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Bill Analysis

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Primary Sponsors: Reps. Isaacsohn and Lawson-Rowe

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SUMMARY

- Repeals the changes made by S.B. 215 of the 134th General Assembly.
- Renames "concealed handgun licenses" as "basic competency licenses."
- Repeals provisions that provide that a person who is a "qualifying adult" is not required to obtain a basic competency license in order to carry a concealed handgun that is not a "restricted firearm."
- Repeals definition of "qualifying adult" as a person who is 21 years of age or older, is not legally prohibited from possessing or receiving a firearm under specified federal or state law, and satisfies specified criteria necessary to obtain a basic competency license.
- Repeals definition of "restricted firearm" as a firearm that is dangerous ordnance or that is a firearm that any law of this state prohibits the person from possessing, having, or carrying.
- Repeals provisions that specify that references to a concealed handgun and a basic competency licensee apply to a qualifying adult, unless the context clearly indicates otherwise.
- Repeals provisions that provide that references to the expiration, suspension, and revocation of a basic competency license do not apply to a qualifying adult, unless the person has been issued a basic competency license.
- Reinstates the requirement that a basic competency licensee must carry a basic competency license in order to carry a concealed handgun.
- Modifies the duty to notify by providing that, if a basic competency licensee is carrying a concealed handgun, the person must not fail to promptly notify any law enforcement officer who approaches that the person has been issued a basic competency license and that the person is then carrying a concealed handgun.

- Modifies the penalty for failure to comply with the duty to notify to a first degree misdemeanor and suspension of the basic competency licensee's basic competency license, unless the law enforcement officer had actual knowledge that the person was a licensee, in which case the penalty is a minor misdemeanor and the license is not suspended.
- Repeals provisions that permit expungement of convictions based on failure to comply with the duty to notify.

DETAILED ANALYSIS

Repeal of S.B. 215

The bill repeals the changes made by S.B. 215 of the 134th General Assembly.

Reinstates requirement that a basic competency license must be obtained

The bill repeals current law that provides that a person who is a "qualifying adult" is not required to obtain a basic competency license, formerly known as a "concealed handgun license," in order to carry a concealed handgun that is not a "restricted firearm."[1] Regardless of whether the person has been issued a basic competency license, a person who is a qualifying adult may carry a concealed handgun that is not a restricted firearm anywhere in this state in which a person who has been issued a basic competency license may carry a concealed handgun. The right of a person who is a qualifying adult to carry a concealed handgun that is not a restricted firearm is that same right as granted to a person who has been issued a basic competency license, and a qualifying adult who is granted the right is subject to the same restrictions as apply to a person who has been issued a basic competency license.[2]

The bill repeals current law that specifies that if a person is a qualifying adult, and the person thereafter comes within any category of persons prohibited from possessing or receiving a firearm under specified federal or state law, both of the following apply automatically and immediately upon the person coming within that category: (1) the person no longer has a right to carry a concealed handgun as described above, and (2) the references to a basic competency license and a basic competency licensee described below no longer apply to the person.[3]

[1] The term "concealed handgun license" is replaced by "basic competency license" throughout the bill.

[2] R.C. 2923.111(B).

[3] R.C. 2923.111(C)(2) and 2923.13, not in the bill and 18 United States Code 922(g)(1) to (9).

Eliminates references to basic competency license and basic competency licensee that apply to a qualifying adult

The bill repeals current law that specifies that for purposes of any section of the Revised Code that refers to a basic competency license or basic competency licensee, except when the context clearly indicates otherwise, all of the following apply:[4]

1. A person who is a qualifying adult and is carrying or has, concealed on the person's person or ready at hand, a handgun that is not a restricted firearm must be deemed to have been issued a valid basic competency license.
2. If the provision refers to a person having been issued a basic competency license or having been issued a basic competency license that is valid at a particular point in time, the provision must be construed as automatically including a person who is a qualifying adult and who is carrying or has, concealed on the person's person or ready at hand, a handgun that is not a restricted firearm, as if the person had been issued a basic competency license or had been issued a basic competency license that is valid at the particular point in time.
3. If the provision in specified circumstances requires a basic competency license to engage in specified conduct, or prohibits a basic competency licensee from engaging in specified conduct, the provision must be construed as applying in the same circumstances to a person who is a qualifying adult in the same manner as if the person was a basic competency licensee.
4. If the application of the provision to a person depends on whether the person is or is not a basic competency licensee, the provision must be applied to a person who is a qualifying adult in the same manner as if the person was a basic competency licensee.
5. If the provision pertains to the imposition of a penalty or sanction for specified conduct and the penalty or sanction applicable to a person who engages in the conduct depends on whether the person is or is not a basic competency licensee, the provision must be applied to a person who is a qualifying adult in the same manner as if the person was a basic competency licensee.

