or (D) of this section shall be required to 3430
obtain a ~~concealed handgun~~ basic competency license as a 3431
condition for the dismissal of the charge. 3432

(2) (a) If a person is convicted of, was convicted of, 3433
pleads guilty to, or has pleaded guilty to a violation of 3434
division (E) of this section as it existed prior to September 3435
30, 2011, and if the conduct that was the basis of the violation 3436
no longer would be a violation of division (E) of this section 3437
on or after September 30, 2011, ~~or if a person is convicted of,~~ 3438
~~was convicted of, pleads guilty to, or has pleaded guilty to a~~ 3439
~~violation of division (E) (1) or (2) of this section as it~~ 3440
~~existed prior to June 13, 2022,~~ the person may file an 3441
application under section 2953.35 of the Revised Code requesting 3442
the expungement of the record of conviction. 3443

If a person is convicted of, was convicted of, pleads 3444
guilty to, or has pleaded guilty to a violation of division (B) 3445
or (C) of this section as the division existed prior to 3446
September 30, 2011, and if the conduct that was the basis of the 3447
violation no longer would be a violation of division (B) or (C) 3448
of this section on or after September 30, 2011, due to the 3449
application of division (F) (5) of this section as it exists on 3450
and after September 30, 2011, the person may file an application 3451
under section 2953.35 of the Revised Code requesting the 3452
expungement of the record of conviction. 3453

(b) The attorney general shall develop a public media 3454

advisory that summarizes the expungement procedure established 3455
under section 2953.35 of the Revised Code and the offenders 3456
identified in division (H) (2) (a) of this section ~~and those~~ 3457
~~identified in division (E) (2) of section 2923.12 of the Revised~~ 3458
~~Code~~ who are authorized to apply for the expungement. Within 3459
thirty days after September 30, 2011, ~~with respect to violations~~ 3460
~~of division (B), (C), or (E) of this section as they existed~~ 3461
~~prior to that date, and within thirty days after June 13, 2022,~~ 3462
~~with respect to a violation of division (E) (1) or (2) of this~~ 3463
~~section or division (B) (1) of section 2923.12 of the Revised~~ 3464
~~Code as they existed prior to June 13, 2022,~~ the attorney 3465
general shall provide a copy of the advisory to each daily 3466
newspaper published in this state and each television station 3467
that broadcasts in this state. The attorney general may provide 3468
the advisory in a tangible form, an electronic form, or in both 3469
tangible and electronic forms. 3470

(I) Whoever violates this section is guilty of improperly 3471
handling firearms in a motor vehicle. ~~A violation~~ Violation of 3472
division (A) of this section is a felony of the fourth degree. ~~A~~ 3473
~~violation~~ Violation of division (C) of this section is a 3474
misdemeanor of the fourth degree. A violation of division (D) of 3475
this section is a felony of the fifth degree or, if the loaded 3476
handgun is concealed on the person's person, a felony of the 3477
fourth degree. ~~A~~ Except as otherwise provided in this division, 3478
a violation of division (E) (1) or (2) of this section is a 3479
misdemeanor of the ~~second~~ first degree, and, in addition to any 3480
other penalty or sanction imposed for the violation, the 3481
offender's basic competency license shall be suspended pursuant 3482
to division (A) (2) of section 2923.128 of the Revised Code. If 3483
at the time of the stop of the offender for a traffic stop, for 3484
another law enforcement purpose, or for a purpose defined in 3485

section 5503.34 of the Revised Code that was the basis of the 3486
violation any law enforcement officer involved with the stop or 3487
the employee of the motor carrier enforcement unit who made the 3488
stop had actual knowledge of the offender's status as a 3489
licensee, a violation of division (E) (1) or (2) of this section 3490
is a minor misdemeanor, and the offender's basic competency 3491
license shall not be suspended pursuant to division (A) (2) of 3492
section 2923.128 of the Revised Code. A violation of division 3493
(E) (4) of this section is a felony of the fifth degree. A 3494
violation of division (E) (3) or (5) of this section is a 3495
misdemeanor of the first degree or, if the offender previously 3496
has been convicted of or pleaded guilty to a violation of 3497
division (E) (3) or (5) of this section, a felony of the fifth 3498
degree. In addition to any other penalty or sanction imposed for 3499
a misdemeanor violation of division (E) (3) or (5) of this 3500
section, the offender's ~~concealed handgun~~ basic competency 3501
license shall be suspended pursuant to division (A) (2) of 3502
section 2923.128 of the Revised Code. A violation of division 3503
(B) of this section is a felony of the fourth degree. 3504

