

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 46

Representatives Thomas, C., Grim

**Cosponsors: Representatives Sweeney, Rader, Piccolantonio, Brent, Upchurch,
Denson, Brennan, Mohamed, Synenberg, Abdullahi, Russo, Isaacsohn**

A BILL

To amend sections 109.57, 2923.125, 2923.128, 1
2923.1213, and 2923.13 and to enact sections 2
2923.26, 2923.27, 2923.28, 2923.29, 2923.30, and 3
2923.99 of the Revised Code to enact the Extreme 4
Risk Protection Order Act to allow certain 5
persons to obtain a court order that temporarily 6
restricts a person's access to firearms under 7
specified circumstances. 8

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

Section 1. That sections 109.57, 2923.125, 2923.128, 9
2923.1213, and 2923.13 be amended and sections 2923.26, 2923.27, 10
2923.28, 2923.29, 2923.30, and 2923.99 of the Revised Code be 11
enacted to read as follows: 12

Sec. 109.57. (A) (1) The superintendent of the bureau of 13
criminal identification and investigation shall procure from 14
wherever procurable and file for record photographs, pictures, 15
descriptions, fingerprints, measurements, and other information 16
that may be pertinent of all persons who have been convicted of 17
committing within this state a felony, any crime constituting a 18

misdemeanor on the first offense and a felony on subsequent 19
offenses, or any misdemeanor described in division (A) (1) (a), 20
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 21
of all children under eighteen years of age who have been 22
adjudicated delinquent children for committing within this state 23
an act that would be a felony or an offense of violence if 24
committed by an adult or who have been convicted of or pleaded 25
guilty to committing within this state a felony or an offense of 26
violence, and of all well-known and habitual criminals. The 27
person in charge of any county, multicounty, municipal, 28
municipal-county, or multicounty-municipal jail or workhouse, 29
community-based correctional facility, halfway house, 30
alternative residential facility, or state correctional 31
institution and the person in charge of any state institution 32
having custody of a person suspected of having committed a 33
felony, any crime constituting a misdemeanor on the first 34
offense and a felony on subsequent offenses, or any misdemeanor 35
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 36
section 109.572 of the Revised Code or having custody of a child 37
under eighteen years of age with respect to whom there is 38
probable cause to believe that the child may have committed an 39
act that would be a felony or an offense of violence if 40
committed by an adult shall furnish such material to the 41
superintendent of the bureau. Fingerprints, photographs, or 42
other descriptive information of a child who is under eighteen 43
years of age, has not been arrested or otherwise taken into 44
custody for committing an act that would be a felony or an 45
offense of violence who is not in any other category of child 46
specified in this division, if committed by an adult, has not 47
been adjudicated a delinquent child for committing an act that 48
would be a felony or an offense of violence if committed by an 49
adult, has not been convicted of or pleaded guilty to committing 50

a felony or an offense of violence, and is not a child with 51
respect to whom there is probable cause to believe that the 52
child may have committed an act that would be a felony or an 53
offense of violence if committed by an adult shall not be 54
procured by the superintendent or furnished by any person in 55
charge of any county, multicounty, municipal, municipal-county, 56
or multicounty-municipal jail or workhouse, community-based 57
correctional facility, halfway house, alternative residential 58
facility, or state correctional institution, except as 59
authorized in section 2151.313 of the Revised Code. 60

(2) Every clerk of a court of record in this state, other 61
than the supreme court or a court of appeals, shall send to the 62
superintendent of the bureau a weekly report containing a 63
summary of each case involving a felony, involving any crime 64
constituting a misdemeanor on the first offense and a felony on 65
subsequent offenses, involving a misdemeanor described in 66
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 67
of the Revised Code, or involving an adjudication in a case in 68
which a child under eighteen years of age was alleged to be a 69
delinquent child for committing an act that would be a felony or 70
an offense of violence if committed by an adult. The clerk of 71
the court of common pleas shall include in the report and 72
summary the clerk sends under this division all information 73
described in divisions (A) (2) (a) to (f) of this section 74
regarding a case before the court of appeals that is served by 75
that clerk. The summary shall be written on the standard forms 76
furnished by the superintendent pursuant to division (B) of this 77
section and shall include the following information: 78

(a) The incident tracking number contained on the standard 79
forms furnished by the superintendent pursuant to division (B) 80
of this section; 81

(b) The style and number of the case;	82
(c) The date of arrest, offense, summons, or arraignment;	83
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	84 85 86 87 88 89 90 91 92 93 94 95
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	96 97
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	98 99 100 101
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	102 103 104 105 106
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of	107 108 109 110

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

(4) The superintendent shall carry out Chapter 2950. of 134
the Revised Code with respect to the registration of persons who 135
are convicted of or plead guilty to a sexually oriented offense 136
or a child-victim oriented offense and with respect to all other 137
duties imposed on the bureau under that chapter. 138

(5) The bureau shall perform centralized recordkeeping 139
functions for criminal history records and services in this 140
state for purposes of the national crime prevention and privacy 141

compact set forth in section 109.571 of the Revised Code and is 142
the criminal history record repository as defined in that 143
section for purposes of that compact. The superintendent or the 144
superintendent's designee is the compact officer for purposes of 145
that compact and shall carry out the responsibilities of the 146
compact officer specified in that compact. 147

(6) The superintendent shall, upon request, assist a 148
county coroner in the identification of a deceased person 149
through the use of fingerprint impressions obtained pursuant to 150
division (A) (1) of this section or collected pursuant to section 151
109.572 or 311.41 of the Revised Code. 152

(B) The superintendent shall prepare and furnish to every 153
county, multicounty, municipal, municipal-county, or 154
multicounty-municipal jail or workhouse, community-based 155
correctional facility, halfway house, alternative residential 156
facility, or state correctional institution and to every clerk 157
of a court in this state specified in division (A) (2) of this 158
section standard forms for reporting the information required 159
under division (A) of this section. The standard forms that the 160
superintendent prepares pursuant to this division may be in a 161
tangible format, in an electronic format, or in both tangible 162
formats and electronic formats. 163

(C) (1) The superintendent may operate a center for 164
electronic, automated, or other data processing for the storage 165
and retrieval of information, data, and statistics pertaining to 166
criminals and to children under eighteen years of age who are 167
adjudicated delinquent children for committing an act that would 168
be a felony or an offense of violence if committed by an adult, 169
criminal activity, crime prevention, law enforcement, and 170
criminal justice, and may establish and operate a statewide 171

communications network to be known as the Ohio law enforcement 172
gateway to gather and disseminate information, data, and 173
statistics for the use of law enforcement agencies and for other 174
uses specified in this division. The superintendent may gather, 175
store, retrieve, and disseminate information, data, and 176
statistics that pertain to children who are under eighteen years 177
of age and that are gathered pursuant to sections 109.57 to 178
109.61 of the Revised Code together with information, data, and 179
statistics that pertain to adults and that are gathered pursuant 180
to those sections. 181

(2) The superintendent or the superintendent's designee 182
shall gather information of the nature described in division (C) 183
(1) of this section that pertains to the offense and delinquency 184
history of a person who has been convicted of, pleaded guilty 185
to, or been adjudicated a delinquent child for committing a 186
sexually oriented offense or a child-victim oriented offense for 187
inclusion in the state registry of sex offenders and child- 188
victim offenders maintained pursuant to division (A)(1) of 189
section 2950.13 of the Revised Code and in the internet database 190
operated pursuant to division (A)(13) of that section and for 191
possible inclusion in the internet database operated pursuant to 192
division (A)(11) of that section. 193

(3) In addition to any other authorized use of 194
information, data, and statistics of the nature described in 195
division (C)(1) of this section, the superintendent or the 196
superintendent's designee may provide and exchange the 197
information, data, and statistics pursuant to the national crime 198
prevention and privacy compact as described in division (A)(5) 199
of this section. 200

(4) The Ohio law enforcement gateway shall contain the 201

name, confidential address, and telephone number of program 202
participants in the address confidentiality program established 203
under sections 111.41 to 111.47 of the Revised Code. 204

(5) The attorney general may adopt rules under Chapter 205
119. of the Revised Code establishing guidelines for the 206
operation of and participation in the Ohio law enforcement 207
gateway. The rules may include criteria for granting and 208
restricting access to information gathered and disseminated 209
through the Ohio law enforcement gateway. The attorney general 210
shall adopt rules under Chapter 119. of the Revised Code that 211
grant access to information in the gateway regarding an address 212
confidentiality program participant under sections 111.41 to 213
111.47 of the Revised Code to only chiefs of police, village 214
marshals, county sheriffs, county prosecuting attorneys, and a 215
designee of each of these individuals. The attorney general 216
shall permit an office of a county coroner, the state medical 217
board, and board of nursing to access and view, but not alter, 218
information gathered and disseminated through the Ohio law 219
enforcement gateway. 220

The attorney general may appoint a steering committee to 221
advise the attorney general in the operation of the Ohio law 222
enforcement gateway that is comprised of persons who are 223
representatives of the criminal justice agencies in this state 224
that use the Ohio law enforcement gateway and is chaired by the 225
superintendent or the superintendent's designee. 226

(D) (1) The following are not public records under section 227
149.43 of the Revised Code: 228

(a) Information and materials furnished to the 229
superintendent pursuant to division (A) of this section; 230

(b) Information, data, and statistics gathered or	231
disseminated through the Ohio law enforcement gateway pursuant	232
to division (C) (1) of this section;	233
(c) Information and materials furnished to any board or	234
person under division (F) or (G) of this section.	235
(2) The superintendent or the superintendent's designee	236
shall gather and retain information so furnished under division	237
(A) of this section that pertains to the offense and delinquency	238
history of a person who has been convicted of, pleaded guilty	239
to, or been adjudicated a delinquent child for committing a	240
sexually oriented offense or a child-victim oriented offense for	241
the purposes described in division (C) (2) of this section.	242
(E) (1) The attorney general shall adopt rules, in	243
accordance with Chapter 119. of the Revised Code and subject to	244
division (E) (2) of this section, setting forth the procedure by	245
which a person may receive or release information gathered by	246
the superintendent pursuant to division (A) of this section. A	247
reasonable fee may be charged for this service. If a temporary	248
employment service submits a request for a determination of	249
whether a person the service plans to refer to an employment	250
position has been convicted of or pleaded guilty to an offense	251
listed or described in division (A) (1), (2), or (3) of section	252
109.572 of the Revised Code, the request shall be treated as a	253
single request and only one fee shall be charged.	254
(2) Except as otherwise provided in this division or	255
division (E) (3) or (4) of this section, a rule adopted under	256
division (E) (1) of this section may provide only for the release	257
of information gathered pursuant to division (A) of this section	258
that relates to the conviction of a person, or a person's plea	259
of guilty to, a criminal offense or to the arrest of a person as	260

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

(a) The adjudication or conviction was for a violation of 274
section 2903.01 or 2903.02 of the Revised Code. 275

(b) The adjudication or conviction was for a sexually 276
oriented offense, the juvenile court was required to classify 277
the child a juvenile offender registrant for that offense under 278
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 279
classification has not been removed, and the records of the 280
adjudication or conviction have not been sealed or expunged 281
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 282
pursuant to section 2953.32 of the Revised Code. 283

(3) A rule adopted under division (E) (1) of this section 284
may provide for the release of information gathered pursuant to 285
division (A) of this section that relates to the arrest of a 286
person who is eighteen years of age or older when the person has 287
not been convicted as a result of that arrest if any of the 288
following applies: 289

(a) The arrest was made outside of this state. 290

(b) A criminal action resulting from the arrest is 291
pending, and the superintendent confirms that the criminal 292
action has not been resolved at the time the criminal records 293
check is performed. 294

(c) The bureau cannot reasonably determine whether a 295
criminal action resulting from the arrest is pending, and not 296
more than one year has elapsed since the date of the arrest. 297

(4) A rule adopted under division (E) (1) of this section 298
may provide for the release of information gathered pursuant to 299
division (A) of this section that relates to an adjudication of 300
a child as a delinquent child if not more than five years have 301
elapsed since the date of the adjudication, the adjudication was 302
for an act that would have been a felony if committed by an 303
adult, the records of the adjudication have not been sealed or 304
expunged pursuant to sections 2151.355 to 2151.358 of the 305
Revised Code, and the request for information is made under 306
division (F) of this section or under section 109.572 of the 307
Revised Code. In the case of an adjudication for a violation of 308
the terms of community control or supervised release, the five- 309
year period shall be calculated from the date of the 310
adjudication to which the community control or supervised 311
release pertains. 312

(F) (1) As used in division (F) (2) of this section, "head 313
start agency" means an entity in this state that has been 314
approved to be an agency for purposes of subchapter II of the 315
"Community Economic Development Act," 95 Stat. 489 (1981), 42 316
U.S.C.A. 9831, as amended. 317

(2) (a) In addition to or in conjunction with any request 318
that is required to be made under section 109.572, 2151.86, 319
3301.32, 3301.541, division (C) of section 3310.58, or section 320