Eliminates references to expiration, suspension, and revocation of basic competency license that apply to a qualifying adult

The bill repeals current law that provides that the basic competency license expiration, suspension, and revocation provisions do not apply with respect to a person who is a qualifying adult, unless the person has been issued a basic competency license.[5]

Definitions

The bill repeals the following definitions:

[4] R.C. 2923.111(C)(1).

[5] R.C. 2923.111(C)(2).

"**Qualifying adult**" means a person who is all of the following:[6]

- A person who is 21 years of age or older;
- A person who is not legally prohibited from possessing or receiving a firearm under specified federal or state law;
- A person who satisfies the following specified criteria necessary to obtain a basic competency license:[7]
  - A person who is legally living in the United States;
  - A person who is at least 21 years of age;
  - A person who is not a fugitive from justice;
  - A person who is not under indictment for or otherwise charged with a felony; an offense under R.C. Chapter 2925, 3719, or 4729 that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of negligent assault, falsification of a basic competency license, or possessing a revoked or suspended basic competency license;
  - Unless sealed, expunged, relieved from disability under operation of law or legal process, or a minor misdemeanor, a person who has not been convicted of or pleaded guilty to a felony or an offense under R.C. Chapter 2925, 3719, or 4729 that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under R.C. Chapter 2925, 3719, or 4729 that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of assault when the victim of the violation is a peace officer, regardless of whether the person was sentenced under R.C. 2903.13(C)(4) (a penalty enhancement for assault, from a first degree misdemeanor to a fourth degree felony, when the victim is a peace officer, BCII investigator, firefighter, or EMS provider and the assault occurs while they are in the performance of their official duties); and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing any other offense that is not

[6] R.C. 2923.111(A)(2) and R.C. 2923.125(D)(1)(a) to (j), (m), (p), (q), and (s).

[7] A "qualifying adult" does not have to satisfy the following specified criteria necessary to obtain a basic competency license: (1) a person who certifies that the person desires a legal means to carry a concealed handgun for defense of the person or a member of the person's family while engaged in lawful activity, (2) a person who submits a competency certification and a certification that the person has read a specified pamphlet, (3) if a person resides in another state, the person is employed in this state, (4) a person who certifies that the person is not an unlawful user of or addicted to any controlled substance, and (5) a person who certifies that the person has not renounced the person's U.S. citizenship, if applicable (R.C. 2923.125(D)(1)(k), (l), (n), (o), and (r)).

previously described that is a misdemeanor punishable by imprisonment for a term exceeding one year;

- Unless sealed, expunged, relieved from disability under operation of law or legal process, or a minor misdemeanor, a person who, within the past three years, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of resisting arrest or a violation of assault when the victim of the violation is a peace officer, or a misdemeanor violation of possessing a revoked or suspended basic competency license; and has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of resisting arrest or a violation of assault when the victim of the violation is a peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of possessing a revoked or suspended basic competency license;
- Except as provided in the second preceding dot point, a person who, within the past five years, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing two or more violations of assault or negligent assault;
- Unless sealed, expunged, relieved from disability under operation of law or legal process, or a minor misdemeanor, a person who, within the past ten years, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of resisting arrest;
- A person who has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to court order, and is not an involuntary patient other than one who is a patient only for purposes of observation;
- A person who is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state;
- A person who currently is not subject to a suspension of a basic competency license or a temporary emergency license under certain circumstances or a similar suspension imposed by another state regarding a basic competency license issued by that state;
- If the person is not a U.S. citizen, a person who is an alien and has not been admitted to the United States under a nonimmigrant visa;
- A person who has not been discharged from the U.S. armed forces under dishonorable conditions;
- A person who has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of domestic violence or a similar violation in another state.

