

As Introduced

136th General Assembly

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S. B. No. 392

Senators Cutrona, Johnson

Cosponsors: Senators Lang, Huffman, Manchester, Schaffer, Gavarone, Brenner

To amend sections 9.68, 109.69, 109.731, 311.41, 1
311.42, 311.43, 1547.69, 2921.13, 2923.11, 2
2923.111, 2923.12, 2923.121, 2923.122, 2923.123, 3
2923.124, 2923.125, 2923.126, 2923.127, 4
2923.128, 2923.129, 2923.1210, 2923.1211, 5
2923.1212, 2923.1213, 2923.16, 2923.17, 2953.35, 6
4511.19, and 4749.10 and to repeal section 7
1533.04 of the Revised Code to enact the Freedom 8
to Carry Act to rename a concealed handgun 9
license a concealed weapons license, to allow a 10
concealed weapons licensee to carry a concealed 11
deadly weapon other than an exclusive deadly 12
weapon, and to allow the possession or 13
transportation of a loaded firearm while in a 14
motor vehicle or vessel. 15

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

Section 1. That sections 9.68, 109.69, 109.731, 311.41, 16
311.42, 311.43, 1547.69, 2921.13, 2923.11, 2923.111, 2923.12, 17
2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 18
2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1212, 19
2923.1213, 2923.16, 2923.17, 2953.35, 4511.19, and 4749.10 of 20

the Revised Code be amended to read as follows:

Sec. 9.68. (A) The individual right to keep and bear arms, being a fundamental individual right that predates the United States Constitution and Ohio Constitution, and being a constitutionally protected right in every part of Ohio, the general assembly finds the need to provide uniform laws throughout the state regulating the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of deadly weapons, including firearms, and their components, accessories, attachments, and ~~their~~ ammunition, and knives. The general assembly also finds and declares that it is proper for law-abiding people to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves or others. Except as specifically provided by the United States Constitution, Ohio Constitution, state law, or federal law, a person, without further license, permission, restriction, delay, or process, including by any ordinance, rule, regulation, resolution, practice, or other action or any threat of citation, prosecution, or other legal process, may own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, or keep any deadly weapon, including any firearm, part of a firearm, and its components, accessories, attachments, and ~~its~~ ammunition, and any knife, without being required to have firearm liability insurance, and without being required to pay a fee for the possession of a deadly weapon, including any firearm, part of a firearm, and its components, ~~its accessories, attachments, and~~ ammunition, or a knife. Any such further license, permission, restriction, delay, or process interferes with the fundamental individual right described in

this division and unduly inhibits law-abiding people from 52
protecting themselves, their families, and others from intruders 53
and attackers and from other legitimate uses of constitutionally 54
protected arms, including hunting and sporting activities, and 55
the state by this section preempts, supersedes, and declares 56
null and void any such further license, permission, restriction, 57
delay, or process. 58

(B) A person, group, or entity adversely affected by any 59
manner of ordinance, rule, regulation, resolution, practice, or 60
other action enacted or enforced by a political subdivision in 61
conflict with division (A) of this section may bring a civil 62
action against the political subdivision seeking damages from 63
the political subdivision, declaratory relief, injunctive 64
relief, or a combination of those remedies. Any damages awarded 65
shall be awarded against, and paid by, the political 66
subdivision. In addition to any actual damages awarded against 67
the political subdivision and other relief provided with respect 68
to such an action, the court shall award reasonable expenses to 69
any person, group, or entity that brings the action, to be paid 70
by the political subdivision, if either of the following 71
applies: 72

(1) The person, group, or entity prevails in a challenge 73
to the ordinance, rule, regulation, resolution, practice, or 74
action as being in conflict with division (A) of this section. 75

(2) The ordinance, rule, regulation, resolution, practice, 76
or action or the manner of its enforcement is repealed or 77
rescinded after the civil action was filed but prior to a final 78
court determination of the action. 79

(C) As used in this section: 80

(1) The possession, transporting, or carrying of deadly 81
weapons, including firearms, and their components, ~~their~~ 82
accessories, attachments, and ammunition, or knives include, but 83
are not limited to, the possession, transporting, or carrying, 84
openly or concealed on a person's person or concealed ready at 85
hand, of deadly weapons, including firearms, and their 86
components, ~~their~~ accessories, attachments, and ammunition, or 87
knives. 88

(2) ~~"Firearm" has~~ "Deadly weapon" and "firearm" have the 89
same ~~meaning~~ meanings as in section 2923.11 of the Revised Code. 90

(3) "Reasonable expenses" include, but are not limited to, 91
reasonable attorney's fees, court costs, expert witness fees, 92
and compensation for loss of income. 93

(4) "Knife" means a cutting instrument and includes a 94
sharpened or pointed blade. 95

(5) "Arms" includes firearms and knives. 96

(6) "Firearm liability insurance" means a policy of 97
liability insurance covering losses resulting from the use of a 98
deadly weapon, including a firearm and its components, 99
accessories, attachments, or ammunition owned by the person 100
covered by the policy. 101

(D) This section does not apply to either of the 102
following: 103

(1) A zoning ordinance that regulates or prohibits the 104
commercial sale of ~~knives~~ deadly weapons, including firearms, 105
~~firearm~~ and their components, accessories, attachments, or 106
ammunition ~~for firearms~~ or knives in areas zoned for residential 107
or agricultural uses; 108

(2) A zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of ~~knives~~ deadly weapons, including firearms, ~~firearm~~ and their components, accessories, attachments, or ammunition ~~for firearms~~ or knives may occur, provided that the zoning ordinance is consistent with zoning ordinances for other retail establishments in the same geographic area and does not result in a de facto prohibition of the commercial sale of ~~knives~~ deadly weapons, including firearms, ~~firearm~~ and their components, accessories, attachments, or ammunition ~~for firearms~~ or knives in areas zoned for commercial, retail, or industrial uses.

Sec. 109.69. (A) (1) The attorney general shall negotiate and enter into a reciprocity agreement with any other license-issuing state under which a ~~concealed handgun~~ license that is issued by the other state and that authorizes the carrying of concealed handguns, firearms, or deadly weapons is recognized in this state, except as provided in division (B) of this section, if the attorney general determines that both of the following apply:

(a) The eligibility requirements imposed by that license-issuing state for that license are substantially comparable to the eligibility requirements for a ~~concealed handgun~~ weapons license issued under section 2923.125 of the Revised Code.