3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 321
5153.111 of the Revised Code or that is made under section 322
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 323
board of education of any school district; the director of 324
developmental disabilities; any county board of developmental 325
disabilities; any provider or subcontractor as defined in 326
section 5123.081 of the Revised Code; the chief administrator of 327
any chartered nonpublic school; the chief administrator of a 328
registered private provider that is not also a chartered 329
nonpublic school; the chief administrator of any home health 330
agency; the chief administrator of or person operating any child 331
care center, type A family child care home, or type B family 332
child care home licensed under Chapter 5104. of the Revised 333
Code; the chief administrator of or person operating any 334
authorized private before and after school care program; the 335
chief administrator of any head start agency; the executive 336
director of a public children services agency; a private company 337
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 338
the Revised Code; or an employer described in division (J) (2) of 339
section 3327.10 of the Revised Code may request that the 340
superintendent of the bureau investigate and determine, with 341
respect to any individual who has applied for employment in any 342
position after October 2, 1989, or any individual wishing to 343
apply for employment with a board of education may request, with 344
regard to the individual, whether the bureau has any information 345
gathered under division (A) of this section that pertains to 346
that individual. On receipt of the request, subject to division 347
(E) (2) of this section, the superintendent shall determine 348
whether that information exists and, upon request of the person, 349
board, or entity requesting information, also shall request from 350
the federal bureau of investigation any criminal records it has 351
pertaining to that individual. The superintendent or the 352

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

(b) When a board of education or a registered private 367
provider is required to receive information under this section 368
as a prerequisite to employment of an individual pursuant to 369
division (C) of section 3310.58 or section 3319.39 of the 370
Revised Code, it may accept a certified copy of records that 371
were issued by the bureau of criminal identification and 372
investigation and that are presented by an individual applying 373
for employment with the district in lieu of requesting that 374
information itself. In such a case, the board shall accept the 375
certified copy issued by the bureau in order to make a photocopy 376
of it for that individual's employment application documents and 377
shall return the certified copy to the individual. In a case of 378
that nature, a district or provider only shall accept a 379
certified copy of records of that nature within one year after 380
the date of their issuance by the bureau. 381

(c) Notwithstanding division (F) (2) (a) of this section, in 382
the case of a request under section 3319.39, 3319.391, or 383

3327.10 of the Revised Code only for criminal records maintained 384
by the federal bureau of investigation, the superintendent shall 385
not determine whether any information gathered under division 386
(A) of this section exists on the person for whom the request is 387
made. 388

(3) The state board of education or the department of 389
education and workforce may request, with respect to any 390
individual who has applied for employment after October 2, 1989, 391
in any position with the state board or the department of 392
education and workforce, any information that a school district 393
board of education is authorized to request under division (F) 394
(2) of this section, and the superintendent of the bureau shall 395
proceed as if the request has been received from a school 396
district board of education under division (F) (2) of this 397
section. 398

(4) When the superintendent of the bureau receives a 399
request for information under section 3319.291 of the Revised 400
Code, the superintendent shall proceed as if the request has 401
been received from a school district board of education and 402
shall comply with divisions (F) (2) (a) and (c) of this section. 403

(G) In addition to or in conjunction with any request that 404
is required to be made under section 3712.09, 3721.121, or 405
3740.11 of the Revised Code with respect to an individual who 406
has applied for employment in a position that involves providing 407
direct care to an older adult or adult resident, the chief 408
administrator of a home health agency, hospice care program, 409
home licensed under Chapter 3721. of the Revised Code, or adult 410
day-care program operated pursuant to rules adopted under 411
section 3721.04 of the Revised Code may request that the 412
superintendent of the bureau investigate and determine, with 413

respect to any individual who has applied after January 27, 414
1997, for employment in a position that does not involve 415
providing direct care to an older adult or adult resident, 416
whether the bureau has any information gathered under division 417
(A) of this section that pertains to that individual. 418

In addition to or in conjunction with any request that is 419
required to be made under section 173.27 of the Revised Code 420
with respect to an individual who has applied for employment in 421
a position that involves providing ombudsman services to 422
residents of long-term care facilities or recipients of 423
community-based long-term care services, the state long-term 424
care ombudsman, the director of aging, a regional long-term care 425
ombudsman program, or the designee of the ombudsman, director, 426
or program may request that the superintendent investigate and 427
determine, with respect to any individual who has applied for 428
employment in a position that does not involve providing such 429
ombudsman services, whether the bureau has any information 430
gathered under division (A) of this section that pertains to 431
that applicant. 432

In addition to or in conjunction with any request that is 433
required to be made under section 173.38 of the Revised Code 434
with respect to an individual who has applied for employment in 435
a direct-care position, the chief administrator of a provider, 436
as defined in section 173.39 of the Revised Code, may request 437
that the superintendent investigate and determine, with respect 438
to any individual who has applied for employment in a position 439
that is not a direct-care position, whether the bureau has any 440
information gathered under division (A) of this section that 441
pertains to that applicant. 442

In addition to or in conjunction with any request that is 443

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

On receipt of a request under this division, the 454
superintendent shall determine whether that information exists 455
and, on request of the individual requesting information, shall 456
also request from the federal bureau of investigation any 457
criminal records it has pertaining to the applicant. The 458
superintendent or the superintendent's designee also may request 459
criminal history records from other states or the federal 460
government pursuant to the national crime prevention and privacy 461
compact set forth in section 109.571 of the Revised Code. Within 462
thirty days of the date a request is received, subject to 463
division (E)(2) of this section, the superintendent shall send 464
to the requester a report of any information determined to 465
exist, including information contained in records that have been 466
sealed under section 2953.32 of the Revised Code, and, within 467
thirty days of its receipt, shall send the requester a report of 468
any information received from the federal bureau of 469
investigation, other than information the dissemination of which 470
is prohibited by federal law. 471

(H) Information obtained by a government entity or person 472
under this section is confidential and shall not be released or 473
disseminated. 474

(I) The superintendent may charge a reasonable fee for 475
providing information or criminal records under division (F) (2) 476
or (G) of this section. 477

~~(J)~~(J) (1) The superintendent shall develop and prepare 478
instructions and informational brochures, standard petitions, 479
and extreme risk protection order forms, and a court staff 480
handbook on the extreme risk protection order process. The 481
standard petitions and order forms shall be prepared and 482
available for use not later than six months after the effective 483
date of this amendment, for all petitions filed and orders 484
issued under sections 2923.26 to 2923.30 of the Revised Code. 485
The instructions, brochures, forms, and handbook shall be 486
prepared in consultation with interested parties, including 487
representatives of gun violence prevention groups, judges, and 488
law enforcement personnel. Materials shall be based on best 489
practices and shall be made available online to the public. The 490
petitions and petition forms referred to in divisions (J) (1) to 491
(11) of this section mean both petitions for requesting an 492
extreme risk protection order under section 2923.26 of the 493
Revised Code and applications for requesting an ex parte extreme 494
risk protection order under section 2923.27 of the Revised Code. 495

(2) The instructions shall be designed to assist 496
petitioners in completing the petition, and shall include a 497
sample of a standard petition and an extreme risk protection 498
order form. 499

(3) The instructions and standard petition shall include a 500
means for the petitioner to identify, without special knowledge, 501
the firearms the respondent may own, possess, receive, or have 502
in the respondent's custody or control. The instructions shall 503
provide pictures of types of firearms that the petitioner may 504

choose from to identify the relevant firearms, or an equivalent 505
means to allow petitioners to identify firearms without 506
requiring specific or technical knowledge regarding the 507
firearms. 508

(4) The informational brochure shall describe the use of 509
and the process for obtaining, modifying, and terminating an 510
extreme risk protection order under sections 2923.26 to 2923.30 511
of the Revised Code and provide relevant forms. 512

(5) The extreme risk protection order form shall include, 513
in a conspicuous location, notice of criminal penalties 514
resulting from a violation of the order, and the following 515
statement: 516

"You have the sole responsibility to avoid or refrain from 517
violating this order's provisions. Only the court can change the 518
order and only upon written application." 519

(6) The court staff handbook shall allow for a clerk of 520
court to add to the handbook a community resource list. 521

(7) The superintendent shall distribute a master copy of 522
the petition and order forms, instructions, and informational 523
brochures to every clerk of court and shall distribute a master 524
copy of the petition and order forms to all county courts, 525
municipal courts, and courts of common pleas. 526

(8) The superintendent shall distribute all documents in 527
an electronic format or formats accessible to all courts and 528
clerks of court in the state and may additionally distribute the 529
documents in other formats. 530

(9) The superintendent shall determine the significant 531
non-English-speaking or limited English-speaking populations in 532
the state and arrange for translation of the instructions and 533

informational brochures required by this section into the 534
languages spoken by those populations. The translated 535
instructions and informational brochures shall contain a sample 536
of the standard petition and order for protection forms. The 537
superintendent shall distribute a master copy of the translated 538
instructions and informational brochures to every clerk of court 539
not later than one year after the effective date of this 540
amendment. 541

(10) The superintendent shall update the instructions, 542
brochures, standard petitions, and extreme risk protection order 543
forms, and court staff handbook as necessary, including when 544
changes in the law make an update necessary. 545

(11) Any assistance or information provided by a clerk of 546
court under division (J) of this section does not constitute the 547
practice of law. 548

(K) In addition to informational brochures and materials 549
made available by the superintendent under division (J) of this 550
section, each clerk of court may create a community resource 551
list of crisis intervention, mental health, substance abuse, 552
interpreter, counseling, and other relevant resources serving 553
the county in which the court is located. 554

(L) As used in this section: 555

(1) "Pediatric respite care program" and "pediatric care 556
patient" have the same meanings as in section 3712.01 of the 557
Revised Code. 558

(2) "Sexually oriented offense" and "child-victim oriented 559
offense" have the same meanings as in section 2950.01 of the 560
Revised Code. 561

(3) "Registered private provider" means a nonpublic school 562

or entity registered with the department of education and 563
workforce under section 3310.41 of the Revised Code to 564
participate in the autism scholarship program or section 3310.58 565
of the Revised Code to participate in the Jon Peterson special 566
needs scholarship program. 567

(4) "Extreme risk protection order" and "ex parte extreme 568
risk protection order" have the same meanings as in section 569
2923.26 of the Revised Code. 570

Sec. 2923.125. It is the intent of the general assembly 571
that Ohio concealed handgun license law be compliant with the 572
national instant criminal background check system, that the 573
bureau of alcohol, tobacco, firearms, and explosives is able to 574
determine that Ohio law is compliant with the national instant 575
criminal background check system, and that no person shall be 576
eligible to receive a concealed handgun license permit under 577
section 2923.125 or 2923.1213 of the Revised Code unless the 578
person is eligible lawfully to receive or possess a firearm in 579
the United States. 580

(A) This section applies with respect to the application 581
for and issuance by this state of concealed handgun licenses 582
other than concealed handgun licenses on a temporary emergency 583
basis that are issued under section 2923.1213 of the Revised 584
Code. Upon the request of a person who wishes to obtain a 585
concealed handgun license with respect to which this section 586
applies or to renew a concealed handgun license with respect to 587
which this section applies, a sheriff, as provided in division 588
(I) of this section, shall provide to the person free of charge 589
an application form and the web site address at which a 590
printable version of the application form that can be downloaded 591
and the pamphlet described in division (B) of section 109.731 of 592

the Revised Code may be found. A sheriff shall accept a 593
completed application form and the fee, items, materials, and 594
information specified in divisions (B) (1) to (5) of this section 595
at the times and in the manners described in division (I) of 596
this section. 597

(B) An applicant for a concealed handgun license who is a 598
resident of this state shall submit a completed application form 599
and all of the material and information described in divisions 600
(B) (1) to (6) of this section to the sheriff of the county in 601
which the applicant resides or to the sheriff of any county 602
adjacent to the county in which the applicant resides. An 603
applicant for a license who resides in another state shall 604
submit a completed application form and all of the material and 605
information described in divisions (B) (1) to (7) of this section 606
to the sheriff of the county in which the applicant is employed 607
or to the sheriff of any county adjacent to the county in which 608
the applicant is employed: 609

(1) (a) A nonrefundable license fee as described in either 610
of the following: 611

(i) For an applicant who has been a resident of this state 612
for five or more years, a fee of sixty-seven dollars; 613

(ii) For an applicant who has been a resident of this 614
state for less than five years or who is not a resident of this 615
state, but who is employed in this state, a fee of sixty-seven 616
dollars plus the actual cost of having a background check 617
performed by the federal bureau of investigation. 618

(b) No sheriff shall require an applicant to pay for the 619
cost of a background check performed by the bureau of criminal 620
identification and investigation. 621

(c) A sheriff shall waive the payment of the license fee 622
described in division (B) (1) (a) of this section in connection 623
with an initial or renewal application for a license that is 624
submitted by an applicant who is an active or reserve member of 625
the armed forces of the United States or has retired from or was 626
honorably discharged from military service in the active or 627
reserve armed forces of the United States, a retired peace 628
officer, a retired person described in division (B) (1) (b) of 629
section 109.77 of the Revised Code, or a retired federal law 630
enforcement officer who, prior to retirement, was authorized 631
under federal law to carry a firearm in the course of duty, 632
unless the retired peace officer, person, or federal law 633
enforcement officer retired as the result of a mental 634
disability. 635

(d) The sheriff shall deposit all fees paid by an 636
applicant under division (B) (1) (a) of this section into the 637
sheriff's concealed handgun license issuance fund established 638
pursuant to section 311.42 of the Revised Code. The county shall 639
distribute the fees in accordance with section 311.42 of the 640
Revised Code. 641

