

As Passed by the Senate

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Sub. S. B. No. 32

Senator Schaffer

Cosponsors: Senators Cirino, Johnson, Manning, Antani, Antonio, Brenner, Chavez, Craig, Cutrona, Gavarone, Hackett, Hicks-Hudson, Huffman, S., Kunze, Landis, Lang, O'Brien, Reineke, Reynolds, Roegner, Romanchuk, Wilkin

A BILL

To amend section 2923.126 and to enact section 1
2307.221 of the Revised Code to generally grant 2
civil immunity for certain injuries to a person 3
who acts in self-defense or defense of another 4
during the commission, or imminent commission, 5
of an offense of violence to protect the members 6
or guests of a nonprofit corporation under 7
certain circumstances. 8

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

Section 1. That section 2923.126 be amended and section 9
2307.221 of the Revised Code be enacted to read as follows: 10

Sec. 2307.221. (A) As used in this section, "tort action" 11
has the same meaning as in section 2307.60 of the Revised Code. 12

(B) No person is liable in a tort action for injury, 13
death, or loss to person or property allegedly caused by the 14
person's act of self-defense or defense of another when 15
performed during the commission, or imminent commission, of an 16

offense of violence to protect the members or guests, including 17
the person's self, of a nonprofit corporation against the 18
commission, or imminent commission, of that offense of violence, 19
unless the person's act constitutes willful or wanton 20
misconduct. 21

(C) Nothing in this section shall be construed to affect 22
any right to bring a civil action under section 2307.60 of the 23
Revised Code or any other section of the Revised Code. 24

(D) This section does not affect, and shall not be 25
construed as affecting, any immunity from civil liability or 26
defense established by another section of the Revised Code or 27
available at common law, to which the person may be entitled 28
under circumstances not covered by this section. 29

(E) Subject to division (B) of this section, there is a 30
presumption that a person who approaches or enters a nonprofit 31
corporation's premises or event with intent to commit an offense 32
of violence is liable for any injury, death, or loss to person 33
or property resulting from an act of self-defense or defense of 34
another against that person. 35

Sec. 2923.126. (A) A concealed handgun license that is 36
issued under section 2923.125 of the Revised Code shall expire 37
five years after the date of issuance. A licensee who has been 38
issued a license under that section shall be granted a grace 39
period of thirty days after the licensee's license expires 40
during which the licensee's license remains valid. Except as 41
provided in divisions (B) and (C) of this section, a licensee 42
who has been issued a concealed handgun license under section 43
2923.125 or 2923.1213 of the Revised Code may carry a concealed 44
handgun anywhere in this state if the license is valid when the 45
licensee is in actual possession of a concealed handgun. The 46

licensee shall give notice of any change in the licensee's 47
residence address to the sheriff who issued the license within 48
forty-five days after that change. 49

(B) A valid concealed handgun license does not authorize 50
the licensee to carry a concealed handgun in any manner 51
prohibited under division (B) of section 2923.12 of the Revised 52
Code or in any manner prohibited under section 2923.16 of the 53
Revised Code. A valid license does not authorize the licensee to 54
carry a concealed handgun into any of the following places: 55

(1) A police station, sheriff's office, or state highway 56
patrol station, premises controlled by the bureau of criminal 57
identification and investigation; a state correctional 58
institution, jail, workhouse, or other detention facility; any 59
area of an airport passenger terminal that is beyond a passenger 60
or property screening checkpoint or to which access is 61
restricted through security measures by the airport authority or 62
a public agency; or an institution that is maintained, operated, 63
managed, and governed pursuant to division (A) of section 64
5119.14 of the Revised Code or division (A) (1) of section 65
5123.03 of the Revised Code; 66

(2) A school safety zone if the licensee's carrying the 67
concealed handgun is in violation of section 2923.122 of the 68
Revised Code; 69

(3) A courthouse or another building or structure in which 70
a courtroom is located if the licensee's carrying the concealed 71
handgun is in violation of section 2923.123 of the Revised Code; 72

(4) Any premises or open air arena for which a D permit 73
has been issued under Chapter 4303. of the Revised Code if the 74
licensee's carrying the concealed handgun is in violation of 75

section 2923.121 of the Revised Code;	76
(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;	77 78 79 80 81 82 83 84 85 86
(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;	87 88 89
(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;	90 91 92 93 94 95 96 97 98
(8) A place in which federal law prohibits the carrying of handguns.	99 100
(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	101 102 103 104

the private employer's premises or property, including motor 105
vehicles owned by the private employer. Nothing in this section 106
shall require a private employer of that nature to adopt a rule, 107
policy, or practice concerning or prohibiting the presence of 108
firearms on the private employer's premises or property, 109
including motor vehicles owned by the private employer. 110