(b) That license-issuing state recognizes a ~~concealed handgun~~ weapons license issued under section 2923.125 of the Revised Code.

(2) A reciprocity agreement entered into under division (A) (1) of this section also may provide for the recognition in this state of a ~~concealed handgun~~ license issued on a temporary

or emergency basis by the other license-issuing state that 139
authorizes the carrying of concealed handguns, firearms, or 140
deadly weapons, if the eligibility requirements imposed by that 141
license-issuing state for the temporary or emergency license are 142
substantially comparable to the eligibility requirements for a 143
concealed ~~handgun-weapons~~ license issued under section 2923.125 144
or 2923.1213 of the Revised Code and if that license-issuing 145
state recognizes a concealed ~~handgun-weapons~~ license issued 146
under section 2923.1213 of the Revised Code. 147

(3) The attorney general shall not negotiate any agreement 148
with any other license-issuing state under which a ~~concealed-~~ 149
~~handgun~~-license that is issued by the other state and that 150
authorizes the carrying of concealed handguns, firearms, or 151
deadly weapons is recognized in this state other than as 152
provided in divisions (A) (1) and (2) of this section. 153

(B) (1) If, on or after ~~the effective date of this~~ 154
~~amendment~~ March 23, 2015, a person who is a resident of this 155
state has a valid ~~concealed handgun~~-license that was issued by 156
another license-issuing state and that authorizes the carrying 157
of concealed handguns, firearms, or deadly weapons and the other 158
state has entered into a reciprocity agreement with the attorney 159
general under division (A) (1) of this section or the attorney 160
general determines that the eligibility requirements imposed by 161
that license-issuing state for that license are substantially 162
comparable to the eligibility requirements for a concealed 163
~~handgun-weapons~~ license issued under section 2923.125 of the 164
Revised Code, the license issued by the other license-issuing 165
state shall be recognized in this state, shall be accepted and 166
valid in this state, and grants the person the same right to 167
carry a concealed ~~handgun~~-deadly weapon that is not an exclusive 168
deadly weapon in this state as a person who was issued a 169

concealed ~~handgun-weapons~~ license under section 2923.125 of the 170
Revised Code prior to, on, or after the effective date of this 171
amendment. 172

(2) If, on or after ~~the effective date of this~~ 173
~~amendment~~ March 23, 2015, a person who is a resident of this 174
state has a valid ~~concealed handgun~~ license that was issued by 175
another license-issuing state and that authorizes the carrying 176
of concealed handguns, firearms, or deadly weapons and the other 177
state has not entered into a reciprocity agreement with the 178
attorney general under division (A) (1) of this section, the 179
license issued by the other license-issuing state shall be 180
recognized in this state, shall be accepted and valid in this 181
state, and grants the person the same right to carry a concealed 182
~~handgun-deadly weapon that is not an exclusive deadly weapon in~~ 183
this state as a person who was issued a concealed ~~handgun-~~ 184
~~weapons~~ license under section 2923.125 of the Revised Code prior 185
to, on, or after the effective date of this amendment, for a 186
period of six months after the person became a resident of this 187
state. After that six-month period, if the person wishes to 188
obtain a concealed ~~handgun-weapons~~ license, the person shall 189
apply for a concealed ~~handgun-weapons~~ license pursuant to 190
section 2923.125 of the Revised Code. 191

(3) If, on or after ~~the effective date of this~~ 192
~~amendment~~ March 23, 2015, a person who is not a resident of this 193
state has a valid ~~concealed handgun~~ license that was issued by 194
another license-issuing state and that authorizes the carrying 195
of concealed handguns, firearms, or deadly weapons, regardless 196
of whether the other license-issuing state has entered into a 197
reciprocity agreement with the attorney general under division 198
(A) (1) of this section, and if the person is temporarily in this 199
state, during the time that the person is temporarily in this 200

state the license issued by the other license-issuing state 201
shall be recognized in this state, shall be accepted and valid 202
in this state, and grants the person the same right to carry a 203
concealed ~~handgun~~-deadly weapon that is not an exclusive deadly 204
weapon in this state as a person who was issued a concealed 205
~~handgun~~-weapons license under section 2923.125 of the Revised 206
Code prior to, on, or after the effective date of this 207
amendment. 208

(C) The attorney general shall publish each determination 209
described in division (B) (1) of this section that the attorney 210
general makes in the same manner that written agreements entered 211
into under division (A) (1) or (2) of this section are published. 212

(D) As used in this section: 213

(1) ~~"Handgun," "concealed handgun"~~ "Concealed weapons 214
license," "deadly weapon," "firearm," "handgun," and "valid 215
concealed ~~handgun~~-weapons license" have the same meanings as in 216
section 2923.11 of the Revised Code. 217

(2) "License-issuing state" means a state other than this 218
state that, pursuant to law, provides for the issuance of a 219
license to carry a concealed ~~handgun~~ weapon, to carry a 220
concealed firearm, or to carry a concealed deadly weapon. 221

(3) "Exclusive deadly weapon" has the same meaning as in 222
section 2923.111 of the Revised Code. 223

Sec. 109.731. (A) (1) The attorney general shall prescribe, 224
and shall make available to sheriffs an application form that is 225
to be used under section 2923.125 of the Revised Code by a 226
person who applies for a concealed ~~handgun~~-weapons license and 227
an application form that is to be used under section 2923.125 of 228
the Revised Code by a person who applies for the renewal of a 229

license of that nature. The attorney general shall design the 230
form to enable applicants to provide the information that is 231
required by law to be collected, and shall update the form as 232
necessary. Burdens or restrictions to obtaining a concealed 233
~~handgun-weapons~~ license that are not expressly prescribed in law 234
shall not be incorporated into the form. The attorney general 235
shall post a printable version of the form on the web site of 236
the attorney general and shall provide the address of the web 237
site to any person who requests the form. 238

(2) The Ohio peace officer training commission shall 239
prescribe, and shall make available to sheriffs, all of the 240
following: 241

