

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 32

**Senator Schaffer
Cosponsors: Senators Cirino, Johnson**

A BILL

To amend section 2923.126 of the Revised Code to 1
generally grant civil immunity for certain 2
injuries to a person who acts in self-defense or 3
defense of another during the commission, or 4
imminent commission, of an offense of violence 5
to protect the members or guests of a nonprofit 6
corporation under certain circumstances. 7

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

Section 1. That section 2923.126 of the Revised Code be 8
amended to read as follows: 9

Sec. 2923.126. (A) A concealed handgun license that is 10
issued under section 2923.125 of the Revised Code shall expire 11
five years after the date of issuance. A licensee who has been 12
issued a license under that section shall be granted a grace 13
period of thirty days after the licensee's license expires 14
during which the licensee's license remains valid. Except as 15
provided in divisions (B) and (C) of this section, a licensee 16
who has been issued a concealed handgun license under section 17
2923.125 or 2923.1213 of the Revised Code may carry a concealed 18

handgun anywhere in this state if the license is valid when the 19
licensee is in actual possession of a concealed handgun. The 20
licensee shall give notice of any change in the licensee's 21
residence address to the sheriff who issued the license within 22
forty-five days after that change. 23

(B) A valid concealed handgun license does not authorize 24
the licensee to carry a concealed handgun in any manner 25
prohibited under division (B) of section 2923.12 of the Revised 26
Code or in any manner prohibited under section 2923.16 of the 27
Revised Code. A valid license does not authorize the licensee to 28
carry a concealed handgun into any of the following places: 29

(1) A police station, sheriff's office, or state highway 30
patrol station, premises controlled by the bureau of criminal 31
identification and investigation; a state correctional 32
institution, jail, workhouse, or other detention facility; any 33
area of an airport passenger terminal that is beyond a passenger 34
or property screening checkpoint or to which access is 35
restricted through security measures by the airport authority or 36
a public agency; or an institution that is maintained, operated, 37
managed, and governed pursuant to division (A) of section 38
5119.14 of the Revised Code or division (A) (1) of section 39
5123.03 of the Revised Code; 40

(2) A school safety zone if the licensee's carrying the 41
concealed handgun is in violation of section 2923.122 of the 42
Revised Code; 43

(3) A courthouse or another building or structure in which 44
a courtroom is located if the licensee's carrying the concealed 45
handgun is in violation of section 2923.123 of the Revised Code; 46

(4) Any premises or open air arena for which a D permit 47

has been issued under Chapter 4303. of the Revised Code if the 48
licensee's carrying the concealed handgun is in violation of 49
section 2923.121 of the Revised Code; 50

(5) Any premises owned or leased by any public or private 51
college, university, or other institution of higher education, 52
unless the handgun is in a locked motor vehicle or the licensee 53
is in the immediate process of placing the handgun in a locked 54
motor vehicle or unless the licensee is carrying the concealed 55
handgun pursuant to a written policy, rule, or other 56
authorization that is adopted by the institution's board of 57
trustees or other governing body and that authorizes specific 58
individuals or classes of individuals to carry a concealed 59
handgun on the premises; 60

(6) Any church, synagogue, mosque, or other place of 61
worship, unless the church, synagogue, mosque, or other place of 62
worship posts or permits otherwise; 63

(7) Any building that is a government facility of this 64
state or a political subdivision of this state and that is not a 65
building that is used primarily as a shelter, restroom, parking 66
facility for motor vehicles, or rest facility and is not a 67
courthouse or other building or structure in which a courtroom 68
is located that is subject to division (B)(3) of this section, 69
unless the governing body with authority over the building has 70
enacted a statute, ordinance, or policy that permits a licensee 71
to carry a concealed handgun into the building; 72