(2) (a) A private employer shall be immune from liability 111
in a civil action for any injury, death, or loss to person or 112
property that allegedly was caused by or related to a licensee 113
bringing a handgun onto the premises or property of the private 114
employer, including motor vehicles owned by the private 115
employer, unless the private employer acted with malicious 116
purpose. A private employer is immune from liability in a civil 117
action for any injury, death, or loss to person or property that 118
allegedly was caused by or related to the private employer's 119
decision to permit a licensee to bring, or prohibit a licensee 120
from bringing, a handgun onto the premises or property of the 121
private employer. 122

(b) A political subdivision shall be immune from liability 123
in a civil action, to the extent and in the manner provided in 124
Chapter 2744. of the Revised Code, for any injury, death, or 125
loss to person or property that allegedly was caused by or 126
related to a licensee bringing a handgun onto any premises or 127
property owned, leased, or otherwise under the control of the 128
political subdivision. As used in this division, "political 129
subdivision" has the same meaning as in section 2744.01 of the 130
Revised Code. 131

(c) An institution of higher education shall be immune 132
from liability in a civil action for any injury, death, or loss 133
to person or property that allegedly was caused by or related to 134

a licensee bringing a handgun onto the premises of the 135
institution, including motor vehicles owned by the institution, 136
unless the institution acted with malicious purpose. An 137
institution of higher education is immune from liability in a 138
civil action for any injury, death, or loss to person or 139
property that allegedly was caused by or related to the 140
institution's decision to permit a licensee or class of 141
licensees to bring a handgun onto the premises of the 142
institution. 143

(d) A nonprofit corporation shall be immune from liability 144
in a civil action for any injury, death, or loss to person or 145
property that allegedly was caused by or related to a licensee 146
bringing a handgun onto the premises of the nonprofit 147
corporation, including any motor vehicle owned by the nonprofit 148
corporation, or to any event organized by the nonprofit 149
corporation, unless the nonprofit corporation acted with 150
malicious purpose. A nonprofit corporation is immune from 151
liability in a civil action for any injury, death, or loss to 152
person or property that allegedly was caused by or related to 153
the nonprofit corporation's decision to permit a licensee to 154
bring a handgun onto the premises of the nonprofit corporation 155
or to any event organized by the nonprofit corporation. The 156
immunities described in this division apply to an entity that 157
leases its property to the nonprofit corporation or permits its 158
property to be used by the nonprofit corporation for any 159
purpose. 160

(3) (a) Except as provided in division (C) (3) (b) of this 161
section and section 2923.1214 of the Revised Code, the owner or 162
person in control of private land or premises, and a private 163
person or entity leasing land or premises owned by the state, 164
the United States, or a political subdivision of the state or 165

the United States, may post a sign in a conspicuous location on 166
that land or on those premises prohibiting persons from carrying 167
firearms or concealed firearms on or onto that land or those 168
premises. Except as otherwise provided in this division, a 169
person who knowingly violates a posted prohibition of that 170
nature is guilty of criminal trespass in violation of division 171
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 172
misdemeanor of the fourth degree. If a person knowingly violates 173
a posted prohibition of that nature and the posted land or 174
premises primarily was a parking lot or other parking facility, 175
the person is not guilty of criminal trespass under section 176
2911.21 of the Revised Code or under any other criminal law of 177
this state or criminal law, ordinance, or resolution of a 178
political subdivision of this state, and instead is subject only 179
to a civil cause of action for trespass based on the violation. 180

If a person knowingly violates a posted prohibition of the 181
nature described in this division and the posted land or 182
premises is a child day-care center, type A family day-care 183
home, or type B family day-care home, unless the person is a 184
licensee who resides in a type A family day-care home or type B 185
family day-care home, the person is guilty of aggravated 186
trespass in violation of section 2911.211 of the Revised Code. 187
Except as otherwise provided in this division, the offender is 188
guilty of a misdemeanor of the first degree. If the person 189
previously has been convicted of a violation of this division or 190
of any offense of violence, if the weapon involved is a firearm 191
that is either loaded or for which the offender has ammunition 192
ready at hand, or if the weapon involved is dangerous ordnance, 193
the offender is guilty of a felony of the fourth degree. 194