(a) A form for the concealed ~~handgun-weapons~~ license that 242
is to be issued by sheriffs to persons who qualify for a 243
concealed ~~handgun-weapons~~ license under section 2923.125 of the 244
Revised Code and that conforms to the following requirements: 245

(i) It has space for the licensee's full name, residence 246
address, and date of birth and for a color photograph of the 247
licensee. 248

(ii) It has space for the date of issuance of the license, 249
its expiration date, its county of issuance, the name of the 250
sheriff who issues the license, and the unique combination of 251
letters and numbers that identify the county of issuance and the 252
license given to the licensee by the sheriff in accordance with 253
division (A) (2) (c) of this section. 254

(iii) It has space for the signature of the licensee and 255
the signature or a facsimile signature of the sheriff who issues 256
the license. 257

(iv) It does not require the licensee to include serial 258

numbers of ~~handguns~~ firearms or other deadly weapons, other 259
identification related to ~~handguns~~ firearms or other deadly 260
weapons, or similar data that is not pertinent or relevant to 261
obtaining the license and that could be used as a de facto means 262
of registration of ~~handguns~~ firearms or other deadly weapons 263
owned by the licensee. 264

(b) A series of three-letter county codes that identify 265
each county in this state; 266

(c) A procedure by which a sheriff shall give each 267
concealed ~~handgun-weapons~~ license, replacement concealed ~~handgun~~ 268
weapons license, or renewal concealed ~~handgun-weapons~~ license 269
and each concealed ~~handgun-weapons~~ license on a temporary 270
emergency basis or replacement concealed weapons license on a 271
temporary emergency basis the sheriff issues under section 272
2923.125 or 2923.1213 of the Revised Code a unique combination 273
of letters and numbers that identifies the county in which the 274
license was issued and that uses the county code and a unique 275
number for each license the sheriff of that county issues; 276

(d) A form for a concealed ~~handgun-weapons~~ license on a 277
temporary emergency basis that is to be issued by sheriffs to 278
persons who qualify for such a license under section 2923.1213 279
of the Revised Code, which form shall conform to all the 280
requirements set forth in divisions (A)(2)(a)(i) to (iv) of this 281
section and shall additionally conspicuously specify that the 282
license is issued on a temporary emergency basis and the date of 283
its issuance. 284

(B)(1) The Ohio peace officer training commission, in 285
consultation with the attorney general, shall prepare a pamphlet 286
that does all of the following, in everyday language: 287

(a) Explains the ~~firearms~~deadly weapons laws of this state, including the aspects of those laws with respect to firearms;

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

(c) Provides information to the reader regarding all aspects of the use of deadly force with a ~~firearm~~deadly weapon, including, but not limited to, the steps that should be taken before contemplating the use of, or using, deadly force with a ~~firearm~~deadly weapon, possible alternatives to using deadly force with a ~~firearm~~deadly weapon, and the law governing the use of deadly force with a ~~firearm~~deadly weapon. The information provided as described in this division shall cover all deadly weapons, including firearms.

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

(3) The attorney general shall create and maintain a section on the attorney general's web site that provides information on ~~firearms~~deadly weapons laws of this state, including the aspects of those laws with respect to firearms, that are specifically applicable to members of the armed forces of the United States and a link to the pamphlet described in division (B)(1) of this section.

(C) The Ohio peace officer training commission shall 317
maintain statistics with respect to the issuance, renewal, 318
suspension, revocation, and denial of concealed ~~handgun-weapons~~ 319
licenses under section 2923.125 of the Revised Code and the 320
suspension of processing of applications for those licenses, and 321
with respect to the issuance, suspension, revocation, and denial 322
of concealed ~~handgun-weapons~~ licenses on a temporary emergency 323
basis under section 2923.1213 of the Revised Code, as reported 324
by the sheriffs pursuant to division (C) of section 2923.129 of 325
the Revised Code. Not later than the first day of March in each 326
year, the commission shall submit a statistical report to the 327
governor, the president of the senate, and the speaker of the 328
house of representatives indicating the number of concealed 329
~~handgun-weapons~~ licenses that were issued, renewed, suspended, 330
revoked, and denied under section 2923.125 of the Revised Code 331
in the previous calendar year, the number of applications for 332
those licenses for which processing was suspended in accordance 333
with division (D)(3) of that section in the previous calendar 334
year, and the number of concealed ~~handgun-weapons~~ licenses on a 335
temporary emergency basis that were issued, suspended, revoked, 336
or denied under section 2923.1213 of the Revised Code in the 337
previous calendar year. Nothing in the statistics or the 338
statistical report shall identify, or enable the identification 339
of, any individual who was issued or denied a license, for whom 340
a license was renewed, whose license was suspended or revoked, 341
or for whom application processing was suspended. The statistics 342
and the statistical report are public records for the purpose of 343
section 149.43 of the Revised Code. The requirements of this 344
division apply regarding all concealed weapons licenses, 345
regardless of whether the issuance, renewal, suspension, 346
revocation, or denial in question occurred prior to, on, or 347
after the effective date of this amendment. 348

(D) As used in this section, "concealed handgun weapons
license" and "deadly weapon" and "~~handgun~~" have the same
meanings as in section 2923.11 of the Revised Code.

Sec. 311.41. (A) (1) Upon receipt of an application for a
concealed handgun weapons license under division (C) of section
2923.125 of the Revised Code, an application to renew a
concealed handgun weapons license under division (F) of that
section, or an application for a concealed handgun weapons
license on a temporary emergency basis under section 2923.1213
of the Revised Code, the sheriff shall conduct a criminal
records check and an incompetency check of the applicant to
determine whether the applicant fails to meet the criteria
described in division (D) (1) of section 2923.125 of the Revised
Code. As part of any such criminal records check, the sheriff
shall contact the national instant criminal background check
system to verify that the applicant is eligible lawfully to
receive or possess a firearm in the United States. The sheriff
shall conduct the criminal records check and the incompetency
records check required by this division through use of an
electronic fingerprint reading device or, if the sheriff does
not possess and does not have ready access to the use of an
electronic fingerprint reading device, by requesting the bureau
of criminal identification and investigation to conduct the
checks as described in this division.