"**Restricted firearm**" means a firearm that is dangerous ordnance or that is a firearm that any law of this state prohibits the subject person from possessing, having, or carrying.[8]

Reinstates requirement that a basic competency licensee must carry a basic competency license

The bill reinstates the requirement that a basic competency licensee must carry a basic competency license in order to carry a concealed handgun. A basic competency licensee is required to carry a valid basic competency license when the licensee is in actual possession of a concealed handgun.[9]

Modifies requirement that a basic competency licensee has a duty to notify

Duty to notify

The bill modifies the requirement that a basic competency licensee, qualified military member, or qualifying adult has a duty to notify. Under the bill, a basic competency licensee or qualified military member has a duty to notify as follows:

1. If a basic competency licensee is stopped for a law enforcement purpose and is carrying a concealed handgun, the person must not fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a basic competency license and that the person is then carrying a concealed handgun.[10]

2. If a basic competency licensee or active duty military member is the driver or occupant of a motor vehicle that is stopped for a law enforcement purpose and is transporting or has a loaded handgun in the motor vehicle, the person must not fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a basic competency license or is authorized to carry a concealed handgun as a qualified military member and that the person then possesses or has a loaded handgun in the motor vehicle.[11]

3. If a basic competency licensee or active duty military member is the driver or occupant of a commercial motor vehicle that is stopped for a specified purpose and is transporting or has a loaded handgun in the commercial motor vehicle, the person must not fail to promptly inform any employee of the unit who approaches the person after the person has been stopped that the person has been issued a basic competency license or is

[8] R.C. 2923.111(A)(1).

[9] R.C. 1547.69(H)(2), 2923.12(C)(2) and (F)(2), 2923.121(B)(1)(d) and (e), 2923.122(D)(3) and (4), 2923.123(C)(6), 2923.126(A), (D), and (F)(1), and 2923.16(F)(5) and (L).

[10] R.C. 2923.12(B)(1) and 2923.126(A).

[11] R.C. 2923.126(A) and 2923.16(E)(1).

authorized to carry a concealed handgun as a qualified military member and that the person then possesses or has a loaded handgun in the commercial motor vehicle.[12]

Under current law, a basic competency licensee, qualified military member, or qualifying adult has a duty to notify as follows:

1. If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, the person must not fail to disclose that the person is then carrying a concealed handgun, provided that it is not a violation if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop.[13]
2. If the person is the driver or occupant of a motor vehicle that is stopped for a law enforcement purpose and is transporting or has a loaded handgun in the motor vehicle, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, the person must not fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop.[14]
3. If the person is the driver or occupant of a commercial motor vehicle that is stopped for a specified purpose and is transporting or has a loaded handgun in the commercial motor vehicle, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, the person must not fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop.[15]

The bill retains the duty to notify provisions above, as modified by the bill, and other law enforcement duties not amended by the bill, but eliminates substantially equivalent language found elsewhere in the Revised Code.[16]

Penalties

The bill modifies the penalty for failure to comply with the duty to notify. Under the bill, failure to comply with the duty to notify is generally a first degree misdemeanor and results in suspension of the licensee's basic competency license, unless the law enforcement officer had actual knowledge that the person was a licensee, in which case the violation is a minor

[12] R.C. 2923.126(A) and 2923.16(E)(2).

[13] R.C. 2923.12(B)(1).

[14] R.C. 2923.16(E)(1).

[15] R.C. 2923.16(E)(2).

[16] R.C. 2923.126(A).

misdemeanor and the license is not suspended. Under current law, failure to comply with the duty to notify is a second degree misdemeanor.[17]

Expungement

The bill repeals provisions that permit a person who has been convicted of or pleaded guilty to failure to comply with the duty to notify as it existed prior to the S.B. 215's June 13, 2022, effective date to request that records related to that conviction be expunged.[18]

Name change

The bill includes several sections only for the purpose of renaming a "concealed handgun license" a "basic competency license."[19]

HISTORY

Action	Date
Introduced	06-10-25

ANHB0348IN-136/ar

[17] R.C. 2923.12(F)(3), 2923.128, and 2923.16(I).

[18] R.C. 2923.12(E)(2), 2923.16(H)(2), and 2953.37.

[19] R.C. 109.69, 109.731, 311.41, 311.42, 311.43, 2921.13, 2923.11, 2923.124, 2923.125, 2923.127, 2923.129, 2923.1210, 2923.1211, 2923.1213, and 5502.411.