(8) A place in which federal law prohibits the carrying of 73
handguns. 74

(C) (1) Nothing in this section shall negate or restrict a 75
rule, policy, or practice of a private employer that is not a 76

private college, university, or other institution of higher 77
education concerning or prohibiting the presence of firearms on 78
the private employer's premises or property, including motor 79
vehicles owned by the private employer. Nothing in this section 80
shall require a private employer of that nature to adopt a rule, 81
policy, or practice concerning or prohibiting the presence of 82
firearms on the private employer's premises or property, 83
including motor vehicles owned by the private employer. 84

(2) (a) A private employer shall be immune from liability 85
in a civil action for any injury, death, or loss to person or 86
property that allegedly was caused by or related to a licensee 87
bringing a handgun onto the premises or property of the private 88
employer, including motor vehicles owned by the private 89
employer, unless the private employer acted with malicious 90
purpose. A private employer is immune from liability in a civil 91
action for any injury, death, or loss to person or property that 92
allegedly was caused by or related to the private employer's 93
decision to permit a licensee to bring, or prohibit a licensee 94
from bringing, a handgun onto the premises or property of the 95
private employer. 96

(b) A political subdivision shall be immune from liability 97
in a civil action, to the extent and in the manner provided in 98
Chapter 2744. of the Revised Code, for any injury, death, or 99
loss to person or property that allegedly was caused by or 100
related to a licensee bringing a handgun onto any premises or 101
property owned, leased, or otherwise under the control of the 102
political subdivision. As used in this division, "political 103
subdivision" has the same meaning as in section 2744.01 of the 104
Revised Code. 105

(c) An institution of higher education shall be immune 106

from liability in a civil action for any injury, death, or loss 107
to person or property that allegedly was caused by or related to 108
a licensee bringing a handgun onto the premises of the 109
institution, including motor vehicles owned by the institution, 110
unless the institution acted with malicious purpose. An 111
institution of higher education is immune from liability in a 112
civil action for any injury, death, or loss to person or 113
property that allegedly was caused by or related to the 114
institution's decision to permit a licensee or class of 115
licensees to bring a handgun onto the premises of the 116
institution. 117

~~(d)~~ (d) (i) A nonprofit corporation shall be immune from 118
liability in a civil action for any injury, death, or loss to 119
person or property that allegedly was caused by or related to a 120
licensee bringing a handgun onto the premises of the nonprofit 121
corporation, including any motor vehicle owned by the nonprofit 122
corporation, or to any event organized by the nonprofit 123
corporation, unless the nonprofit corporation acted with 124
malicious purpose. A nonprofit corporation is immune from 125
liability in a civil action for any injury, death, or loss to 126
person or property that allegedly was caused by or related to 127
the nonprofit corporation's decision to permit a licensee to 128
bring a handgun onto the premises of the nonprofit corporation 129
or to any event organized by the nonprofit corporation. The 130
immunities described in division (C) (2) (d) (i) of this section 131
apply to a for-profit corporation that leases its property to 132
the nonprofit corporation or permits its property to be used by 133
the nonprofit corporation for any purpose. 134

(ii) No person shall be liable in a tort action for 135
injury, death, or loss to person or property allegedly caused by 136
the person's act of self-defense or defense of another when 137

performed during the commission, or imminent commission, of an 138
offense of violence to protect the members or guests, including 139
the person's self, of the nonprofit corporation under division 140
(C) (2) (d) (i) of this section against the commission, or imminent 141
commission, of that offense of violence, unless the person's act 142
constitutes willful or wanton misconduct. 143

(iii) As used in division (C) (2) (d) (ii) of this section, 144
"tort action" has the same meaning as in section 2307.60 of the 145
Revised Code. 146

(iv) Nothing in division (C) (2) (d) (ii) of this section 147
shall be construed to affect any rights to bring a civil action 148
under section 2307.60 of the Revised Code or any other section 149
of the Revised Code. 150