In order to conduct the criminal records check and the
incompetency records check, the sheriff shall obtain the
fingerprints of at least four fingers of the applicant by using
an electronic fingerprint reading device for the purpose of
conducting the criminal records check and the incompetency
records check or, if the sheriff does not possess and does not
have ready access to the use of an electronic fingerprint

reading device, shall obtain from the applicant a completed 380
standard fingerprint impression sheet prescribed pursuant to 381
division (C) (2) of section 109.572 of the Revised Code. The 382
fingerprints so obtained, along with the applicant's social 383
security number, shall be used to conduct the criminal records 384
check and the incompetency records check. If the sheriff does 385
not use an electronic fingerprint reading device to obtain the 386
fingerprints and conduct the records checks, the sheriff shall 387
submit the completed standard fingerprint impression sheet of 388
the applicant, along with the applicant's social security 389
number, to the superintendent of the bureau of criminal 390
identification and investigation and shall request the bureau to 391
conduct the criminal records check and the incompetency records 392
check of the applicant and, if necessary, shall request the 393
superintendent of the bureau to obtain information from the 394
federal bureau of investigation as part of the criminal records 395
check for the applicant. If it is not possible to use an 396
electronic fingerprint reading device to conduct an incompetency 397
records check, the sheriff shall submit the completed standard 398
fingerprint impression sheet of the applicant, along with the 399
applicant's social security number, to the superintendent of the 400
bureau of criminal identification and investigation and shall 401
request the bureau to conduct the incompetency records check. 402
The sheriff shall not retain the applicant's fingerprints as 403
part of the application. 404

(2) Except as otherwise provided in this division, if at 405
any time the applicant decides not to continue with the 406
application process, the sheriff immediately shall cease any 407
investigation that is being conducted under division (A) (1) of 408
this section. The sheriff shall not cease that investigation if, 409
at the time of the applicant's decision not to continue with the 410

application process, the sheriff had determined from any of the 411
sheriff's investigations that the applicant then was engaged in 412
activity of a criminal nature. 413

(B) If a criminal records check and an incompetency 414
records check conducted under division (A) of this section do 415
not indicate that the applicant fails to meet the criteria 416
described in division (D) (1) of section 2923.125 of the Revised 417
Code, except as otherwise provided in this division, the sheriff 418
shall destroy or cause a designated employee to destroy all 419
records other than the application for a concealed ~~handgun-~~ 420
weapons license, the application to renew a concealed ~~handgun-~~ 421
weapons license, or the affidavit submitted regarding an 422
application for a concealed ~~handgun-~~weapons license on a 423
temporary emergency basis that were made in connection with the 424
criminal records check and incompetency records check within 425
twenty days after conducting the criminal records check and 426
incompetency records check. If an applicant appeals a denial of 427
an application as described in division (D) (2) of section 428
2923.125 of the Revised Code or challenges the results of a 429
criminal records check pursuant to section 2923.127 of the 430
Revised Code, records of fingerprints of the applicant shall not 431
be destroyed during the pendency of the appeal or the challenge 432
and review. When an applicant appeals a denial as described in 433
that division, the twenty-day period described in this division 434
commences regarding the fingerprints upon the determination of 435
the appeal. When required as a result of a challenge and review 436
performed pursuant to section 2923.127 of the Revised Code, the 437
source the sheriff used in conducting the criminal records check 438
shall destroy or the chief operating officer of the source shall 439
cause an employee of the source designated by the chief to 440
destroy all records other than the application for a concealed 441

~~handgun-weapons~~ license, the application to renew a concealed 442
~~handgun-weapons~~ license, or the affidavit submitted regarding an 443
application for a concealed ~~handgun-weapons~~ license on a 444
temporary emergency basis that were made in connection with the 445
criminal records check within twenty days after completion of 446
that challenge and review. 447

(C) If division (B) of this section applies to a 448
particular criminal records check or incompetency records check, 449
no sheriff, employee of a sheriff designated by the sheriff to 450
destroy records under that division, source the sheriff used in 451
conducting the criminal records check or incompetency records 452
check, or employee of the source designated by the chief 453
operating officer of the source to destroy records under that 454
division shall fail to destroy or cause to be destroyed within 455
the applicable twenty-day period specified in that division all 456
records other than the application for a concealed ~~handgun-~~ 457
~~weapons~~ license, the application to renew a concealed ~~handgun-~~ 458
~~weapons~~ license, or the affidavit submitted regarding an 459
application for a concealed ~~handgun-weapons~~ license on a 460
temporary emergency basis made in connection with the particular 461
criminal records check or incompetency records check. 462

(D) Divisions (B) and (C) of this section apply with 463
respect to all applications for a concealed weapons license, 464
regardless of whether the application was made prior to, on, or 465
after the effective date of this amendment. 466

(E) Whoever violates division (C) of this section is 467
guilty of failure to destroy records, a misdemeanor of the 468
second degree. 469

~~(E)~~ (F) As used in this section: 470

(1) "Concealed ~~handgun~~-weapons license" and "deadly
weapon" and "~~handgun~~" have the same meanings as in section
2923.11 of the Revised Code.

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

Sec. 311.42. (A) Each county shall establish in the county
treasury a sheriff's concealed ~~handgun~~-weapons license issuance
expense fund. The sheriff of that county shall deposit into that
fund all fees paid by applicants for the issuance or renewal of
a concealed ~~handgun~~-weapons license or duplicate concealed
~~handgun~~-weapons license under section 2923.125 of the Revised
Code and all fees paid or by the a person seeking a concealed
~~handgun~~-weapons license on a temporary emergency basis under
section 2923.1213 of the Revised Code. The county shall
distribute all fees deposited into the fund except forty dollars
of each fee paid by an applicant under division (B) of section
2923.125 of the Revised Code, fifteen dollars of each fee paid
under section 2923.1213 of the Revised Code, and thirty-five
dollars of each fee paid under division (F) of section 2923.125
of the Revised Code to the attorney general to be used to pay
the cost of background checks performed by the bureau of
criminal identification and investigation and the federal bureau
of investigation and to cover administrative costs associated
with issuing the license. This division applies with respect to
all applications for issuance or renewal of a concealed weapons
license, regardless of whether the application occurred prior
to, on, or after the effective date of this amendment.