(2) A color photograph of the applicant that was taken 642
within thirty days prior to the date of the application; 643

(3) One or more of the following competency 644
certifications, each of which shall reflect that, regarding a 645
certification described in division (B) (3) (a), (b), (c), (e), or 646
(f) of this section, within the three years immediately 647
preceding the application the applicant has performed that to 648
which the competency certification relates and that, regarding a 649
certification described in division (B) (3) (d) of this section, 650
the applicant currently is an active or reserve member of the 651

armed forces of the United States, the applicant has retired 652
from or was honorably discharged from military service in the 653
active or reserve armed forces of the United States, or within 654
the ten years immediately preceding the application the 655
retirement of the peace officer, person described in division 656
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 657
enforcement officer to which the competency certification 658
relates occurred: 659

(a) An original or photocopy of a certificate of 660
completion of a firearms safety, training, or requalification or 661
firearms safety instructor course, class, or program that was 662
offered by or under the auspices of a national gun advocacy 663
organization and that complies with the requirements set forth 664
in division (G) of this section; 665

(b) An original or photocopy of a certificate of 666
completion of a firearms safety, training, or requalification or 667
firearms safety instructor course, class, or program that 668
satisfies all of the following criteria: 669

(i) It was open to members of the general public. 670

(ii) It utilized qualified instructors who were certified 671
by a national gun advocacy organization, the executive director 672
of the Ohio peace officer training commission pursuant to 673
section 109.75 or 109.78 of the Revised Code, or a governmental 674
official or entity of another state. 675

(iii) It was offered by or under the auspices of a law 676
enforcement agency of this or another state or the United 677
States, a public or private college, university, or other 678
similar postsecondary educational institution located in this or 679
another state, a firearms training school located in this or 680

another state, or another type of public or private entity or 681
organization located in this or another state. 682

(iv) It complies with the requirements set forth in 683
division (G) of this section. 684

(c) An original or photocopy of a certificate of 685
completion of a state, county, municipal, or department of 686
natural resources peace officer training school that is approved 687
by the executive director of the Ohio peace officer training 688
commission pursuant to section 109.75 of the Revised Code and 689
that complies with the requirements set forth in division (G) of 690
this section, or the applicant has satisfactorily completed and 691
been issued a certificate of completion of a basic firearms 692
training program, a firearms requalification training program, 693
or another basic training program described in section 109.78 or 694
109.801 of the Revised Code that complies with the requirements 695
set forth in division (G) of this section; 696

(d) A document that evidences both of the following: 697

(i) That the applicant is an active or reserve member of 698
the armed forces of the United States, has retired from or was 699
honorably discharged from military service in the active or 700
reserve armed forces of the United States, is a retired trooper 701
of the state highway patrol, or is a retired peace officer or 702
federal law enforcement officer described in division (B) (1) of 703
this section or a retired person described in division (B) (1) (b) 704
of section 109.77 of the Revised Code and division (B) (1) of 705
this section; 706

(ii) That, through participation in the military service 707
or through the former employment described in division (B) (3) (d) 708
(i) of this section, the applicant acquired experience with 709

handling handguns or other firearms, and the experience so 710
acquired was equivalent to training that the applicant could 711
have acquired in a course, class, or program described in 712
division (B) (3) (a), (b), or (c) of this section. 713

(e) A certificate or another similar document that 714
evidences satisfactory completion of a firearms training, 715
safety, or requalification or firearms safety instructor course, 716
class, or program that is not otherwise described in division 717
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 718
by an instructor who was certified by an official or entity of 719
the government of this or another state or the United States or 720
by a national gun advocacy organization, and that complies with 721
the requirements set forth in division (G) of this section; 722

(f) An affidavit that attests to the applicant's 723
satisfactory completion of a course, class, or program described 724
in division (B) (3) (a), (b), (c), or (e) of this section and that 725
is subscribed by the applicant's instructor or an authorized 726
representative of the entity that offered the course, class, or 727
program or under whose auspices the course, class, or program 728
was offered; 729

(g) A document that evidences that the applicant has 730
successfully completed the Ohio peace officer training program 731
described in section 109.79 of the Revised Code. 732

(4) A certification by the applicant that the applicant 733
has read the pamphlet prepared by the Ohio peace officer 734
training commission pursuant to section 109.731 of the Revised 735
Code that reviews firearms, dispute resolution, and use of 736
deadly force matters. 737

(5) A set of fingerprints of the applicant provided as 738

described in section 311.41 of the Revised Code through use of 739
an electronic fingerprint reading device or, if the sheriff to 740
whom the application is submitted does not possess and does not 741
have ready access to the use of such a reading device, on a 742
standard impression sheet prescribed pursuant to division (C) (2) 743
of section 109.572 of the Revised Code. 744

(6) If the applicant is not a citizen or national of the 745
United States, the name of the applicant's country of 746
citizenship and the applicant's alien registration number issued 747
by the United States citizenship and immigration services 748
agency. 749

(7) If the applicant resides in another state, adequate 750
proof of employment in Ohio. 751

(C) Upon receipt of the completed application form, 752
supporting documentation, and, if not waived, license fee of an 753
applicant under this section, a sheriff, in the manner specified 754
in section 311.41 of the Revised Code, shall conduct or cause to 755
be conducted the criminal records check and the incompetency 756
records check described in section 311.41 of the Revised Code. 757

(D) (1) Except as provided in division (D) (3) of this 758
section, within forty-five days after a sheriff's receipt of an 759
applicant's completed application form for a concealed handgun 760
license under this section, the supporting documentation, and, 761
if not waived, the license fee, the sheriff shall make available 762
through the law enforcement automated data system in accordance 763
with division (H) of this section the information described in 764
that division and, upon making the information available through 765
the system, shall issue to the applicant a concealed handgun 766
license that shall expire as described in division (D) (2) (a) of 767
this section if all of the following apply: 768

(a) The applicant is legally living in the United States. 769
For purposes of division (D) (1) (a) of this section, if a person 770
is absent from the United States in compliance with military or 771
naval orders as an active or reserve member of the armed forces 772
of the United States and if prior to leaving the United States 773
the person was legally living in the United States, the person, 774
solely by reason of that absence, shall not be considered to 775
have lost the person's status as living in the United States. 776

(b) The applicant is at least twenty-one years of age. 777

(c) The applicant is not a fugitive from justice. 778

(d) The applicant is not under indictment for or otherwise 779
charged with a felony; an offense under Chapter 2925., 3719., or 780
4729. of the Revised Code that involves the illegal possession, 781
use, sale, administration, or distribution of or trafficking in 782
a drug of abuse; a misdemeanor offense of violence; or a 783
violation of section 2903.14 or 2923.1211 of the Revised Code. 784

(e) Except as otherwise provided in division (D) (4) or (5) 785
of this section, the applicant has not been convicted of or 786
pleaded guilty to a felony or an offense under Chapter 2925., 787
3719., or 4729. of the Revised Code that involves the illegal 788
possession, use, sale, administration, or distribution of or 789
trafficking in a drug of abuse; has not been adjudicated a 790
delinquent child for committing an act that if committed by an 791
adult would be a felony or would be an offense under Chapter 792
2925., 3719., or 4729. of the Revised Code that involves the 793
illegal possession, use, sale, administration, or distribution 794
of or trafficking in a drug of abuse; has not been convicted of, 795
pleaded guilty to, or adjudicated a delinquent child for 796
committing a violation of section 2903.13 of the Revised Code 797
when the victim of the violation is a peace officer, regardless 798

of whether the applicant was sentenced under division ~~(C)(4)~~(C) 799
(5) or (6) of that section; and has not been convicted of, 800
pleaded guilty to, or adjudicated a delinquent child for 801
committing any other offense that is not previously described in 802
this division that is a misdemeanor punishable by imprisonment 803
for a term exceeding one year. 804

(f) Except as otherwise provided in division (D) (4) or (5) 805
of this section, the applicant, within three years of the date 806
of the application, has not been convicted of or pleaded guilty 807
to a misdemeanor offense of violence other than a misdemeanor 808
violation of section 2921.33 of the Revised Code or a violation 809
of section 2903.13 of the Revised Code when the victim of the 810
violation is a peace officer, or a misdemeanor violation of 811
section 2923.1211 of the Revised Code; and has not been 812
adjudicated a delinquent child for committing an act that if 813
committed by an adult would be a misdemeanor offense of violence 814
other than a misdemeanor violation of section 2921.33 of the 815
Revised Code or a violation of section 2903.13 of the Revised 816
Code when the victim of the violation is a peace officer or for 817
committing an act that if committed by an adult would be a 818
misdemeanor violation of section 2923.1211 of the Revised Code. 819

(g) Except as otherwise provided in division (D) (1) (e) of 820
this section, the applicant, within five years of the date of 821
the application, has not been convicted of, pleaded guilty to, 822
or adjudicated a delinquent child for committing two or more 823
violations of section 2903.13 or 2903.14 of the Revised Code. 824

(h) Except as otherwise provided in division (D) (4) or (5) 825
of this section, the applicant, within ten years of the date of 826
the application, has not been convicted of, pleaded guilty to, 827
or adjudicated a delinquent child for committing a violation of 828

section 2921.33 of the Revised Code. 829

(i) The applicant has not been committed to any mental 830
institution, is not under adjudication of mental incompetence, 831
has not been found by a court to be a person with a mental 832
illness subject to court order, and is not an involuntary 833
patient other than one who is a patient only for purposes of 834
observation. As used in this division, "person with a mental 835
illness subject to court order" and "patient" have the same 836
meanings as in section 5122.01 of the Revised Code. 837

(j) The applicant is not currently subject to a civil 838
protection order, a temporary protection order, an extreme risk 839
protection order or ex parte extreme risk protection order 840
issued under sections 2923.26 to 2923.30 of the Revised Code, or 841
a protection order issued by a court of another state. 842

(k) The applicant certifies that the applicant desires a 843
legal means to carry a concealed handgun for defense of the 844
applicant or a member of the applicant's family while engaged in 845
lawful activity. 846

(l) The applicant submits a competency certification of 847
the type described in division (B) (3) of this section and 848
submits a certification of the type described in division (B) (4) 849
of this section regarding the applicant's reading of the 850
pamphlet prepared by the Ohio peace officer training commission 851
pursuant to section 109.731 of the Revised Code. 852

(m) The applicant currently is not subject to a suspension 853
imposed under division (A) (2) of section 2923.128 of the Revised 854
Code of a concealed handgun license that previously was issued 855
to the applicant under this section or section 2923.1213 of the 856
Revised Code or a similar suspension imposed by another state 857

regarding a concealed handgun license issued by that state. 858

(n) If the applicant resides in another state, the 859
applicant is employed in this state. 860

(o) The applicant certifies that the applicant is not an 861
unlawful user of or addicted to any controlled substance as 862
defined in 21 U.S.C. 802. 863

(p) If the applicant is not a United States citizen, the 864
applicant is an alien and has not been admitted to the United 865
States under a nonimmigrant visa, as defined in the "Immigration 866
and Nationality Act," 8 U.S.C. 1101(a) (26) . 867

(q) The applicant has not been discharged from the armed 868
forces of the United States under dishonorable conditions. 869

(r) The applicant certifies that the applicant has not 870
renounced the applicant's United States citizenship, if 871
applicable. 872

(s) The applicant has not been convicted of, pleaded 873
guilty to, or adjudicated a delinquent child for committing a 874
violation of section 2919.25 of the Revised Code or a similar 875
violation in another state. 876

(2) (a) A concealed handgun license that a sheriff issues 877
under division (D) (1) of this section shall expire five years 878
after the date of issuance. 879

If a sheriff issues a license under this section, the 880
sheriff shall place on the license a unique combination of 881
letters and numbers identifying the license in accordance with 882
the procedure prescribed by the Ohio peace officer training 883
commission pursuant to section 109.731 of the Revised Code. 884

(b) If a sheriff denies an application under this section 885

because the applicant does not satisfy the criteria described in 886
division (D) (1) of this section, the sheriff shall specify the 887
grounds for the denial in a written notice to the applicant. The 888
applicant may appeal the denial pursuant to section 119.12 of 889
the Revised Code in the county served by the sheriff who denied 890
the application. If the denial was as a result of the criminal 891
records check conducted pursuant to section 311.41 of the 892
Revised Code and if, pursuant to section 2923.127 of the Revised 893
Code, the applicant challenges the criminal records check 894
results using the appropriate challenge and review procedure 895
specified in that section, the time for filing the appeal 896
pursuant to section 119.12 of the Revised Code and this division 897
is tolled during the pendency of the request or the challenge 898
and review. 899

(c) If the court in an appeal under section 119.12 of the 900
Revised Code and division (D) (2) (b) of this section enters a 901
judgment sustaining the sheriff's refusal to grant to the 902
applicant a concealed handgun license, the applicant may file a 903
new application beginning one year after the judgment is 904
entered. If the court enters a judgment in favor of the 905
applicant, that judgment shall not restrict the authority of a 906
sheriff to suspend or revoke the license pursuant to section 907
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 908
the license for any proper cause that may occur after the date 909
the judgment is entered. In the appeal, the court shall have 910
full power to dispose of all costs. 911