(b) A landlord may not prohibit or restrict a tenant who 195
is a licensee and who on or after September 9, 2008, enters into 196

a rental agreement with the landlord for the use of residential 197
premises, and the tenant's guest while the tenant is present, 198
from lawfully carrying or possessing a handgun on those 199
residential premises. 200

(c) As used in division (C) (3) of this section: 201

(i) "Residential premises" has the same meaning as in 202
section 5321.01 of the Revised Code, except "residential 203
premises" does not include a dwelling unit that is owned or 204
operated by a college or university. 205

(ii) "Landlord," "tenant," and "rental agreement" have the 206
same meanings as in section 5321.01 of the Revised Code. 207

(D) A person who holds a valid concealed handgun license 208
issued by another state that is recognized by the attorney 209
general pursuant to a reciprocity agreement entered into 210
pursuant to section 109.69 of the Revised Code or a person who 211
holds a valid concealed handgun license under the circumstances 212
described in division (B) of section 109.69 of the Revised Code 213
has the same right to carry a concealed handgun in this state as 214
a person who was issued a concealed handgun license under 215
section 2923.125 of the Revised Code and is subject to the same 216
restrictions that apply to a person who has been issued a 217
license under that section that is valid at the time in 218
question. 219

(E) (1) A peace officer has the same right to carry a 220
concealed handgun in this state as a person who was issued a 221
concealed handgun license under section 2923.125 of the Revised 222
Code, provided that the officer when carrying a concealed 223
handgun under authority of this division is carrying validating 224
identification. For purposes of reciprocity with other states, a 225

peace officer shall be considered to be a licensee in this 226
state. 227

(2) An active duty member of the armed forces of the 228
United States who is carrying a valid military identification 229
card and documentation of successful completion of firearms 230
training that meets or exceeds the training requirements 231
described in division (G) (1) of section 2923.125 of the Revised 232
Code has the same right to carry a concealed handgun in this 233
state as a person who was issued a concealed handgun license 234
under section 2923.125 of the Revised Code and is subject to the 235
same restrictions as specified in this section. 236

(3) A tactical medical professional who is qualified to 237
carry firearms while on duty under section 109.771 of the 238
Revised Code has the same right to carry a concealed handgun in 239
this state as a person who was issued a concealed handgun 240
license under section 2923.125 of the Revised Code. 241

(F) (1) A qualified retired peace officer who possesses a 242
retired peace officer identification card issued pursuant to 243
division (F) (2) of this section and a valid firearms 244
requalification certification issued pursuant to division (F) (3) 245
of this section has the same right to carry a concealed handgun 246
in this state as a person who was issued a concealed handgun 247
license under section 2923.125 of the Revised Code and is 248
subject to the same restrictions that apply to a person who has 249
been issued a license issued under that section that is valid at 250
the time in question. For purposes of reciprocity with other 251
states, a qualified retired peace officer who possesses a 252
retired peace officer identification card issued pursuant to 253
division (F) (2) of this section and a valid firearms 254
requalification certification issued pursuant to division (F) (3) 255

of this section shall be considered to be a licensee in this 256
state. 257

(2) (a) Each public agency of this state or of a political 258
subdivision of this state that is served by one or more peace 259
officers shall issue a retired peace officer identification card 260
to any person who retired from service as a peace officer with 261
that agency, if the issuance is in accordance with the agency's 262
policies and procedures and if the person, with respect to the 263
person's service with that agency, satisfies all of the 264
following: 265

(i) The person retired in good standing from service as a 266
peace officer with the public agency, and the retirement was not 267
for reasons of mental instability. 268

(ii) Before retiring from service as a peace officer with 269
that agency, the person was authorized to engage in or supervise 270
the prevention, detection, investigation, or prosecution of, or 271
the incarceration of any person for, any violation of law and 272
the person had statutory powers of arrest. 273

(iii) At the time of the person's retirement as a peace 274
officer with that agency, the person was trained and qualified 275
to carry firearms in the performance of the peace officer's 276
duties. 277

(iv) Before retiring from service as a peace officer with 278
that agency, the person was regularly employed as a peace 279
officer for an aggregate of fifteen years or more, or, in the 280
alternative, the person retired from service as a peace officer 281
with that agency, after completing any applicable probationary 282
period of that service, due to a service-connected disability, 283
as determined by the agency. 284