(B) The sheriff, with the approval of the board of county

commissioners, may expend any county portion of the fees 501
deposited into the sheriff's concealed ~~handgun~~-weapons license 502
issuance expense fund for any of the following: 503

(1) Any costs incurred by the sheriff in connection with 504
performing any administrative functions related to the issuance 505
of concealed ~~handgun~~-weapons licenses under section 2923.125 or 506
2923.1213 of the Revised Code, including, but not limited to, 507
personnel expenses and any costs associated with a firearm 508
safety education program, or a firearm training or qualification 509
program that the sheriff chooses to fund; 510

(2) Ammunition and firearms to be used by the sheriff and 511
the sheriff's employees; 512

(3) Any costs incurred in constructing, maintaining, or 513
renovating a shooting range to be used by the sheriff or the 514
sheriff's employees, including costs incurred for equipment 515
associated with the shooting range; 516

(4) Any costs incurred for nonlethal weapons and supplies 517
to be used by the sheriff or the sheriff's employees, including 518
costs incurred for training on the use of nonlethal weapons; 519

(5) Any costs incurred for a sheriff's employee to attend 520
a basic peace officer training academy or a basic correction 521
officer academy approved by the Ohio peace officer training 522
commission. 523

(C) As used in this section, "concealed weapons license" 524
and "deadly weapon" have the same meanings as in section 2923.11 525
of the Revised Code. 526

Sec. 311.43. (A) As used in this section: 527

(1) "Certification" means the participation and assent of 528

the chief law enforcement officer necessary under federal law 529
for the approval of an application to make or transfer a 530
firearm. 531

(2) "Chief law enforcement officer" means any official the 532
bureau of alcohol, tobacco, firearms, and explosives, or any 533
successor agency, identifies by regulation or otherwise as 534
eligible to provide any required certification for the making or 535
transfer of a firearm. 536

(3) "Concealed ~~handgun~~ weapons license" has the same 537
meaning as in section 2923.11 of the Revised Code. 538

(B) A resident of this state may submit to the sheriff of 539
the county in which the resident resides or to the sheriff of 540
any county adjacent to the county in which the resident resides 541
any federal form that requires a law enforcement certification 542
by a chief law enforcement officer. 543

(C) The sheriff shall accept and process the certification 544
in the same manner as an application for a concealed ~~handgun~~ 545
weapons license is processed under section 2923.125 of the 546
Revised Code, including the requirement for a background check, 547
except as follows: 548

(1) If a resident of this state submits one or more 549
federal forms, the sheriff shall charge the resident no more 550
than the applicable fee described in division (B) (1) (a) of 551
section 2923.125 of the Revised Code, without regard to how many 552
federal forms are submitted at the same time. 553

(2) If a resident of this state submits one or more 554
federal forms and currently has a concealed ~~handgun~~ weapons 555
license or the sheriff has previously approved a federal form 556
for that resident, the sheriff shall charge the resident no more 557

than the applicable fee described in division (F) (4) of section 558
2923.125 of the Revised Code, without regard to how many federal 559
forms are submitted at the same time. 560

Sec. 1547.69. (A) As used in this section: 561

(1) ~~"Firearm," "concealed handgun license," "handgun,"~~ 562
~~"valid concealed handgun license," and "active duty"~~ "Deadly 563
weapon" and "firearm" have the same meanings as in section 564
2923.11 of the Revised Code. 565

(2) ~~"Unloaded" has the same meanings as in divisions (K)~~ 566
~~(5) and (6) of section 2923.16 of the Revised Code, except that~~ 567
~~all references in the definition in division (K) (5) of that~~ 568
~~section to "vehicle" shall be construed for purposes of this~~ 569
~~section to be references to "vessel."~~ "Exclusive firearm" has the 570
same meaning as in section 2923.111 of the Revised Code. 571

(B) No person shall knowingly discharge a firearm while in 572
or on a vessel. 573

(C) ~~No person shall knowingly transport or have a loaded~~ 574
~~firearm in a vessel in a manner that the firearm is accessible~~ 575
~~to the operator or any passenger.~~ 576

~~(D) No person shall knowingly transport or have a firearm~~ 577
~~in a vessel unless it is unloaded and is carried in one of the~~ 578
~~following ways:~~ 579

~~(1) In a closed package, box, or case;~~ 580

~~(2) In plain sight with the action opened or the weapon~~ 581
~~stripped, or, if the firearm is of a type on which the action~~ 582
~~will not stay open or that cannot easily be stripped, in plain~~ 583
~~sight.~~ 584

~~(E) (1) The affirmative defenses authorized in divisions~~ 585

~~(D) (1) and (2) of section 2923.12 of the Revised Code are~~ 586
~~affirmative defenses to a charge under division (C) or (D) of~~ 587
~~this section that involves a firearm other than a handgun. It is~~ 588
~~an affirmative defense to a charge under division (C) or (D) of~~ 589
~~this section of transporting or having a firearm of any type,~~ 590
~~including a handgun, in a vessel that the actor transported or~~ 591
~~had the firearm in the vessel for any lawful purpose and while~~ 592
~~the vessel was on the actor's own property, provided that this~~ 593
~~affirmative defense is not available unless the actor, prior to~~ 594
~~arriving at the vessel on the actor's own property, did not~~ 595
~~transport or possess the firearm in the vessel or in a motor~~ 596
~~vehicle in a manner prohibited by this section or division (B)~~ 597
~~or (C) of section 2923.16 of the Revised Code while the vessel~~ 598
~~was being operated on a waterway that was not on the actor's own~~ 599
~~property or while the motor vehicle was being operated on a~~ 600
~~street, highway, or other public or private property used by the~~ 601
~~public for vehicular traffic.~~ 602

~~(2) No person who is charged with a violation of division~~ 603
~~(C) or (D) of this section shall be required to obtain a license~~ 604
~~or temporary emergency license to carry a concealed handgun~~ 605
~~under section 2923.125 or 2923.1213 of the Revised Code as a~~ 606
~~condition for the dismissal of the charge.~~ 607