(3) If the sheriff with whom an application for a 912
concealed handgun license was filed under this section becomes 913
aware that the applicant has been arrested for or otherwise 914
charged with an offense that would disqualify the applicant from 915
holding the license, the sheriff shall suspend the processing of 916

the application until the disposition of the case arising from 917
the arrest or charge. 918

(4) If an applicant has been convicted of or pleaded 919
guilty to an offense identified in division (D)(1)(e), (f), or 920
(h) of this section or has been adjudicated a delinquent child 921
for committing an act or violation identified in any of those 922
divisions, and if a court has ordered the sealing or expungement 923
of the records of that conviction, guilty plea, or adjudication 924
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 925
2953.35, or section 2953.39 of the Revised Code or the applicant 926
has been relieved under operation of law or legal process from 927
the disability imposed pursuant to section 2923.13 of the 928
Revised Code relative to that conviction, guilty plea, or 929
adjudication, the sheriff with whom the application was 930
submitted shall not consider the conviction, guilty plea, or 931
adjudication in making a determination under division (D)(1) or 932
(F) of this section or, in relation to an application for a 933
concealed handgun license on a temporary emergency basis 934
submitted under section 2923.1213 of the Revised Code, in making 935
a determination under division (B)(2) of that section. 936

(5) If an applicant has been convicted of or pleaded 937
guilty to a minor misdemeanor offense or has been adjudicated a 938
delinquent child for committing an act or violation that is a 939
minor misdemeanor offense, the sheriff with whom the application 940
was submitted shall not consider the conviction, guilty plea, or 941
adjudication in making a determination under division (D)(1) or 942
(F) of this section or, in relation to an application for a 943
concealed handgun license on a temporary basis submitted under 944
section 2923.1213 of the Revised Code, in making a determination 945
under division (B)(2) of that section. 946

(E) If a concealed handgun license issued under this 947
section is lost or is destroyed, the licensee may obtain from 948
the sheriff who issued that license a duplicate license upon the 949
payment of a fee of fifteen dollars and the submission of an 950
affidavit attesting to the loss or destruction of the license. 951
The sheriff, in accordance with the procedures prescribed in 952
section 109.731 of the Revised Code, shall place on the 953
replacement license a combination of identifying numbers 954
different from the combination on the license that is being 955
replaced. 956

(F) (1) (a) Except as provided in division (F) (1) (b) of this 957
section, a licensee who wishes to renew a concealed handgun 958
license issued under this section may do so at any time before 959
the expiration date of the license or at any time after the 960
expiration date of the license by filing with the sheriff of the 961
county in which the applicant resides or with the sheriff of an 962
adjacent county, or in the case of an applicant who resides in 963
another state with the sheriff of the county that issued the 964
applicant's previous concealed handgun license an application 965
for renewal of the license obtained pursuant to division (D) of 966
this section, a certification by the applicant that, subsequent 967
to the issuance of the license, the applicant has reread the 968
pamphlet prepared by the Ohio peace officer training commission 969
pursuant to section 109.731 of the Revised Code that reviews 970
firearms, dispute resolution, and use of deadly force matters, 971
and a nonrefundable license renewal fee in an amount determined 972
pursuant to division (F) (4) of this section unless the fee is 973
waived. 974

(b) A person on active duty in the armed forces of the 975
United States or in service with the peace corps, volunteers in 976
service to America, or the foreign service of the United States 977

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

(2) A sheriff shall accept a completed renewal 997
application, the license renewal fee, and the information 998
specified in division (F)(1) of this section at the times and in 999
the manners described in division (I) of this section. Upon 1000
receipt of a completed renewal application, of certification 1001
that the applicant has reread the specified pamphlet prepared by 1002
the Ohio peace officer training commission, and of a license 1003
renewal fee unless the fee is waived, a sheriff, in the manner 1004
specified in section 311.41 of the Revised Code shall conduct or 1005
cause to be conducted the criminal records check and the 1006
incompetency records check described in section 311.41 of the 1007
Revised Code. The sheriff shall renew the license if the sheriff 1008

determines that the applicant continues to satisfy the 1009
requirements described in division (D) (1) of this section, 1010
except that the applicant is not required to meet the 1011
requirements of division (D) (1) (1) of this section. A renewed 1012
license shall expire five years after the date of issuance. A 1013
renewed license is subject to division (E) of this section and 1014
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1015
shall comply with divisions (D) (2) and (3) of this section when 1016
the circumstances described in those divisions apply to a 1017
requested license renewal. If a sheriff denies the renewal of a 1018
concealed handgun license, the applicant may appeal the denial, 1019
or challenge the criminal record check results that were the 1020
basis of the denial if applicable, in the same manner as 1021
specified in division (D) (2) (b) of this section and in section 1022
2923.127 of the Revised Code, regarding the denial of a license 1023
under this section. 1024

(3) A renewal application submitted pursuant to division 1025
(F) of this section shall only require the licensee to list on 1026
the application form information and matters occurring since the 1027
date of the licensee's last application for a license pursuant 1028
to division (B) or (F) of this section. A sheriff conducting the 1029
criminal records check and the incompetency records check 1030
described in section 311.41 of the Revised Code shall conduct 1031
the check only from the date of the licensee's last application 1032
for a license pursuant to division (B) or (F) of this section 1033
through the date of the renewal application submitted pursuant 1034
to division (F) of this section. 1035

(4) An applicant for a renewal concealed handgun license 1036
under this section shall submit to the sheriff of the county in 1037
which the applicant resides or to the sheriff of any county 1038
adjacent to the county in which the applicant resides, or in the 1039

case of an applicant who resides in another state to the sheriff 1040
of the county that issued the applicant's previous concealed 1041
handgun license, a nonrefundable license fee as described in 1042
either of the following: 1043

(a) For an applicant who has been a resident of this state 1044
for five or more years, a fee of fifty dollars; 1045

(b) For an applicant who has been a resident of this state 1046
for less than five years or who is not a resident of this state 1047
but who is employed in this state, a fee of fifty dollars plus 1048
the actual cost of having a background check performed by the 1049
federal bureau of investigation. 1050

(5) The concealed handgun license of a licensee who is no 1051
longer a resident of this state or no longer employed in this 1052
state, as applicable, is valid until the date of expiration on 1053
the license, and the licensee is prohibited from renewing the 1054
concealed handgun license. 1055

(G) (1) Each course, class, or program described in 1056
division (B) (3) (a), (b), (c), or (e) of this section shall 1057
provide to each person who takes the course, class, or program 1058
the web site address at which the pamphlet prepared by the Ohio 1059
peace officer training commission pursuant to section 109.731 of 1060
the Revised Code that reviews firearms, dispute resolution, and 1061
use of deadly force matters may be found. Each such course, 1062
class, or program described in one of those divisions shall 1063
include at least eight hours of training in the safe handling 1064
and use of a firearm that shall include training, provided as 1065
described in division (G) (3) of this section, on all of the 1066
following: 1067

(a) The ability to name, explain, and demonstrate the 1068

rules for safe handling of a handgun and proper storage	1069
practices for handguns and ammunition;	1070
(b) The ability to demonstrate and explain how to handle	1071
ammunition in a safe manner;	1072
(c) The ability to demonstrate the knowledge, skills, and	1073
attitude necessary to shoot a handgun in a safe manner;	1074
(d) Gun handling training;	1075
(e) A minimum of two hours of in-person training that	1076
consists of range time and live-fire training.	1077
(2) To satisfactorily complete the course, class, or	1078
program described in division (B) (3) (a), (b), (c), or (e) of	1079
this section, the applicant shall pass a competency examination	1080
that shall include both of the following:	1081
(a) A written section, provided as described in division	1082
(G) (3) of this section, on the ability to name and explain the	1083
rules for the safe handling of a handgun and proper storage	1084
practices for handguns and ammunition;	1085
(b) An in-person physical demonstration of competence in	1086
the use of a handgun and in the rules for safe handling and	1087
storage of a handgun and a physical demonstration of the	1088
attitude necessary to shoot a handgun in a safe manner.	1089
(3) (a) Except as otherwise provided in this division, the	1090
training specified in division (G) (1) (a) of this section shall	1091
be provided to the person receiving the training in person by an	1092
instructor. If the training specified in division (G) (1) (a) of	1093
this section is provided by a course, class, or program	1094
described in division (B) (3) (a) of this section, or it is	1095
provided by a course, class, or program described in division	1096

(B) (3) (b), (c), or (e) of this section and the instructor is a 1097
qualified instructor certified by a national gun advocacy 1098
organization, the training so specified, other than the training 1099
that requires the person receiving the training to demonstrate 1100
handling abilities, may be provided online or as a combination 1101
of in-person and online training, as long as the online training 1102
includes an interactive component that regularly engages the 1103
person. 1104

(b) Except as otherwise provided in this division, the 1105
written section of the competency examination specified in 1106
division (G) (2) (a) of this section shall be administered to the 1107
person taking the competency examination in person by an 1108
instructor. If the training specified in division (G) (1) (a) of 1109
this section is provided to the person receiving the training by 1110
a course, class, or program described in division (B) (3) (a) of 1111
this section, or it is provided by a course, class, or program 1112
described in division (B) (3) (b), (c), or (e) of this section and 1113
the instructor is a qualified instructor certified by a national 1114
gun advocacy organization, the written section of the competency 1115
examination specified in division (G) (2) (a) of this section may 1116
be administered online, as long as the online training includes 1117
an interactive component that regularly engages the person. 1118

(4) The competency certification described in division (B) 1119
(3) (a), (b), (c), or (e) of this section shall be dated and 1120
shall attest that the course, class, or program the applicant 1121
successfully completed met the requirements described in 1122
division (G) (1) of this section and that the applicant passed 1123
the competency examination described in division (G) (2) of this 1124
section. 1125

(H) Upon deciding to issue a concealed handgun license, 1126

deciding to issue a replacement concealed handgun license, or 1127
deciding to renew a concealed handgun license pursuant to this 1128
section, and before actually issuing or renewing the license, 1129
the sheriff shall make available through the law enforcement 1130
automated data system all information contained on the license. 1131
If the license subsequently is suspended under division (A) (1) 1132
or (2) of section 2923.128 of the Revised Code, revoked pursuant 1133
to division (B) (1) of section 2923.128 of the Revised Code, or 1134
lost or destroyed, the sheriff also shall make available through 1135
the law enforcement automated data system a notation of that 1136
fact. The superintendent of the state highway patrol shall 1137
ensure that the law enforcement automated data system is so 1138
configured as to permit the transmission through the system of 1139
the information specified in this division. 1140

(I) (1) A sheriff shall accept a completed application form 1141
or renewal application, and the fee, items, materials, and 1142
information specified in divisions (B) (1) to (5) or division (F) 1143
of this section, whichever is applicable, and shall provide an 1144
application form or renewal application to any person during at 1145
least fifteen hours a week and shall provide the web site 1146
address at which a printable version of the application form 1147
that can be downloaded and the pamphlet described in division 1148
(B) of section 109.731 of the Revised Code may be found at any 1149
time, upon request. The sheriff shall post notice of the hours 1150
during which the sheriff is available to accept or provide the 1151
information described in this division. 1152

(2) A sheriff shall transmit a notice to the attorney 1153
general, in a manner determined by the attorney general, every 1154
time a license is issued that waived payment under division (B) 1155
(1) (c) of this section for an applicant who is an active or 1156
reserve member of the armed forces of the United States or has 1157

retired from or was honorably discharged from military service 1158
in the active or reserve armed forces of the United States. The 1159
attorney general shall monitor and inform sheriffs issuing 1160
licenses under this section when the amount of license fee 1161
payments waived and transmitted to the attorney general reach 1162
one million five hundred thousand dollars each year. Once a 1163
sheriff is informed that the payments waived reached one million 1164
five hundred thousand dollars in any year, a sheriff shall no 1165
longer waive payment of a license fee for an applicant who is an 1166
active or reserve member of the armed forces of the United 1167
States or has retired from or was honorably discharged from 1168
military service in the active or reserve armed forces of the 1169
United States for the remainder of that year. 1170

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1171
concealed handgun license is arrested for or otherwise charged 1172
with an offense described in division (D) (1) (d) of section 1173
2923.125 of the Revised Code or with a violation of section 1174
2923.15 of the Revised Code or becomes subject to a temporary 1175
protection order or to a protection order issued by a court of 1176
another state that is substantially equivalent to a temporary 1177
protection order, the sheriff who issued the license shall 1178
suspend it and shall comply with division (A) (3) of this section 1179
upon becoming aware of the arrest, charge, or protection order. 1180
Upon suspending the license, the sheriff also shall comply with 1181
division (H) of section 2923.125 of the Revised Code. 1182

(b) A suspension under division (A) (1) (a) of this section 1183
shall be considered as beginning on the date that the licensee 1184
is arrested for or otherwise charged with an offense described 1185
in that division or on the date the appropriate court issued the 1186
protection order described in that division, irrespective of 1187
when the sheriff notifies the licensee under division (A) (3) of 1188

this section. The suspension shall end on the date on which the charges are dismissed or the licensee is found not guilty of the offense described in division (A) (1) (a) of this section or, subject to division (B) of this section, on the date the appropriate court terminates the protection order described in that division. If the suspension so ends, the sheriff shall return the license or temporary emergency license to the licensee.