(v) Division (C) (2) (d) (ii) of this section does not 151
affect, and shall not be construed as affecting, any immunities 152
from civil liability or defenses established by another section 153
of the Revised Code or available at common law, to which the 154
person may be entitled under circumstances not covered by that 155
division. 156

(3) (a) Except as provided in division (C) (3) (b) of this 157
section and section 2923.1214 of the Revised Code, the owner or 158
person in control of private land or premises, and a private 159
person or entity leasing land or premises owned by the state, 160
the United States, or a political subdivision of the state or 161
the United States, may post a sign in a conspicuous location on 162
that land or on those premises prohibiting persons from carrying 163
firearms or concealed firearms on or onto that land or those 164
premises. Except as otherwise provided in this division, a 165
person who knowingly violates a posted prohibition of that 166
nature is guilty of criminal trespass in violation of division 167

(A) (4) of section 2911.21 of the Revised Code and is guilty of a 168
misdemeanor of the fourth degree. If a person knowingly violates 169
a posted prohibition of that nature and the posted land or 170
premises primarily was a parking lot or other parking facility, 171
the person is not guilty of criminal trespass under section 172
2911.21 of the Revised Code or under any other criminal law of 173
this state or criminal law, ordinance, or resolution of a 174
political subdivision of this state, and instead is subject only 175
to a civil cause of action for trespass based on the violation. 176

If a person knowingly violates a posted prohibition of the 177
nature described in this division and the posted land or 178
premises is a child day-care center, type A family day-care 179
home, or type B family day-care home, unless the person is a 180
licensee who resides in a type A family day-care home or type B 181
family day-care home, the person is guilty of aggravated 182
trespass in violation of section 2911.211 of the Revised Code. 183
Except as otherwise provided in this division, the offender is 184
guilty of a misdemeanor of the first degree. If the person 185
previously has been convicted of a violation of this division or 186
of any offense of violence, if the weapon involved is a firearm 187
that is either loaded or for which the offender has ammunition 188
ready at hand, or if the weapon involved is dangerous ordnance, 189
the offender is guilty of a felony of the fourth degree. 190

(b) A landlord may not prohibit or restrict a tenant who 191
is a licensee and who on or after September 9, 2008, enters into 192
a rental agreement with the landlord for the use of residential 193
premises, and the tenant's guest while the tenant is present, 194
from lawfully carrying or possessing a handgun on those 195
residential premises. 196

(c) As used in division (C) (3) of this section: 197

(i) "Residential premises" has the same meaning as in 198
section 5321.01 of the Revised Code, except "residential 199
premises" does not include a dwelling unit that is owned or 200
operated by a college or university. 201

(ii) "Landlord," "tenant," and "rental agreement" have the 202
same meanings as in section 5321.01 of the Revised Code. 203

(D) A person who holds a valid concealed handgun license 204
issued by another state that is recognized by the attorney 205
general pursuant to a reciprocity agreement entered into 206
pursuant to section 109.69 of the Revised Code or a person who 207
holds a valid concealed handgun license under the circumstances 208
described in division (B) of section 109.69 of the Revised Code 209
has the same right to carry a concealed handgun in this state as 210
a person who was issued a concealed handgun license under 211
section 2923.125 of the Revised Code and is subject to the same 212
restrictions that apply to a person who has been issued a 213
license under that section that is valid at the time in 214
question. 215

(E) (1) A peace officer has the same right to carry a 216
concealed handgun in this state as a person who was issued a 217
concealed handgun license under section 2923.125 of the Revised 218
Code, provided that the officer when carrying a concealed 219
handgun under authority of this division is carrying validating 220
identification. For purposes of reciprocity with other states, a 221
peace officer shall be considered to be a licensee in this 222
state. 223

(2) An active duty member of the armed forces of the 224
United States who is carrying a valid military identification 225
card and documentation of successful completion of firearms 226
training that meets or exceeds the training requirements 227

described in division (G) (1) of section 2923.125 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions as specified in this section.