(J) If a law enforcement officer stops a motor vehicle for 3505
a traffic stop or any other purpose, if any person in the motor 3506
vehicle surrenders a firearm to the officer, either voluntarily 3507
or pursuant to a request or demand of the officer, and if the 3508
officer does not charge the person with a violation of this 3509
section or arrest the person for any offense, the person is not 3510
otherwise prohibited by law from possessing the firearm, and the 3511
firearm is not contraband, the officer shall return the firearm 3512
to the person at the termination of the stop. If a court orders 3513
a law enforcement officer to return a firearm to a person 3514
pursuant to the requirement set forth in this division, division 3515
(B) of section 2923.163 of the Revised Code applies. 3516

(K) As used in this section:	3517
(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code.	3518 3519
(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.	3520 3521
(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code.	3522 3523
(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code.	3524 3525
(5) (a) "Unloaded" means, with respect to a firearm other than a firearm described in division (K) (6) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:	3526 3527 3528 3529 3530
(i) There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.	3531 3532 3533
(ii) Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.	3534 3535 3536 3537 3538
(b) For the purposes of division (K) (5) (a) (ii) of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:	3539 3540 3541 3542
(i) A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in	3543 3544

question either are in separate compartments within the package, 3545
box, or case, or, if they are in the same compartment, the 3546
magazine or speed loader is contained within a separate 3547
enclosure in that compartment that does not contain the firearm 3548
and that closes using a snap, button, buckle, zipper, hook and 3549
loop closing mechanism, or other fastener that must be opened to 3550
access the contents or the firearm is contained within a 3551
separate enclosure of that nature in that compartment that does 3552
not contain the magazine or speed loader; 3553

(ii) A pocket or other enclosure on the person of the 3554
person in question that closes using a snap, button, buckle, 3555
zipper, hook and loop closing mechanism, or other fastener that 3556
must be opened to access the contents. 3557

(c) For the purposes of divisions (K) (5) (a) and (b) of 3558
this section, ammunition held in stripper-clips or in en-bloc 3559
clips is not considered ammunition that is loaded into a 3560
magazine or speed loader. 3561

(6) "Unloaded" means, with respect to a firearm employing 3562
a percussion cap, flintlock, or other obsolete ignition system, 3563
when the weapon is uncapped or when the priming charge is 3564
removed from the pan. 3565

(7) "Commercial motor vehicle" has the same meaning as in 3566
division (A) of section 4506.25 of the Revised Code. 3567

(8) "Motor carrier enforcement unit" means the motor 3568
carrier enforcement unit in the department of public safety, 3569
division of state highway patrol, that is created by section 3570
5503.34 of the Revised Code. 3571

(L) Divisions (K) (5) (a) and (b) of this section do not 3572
affect the authority of a person who ~~has been issued~~ is carrying 3573

~~a valid concealed handgun basic competency license that is valid~~ 3574
~~at the time in question~~ to have one or more magazines or speed 3575
loaders containing ammunition anywhere in a vehicle, without 3576
being transported as described in those divisions, as long as no 3577
ammunition is in a firearm, other than a handgun, in the vehicle 3578
other than as permitted under any other provision of this 3579
chapter. A person who ~~has been issued~~ is carrying a valid 3580
~~concealed handgun basic competency license that is valid at the~~ 3581
~~time in question~~ may have one or more magazines or speed loaders 3582
containing ammunition anywhere in a vehicle without further 3583
restriction, as long as no ammunition is in a firearm, other 3584
than a handgun, in the vehicle other than as permitted under any 3585
provision of this chapter. 3586