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

(b) A suspension under division (A) (2) (a) of this section shall be considered as beginning on the date that the licensee is convicted of or pleads guilty to the offense described in that division, irrespective of when the sheriff notifies the licensee under division (A) (3) of this section. If the suspension is imposed for a misdemeanor violation of division (B) (2) of section 2923.12 of the Revised Code or of division (E) (3) of section 2923.16 of the Revised Code, it shall end on the date that is one year after the date that the licensee is convicted of or pleads guilty to that violation. If the suspension is imposed for a misdemeanor violation of division (B) (4) of section 2923.12 of the Revised Code or of division (E) (5) of section 2923.16 of the Revised Code, it shall end on the

date that is two years after the date that the licensee is 1220
convicted of or pleads guilty to that violation. If the 1221
licensee's license was issued under section 2923.125 of the 1222
Revised Code and the license remains valid after the suspension 1223
ends as described in this division, when the suspension ends, 1224
the sheriff shall return the license to the licensee. If the 1225
licensee's license was issued under section 2923.125 of the 1226
Revised Code and the license expires before the suspension ends 1227
as described in this division, or if the licensee's license was 1228
issued under section 2923.1213 of the Revised Code, the licensee 1229
is not eligible to apply for a new license under section 1230
2923.125 or 2923.1213 of the Revised Code or to renew the 1231
license under section 2923.125 of the Revised Code until after 1232
the suspension ends as described in this division. 1233

(3) Upon becoming aware of an arrest, charge, or 1234
protection order described in division (A)(1)(a) of this section 1235
with respect to a licensee who was issued a concealed handgun 1236
license, or a conviction of or plea of guilty to a misdemeanor 1237
offense described in division (A)(2)(a) of this section with 1238
respect to a licensee who was issued a concealed handgun 1239
license, subject to division (C) of this section, the sheriff 1240
who issued the licensee's license shall notify the licensee, by 1241
certified mail, return receipt requested, at the licensee's last 1242
known residence address that the license has been suspended and 1243
that the licensee is required to surrender the license at the 1244
sheriff's office within ten days of the date on which the notice 1245
was mailed. If the suspension is pursuant to division (A)(2) of 1246
this section, the notice shall identify the date on which the 1247
suspension ends. 1248

(B)(1) A sheriff who issues a concealed handgun license to 1249
a licensee shall revoke the license in accordance with division 1250

(B) (2) of this section upon becoming aware that the licensee 1251
satisfies any of the following: 1252

(a) The licensee is under twenty-one years of age. 1253

(b) Subject to division (C) of this section, at the time 1254
of the issuance of the license, the licensee did not satisfy the 1255
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1256
(g), or (h) of section 2923.125 of the Revised Code. 1257

(c) Subject to division (C) of this section, on or after 1258
the date on which the license was issued, the licensee is 1259
convicted of or pleads guilty to a violation of section 2923.15 1260
of the Revised Code or an offense described in division (D) (1) 1261
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1262

(d) On or after the date on which the license was issued, 1263
the licensee becomes subject to an extreme risk protection order 1264
or ex parte extreme risk protection order issued under sections 1265
2923.26 to 2923.30 of the Revised Code, a civil protection order 1266
or to a protection order issued by a court of another state that 1267
is substantially equivalent to a civil protection order. 1268

(e) The licensee knowingly carries a concealed handgun 1269
into a place that the licensee knows is an unauthorized place 1270
specified in division (B) of section 2923.126 of the Revised 1271
Code. 1272

(f) On or after the date on which the license was issued, 1273
the licensee is under adjudication of mental incompetence or is 1274
committed to a mental institution. 1275

(g) At the time of the issuance of the license, the 1276
licensee did not meet the residency requirements described in 1277
division (D) (1) of section 2923.125 of the Revised Code and 1278
currently does not meet the residency requirements described in 1279

that division. 1280

(h) Regarding a license issued under section 2923.125 of 1281
the Revised Code, the competency certificate the licensee 1282
submitted was forged or otherwise was fraudulent. 1283

(2) Upon becoming aware of any circumstance listed in 1284
division (B)(1) of this section that applies to a particular 1285
licensee who was issued a concealed handgun license, subject to 1286
division (C) of this section, the sheriff who issued the license 1287
to the licensee shall notify the licensee, by certified mail, 1288
return receipt requested, at the licensee's last known residence 1289
address that the license is subject to revocation and that the 1290
licensee may come to the sheriff's office and contest the 1291
sheriff's proposed revocation within fourteen days of the date 1292
on which the notice was mailed. After the fourteen-day period 1293
and after consideration of any information that the licensee 1294
provides during that period, if the sheriff determines on the 1295
basis of the information of which the sheriff is aware that the 1296
licensee is described in division (B)(1) of this section and no 1297
longer satisfies the requirements described in division (D)(1) 1298
of section 2923.125 of the Revised Code that are applicable to 1299
the licensee's type of license, the sheriff shall revoke the 1300
license, notify the licensee of that fact, and require the 1301
licensee to surrender the license. Upon revoking the license, 1302
the sheriff also shall comply with division (H) of section 1303
2923.125 of the Revised Code. 1304

(C) If a sheriff who issues a concealed handgun license to 1305
a licensee becomes aware that at the time of the issuance of the 1306
license the licensee had been convicted of or pleaded guilty to 1307
an offense identified in division (D)(1)(e), (f), or (h) of 1308
section 2923.125 of the Revised Code or had been adjudicated a 1309

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

(D) As used in this section, "motor carrier enforcement 1325
unit" has the same meaning as in section 2923.16 of the Revised 1326
Code. 1327

Sec. 2923.1213. (A) As used in this section: 1328

(1) "Evidence of imminent danger" means any of the 1329
following: 1330

(a) A statement sworn by the person seeking to carry a 1331
concealed handgun that is made under threat of perjury and that 1332
states that the person has reasonable cause to fear a criminal 1333
attack upon the person or a member of the person's family, such 1334
as would justify a prudent person in going armed; 1335

(b) A written document prepared by a governmental entity 1336
or public official describing the facts that give the person 1337
seeking to carry a concealed handgun reasonable cause to fear a 1338

criminal attack upon the person or a member of the person's 1339
family, such as would justify a prudent person in going armed. 1340
Written documents of this nature include, but are not limited 1341
to, any temporary protection order, civil protection order, 1342
protection order issued by another state, or other court order, 1343
any court report, and any report filed with or made by a law 1344
enforcement agency or prosecutor. 1345

(2) "Prosecutor" has the same meaning as in section 1346
2935.01 of the Revised Code. 1347

(B) (1) A person seeking a concealed handgun license on a 1348
temporary emergency basis shall submit to the sheriff of the 1349
county in which the person resides or, if the person usually 1350
resides in another state, to the sheriff of the county in which 1351
the person is temporarily staying, all of the following: 1352

(a) Evidence of imminent danger to the person or a member 1353
of the person's family; 1354

(b) A sworn affidavit that contains all of the information 1355
required to be on the license and attesting that the person is 1356
legally living in the United States; is at least twenty-one 1357
years of age; is not a fugitive from justice; is not under 1358
indictment for or otherwise charged with an offense identified 1359
in division (D) (1) (d) of section 2923.125 of the Revised Code; 1360
has not been convicted of or pleaded guilty to an offense, and 1361
has not been adjudicated a delinquent child for committing an 1362
act, identified in division (D) (1) (e) of that section and to 1363
which division (B) (3) of this section does not apply; within 1364
three years of the date of the submission, has not been 1365
convicted of or pleaded guilty to an offense, and has not been 1366
adjudicated a delinquent child for committing an act, identified 1367
in division (D) (1) (f) of that section and to which division (B) 1368

(3) of this section does not apply; within five years of the 1369
date of the submission, has not been convicted of, pleaded 1370
guilty, or adjudicated a delinquent child for committing two or 1371
more violations identified in division (D)(1)(g) of that 1372
section; within ten years of the date of the submission, has not 1373
been convicted of, pleaded guilty, or adjudicated a delinquent 1374
child for committing a violation identified in division (D)(1) 1375
(h) of that section and to which division (B)(3) of this section 1376
does not apply; has not been committed to any mental 1377
institution, is not under adjudication of mental incompetence, 1378
has not been found by a court to be a person with a mental 1379
illness subject to court order, and is not an involuntary 1380
patient other than one who is a patient only for purposes of 1381
observation, as described in division (D)(1)(i) of that section; 1382
is not currently subject to a civil protection order, a 1383
temporary protection order, an extreme risk protection order or 1384
ex parte extreme risk protection order issued under sections 1385
2923.26 to 2923.30 of the Revised Code, or a protection order 1386
issued by a court of another state, as described in division (D) 1387
(1)(j) of that section; is not currently subject to a suspension 1388
imposed under division (A)(2) of section 2923.128 of the Revised 1389
Code of a concealed handgun license that previously was issued 1390
to the person or a similar suspension imposed by another state 1391
regarding a concealed handgun license issued by that state; is 1392
not an unlawful user of or addicted to any controlled substance 1393
as defined in 21 U.S.C. 802; if applicable, is an alien and has 1394
not been admitted to the United States under a nonimmigrant 1395
visa, as defined in the "Immigration and Nationality Act," 8 1396
U.S.C. 1101(a)(26); has not been discharged from the armed 1397
forces of the United States under dishonorable conditions; if 1398
applicable, has not renounced the applicant's United States 1399
citizenship; and has not been convicted of, pleaded guilty to, 1400

or been adjudicated a delinquent child for committing a 1401
violation identified in division (D)(1)(s) of section 2923.125 1402
of the Revised Code; 1403

(c) A nonrefundable temporary emergency license fee as 1404
described in either of the following: 1405

(i) For an applicant who has been a resident of this state 1406
for five or more years, a fee of fifteen dollars plus the actual 1407
cost of having a background check performed by the bureau of 1408
criminal identification and investigation pursuant to section 1409
311.41 of the Revised Code; 1410

(ii) For an applicant who has been a resident of this 1411
state for less than five years or who is not a resident of this 1412
state, but is temporarily staying in this state, a fee of 1413
fifteen dollars plus the actual cost of having background checks 1414
performed by the federal bureau of investigation and the bureau 1415
of criminal identification and investigation pursuant to section 1416
311.41 of the Revised Code. 1417

(d) A set of fingerprints of the applicant provided as 1418
described in section 311.41 of the Revised Code through use of 1419
an electronic fingerprint reading device or, if the sheriff to 1420
whom the application is submitted does not possess and does not 1421
have ready access to the use of an electronic fingerprint 1422
reading device, on a standard impression sheet prescribed 1423
pursuant to division (C)(2) of section 109.572 of the Revised 1424
Code. If the fingerprints are provided on a standard impression 1425
sheet, the person also shall provide the person's social 1426
security number to the sheriff. 1427

(2) A sheriff shall accept the evidence of imminent 1428
danger, the sworn affidavit, the fee, and the set of 1429

fingerprints required under division (B) (1) of this section at 1430
the times and in the manners described in division (I) of this 1431
section. Upon receipt of the evidence of imminent danger, the 1432
sworn affidavit, the fee, and the set of fingerprints required 1433
under division (B) (1) of this section, the sheriff, in the 1434
manner specified in section 311.41 of the Revised Code, 1435
immediately shall conduct or cause to be conducted the criminal 1436
records check and the incompetency records check described in 1437
section 311.41 of the Revised Code. Immediately upon receipt of 1438
the results of the records checks, the sheriff shall review the 1439
information and shall determine whether the criteria set forth 1440
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 1441
of the Revised Code apply regarding the person. If the sheriff 1442
determines that all of the criteria set forth in divisions (D) 1443
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 1444
Code apply regarding the person, the sheriff shall immediately 1445
make available through the law enforcement automated data system 1446
all information that will be contained on the temporary 1447
emergency license for the person if one is issued, and the 1448
superintendent of the state highway patrol shall ensure that the 1449
system is so configured as to permit the transmission through 1450
the system of that information. Upon making that information 1451
available through the law enforcement automated data system, the 1452
sheriff shall immediately issue to the person a concealed 1453
handgun license on a temporary emergency basis. 1454

If the sheriff denies the issuance of a license on a 1455
temporary emergency basis to the person, the sheriff shall 1456
specify the grounds for the denial in a written notice to the 1457
person. The person may appeal the denial, or challenge criminal 1458
records check results that were the basis of the denial if 1459
applicable, in the same manners specified in division (D) (2) of 1460

section 2923.125 and in section 2923.127 of the Revised Code, 1461
regarding the denial of an application for a concealed handgun 1462
license under that section. 1463

The license on a temporary emergency basis issued under 1464
this division shall be in the form, and shall include all of the 1465
information, described in divisions (A) (2) (a) and (d) of section 1466
109.731 of the Revised Code, and also shall include a unique 1467
combination of identifying letters and numbers in accordance 1468
with division (A) (2) (c) of that section. 1469

The license on a temporary emergency basis issued under 1470
this division is valid for ninety days and may not be renewed. A 1471
person who has been issued a license on a temporary emergency 1472
basis under this division shall not be issued another license on 1473
a temporary emergency basis unless at least four years has 1474
expired since the issuance of the prior license on a temporary 1475
emergency basis. 1476