(b) A retired peace officer identification card issued to 285
a person under division (F) (2) (a) of this section shall identify 286
the person by name, contain a photograph of the person, identify 287
the public agency of this state or of the political subdivision 288
of this state from which the person retired as a peace officer 289
and that is issuing the identification card, and specify that 290
the person retired in good standing from service as a peace 291
officer with the issuing public agency and satisfies the 292
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 293
section. In addition to the required content specified in this 294
division, a retired peace officer identification card issued to 295
a person under division (F) (2) (a) of this section may include 296
the firearms requalification certification described in division 297
(F) (3) of this section, and if the identification card includes 298
that certification, the identification card shall serve as the 299
firearms requalification certification for the retired peace 300
officer. If the issuing public agency issues credentials to 301
active law enforcement officers who serve the agency, the agency 302
may comply with division (F) (2) (a) of this section by issuing 303
the same credentials to persons who retired from service as a 304
peace officer with the agency and who satisfy the criteria set 305
forth in divisions (F) (2) (a) (i) to (iv) of this section, 306
provided that the credentials so issued to retired peace 307
officers are stamped with the word "RETIRED." 308

(c) A public agency of this state or of a political 309
subdivision of this state may charge persons who retired from 310
service as a peace officer with the agency a reasonable fee for 311
issuing to the person a retired peace officer identification 312
card pursuant to division (F) (2) (a) of this section. 313

(3) If a person retired from service as a peace officer 314
with a public agency of this state or of a political subdivision 315

of this state and the person satisfies the criteria set forth in 316
divisions (F) (2) (a) (i) to (iv) of this section, the public 317
agency may provide the retired peace officer with the 318
opportunity to attend a firearms requalification program that is 319
approved for purposes of firearms requalification required under 320
section 109.801 of the Revised Code. The retired peace officer 321
may be required to pay the cost of the course. 322

If a retired peace officer who satisfies the criteria set 323
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 324
a firearms requalification program that is approved for purposes 325
of firearms requalification required under section 109.801 of 326
the Revised Code, the retired peace officer's successful 327
completion of the firearms requalification program requalifies 328
the retired peace officer for purposes of division (F) of this 329
section for five years from the date on which the program was 330
successfully completed, and the requalification is valid during 331
that five-year period. If a retired peace officer who satisfies 332
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 333
section satisfactorily completes such a firearms requalification 334
program, the retired peace officer shall be issued a firearms 335
requalification certification that identifies the retired peace 336
officer by name, identifies the entity that taught the program, 337
specifies that the retired peace officer successfully completed 338
the program, specifies the date on which the course was 339
successfully completed, and specifies that the requalification 340
is valid for five years from that date of successful completion. 341
The firearms requalification certification for a retired peace 342
officer may be included in the retired peace officer 343
identification card issued to the retired peace officer under 344
division (F) (2) of this section. 345

A retired peace officer who attends a firearms 346

requalification program that is approved for purposes of 347
firearms requalification required under section 109.801 of the 348
Revised Code may be required to pay the cost of the program. 349

(G) As used in this section: 350

(1) "Qualified retired peace officer" means a person who 351
satisfies all of the following: 352

(a) The person satisfies the criteria set forth in 353
divisions (F) (2) (a) (i) to (v) of this section. 354

(b) The person is not under the influence of alcohol or 355
another intoxicating or hallucinatory drug or substance. 356

(c) The person is not prohibited by federal law from 357
receiving firearms. 358

(2) "Retired peace officer identification card" means an 359
identification card that is issued pursuant to division (F) (2) 360
of this section to a person who is a retired peace officer. 361

(3) "Government facility of this state or a political 362
subdivision of this state" means any of the following: 363

(a) A building or part of a building that is owned or 364
leased by the government of this state or a political 365
subdivision of this state and where employees of the government 366
of this state or the political subdivision regularly are present 367
for the purpose of performing their official duties as employees 368
of the state or political subdivision; 369

(b) The office of a deputy registrar serving pursuant to 370
Chapter 4503. of the Revised Code that is used to perform deputy 371
registrar functions. 372

(4) "Governing body" has the same meaning as in section 373

154.01 of the Revised Code.	374
(5) "Tactical medical professional" has the same meaning as in section 109.71 of the Revised Code.	375 376
(6) "Validating identification" means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.	377 378 379 380
(7) "Nonprofit corporation" means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.	381 382 383 384
Section 2. That existing section 2923.126 of the Revised Code is hereby repealed.	385 386