~~(F) Divisions (B), (C), and (D)~~ Division (B) of this 608
section ~~do~~ does not apply to the ~~possession or~~ discharge of a 609
United States coast guard approved signaling device required to 610
be carried aboard a vessel under section 1547.251 of the Revised 611
Code when the signaling device is possessed or used for the 612
purpose of giving a visual distress signal. ~~No person shall~~ 613
~~knowingly transport or possess any signaling device of that~~ 614
~~nature in or on a vessel in a loaded condition at any time other~~ 615
~~than immediately prior to the discharge of the signaling device~~ 616

~~for the purpose of giving a visual distress signal.~~

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

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~~(H) (1)~~ (E) This section does not apply to any of the
following:

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~~(a)~~ (1) An officer, agent, or employee of this or any other
state or of the United States, or to a law enforcement officer,
when authorized to carry or have loaded or accessible firearms
in a vessel and acting within the scope of the officer's,
agent's, or employee's duties;

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~~(b)~~ (2) Any person who is employed in this state, who is
authorized to carry or have loaded or accessible firearms in a
vessel, and who is subject to and in compliance with the
requirements of section 109.801 of the Revised Code, unless the
appointing authority of the person has expressly specified that
the exemption provided in division ~~(H) (1) (b)~~ (E) (2) of this
section does not apply to the person;

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~~(c)~~ (3) Any person legally engaged in hunting.

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~~(2) Divisions (C) and (D) of this section do not apply to
a person who transports or possesses a handgun in a vessel and
who has been issued a concealed handgun license that is valid at
the time of that transportation or possession or who, at the
time of that transportation or possession, is an active duty
member of the armed forces of the United States and is carrying
a valid military identification card and documentation of
successful completion of firearms training that meets or exceeds
the training requirements described in division (G) (1) of
section 2923.125 of the Revised Code, unless the person~~

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~~knowingly is in a place on the vessel described in division (B) of section 2923.126 of the Revised Code.~~

~~(I)~~(F) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm deadly weapon to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm deadly weapon, and the firearm deadly weapon is not contraband, the officer shall return the firearm deadly weapon to the person at the termination of the stop.

~~(J) Division (L) of section 2923.16 of the Revised Code applies with respect to division (A) (2) of this section, except that all references in division (L) of section 2923.16 of the Revised Code to "vehicle," to "this chapter," or to "division (K) (5) (a) or (b) of this section" shall be construed for purposes of this section to be, respectively, references to "vessel," to "section 1547.69 of the Revised Code," and to divisions (K) (5) (a) and (b) of section 2923.16 of the Revised Code as incorporated under the definition of firearm adopted under division (A) (2) of this section.~~

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

- (1) The statement is made in any official proceeding.
- (2) The statement is made with purpose to incriminate another.
- (3) The statement is made with purpose to mislead a public

official in performing the public official's official function. 675

(4) The statement is made with purpose to secure the 676
payment of unemployment compensation; Ohio works first; 677
prevention, retention, and contingency benefits and services; 678
disability financial assistance; retirement benefits or health 679
care coverage from a state retirement system; economic 680
development assistance, as defined in section 9.66 of the 681
Revised Code; or other benefits administered by a governmental 682
agency or paid out of a public treasury. 683

(5) The statement is made with purpose to secure the 684
issuance by a governmental agency of a license, permit, 685
authorization, certificate, registration, release, or provider 686
agreement. 687

(6) The statement is sworn or affirmed before a notary 688
public or another person empowered to administer oaths. 689

(7) The statement is in writing on or in connection with a 690
report or return that is required or authorized by law. 691

(8) The statement is in writing and is made with purpose 692
to induce another to extend credit to or employ the offender, to 693
confer any degree, diploma, certificate of attainment, award of 694
excellence, or honor on the offender, or to extend to or bestow 695
upon the offender any other valuable benefit or distinction, 696
when the person to whom the statement is directed relies upon it 697
to that person's detriment. 698

(9) The statement is made with purpose to commit or 699
facilitate the commission of a theft offense. 700

(10) The statement is knowingly made to a probate court in 701
connection with any action, proceeding, or other matter within 702
its jurisdiction, either orally or in a written document, 703

including, but not limited to, an application, petition, 704
complaint, or other pleading, or an inventory, account, or 705
report. 706

(11) The statement is made on an account, form, record, 707
stamp, label, or other writing that is required by law. 708

(12) The statement is made in connection with the purchase 709
of a firearm, as defined in section 2923.11 of the Revised Code, 710
and in conjunction with the furnishing to the seller of the 711
firearm of a fictitious or altered driver's or commercial 712
driver's license or permit, a fictitious or altered 713
identification card, or any other document that contains false 714
information about the purchaser's identity. 715

(13) The statement is made in a document or instrument of 716
writing that purports to be a judgment, lien, or claim of 717
indebtedness and is filed or recorded with the secretary of 718
state, a county recorder, or the clerk of a court of record. 719

(14) The statement is made in an application filed with a 720
county sheriff pursuant to section 2923.125 of the Revised Code 721
in order to obtain or renew a concealed ~~handgun~~-weapons license 722
or ~~is made~~ in an affidavit submitted to a county sheriff to 723
obtain a concealed ~~handgun~~-weapons license on a temporary 724
emergency basis under section 2923.1213 of the Revised Code, 725
regardless of whether the application was made or affidavit was 726
submitted prior to, on, or after the effective date of this 727
amendment. 728

(15) The statement is required under section 5743.71 of 729
the Revised Code in connection with the person's purchase of 730
cigarettes or tobacco products in a delivery sale. 731

(16) The statement is made to the department of children 732

and youth in connection with the Ohio adoption grant program for 733
the purpose of qualifying for or obtaining an adoption grant 734
under sections 5101.19 to 5101.194 of the Revised Code. 735

(B) No person, in connection with the purchase of a 736
firearm, as defined in section 2923.11 of the Revised Code, 737
shall knowingly furnish to the seller of the firearm a 738
fictitious or altered driver's or commercial driver's license or 739
permit, a fictitious or altered identification card, or any 740
other document that contains false information about the 741
purchaser's identity. 742

(C) No person, in an attempt to obtain a concealed ~~handgun~~ 743
weapons license under section 2923.125 of the Revised Code, 744
shall knowingly present to a sheriff a fictitious or altered 745
document that purports to be certification of the person's 746
competence in handling a ~~handgun~~ firearm as described in 747
division (B) (3) of that section. 748