(3) If a person seeking a concealed handgun license on a 1477
temporary emergency basis has been convicted of or pleaded 1478
guilty to an offense identified in division (D) (1) (e), (f), or 1479
(h) of section 2923.125 of the Revised Code or has been 1480
adjudicated a delinquent child for committing an act or 1481
violation identified in any of those divisions, and if a court 1482
has ordered the sealing or expungement of the records of that 1483
conviction, guilty plea, or adjudication pursuant to sections 1484
2151.355 to 2151.358, sections 2953.31 to 2953.35, or section 1485
2953.39 of the Revised Code or the applicant has been relieved 1486
under operation of law or legal process from the disability 1487
imposed pursuant to section 2923.13 of the Revised Code relative 1488
to that conviction, guilty plea, or adjudication, the 1489
conviction, guilty plea, or adjudication shall not be relevant 1490

for purposes of the sworn affidavit described in division (B) (1) 1491
(b) of this section, and the person may complete, and swear to 1492
the truth of, the affidavit as if the conviction, guilty plea, 1493
or adjudication never had occurred. 1494

(4) The sheriff shall waive the payment pursuant to 1495
division (B) (1) (c) of this section of the license fee in 1496
connection with an application that is submitted by an applicant 1497
who is a retired peace officer, a retired person described in 1498
division (B) (1) (b) of section 109.77 of the Revised Code, or a 1499
retired federal law enforcement officer who, prior to 1500
retirement, was authorized under federal law to carry a firearm 1501
in the course of duty, unless the retired peace officer, person, 1502
or federal law enforcement officer retired as the result of a 1503
mental disability. 1504

The sheriff shall deposit all fees paid by an applicant 1505
under division (B) (1) (c) of this section into the sheriff's 1506
concealed handgun license issuance fund established pursuant to 1507
section 311.42 of the Revised Code. 1508

(C) A person who holds a concealed handgun license on a 1509
temporary emergency basis has the same right to carry a 1510
concealed handgun as a person who was issued a concealed handgun 1511
license under section 2923.125 of the Revised Code, and any 1512
exceptions to the prohibitions contained in section 1547.69 and 1513
sections 2923.12 to 2923.16 of the Revised Code for a licensee 1514
under section 2923.125 of the Revised Code apply to a licensee 1515
under this section. The person is subject to the same 1516
restrictions, and to all other procedures, duties, and 1517
sanctions, that apply to a person who carries a license issued 1518
under section 2923.125 of the Revised Code, other than the 1519
license renewal procedures set forth in that section. 1520

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

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

(F) If a concealed handgun license on a temporary emergency basis issued under this section is lost or is

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

(G) The attorney general shall prescribe, and shall make 1560
available to sheriffs, a standard form to be used under division 1561
(B) of this section by a person who applies for a concealed 1562
handgun license on a temporary emergency basis on the basis of 1563
imminent danger of a type described in division (A) (1) (a) of 1564
this section. The attorney general shall design the form to 1565
enable applicants to provide the information that is required by 1566
law to be collected, and shall update the form as necessary. 1567
Burdens or restrictions to obtaining a concealed handgun license 1568
that are not expressly prescribed in law shall not be 1569
incorporated into the form. The attorney general shall post a 1570
printable version of the form on the web site of the attorney 1571
general and shall provide the address of the web site to any 1572
person who requests the form. 1573

(H) A sheriff who receives any fees paid by a person under 1574
this section shall deposit all fees so paid into the sheriff's 1575
concealed handgun license issuance expense fund established 1576
under section 311.42 of the Revised Code. 1577

(I) A sheriff shall accept evidence of imminent danger, a 1578
sworn affidavit, the fee, and the set of fingerprints specified 1579
in division (B) (1) of this section at any time during normal 1580
business hours. In no case shall a sheriff require an 1581

appointment, or designate a specific period of time, for the 1582
submission or acceptance of evidence of imminent danger, a sworn 1583
affidavit, the fee, and the set of fingerprints specified in 1584
division (B) (1) of this section, or for the provision to any 1585
person of a standard form to be used for a person to apply for a 1586
concealed handgun license on a temporary emergency basis. 1587

Sec. 2923.13. (A) Unless relieved from disability under 1588
operation of law or legal process, no person shall knowingly 1589
acquire, have, carry, or use any firearm or dangerous ordnance, 1590
if any of the following apply: 1591

(1) The person is a fugitive from justice. 1592

(2) The person is under indictment for or has been 1593
convicted of any felony offense of violence or has been 1594
adjudicated a delinquent child for the commission of an offense 1595
that, if committed by an adult, would have been a felony offense 1596
of violence. 1597

(3) The person is under indictment for or has been 1598
convicted of any felony offense involving the illegal 1599
possession, use, sale, administration, distribution, or 1600
trafficking in any drug of abuse or has been adjudicated a 1601
delinquent child for the commission of an offense that, if 1602
committed by an adult, would have been a felony offense 1603
involving the illegal possession, use, sale, administration, 1604
distribution, or trafficking in any drug of abuse. 1605

(4) The person has a drug dependency, is in danger of drug 1606
dependence, or has chronic alcoholism. 1607

(5) The person is under adjudication of mental 1608
incompetence, has been committed to a mental institution, has 1609
been found by a court to be a person with a mental illness 1610

subject to court order, or is an involuntary patient other than 1611
one who is a patient only for purposes of observation. ~~As used~~ 1612
~~in this division, "person with a mental illness subject to court~~ 1613
~~order" and "patient" have the same meanings as in section~~ 1614
~~5122.01 of the Revised Code.~~ 1615

(6) The person has been found guilty of having a firearm 1616
while under extreme risk protection order disability, and is 1617
prohibited from acquiring, having, carrying, or using a firearm 1618
under section 2923.99 of the Revised Code. 1619

(B) Whoever violates this section is guilty of having 1620
weapons while under disability, a felony of the third degree. 1621

(C) For the purposes of this section, ~~"under:~~ 1622

(1) "Under operation of law or legal process" shall not 1623
itself include mere completion, termination, or expiration of a 1624
sentence imposed as a result of a criminal conviction. 1625

(2) "Mentally ill person subject to court order" and 1626
"patient" have the same meanings as in section 5122.01 of the 1627
Revised Code. 1628

Sec. 2923.26. (A) As used in this section and sections 1629
2923.27 to 2923.30 of the Revised Code: 1630

(1) "Extreme risk protection order" means a final order 1631
granted under section 2923.26 of the Revised Code. 1632

(2) "Ex parte extreme risk protection order" means an ex 1633
parte order granted under section 2923.27 of the Revised Code. 1634

(3) "Family or household member" means, with respect to a 1635
respondent, any of the following: 1636

(a) A person related by blood, marriage, or adoption to 1637

the respondent; 1638

(b) A person in a dating relationship with the respondent; 1639

(c) A person who has a child in common with the 1640
respondent, regardless of whether the person has been married to 1641
the respondent or has lived together with the respondent at any 1642
time; 1643

(d) A person who resides with the respondent or who has 1644
resided with the respondent within the past year; 1645

(e) A person who has a biological or legal parent-child 1646
relationship with the respondent, including a stepparent, 1647
stepchild, grandparent, and grandchild of the respondent; 1648

(f) A person who is acting or has acted as the 1649
respondent's legal guardian. 1650

(4) "Petitioner" means the person who petitions for an 1651
extreme risk protection order under this section. 1652

(5) "Respondent" means the person who is identified as the 1653
subject of a petition for an extreme risk protection order under 1654
this section. 1655

(6) "Law enforcement officer" means a sheriff, deputy 1656
sheriff, constable, police officer of a township or joint police 1657
district, municipal police officer, or state highway patrol 1658
trooper. 1659

(7) "Law enforcement agency" means a municipal or township 1660
police department, a county sheriff's office, or the state 1661
highway patrol. 1662

(B) (1) Any of the following persons may seek relief under 1663
sections 2923.26 to 2923.30 of the Revised Code by filing a 1664

petition for an extreme risk protection order in the court of 1665
common pleas in the county where the petitioner resides or in 1666
the county where the respondent resides: 1667

(a) A family or household member of the respondent; 1668

(b) A law enforcement officer or law enforcement agency. 1669

(2) If a petitioner files a petition for an extreme risk 1670
protection order, in addition to the petition, the petitioner 1671
may file an application for an ex parte extreme risk protection 1672
order under section 2923.27 of the Revised Code. An application 1673
for an ex parte extreme risk protection order may be filed as 1674
specified in that section in the court of common pleas in which 1675
the petition is filed or in a county court or municipal court. 1676
If a petitioner who files a petition for an extreme risk 1677
protection order also files an application for an ex parte 1678
extreme risk protection order, except as expressly specified to 1679
the contrary, the provisions of this section apply with respect 1680
to the petition that is related to the application. 1681

(C) A petition for an extreme risk protection order shall 1682
include all of the following: 1683

(1) An allegation that the respondent poses a significant 1684
danger of causing personal injury to self or others by having in 1685
the respondent's custody or control, purchasing, possessing, or 1686
receiving a firearm, accompanied by an affidavit made under oath 1687
stating the specific statements, actions, or facts that give 1688
rise to a reasonable fear of future dangerous acts by the 1689
respondent; 1690

(2) An inventory list including the number, types, and 1691
locations of every firearm the petitioner believes to be in the 1692
respondent's ownership, possession, custody, or control; 1693

(3) A list of any protection order issued under section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code to which the respondent is subject and of which the petitioner is aware; 1694
1695
1696
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(4) A list of any pending lawsuit, complaint, petition, or other legal action between the parties. 1698
1699

(D) The court shall verify the terms of any existing order governing the parties but shall not delay granting relief under this section or section 2923.27 of the Revised Code because an action is pending between the parties. A petition for an extreme risk protection order may be granted whether or not an action between the parties is pending. 1700
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(E) If the petitioner for an extreme risk protection order is a law enforcement officer or agency, the petitioner shall make a good faith effort to provide notice to a family or household member or third party who may be at risk of violence. The notice shall state that the petitioner intends to petition the court for an extreme risk protection order or that the petitioner has already done so, and include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner shall attest in the petition to having provided this notice, or attest to the steps that will be taken to provide the notice. 1706
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(F) If the petition for an extreme risk protection order states that disclosure of the petitioner's address would risk harm to the petitioner or any member of the petitioner's family or household, the petitioner's address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this division, the petitioner shall designate an alternate address at which the respondent may serve 1717
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notice of any motions. If the petitioner is a law enforcement 1724
officer or agency, the address of record shall be the address of 1725
the law enforcement agency. 1726

(G) The court shall not charge a fee to a petitioner for 1727
filing a petition under this section or for filing an 1728
application for an ex parte extreme risk protection order under 1729
section 2923.27 of the Revised Code, and shall not charge the 1730
petitioner for service of process of the petition. The court 1731
shall provide the necessary certified copies and forms and shall 1732
provide materials explaining the process of filing a petition 1733
for an extreme risk protection order to persons free of charge. 1734

(H) No petitioner for an extreme risk protection order 1735
shall be required to post a bond to obtain relief under this 1736
section or sections 2923.27 to 2923.30 of the Revised Code. 1737

(I) (1) Upon receiving a petition for an extreme risk 1738
protection order, the court shall do all of the following, 1739
subject to division (I) (2) of this section: 1740

(a) Order a hearing to be held not later than fourteen 1741
days after the date the petition is filed; 1742

(b) Issue a notice of the date, time, and location of the 1743
hearing to the respondent named in the petition; 1744

(c) Cause a copy of the notice of hearing and petition to 1745
be forwarded on or before the next judicial day to a local law 1746
enforcement agency for service on the respondent. 1747

(2) If a petitioner who files a petition for an extreme 1748
risk protection order also files an application for an ex parte 1749
extreme risk protection order under section 2923.27 of the 1750
Revised Code with respect to the same respondent, the court 1751
shall order the hearing specified in division (I) (1) (a) of this 1752

section, but except as provided in division (E) (4) of section 1753
2923.27 of the Revised Code, the court shall not issue the 1754
notice under division (I) (1) (b) of this section, cause the copy 1755
of the notice and petition to be served under division (I) (1) (c) 1756
of this section, or conduct the hearing. 1757

(J) The court may do either of the following with respect 1758
to a petition for an extreme risk protection order: 1759

(1) Subject to division (K) of this section, schedule a 1760
hearing by telephone pursuant to local court rule, to reasonably 1761
accommodate a disability, or, in exceptional circumstances, to 1762
protect a petitioner from potential harm; 1763

(2) Issue an ex parte extreme risk protection order under 1764
section 2923.27 of the Revised Code, if an application for such 1765
an order is made under that section. 1766

(K) The court shall require assurances of the petitioner's 1767
identity before conducting a telephonic hearing under division 1768
(J) (1) of this section. 1769

(L) Except as otherwise provided in this division, the 1770
local law enforcement agency shall personally serve the petition 1771
and notice of the hearing on the respondent not less than five 1772
judicial days prior to the hearing. If the petitioner who filed 1773
the petition for an extreme risk protection order also filed an 1774
application for an ex parte extreme risk protection order under 1775
section 2923.27 of the Revised Code with respect to the same 1776
respondent, the agency shall serve the notice and petition as 1777
specified in division (E) (3) or (4) of section 2923.27 of the 1778
Revised Code. Service issued under this section shall take 1779
precedence over other service of other documents, unless those 1780
documents are also of an emergency nature. If the local law 1781

enforcement agency cannot serve process under this section 1782
within the time period specified, the court shall set a new 1783
hearing date and either require the local law enforcement agency 1784
to attempt personal service again or shall permit service by 1785
publication or mail as provided in division (H) of section 1786
2923.28 of the Revised Code. The court shall not require more 1787
than two attempts at obtaining personal service and shall permit 1788
service by publication or mail after two attempts unless the 1789
petitioner requests additional time to attempt personal service. 1790
If the court issues an order that permits service by publication 1791
or mail, the court shall set the hearing date not later than 1792
twenty-four days after the date the order is issued. 1793