Sec. 2953.35. (A) Any person who is convicted of, was 3587
convicted of, pleads guilty to, or has pleaded guilty to a 3588
violation of division (B), (C), or (E) of section 2923.16 of the 3589
Revised Code as the division existed prior to September 30, 3590
2011, ~~or a violation of division (E) (1) or (2) of section~~ 3591
~~2923.16 of the Revised Code as the division existed prior to~~ 3592
~~June 13, 2022,~~ and who is authorized by division (H) (2) (a) of 3593
that section to file an application under this section for the 3594
expungement of the conviction record may apply to the sentencing 3595
court for the expungement of the record of conviction. ~~Any~~ 3596
~~person who is convicted of, was convicted of, pleads guilty to,~~ 3597
~~or has pleaded guilty to a violation of division (B) (1) of~~ 3598
~~section 2923.12 of the Revised Code as it existed prior to June~~ 3599
~~13, 2022, and who is authorized by division (E) (2) of that~~ 3600
~~section may apply to the sentencing court for the expungement of~~ 3601
~~the record of conviction.~~ The person may file the application at 3602
any time on or after September 30, 2011, ~~with respect to~~ 3603
~~violations of division (B), (C), or (E) of section 2923.16 of~~ 3604

~~the Revised Code as they existed prior to that date, or at any~~ 3605
~~time on or after June 13, 2022, with respect to a violation of~~ 3606
~~division (B) (1) of section 2923.12 of the Revised Code or of~~ 3607
~~division (E) (1) or (2) of section 2923.16 of the Revised Code as~~ 3608
~~the particular division existed prior to June 13, 2022. The~~ 3609
application shall do all of the following: 3610

(1) Identify the applicant, the offense for which the 3611
expungement is sought, the date of the conviction of or plea of 3612
guilty to that offense, and the court in which the conviction 3613
occurred or the plea of guilty was entered; 3614

(2) Include evidence that the offense was a violation of 3615
division (B), (C), or (E) of section 2923.16 of the Revised Code 3616
as the division existed prior to September 30, 2011, ~~or was a~~ 3617
~~violation of division (B) (1) of section 2923.12 of the Revised~~ 3618
~~Code or of division (E) (1) or (2) of section 2923.16 of the~~ 3619
~~Revised Code as the particular division existed prior to June~~ 3620
~~13, 2022, and that the applicant is authorized by division (H)~~ 3621
~~(2) (a) of that section 2923.16 or division (E) (2) of section~~ 3622
~~2923.12 of the Revised Code, whichever is applicable, to file an~~ 3623
application under this section; 3624

(3) Include a request for expungement of the record of 3625
conviction of that offense under this section. 3626

(B) Upon the filing of an application under division (A) 3627
of this section and the payment of the fee described in division 3628
(C) (3) of this section if applicable, the court shall set a date 3629
for a hearing and shall notify the prosecutor for the case of 3630
the hearing on the application. The prosecutor may object to the 3631
granting of the application by filing an objection with the 3632
court prior to the date set for the hearing. The prosecutor 3633
shall specify in the objection the reasons for believing a 3634

denial of the application is justified. The court shall direct
its regular probation officer, a state probation officer, or the
department of probation of the county in which the applicant
resides to make inquiries and written reports as the court
requires concerning the applicant. The court shall hold the
hearing scheduled under this division.

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

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

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

~~(c) Determine whether the applicant has been convicted of
or pleaded guilty to a violation of division (B) (1) of section
2923.12 of the Revised Code or of division (E) (1) or (2) of
section 2923.16 of the Revised Code as the particular division
existed prior to June 13, 2022;~~

~~(d) If the prosecutor has filed an objection in accordance
with division (B) of this section, consider the reasons against~~

granting the application specified by the prosecutor in the 3664
objection; 3665

~~(e)~~ (d) Weigh the interests of the applicant in having the 3666
records pertaining to the applicant's conviction or guilty plea 3667
expunged against the legitimate needs, if any, of the government 3668
to maintain those records. 3669

(2) (a) The court may order the expungement of all official 3670
records pertaining to the case and the deletion of all index 3671
references to the case and, if it does order the expungement, 3672
shall send notice of the order to each public office or agency 3673
that the court has reason to believe may have an official record 3674
pertaining to the case if the court, after complying with 3675
division (C) (1) of this section, determines both of the 3676
following: 3677