(D) It is no defense to a charge under division (A) (6) of 749
this section that the oath or affirmation was administered or 750
taken in an irregular manner. 751

(E) If contradictory statements relating to the same fact 752
are made by the offender within the period of the statute of 753
limitations for falsification, it is not necessary for the 754
prosecution to prove which statement was false but only that one 755
or the other was false. 756

(F) (1) Whoever violates division (A) (1), (2), (3), (4), 757
(5), (6), (7), (8), (10), (11), (13), (15), or (16) of this 758
section is guilty of falsification. Except as otherwise provided 759
in this division, falsification is a misdemeanor of the first 760
degree. 761

(2) Whoever violates division (A) (9) of this section is 762
guilty of falsification in a theft offense. Except as otherwise 763
provided in this division, falsification in a theft offense is a 764
misdemeanor of the first degree. If the value of the property or 765
services stolen is one thousand dollars or more and is less than 766
seven thousand five hundred dollars, falsification in a theft 767
offense is a felony of the fifth degree. If the value of the 768
property or services stolen is seven thousand five hundred 769
dollars or more and is less than one hundred fifty thousand 770
dollars, falsification in a theft offense is a felony of the 771
fourth degree. If the value of the property or services stolen 772
is one hundred fifty thousand dollars or more, falsification in 773
a theft offense is a felony of the third degree. 774

(3) Whoever violates division (A) (12) or (B) of this 775
section is guilty of falsification to purchase a firearm, a 776
felony of the fifth degree. 777

(4) Whoever violates division (A) (14) or (C) of this 778
section is guilty of falsification to obtain a concealed ~~handgun~~ 779
weapons license, a felony of the fourth degree. 780

(5) Whoever violates division (A) of this section in 781
removal proceedings under section 319.26, 321.37, 507.13, or 782
733.78 of the Revised Code is guilty of falsification regarding 783
a removal proceeding, a felony of the third degree. 784

(G) A person who violates this section is liable in a 785
civil action to any person harmed by the violation for injury, 786
death, or loss to person or property incurred as a result of the 787
commission of the offense and for reasonable attorney's fees, 788
court costs, and other expenses incurred as a result of 789
prosecuting the civil action commenced under this division. A 790
civil action under this division is not the exclusive remedy of 791

a person who incurs injury, death, or loss to person or property 792
as a result of a violation of this section. 793

(H) As used in this section, "concealed weapons license" 794
has the same meaning as in section 2923.11 of the Revised Code. 795

Sec. 2923.11. As used in sections 2923.11 to ~~2923.24~~ 796
2923.25 of the Revised Code: 797

(A) "Deadly weapon" means any instrument, device, or thing 798
capable of inflicting death, and designed or specially adapted 799
for use as a weapon, or possessed, carried, or used as a weapon. 800

(B) (1) "Firearm" means any deadly weapon capable of 801
expelling or propelling one or more projectiles by the action of 802
an explosive or combustible propellant. "Firearm" includes an 803
unloaded firearm, and any firearm that is inoperable but that 804
can readily be rendered operable. 805

(2) When determining whether a firearm is capable of 806
expelling or propelling one or more projectiles by the action of 807
an explosive or combustible propellant, the trier of fact may 808
rely upon circumstantial evidence, including, but not limited 809
to, the representations and actions of the individual exercising 810
control over the firearm. 811

(C) "Handgun" means any of the following: 812

(1) Any firearm that has a short stock and is designed to 813
be held and fired by the use of a single hand; 814

(2) Any combination of parts from which a firearm of a 815
type described in division (C) (1) of this section can be 816
assembled. 817

(D) "Semi-automatic firearm" means any firearm designed or 818
specially adapted to fire a single cartridge and automatically 819

chamber a succeeding cartridge ready to fire, with a single 820
function of the trigger. 821

(E) "Automatic firearm" means any firearm designed or 822
specially adapted to fire a succession of cartridges with a 823
single function of the trigger. 824

(F) ~~"Sawed-off firearm" means a shotgun with a barrel less 825
than eighteen inches long, or a rifle with a barrel less than 826
sixteen inches long, or a shotgun or rifle less than twenty-six 827
inches long overall. "Sawed-off firearm" does not include any 828
firearm with an overall length of at least twenty-six inches 829
that is approved for sale by the federal bureau of alcohol, 830
tobacco, firearms, and explosives under the "Gun Control Act of 831
1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by 832
the bureau not to be regulated under the "National Firearms 833
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 834~~

~~(G)~~ "Zip-gun" means any of the following: 835

(1) Any firearm of crude and extemporized manufacture; 836

(2) Any device, including without limitation a starter's 837
pistol, that is not designed as a firearm, but that is specially 838
adapted for use as a firearm; 839

(3) Any industrial tool, ~~signalling~~ signaling device, or 840
safety device, that is not designed as a firearm, but that as 841
designed is capable of use as such, when possessed, carried, or 842
used as a firearm. 843

~~(H)~~ (G) "Explosive device" means any device designed or 844
specially adapted to cause physical harm to persons or property 845
by means of an explosion, and consisting of an explosive 846
substance or agency and a means to detonate it. "Explosive 847
device" includes without limitation any bomb, any explosive 848

demolition device, any blasting cap or detonator containing an 849
explosive charge, and any pressure vessel that has been 850
knowingly tampered with or arranged so as to explode. 851

~~(I)~~(H) "Incendiary device" means any firebomb, and any 852
device designed or specially adapted to cause physical harm to 853
persons or property by means of fire, and consisting of an 854
incendiary substance or agency and a means to ignite it. 855

~~(J)~~(I) "Ballistic knife" means a knife with a detachable 856
blade that is propelled by a spring-operated mechanism. 857

~~(K)~~(J) "Dangerous ordnance" means any of the following, 858
except as provided in division ~~(L)~~(K) of this section: 859