(M) (1) Upon hearing a petition for an extreme risk 1794
protection order, subject to division (M) (2) of this section, if 1795
the court finds by a preponderance of the evidence that the 1796
respondent poses a significant danger of causing personal injury 1797
to self or others by having custody or control of a firearm or 1798
the ability to purchase, possess, or receive a firearm, the 1799
court shall issue an extreme risk protection order for a period 1800
of one hundred eighty days. 1801

(2) Division (M) (1) of this section does not apply to a 1802
determination of whether an ex parte extreme risk protection 1803
order should be issued under section 2923.27 of the Revised 1804
Code. Divisions (B) and (C) of that section govern the 1805
determination of whether such an order should be issued. If a 1806
court issues an ex parte extreme risk protection order under 1807
that section, division (M) (1) of this section applies in 1808
determining whether to issue a final extreme risk protection 1809
order after a hearing held on the related petition for an order. 1810
If a court denies an application for an ex parte extreme risk 1811
protection order under that section, division (M) (1) of this 1812

section applies in determining whether to issue an extreme risk 1813
protection order after a hearing held on the related petition 1814
for an order. 1815

(N) In determining whether grounds for an extreme risk 1816
protection order exist under division (M) (1) of this section or 1817
whether grounds for an ex parte extreme risk protection order 1818
exist under divisions (B) and (C) of section 2923.27 of the 1819
Revised Code, the court may do any of the following: 1820

(1) Consider any relevant evidence including any of the 1821
following: 1822

(a) A recent act or threat of violence by the respondent 1823
against the respondent or against another, whether or not the 1824
violence or threat involves a firearm; 1825

(b) A pattern of acts or threats of violence by the 1826
respondent within the past twelve months, including acts or 1827
threats of violence by the respondent against the respondent or 1828
against others; 1829

(c) Any dangerous mental health issues of the respondent; 1830

(d) A violation by the respondent of any of the following: 1831

(i) A protection order issued or consent agreement 1832
approved pursuant to section 2919.26 or 3113.31 of the Revised 1833
Code; 1834

(ii) A protection order issued pursuant to section 1835
2151.34, 2903.213, or 2903.214 of the Revised Code; 1836

(iii) A protection order issued by a court of another 1837
state. 1838

(e) A previous or existing extreme risk protection order 1839

<u>issued against the respondent;</u>	1840
<u>(f) A violation of a previous or existing extreme risk protection order issued against the respondent;</u>	1841
<u>(g) A conviction of the respondent for a violation of section 2919.25 of the Revised Code;</u>	1843
<u>(h) The respondent's ownership, access to, or intent to possess firearms;</u>	1845
<u>(i) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;</u>	1847
<u>(j) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;</u>	1849
<u>(k) Any prior arrest of the respondent for a felony offense or violent crime;</u>	1852
<u>(l) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent;</u>	1854
<u>(m) Evidence of recent acquisition of firearms by the respondent.</u>	1856
<u>(2) Examine under oath the petitioner, the respondent, and any witness called by the petitioner or respondent;</u>	1858
<u>(3) Ensure that a reasonable search has been conducted for criminal history records related to the respondent.</u>	1860
<u>(O) During a hearing for an extreme risk protection order, the court shall consider whether a mental health evaluation or chemical dependency evaluation is appropriate and may order such an evaluation if appropriate.</u>	1862
<u>(P) An extreme risk protection order issued under this</u>	1866

section shall include all of the following: 1867

(1) A statement of the grounds supporting the order; 1868

(2) The date and time that the order was issued; 1869

(3) The date and time the order expires; 1870

(4) Whether a mental health evaluation or chemical 1871
dependency evaluation of the respondent is required; 1872

(5) The address of the court in which any responsive 1873
pleading should be filed; 1874

(6) A description of the requirements for relinquishment 1875
of firearms under section 2923.30 of the Revised Code; 1876

(7) The following statement: 1877

"To the subject of the protection order: 1878

This order will last until the date and time noted above. 1879

If you have not done so already, you must surrender to the 1880
(insert name of local law enforcement agency) all firearms in 1881
your custody, control, or possession and any license to carry a 1882
concealed handgun issued to you under section 2923.125 or 1883
2923.1213 of the Revised Code. You may not have in your custody 1884
or control, purchase, possess, receive, or attempt to purchase 1885
or receive, a firearm while this order is in effect. You have 1886
the right to request one hearing to terminate this order every 1887
one-hundred-eighty-day period that this order is in effect, 1888
starting from the date of this order and continuing through any 1889
renewals. You may seek the advice of an attorney as to any 1890
matter connected with this order." 1891

(Q) When the court issues an extreme risk protection order 1892
under this section, the court shall inform the respondent that 1893

the respondent is entitled to request termination of the order 1894
in the manner prescribed in section 2923.29 of the Revised Code. 1895

(R) If the court declines to issue an extreme risk 1896
protection order under this section, the court shall state the 1897
particular reasons for denial in the court's order. 1898

(S) Sections 2923.26 to 2923.30 of the Revised Code do not 1899
affect the ability of a law enforcement officer to remove a 1900
firearm or concealed handgun license from any person or conduct 1901
any search and seizure for firearms pursuant to any other lawful 1902
authority. 1903

Sec. 2923.27. (A) A petitioner who files a petition for an 1904
extreme risk protection order under section 2923.26 of the 1905
Revised Code may request that an ex parte extreme risk 1906
protection order be issued before a hearing for an extreme risk 1907
protection order under that section, without notice to the 1908
respondent, by filing an application for an ex parte extreme 1909
risk protection order in a court of common pleas, county court, 1910
or municipal court. An application for an ex parte order shall 1911
include detailed allegations based on personal knowledge that 1912
the respondent poses a significant danger of causing personal 1913
injury to self or others in the near future by having custody or 1914
control of a firearm or the ability to purchase, possess, or 1915
receive a firearm. The application shall be filed in addition to 1916
the petition for the extreme risk protection order. 1917

(B) In considering whether to issue an ex parte extreme 1918
risk protection order under this section, the court that 1919
receives the application shall consider all relevant evidence, 1920
including the evidence described in division (N)(1) of section 1921
2923.26 of the Revised Code. 1922

(C) If a court finds there is reasonable cause to believe 1923
that the respondent poses a significant danger of causing 1924
personal injury to self or others in the near future by having 1925
custody or control of a firearm or the ability to purchase, 1926
possess, or receive a firearm, the court shall issue an ex parte 1927
extreme risk protection order. 1928

(D) The court shall hold an ex parte extreme risk 1929
protection order hearing in person or by telephone on the day 1930
the petition is filed or on the judicial day immediately 1931
following the day the petition is filed. 1932

(E) (1) If a court of common pleas issues an ex parte 1933
extreme risk protection order, the court shall schedule a 1934
hearing to be held within three days of the issuance of the 1935
order to determine if an extreme risk protection order should be 1936
issued and shall hold the hearing on the date, and at the time 1937
and place, scheduled. 1938

(2) If a county court or municipal court issues an ex 1939
parte extreme risk protection order, the court shall transfer 1940
the case to the court of common pleas and that court shall 1941
schedule a hearing to be held within three days of the issuance 1942
of the order to determine if an extreme risk protection order 1943
should be issued, and shall hold the hearing on the date, and at 1944
the time and place, scheduled. 1945

(3) If a court of common pleas, county court, or municipal 1946
court issues an ex parte extreme risk protection order, the 1947
hearing scheduled under division (I) (1) (a) of section 2923.26 of 1948
the Revised Code shall not be conducted. Instead, the 1949
appropriate court shall conduct the hearing scheduled under 1950
division (E) (1) or (2) of this section to determine if an 1951
extreme risk protection order should be issued. The court shall 1952

issue a notice of the date, time, and location of the hearing to 1953
the respondent and shall cause a copy of the notice of the 1954
hearing and petition to be forwarded on or before the next 1955
judicial day to a local law enforcement agency for service on 1956
the respondent. The local law enforcement agency shall 1957
personally serve the notice of the hearing and petition on the 1958
day that it is received and shall serve the ex parte order 1959
concurrently with the notice. 1960

(4) If a petitioner files an application requesting that 1961
an ex parte extreme risk protection order be issued and the 1962
court denies the application, the court in which the petition 1963
was filed under section 2923.26 of the Revised Code shall 1964
conduct the hearing scheduled under division (I) (1) (a) of that 1965
section to determine if an extreme risk protection order should 1966
be issued. The court shall issue the notice under division (I) 1967
(1) (b) of that section and cause the copy of the notice and 1968
petition to be served under division (I) (1) (c) of that section. 1969
The local law enforcement agency that is served with the copy of 1970
the notice and petition shall personally serve the petition and 1971
notice of the hearing on the respondent not less than five 1972
judicial days prior to the hearing. 1973

(F) An ex parte extreme risk protection order issued under 1974
this section shall include all of the following: 1975

(1) A statement of the grounds asserted for the order; 1976

(2) The date and time the order was issued; 1977

(3) The date and time the order expires; 1978

(4) The address of the court in which any responsive 1979
pleading should be filed; 1980

(5) The date, time, and location of the hearing scheduled 1981

<u>under division (E) (1) or (2) of this section;</u>	1982
<u>(6) A description of the requirements for surrender of</u>	1983
<u>firearms under section 2923.30 of the Revised Code;</u>	1984
<u>(7) The following statement:</u>	1985
<u>"To the subject of this protection order:</u>	1986
<u>This order is valid until the date and time noted above.</u>	1987
<u>You are required to surrender all firearms in your custody,</u>	1988
<u>control, or possession. You may not have in your custody or</u>	1989
<u>control, purchase, possess, receive, or attempt to purchase or</u>	1990
<u>receive, a firearm while this order is in effect. You must</u>	1991
<u>immediately surrender to the (insert name of local law</u>	1992
<u>enforcement agency) all firearms in your custody, control, or</u>	1993
<u>possession and any license to carry a concealed handgun issued</u>	1994
<u>to you under section 2923.125 or 2923.1213 of the Revised Code</u>	1995
<u>immediately. A hearing will be held on the date and at the time</u>	1996
<u>and location noted above to determine if an extreme risk</u>	1997
<u>protection order should be issued. Failure to appear at that</u>	1998
<u>hearing may result in a court making an order against you that</u>	1999
<u>is valid for one hundred eighty days. You may seek the advice of</u>	2000
<u>an attorney as to any matter connected with this order."</u>	2001
<u>(G) Any ex parte extreme risk protection order issued</u>	2002
<u>under this section expires upon the hearing on the petition for</u>	2003
<u>the extreme risk protection order.</u>	2004
<u>(H) If the court of common pleas, county court, or</u>	2005
<u>municipal court declines to issue an ex parte extreme risk</u>	2006
<u>protection order, the court shall state the particular reasons</u>	2007
<u>for the denial.</u>	2008
<u>Sec. 2923.28. (A) An extreme risk protection order issued</u>	2009
<u>under section 2923.26 of the Revised Code shall be personally</u>	2010

served upon the respondent, except as otherwise provided in 2011
sections 2923.26 to 2923.30 of the Revised Code. 2012

(B) The law enforcement agency with jurisdiction over the 2013
area in which the respondent resides shall serve the respondent 2014
personally unless the petitioner elects to have the respondent 2015
served by a private party. 2016

(C) If service by the local law enforcement agency is to 2017
be used, the clerk of court shall cause a copy of the order 2018
issued under section 2923.26 of the Revised Code to be forwarded 2019
on or before the next judicial day to the local law enforcement 2020
agency specified in the order for service upon the respondent. 2021

(D) If the law enforcement agency is unable to complete 2022
service on the respondent within ten days, the law enforcement 2023
agency shall notify the petitioner. The petitioner shall provide 2024
any information necessary to allow the law enforcement agency to 2025
complete service on the respondent. 2026

(E) If an order entered by the court specifies that the 2027
respondent appeared in person before the court, further service 2028
is waived and proof of service is not necessary. 2029

(F) If the court previously entered an order allowing 2030
service of the notice and petition or an ex parte extreme risk 2031
protection order by publication or mail under division (H) of 2032
this section, or if the court finds there are now grounds to 2033
allow for that method of service, the court may permit service 2034
by publication or mail of the extreme risk protection order as 2035
provided in that division. 2036

(G) Return of service under sections 2923.26 to 2923.30 of 2037
the Revised Code shall be made in accordance with applicable 2038
rules of court. 2039

(H) The court may order service by publication or service 2040
by mail as provided by the Rules of Civil Procedure except that 2041
any summons shall contain the name of the respondent and 2042
petitioner, the date and time of the hearing, and any ex parte 2043
extreme risk protection order that has been issued against the 2044
respondent, and the following notice: 2045