(i) That the applicant has been convicted of or pleaded 3678
guilty to a violation of division (E) of section 2923.16 of the 3679
Revised Code as it existed prior to September 30, 2011, and the 3680
conduct that was the basis of the violation no longer would be a 3681
violation of that division on or after September 30, 2011~~, or~~ 3682
that the applicant has been convicted of or pleaded guilty to a 3683
violation of division (B) or (C) of section 2923.16 of the 3684
Revised Code as the division existed prior to September 30, 3685
2011, and the conduct that was the basis of the violation no 3686
longer would be a violation of that division on or after 3687
September 30, 2011, due to the application of division (F) (5) of 3688
that section as it exists on and after September 30, 2011~~, or~~ 3689
~~that the applicant has been convicted of or pleaded guilty to a~~ 3690
~~violation of division (B) (1) of section 2923.12 of the Revised~~ 3691
~~Code or of division (E) (1) or (2) of section 2923.16 of the~~ 3692
~~Revised Code as the particular division existed prior to June~~ 3693

~~13, 2022;~~

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

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

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

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Sec. 5502.411. (A) As used in this section:

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

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(2) "~~Concealed handgun basic competency~~ license," "deadly weapon," "firearm," and "valid ~~concealed handgun basic competency~~ license" have the same meanings as in section 2923.11 of the Revised Code.

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(3) "Licensee" has the same meaning as in section 2923.124 3723
of the Revised Code. 3724

(B) The transport, storage, sale, transfer, commerce in, 3725
import and export of, distribution, repair, maintenance, and 3726
manufacture of deadly weapons or firearms, ammunition, and 3727
accessories and components related to deadly weapons or 3728
firearms, shooting ranges, and other goods and services directly 3729
related to lawful deadly weapon or firearm possession, use, 3730
storage, repair, maintenance, sale, transfer, and training in 3731
the use of deadly weapons or firearms, are declared to be life- 3732
sustaining "essential" businesses and services for the purposes 3733
of safety and security in times of declared emergency or any 3734
other statutorily authorized response to any disaster, war, act 3735
of terrorism, riot, civil disorder, public health crisis, public 3736
nuisance, or emergency of whatever kind or nature. 3737

(C) Except as provided in this section, no state agency, 3738
political subdivision, elected or appointed official or employee 3739
of this state or any political subdivision, or agent of this 3740
state or of any political subdivision, board, commission, 3741
bureau, or other public body established by law may, under any 3742
governmental authority or color of law exercised as part of any 3743
statutorily authorized response to any disaster, war, act of 3744
terrorism, riot, civil disorder, public health crisis, public 3745
nuisance, or emergency of whatever kind or nature, do any of the 3746
following: 3747

(1) Prohibit, regulate, or curtail the otherwise lawful 3748
possession, carrying, display, sale, transportation, transfer, 3749
defensive use, or other lawful use of any of the following: 3750

(a) Any firearm, including any component or accessory of a 3751
firearm; 3752

(b) Any ammunition, including any component or accessory of ammunition;	3753 3754
(c) Any ammunition-reloading equipment, component, or supplies;	3755 3756
(d) Any deadly weapon, including any component or accessory of a deadly weapon.	3757 3758
(2) Require registration of deadly weapon or firearm owners, of any firearms, including any component or accessory of a firearm, of any ammunition, including any component or accessory of ammunition, or of any deadly weapon, including any component or accessory of a deadly weapon;	3759 3760 3761 3762 3763
(3) Seize, commandeer, or confiscate in any manner, any of the following items that are possessed, carried, displayed, sold, transferred, transported, stored, or used in connection with otherwise lawful conduct:	3764 3765 3766 3767
(a) Any firearm, including any component or accessory of a firearm;	3768 3769
(b) Any ammunition, including any component or accessory of ammunition;	3770 3771
(c) Any ammunition-reloading equipment, component, or supplies;	3772 3773
(d) Any deadly weapon, including any component or accessory of a deadly weapon.	3774 3775
(4) Suspend or revoke a valid concealed handgun <u>basic competency license</u> , except as expressly authorized in Chapter 2923. of the Revised Code;	3776 3777 3778
(5) Refuse to accept or process an application for a	3779

~~concealed handgun basic competency~~ license or for renewal of a 3780
~~concealed handgun basic competency~~ license, provided the 3781
application for the license has been properly completed and 3782
submitted in accordance with section 2923.125 or 2923.1213 of 3783
the Revised Code and the application for the renewal has been 3784
properly completed and submitted in accordance with section 3785
2923.125 of the Revised Code; 3786