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

(F) (1) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F) (2) of this section and a valid firearms requalification certification issued pursuant to division (F) (3) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F) (2) of this section and a valid firearms requalification certification issued pursuant to division (F) (3) of this section shall be considered to be a licensee in this state.

(2) (a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with

that agency, if the issuance is in accordance with the agency's 258
policies and procedures and if the person, with respect to the 259
person's service with that agency, satisfies all of the 260
following: 261

(i) The person retired in good standing from service as a 262
peace officer with the public agency, and the retirement was not 263
for reasons of mental instability. 264

(ii) Before retiring from service as a peace officer with 265
that agency, the person was authorized to engage in or supervise 266
the prevention, detection, investigation, or prosecution of, or 267
the incarceration of any person for, any violation of law and 268
the person had statutory powers of arrest. 269

(iii) At the time of the person's retirement as a peace 270
officer with that agency, the person was trained and qualified 271
to carry firearms in the performance of the peace officer's 272
duties. 273

(iv) Before retiring from service as a peace officer with 274
that agency, the person was regularly employed as a peace 275
officer for an aggregate of fifteen years or more, or, in the 276
alternative, the person retired from service as a peace officer 277
with that agency, after completing any applicable probationary 278
period of that service, due to a service-connected disability, 279
as determined by the agency. 280

(b) A retired peace officer identification card issued to 281
a person under division (F)(2)(a) of this section shall identify 282
the person by name, contain a photograph of the person, identify 283
the public agency of this state or of the political subdivision 284
of this state from which the person retired as a peace officer 285
and that is issuing the identification card, and specify that 286

the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F) (2) (a) of this section may include the firearms requalification certification described in division (F) (3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F) (2) (a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

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

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

may be required to pay the cost of the course. 318

If a retired peace officer who satisfies the criteria set 319
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 320
a firearms requalification program that is approved for purposes 321
of firearms requalification required under section 109.801 of 322
the Revised Code, the retired peace officer's successful 323
completion of the firearms requalification program requalifies 324
the retired peace officer for purposes of division (F) of this 325
section for five years from the date on which the program was 326
successfully completed, and the requalification is valid during 327
that five-year period. If a retired peace officer who satisfies 328
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 329
section satisfactorily completes such a firearms requalification 330
program, the retired peace officer shall be issued a firearms 331
requalification certification that identifies the retired peace 332
officer by name, identifies the entity that taught the program, 333
specifies that the retired peace officer successfully completed 334
the program, specifies the date on which the course was 335
successfully completed, and specifies that the requalification 336
is valid for five years from that date of successful completion. 337
The firearms requalification certification for a retired peace 338
officer may be included in the retired peace officer 339
identification card issued to the retired peace officer under 340
division (F) (2) of this section. 341

A retired peace officer who attends a firearms 342
requalification program that is approved for purposes of 343
firearms requalification required under section 109.801 of the 344
Revised Code may be required to pay the cost of the program. 345

(G) As used in this section: 346

(1) "Qualified retired peace officer" means a person who 347

satisfies all of the following:	348
(a) The person satisfies the criteria set forth in divisions (F) (2) (a) (i) to (v) of this section.	349 350
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	351 352
(c) The person is not prohibited by federal law from receiving firearms.	353 354
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer.	355 356 357
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	358 359
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	360 361 362 363 364 365
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	366 367 368
(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.	369 370
(5) "Tactical medical professional" has the same meaning as in section 109.71 of the Revised Code.	371 372
(6) "Validating identification" means photographic identification issued by the agency for which an individual	373 374

serves as a peace officer that identifies the individual as a 375
peace officer of the agency. 376

(7) "Nonprofit corporation" means any private organization 377
that is exempt from federal income taxation pursuant to 378
subsection 501(a) and described in subsection 501(c) of the 379
Internal Revenue Code. 380

Section 2. That existing section 2923.126 of the Revised 381
Code is hereby repealed. 382