"If you fail to respond, an extreme risk protection order 2046
may be issued against you pursuant to sections 2923.26 to 2047
2923.30 of the Revised Code for one hundred eighty days from the 2048
date you are required to appear." 2049

(I) If the court orders service by publication or mail for 2050
notice of an extreme risk protection order hearing, it shall 2051
also reissue the ex parte extreme risk protection order, if 2052
issued, to expire on the date of the extreme risk protection 2053
order hearing. 2054

(J) Following completion of service by publication or by 2055
mail for notice of an extreme risk protection order hearing, if 2056
the respondent fails to appear at the hearing, the court may 2057
issue an extreme risk protection order as provided in section 2058
2923.26 of the Revised Code. 2059

(K) The clerk of the court shall enter any extreme risk 2060
protection order or ex parte extreme risk protection order 2061
issued under sections 2923.26 to 2923.30 of the Revised Code 2062
into a statewide judicial information system on the same day 2063
such order is issued. 2064

(L) The clerk of the court shall forward a copy of an 2065
order issued under sections 2923.26 to 2923.30 of the Revised 2066
Code the same day the order is issued to the appropriate law 2067
enforcement agency specified in the order. Upon receipt of the 2068

copy of the order, the law enforcement agency shall enter the 2069
order into the national instant criminal background check 2070
system, any other federal or state computer-based systems used 2071
by law enforcement or others to identify prohibited purchasers 2072
of firearms, and any computer-based criminal intelligence 2073
information system available in this state used by law 2074
enforcement agencies to list outstanding warrants. The order 2075
shall remain in each system for the period stated in the order, 2076
and the law enforcement agency shall only remove orders from the 2077
systems that have expired or terminated. Entry into the 2078
computer-based criminal intelligence information system 2079
constitutes notice to all law enforcement agencies of the 2080
existence of the order. The order is fully enforceable in any 2081
county in the state. 2082

(M) (1) The issuing court shall, within three judicial days 2083
after issuance of an extreme risk protection order or ex parte 2084
extreme risk protection order, forward a copy of the 2085
respondent's driver's license or state identification card, or 2086
comparable information, along with the date of the order's 2087
issuance, to the sheriff that has issued a concealed handgun 2088
license to the respondent. Upon receipt of the information, the 2089
sheriff shall immediately revoke the respondent's license in 2090
accordance with division (B) of section 2923.128 of the Revised 2091
Code. 2092

(2) The court, if necessary, may apply for access to the 2093
law enforcement automated data system to identify a sheriff that 2094
has issued a concealed handgun license to a respondent. For 2095
purposes of this inquiry, the court is a criminal justice 2096
agency. 2097

(N) If an extreme risk protection order is terminated 2098

before its expiration date, the clerk of the court shall forward 2099
the same day a copy of the termination order to the appropriate 2100
law enforcement agency specified in the termination order. Upon 2101
receipt of the order, the law enforcement agency shall promptly 2102
remove the order from any computer-based system in which it was 2103
entered pursuant to division (L) of this section. 2104

Sec. 2923.29. (A) The respondent may submit one written 2105
request for a hearing to terminate an extreme risk protection 2106
order issued under sections 2923.26 to 2923.30 of the Revised 2107
Code every one-hundred-eighty-day period that the order is in 2108
effect, starting from the date of the order and continuing 2109
through any renewals. 2110

(1) Upon receipt of the request for a hearing to terminate 2111
an extreme risk protection order, the court shall set a date for 2112
a hearing. Notice of the request shall be served on the 2113
petitioner in accordance with the Rules of Civil Procedure. The 2114
hearing shall occur not sooner than fourteen days and not later 2115
than thirty days after the date the petitioner is served with 2116
the request. 2117

(2) The respondent shall have the burden of proving by a 2118
preponderance of the evidence that the respondent does not pose 2119
a significant danger of causing personal injury to self or 2120
others by having custody or control of a firearm or the ability 2121
to purchase, possess, or receive a firearm. The court may 2122
consider any relevant evidence, including evidence of the 2123
considerations listed in division (N)(1) of section 2923.26 of 2124
the Revised Code. 2125

(3) If the court finds after the hearing that the 2126
respondent has met the respondent's burden, the court shall 2127
terminate the order. 2128

(B) The court shall notify the petitioner of the impending expiration of an extreme risk protection order. Notice shall be received by the petitioner sixty calendar days before the date the order expires. 2129
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(C) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of an extreme risk protection not sooner than sixty calendar days before the expiration of the order. 2133
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(D) Upon receipt of a motion to renew, the court shall order that a hearing be held not later than fourteen days from the date of the request for renewal. The court may schedule a hearing by telephone in the manner prescribed by division (J) (1) of section 2923.26 of the Revised Code. The respondent shall be personally served in the same manner prescribed by divisions (I) (3) and (L) of section 2923.26 of the Revised Code. 2137
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(E) In determining whether to renew an extreme risk protection order under this section, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in section 2923.26 of the Revised Code. 2144
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If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order as provided in section 2923.26 of the Revised Code continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal. 2149
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(F) The renewal of an extreme risk protection order has a 2159
duration of one hundred eighty days, subject to termination as 2160
provided in division (A) of this section or further renewal by 2161
order of the court. 2162

Sec. 2923.30. (A) Upon issuance of any extreme risk 2163
protection order or ex parte extreme risk protection order under 2164
sections 2923.26 to 2923.30 of the Revised Code, the court shall 2165
order the respondent to surrender to the local law enforcement 2166
agency all firearms in the respondent's custody, control, or 2167
possession and any license to carry a concealed handgun issued 2168
to the respondent under section 2923.125 or 2923.1213 of the 2169
Revised Code. 2170

(B) The law enforcement officer serving any extreme risk 2171
protection order or ex parte extreme risk protection order 2172
issued under sections 2923.26 to 2923.30 of the Revised Code 2173
shall request that the respondent immediately surrender all 2174
firearms in the respondent's custody, control, or possession and 2175
any license to carry a concealed handgun issued to the 2176
respondent under section 2923.125 or 2923.1213 of the Revised 2177
Code, and conduct any search permitted by law for such firearms. 2178

(C) The law enforcement officer shall take possession of 2179
all firearms belonging to the respondent that are surrendered, 2180
in plain sight, or discovered pursuant to a lawful search. 2181
Alternatively, if personal service by a law enforcement officer 2182
is not possible, or not required because the respondent was 2183
present at the extreme risk protection order hearing, the 2184
respondent shall surrender the firearms in a safe manner to the 2185
control of the local law enforcement agency within forty-eight 2186
hours of being served with the order by alternate service or 2187
within forty-eight hours of the hearing at which the respondent 2188

was present. 2189

(D) At the time of surrender, a law enforcement officer 2190
taking possession of a firearm or concealed handgun license 2191
shall issue a receipt identifying all firearms that have been 2192
surrendered and provide a copy of the receipt to the respondent. 2193
Within seventy-two hours after service of the order, the officer 2194
serving the order shall file the original receipt with the court 2195
and shall ensure that the officer's law enforcement agency 2196
retains a copy of the receipt. 2197

(E) Upon the sworn statement or testimony of the 2198
petitioner or of any law enforcement officer alleging that the 2199
respondent has failed to comply with the surrender of firearms 2200
as required by an order issued under sections 2923.26 to 2923.30 2201
of the Revised Code, the court shall determine whether probable 2202
cause exists to believe that the respondent has failed to 2203
surrender all firearms in the respondent's possession, custody, 2204
or control. If probable cause exists, the court shall issue a 2205
warrant describing the firearms and authorizing a search of the 2206
locations where the firearms are reasonably believed to be and 2207
the seizure of any firearms discovered pursuant to such search. 2208

(F) If a person other than the respondent claims title to 2209
any firearm surrendered pursuant to this section, and the other 2210
person is determined by the law enforcement agency to be the 2211
lawful owner of the firearm, the firearm shall be returned to 2212
the other person, provided that both of the following apply: 2213

(1) The firearm is removed from the respondent's custody, 2214
control, or possession and the lawful owner agrees to store the 2215
firearm in a manner such that the respondent does not have 2216
access to or control of the firearm. 2217

(2) The lawful owner is not prohibited from possessing the 2218
firearm under state or federal law. 2219

(G) Upon the issuance of an extreme risk protection order, 2220
the court shall order a new hearing date and require the 2221
respondent to appear not later than three judicial days from the 2222
issuance of the order. The court shall require a showing that 2223
the respondent has surrendered any firearms in the respondent's 2224
custody, control, or possession. The court may dismiss the 2225
hearing upon a satisfactory showing that the respondent is in 2226
compliance with the order. 2227

(H) All law enforcement agencies shall develop policies 2228
and procedures not later than six months after the effective 2229
date of this section regarding the acceptance, storage, and 2230
return of firearms required to be surrendered under sections 2231
2923.26 to 2923.30 of the Revised Code. 2232

(I) If an extreme risk protection order is terminated or 2233
expires without renewal or an ex parte extreme risk protection 2234
order expires and an extreme risk protection order is not issued 2235
regarding the respondent, a law enforcement agency holding any 2236
firearm that has been surrendered pursuant to sections 2923.26 2237
to 2923.30 of the Revised Code shall return any surrendered 2238
firearm requested by a respondent only after confirming, through 2239
a background check, that the respondent is currently eligible to 2240
own or possess firearms under federal and state law and after 2241
confirming with the court that the extreme risk protection order 2242
has terminated or has expired without renewal. 2243

(J) A law enforcement agency shall, if requested by a 2244
family or household member of a respondent, provide prior notice 2245
of the return of a firearm to a respondent to that family or 2246
household member. 2247

(K) Any firearm surrendered by a respondent pursuant to 2248
this section that remains unclaimed by the lawful owner shall be 2249
disposed of in accordance with the law enforcement agency's 2250
policies and procedures for the disposal of firearms in police 2251
custody. 2252

Sec. 2923.99. (A) Except as provided in this section, 2253
sections 2923.26 to 2923.30 of the Revised Code do not impose 2254
criminal or civil liability on any person or entity for acts or 2255
omissions related to obtaining an extreme risk protection order 2256
or ex parte extreme risk protection order including for 2257
reporting, declining to report, investigating, declining to 2258
investigate, filing, or declining to file a petition under those 2259
sections. 2260

(B) (1) No person shall do either of the following: 2261

(a) File a petition for an extreme risk protection order 2262
under section 2923.26 of the Revised Code alleging that the 2263
respondent poses a significant danger of causing personal injury 2264
to self or others by having in the respondent's custody or 2265
control, purchasing, possessing, or receiving a firearm if the 2266
person knows the allegation is false; 2267

(b) File an application for an ex parte extreme risk 2268
protection order under section 2923.27 of the Revised Code 2269
alleging that the respondent poses a significant danger of 2270
causing personal injury to self or others in the near future by 2271
having custody or control of a firearm or the ability to 2272
purchase, possess, or receive a firearm if the person knows the 2273
allegation is false. 2274

(2) An individual injured in person or property by a 2275
violation of division (B) (1) (a) or (b) of this section has, and 2276

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

(3) Whoever violates division (B) (1) (a) or (b) of this 2282
section is guilty of a felony of the fifth degree. 2283

(C) (1) No person shall acquire, have, carry, or use any 2284
firearm with knowledge that the person is prohibited from doing 2285
so by an order issued under this section or sections 2923.26 to 2286
2923.30 of the Revised Code. 2287

(2) A person who violates division (C) (1) of this section 2288
is guilty of having a firearm while under extreme risk 2289
protection order disability. Except as provided in division (C) 2290
(3) of this section, having a firearm while under extreme risk 2291
protection order disability is a misdemeanor of the third 2292
degree. 2293

(3) If a person found guilty of having a firearm while 2294
under extreme risk protection order disability has two or more 2295
previous convictions for such an offense, having a firearm while 2296
under extreme risk protection order disability is a felony of 2297
the fifth degree. 2298

(D) In addition to the penalties prescribed in division 2299
(C) of this section, no person found guilty of having a firearm 2300
while under extreme risk protection order disability shall 2301
knowingly acquire, have, carry, or use any firearm or dangerous 2302
ordnance for a period of five years after the date the 2303
underlying extreme risk protection order expires. 2304

Section 2. That existing sections 109.57, 2923.125, 2305

2923.128, 2923.1213, and 2923.13 of the Revised Code are hereby 2306
repealed. 2307

Section 3. Sections 2923.26 to 2923.30 and 2923.99 of the 2308
Revised Code, as enacted by this act, shall be known as the 2309
"Extreme Risk Protection Order Act." 2310

Section 4. The General Assembly, applying the principle 2311
stated in division (B) of section 1.52 of the Revised Code that 2312
amendments are to be harmonized if reasonably capable of 2313
simultaneous operation, finds that the following sections, 2314
presented in this act as composites of the sections as amended 2315
by the acts indicated, are the resulting versions of the 2316
sections in effect prior to the effective date of the sections 2317
as presented in this act: 2318

Section 2923.125 of the Revised Code as amended by both 2319
H.B. 281 and S.B. 288 of the 134th General Assembly. 2320

Section 2923.128 of the Revised Code as amended by H.B. 2321
281, S.B. 215, and S.B. 288, all of the 134th General Assembly. 2322

Section 2923.1213 of the Revised Code as amended by both 2323
H.B. 281 and S.B. 288 of the 134th General Assembly. 2324