(6) Prohibit, suspend, or limit the business operations of 3787
any entity engaged in the lawful selling or servicing of any 3788
firearms or ammunition, including any components or accessories 3789
of firearms or ammunition, any ammunition-reloading equipment, 3790
component, or supplies, or any deadly weapons, including any 3791
component or accessory of deadly weapons; 3792

(7) Prohibit, suspend, or limit the business operations of 3793
any legally established indoor or outdoor shooting range, 3794
whether located on state lands or on land other than state 3795
lands, or of any entity engaged in providing deadly weapon or 3796
firearms safety, deadly weapon or firearms training, firearms 3797
license qualification or requalification, firearms safety 3798
instructor courses, or any similar class, course, or program; 3799

(8) Place restrictions or quantity limitations on any 3800
entity regarding the lawful sale or servicing of any of the 3801
following: 3802

(a) Any firearm, including any component or accessory of a 3803
firearm; 3804

(b) Any ammunition, including any component or accessory 3805
of ammunition; 3806

(c) Any ammunition-reloading equipment, component, or 3807
supplies; 3808

(d) Any deadly weapon, including any component or 3809
accessory of a deadly weapon. 3810

(9) Suspend, restrict, or prohibit otherwise lawful 3811
hunting, fishing, or trapping activities or business entities 3812
conducting or directly facilitating lawful hunting, trapping, or 3813
fishing activities, whether conducted on state lands and waters 3814
or on land and waters other than state lands and waters. 3815

(D) (1) If a ~~concealed handgun~~ basic competency license has 3816
been issued to a licensee under either section 2923.125 or 3817
2923.1213 of the Revised Code, if the governor issues an 3818
executive order declaring an emergency, and if the date that the 3819
valid and existing license would or is scheduled to expire falls 3820
within the period of emergency declared by the governor's 3821
executive order or the thirty days immediately preceding the 3822
date of that declaration, then, notwithstanding the date of 3823
scheduled expiration, the license is automatically extended 3824
throughout the duration of the period of the emergency plus an 3825
additional ninety days. If, during the period of the emergency 3826
or during the additional ninety days, a licensee issued a 3827
license under section 2923.125 of the Revised Code submits an 3828
application for renewal of the license or schedules an 3829
appointment with the issuing authority or another authority 3830
authorized to renew the license, the license is further 3831
automatically extended until the renewal application is accepted 3832
and fully processed. 3833

(2) If division (D) (1) of this section applies with 3834
respect to a ~~concealed handgun~~ basic competency license, during 3835
the extension period described in that division that is 3836
applicable to that license, all of the following apply: 3837

(a) The license shall be valid for all purposes under the 3838

laws of this state and the person to whom the license was issued 3839
shall be considered for all purposes under the laws of this 3840
state to be the holder of a valid license to carry a concealed 3841
handgun, and the license shall be valid for all purposes under 3842
section 2923.128 of the Revised Code~~r~~. 3843

(b) The license remains subject to the operation of 3844
section 2923.128 of the Revised Code during the extended period 3845
of the license and at any other time~~r~~. 3846

(c) Except for the date of scheduled expiration, all other 3847
conditions and restrictions otherwise applicable to the license 3848
and the license holder continue to apply during the extended 3849
period of the license and at any other time. 3850

(E) Notwithstanding any inconsistent provision of law, 3851
including sections 5502.30 and 5502.35 of the Revised Code: 3852

(1) A person, group, or entity adversely affected by any 3853
manner of law, ordinance, rule, regulation, resolution, 3854
practice, or other action enacted or enforced in violation of 3855
this section may file an action for damages, injunctive relief, 3856
declaratory relief, or other appropriate redress in the court of 3857
common pleas of the county in which the aggrieved person resides 3858
or the group or entity is located, or in which the violation 3859
occurred, unless the action is for damages and filed against any 3860
state agency, any elected or appointed official or employee of 3861
the state, or any other agent of the state. 3862

(2) In an action brought under authority of division (E) 3863
(1) of this section: 3864

(a) A person, group, or entity adversely affected by any 3865
manner of law, ordinance, rule, regulation, resolution, 3866
practice, or other action enacted or enforced by any political 3867

subdivision, any elected or appointed official or employee of a 3868
political subdivision, or any agent of any political 3869
subdivision, bureau, or other public body established by law in 3870
conflict with this section may bring a civil action against the 3871
political subdivision, elected or appointed official or employee 3872
of the political subdivision, or agent of the political 3873
subdivision, bureau, or other public body seeking damages, 3874
declaratory relief, injunctive relief, or a combination of those 3875
remedies. Any damages awarded shall be awarded against, and paid 3876
by, the political subdivision, or the bureau, or other public 3877
body. In addition to any actual damages awarded against the 3878
agency, the political subdivision, or the board, commission, 3879
bureau, or other public body and any other relief provided with 3880
respect to such an action, the court shall award reasonable 3881
expenses to any person, group, or entity that brings the action, 3882
to be paid by the political subdivision, bureau, or other public 3883
body, if either of the following applies: 3884

(i) The person, group, or entity prevails in a challenge 3885
to the law, ordinance, rule, regulation, resolution, practice, 3886
or action as being in conflict with this section. 3887

(ii) The law, ordinance, rule, regulation, resolution, 3888
practice, or action or the manner of its enforcement is repealed 3889
or rescinded after the civil action was filed but prior to a 3890
final court determination of the action. 3891

(b) In addition to any other remedy available at law or in 3892
equity, a person, group, or entity aggrieved by the seizure or 3893
confiscation, in violation of this section, of one or more items 3894
listed in division (C) (3) of this section may apply to the court 3895
of common pleas of the county in which the item or items were 3896
seized or confiscated for the immediate return of the item or 3897

items, unless the action is for damages and filed against any 3898
state agency, any elected or appointed official or employee of 3899
the state, or any other agent of the state. Except as otherwise 3900
provided in division (E) (2) (a) of this section, upon receipt of 3901
the application and a determination by the court that the 3902
seizure or confiscation of the item or items was in violation of 3903
this section, the court shall order the immediate return of the 3904
item or items by the seizing or confiscating state agency, 3905
political subdivision, board, commission, bureau, or other 3906
public body and that entity's employed officials. If a court 3907
orders the return of the seized or confiscated item or items 3908
under this division and the item or items are not returned in 3909
accordance with the order, the aggrieved party may claim 3910
reasonable costs and attorney fees for the loss and, the cost of 3911
reclaiming the item or items, or the cost of any damages to the 3912
item or items. 3913

(3) Any claim filed against any state agency, any elected 3914
or appointed official or employee of the state, or any other 3915
agent of the state for damages shall be filed with the court of 3916
claims. 3917

(4) Nothing in this section shall be interpreted to mean 3918
the state intends to waive its right to federal immunity under 3919
the eleventh amendment of the United States Constitution. 3920

(F) The provisions contained in the amendments to section 3921
3761.16 of the Revised Code and the enactment of this section by 3922
S.B. 16 of the 134th general assembly are severable, as provided 3923
in section 1.50 of the Revised Code. In particular, it is the 3924
intent of the general assembly that any invalidity or potential 3925
invalidity of a provision contained in those amendments or this 3926
section is not to impair the immediate and continuing 3927

enforceability of the remaining provisions. 3928

Section 2. That existing sections 109.69, 109.731, 311.41, 3929
311.42, 311.43, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 3930
2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 3931
2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, 3932
2953.35, and 5502.411 of the Revised Code are hereby repealed. 3933

Section 3. That section 2923.111 of the Revised Code is 3934
hereby repealed. 3935

Section 4. The General Assembly, applying the principle 3936
stated in division (B) of section 1.52 of the Revised Code that 3937
amendments are to be harmonized if reasonably capable of 3938
simultaneous operation, finds that the following sections, 3939
presented in this act as composites of the sections as amended 3940
by the acts indicated, are the resulting versions of the 3941
sections in effect prior to the effective date of the sections 3942
as presented in this act: 3943

Section 2923.125 of the Revised Code as amended by both 3944
H.B. 281 and S.B. 288 of the 134th General Assembly. 3945

Section 2923.128 of the Revised Code as amended by H.B. 3946
281, S.B. 215, and S.B. 288, all of the 134th General Assembly. 3947

Section 2923.1213 of the Revised Code as amended by both 3948
H.B. 281 and S.B. 288 of the 134th General Assembly. 3949