(1) Any automatic ~~or sawed-off~~ firearm, zip-gun, or 860
ballistic knife; 861

(2) Any explosive device or incendiary device; 862

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 863
cyclonite, TNT, picric acid, and other high explosives; amatol, 864
tritonite, tetrytol, pentolite, peccretol, cyclotol, and other 865
high explosive compositions; plastic explosives; dynamite, 866
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 867
liquid-oxygen blasting explosives, blasting powder, and other 868
blasting agents; and any other explosive substance having 869
sufficient brisance or power to be particularly suitable for use 870
as a military explosive, or for use in mining, quarrying, 871
excavating, or demolitions; 872

(4) Any firearm, rocket launcher, mortar, artillery piece, 873
grenade, mine, bomb, torpedo, or similar weapon, designed and 874
manufactured for military purposes, and the ammunition for that 875
weapon; 876

(5) ~~Any firearm muffler or suppressor;~~ 877

~~(6)~~ Any combination of parts that is intended by the owner 878
for use in converting any firearm or other device into a 879
dangerous ordnance. 880

~~(L)~~ (K) "Dangerous ordnance" does not include any of the 881
following: 882

(1) Any firearm, including a military weapon and the 883
ammunition for that weapon, and regardless of its actual age, 884
that employs a percussion cap or other obsolete ignition system, 885
or that is designed and safe for use only with black powder; 886

(2) Any pistol, rifle, or shotgun, designed or suitable 887
for sporting purposes, including a military weapon as issued or 888
as modified, and the ammunition for that weapon, unless the 889
firearm is an automatic ~~or sawed-off~~ firearm; 890

(3) Any cannon or other artillery piece that, regardless 891
of its actual age, is of a type in accepted use prior to 1887, 892
has no mechanical, hydraulic, pneumatic, or other system for 893
absorbing recoil and returning the tube into battery without 894
displacing the carriage, and is designed and safe for use only 895
with black powder; 896

(4) Black powder, priming quills, and percussion caps 897
possessed and lawfully used to fire a cannon of a type defined 898
in division ~~(L)~~ ~~(3)~~ (K) (3) of this section during displays, 899
celebrations, organized matches or shoots, and target practice, 900
and smokeless and black powder, primers, and percussion caps 901
possessed and lawfully used as a propellant or ignition device 902
in small-arms or small-arms ammunition; 903

(5) Dangerous ordnance that is inoperable or inert and 904
cannot readily be rendered operable or activated, and that is 905

kept as a trophy, souvenir, curio, or museum piece; 906

(6) Any device that is expressly excepted from the 907
definition of a destructive device pursuant to the "Gun Control 908
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, 909
and regulations issued under that act; 910

(7) Any firearm ~~with an overall length of at least twenty-~~ 911
~~six inches~~ that is approved for sale by the federal bureau of 912
alcohol, tobacco, firearms, and explosives under the "Gun 913
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but 914
that is found by the bureau not to be regulated under the 915
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 916
5845(a). 917

~~(M)~~ (L) "Explosive" means any chemical compound, mixture, 918
or device, the primary or common purpose of which is to function 919
by explosion. "Explosive" includes all materials that have been 920
classified as division 1.1, division 1.2, division 1.3, or 921
division 1.4 explosives by the United States department of 922
transportation in its regulations and includes, but is not 923
limited to, dynamite, black powder, pellet powders, initiating 924
explosives, blasting caps, electric blasting caps, safety fuses, 925
fuse igniters, squibs, cordeau detonnant fuses, instantaneous 926
fuses, and igniter cords and igniters. "Explosive" does not 927
include "fireworks," as defined in section 3743.01 of the 928
Revised Code, or any substance or material otherwise meeting the 929
definition of explosive set forth in this section that is 930
manufactured, sold, possessed, transported, stored, or used in 931
any activity described in section 3743.80 of the Revised Code, 932
provided the activity is conducted in accordance with all 933
applicable laws, rules, and regulations, including, but not 934
limited to, the provisions of section 3743.80 of the Revised 935

Code and the rules of the fire marshal adopted pursuant to 936
section 3737.82 of the Revised Code. 937

~~(N) (1)~~ (M) (1) "Concealed ~~handgun~~ weapons license" or 938
"license to carry a concealed ~~handgun~~ weapon" means, subject to 939
division ~~(N) (2)~~ (M) (2) of this section, ~~a~~ any of the following: 940

(a) A license or temporary emergency license ~~to carry a~~ 941
~~concealed handgun~~ issued on or after the effective date of this 942
amendment under section 2923.125 or 2923.1213 of the Revised 943
Code ~~or a~~ that authorizes the person to whom it is issued to 944
carry a concealed deadly weapon other than an exclusive deadly 945
weapon; 946

(b) A license or temporary emergency license to carry a 947
concealed weapon issued prior to the effective date of this 948
amendment under section 2923.125 or 2923.1213 of the Revised 949
Code as those sections existed prior to that date that, when 950
issued, authorized the person to whom it was issued to carry a 951
concealed handgun and that, on and after the effective date of 952
this amendment, authorizes the person to whom it was issued to 953
carry a concealed deadly weapon other than an exclusive deadly 954
weapon; 955

(c) A license ~~to carry a concealed handgun~~ issued by 956
another state with which the attorney general has entered into a 957
reciprocity agreement under section 109.69 of the Revised Code_ 958
that authorizes the person to whom it is issued to carry a 959
concealed handgun, concealed firearm, or concealed deadly 960
weapon. 961

(2) A reference in any provision of the Revised Code to a 962
concealed ~~handgun~~ weapons license issued under section 2923.125 963
of the Revised Code or a license to carry a concealed ~~handgun~~ 964

weapon issued under section 2923.125 of the Revised Code means 965
only a license of the type that is specified in that section or 966
a license of the type described in division (M) (1) (b) of this 967
section issued under section 2923.125 of the Revised Code as it 968
existed prior to the effective date of this amendment. A 969

A reference in any provision of the Revised Code to a 970
concealed ~~handgun-weapons~~ license issued under section 2923.1213 971
of the Revised Code, a license to carry a concealed ~~handgun-~~ 972
~~weapon~~ issued under section 2923.1213 of the Revised Code, or a 973
license to carry a concealed ~~handgun-weapon~~ on a temporary 974
emergency basis means only a license of the type that is 975
specified in ~~that section 2923.1213 of the Revised Code~~ or a 976
license of the type described in division (M) (1) (b) of this 977
section issued under section 2923.1213 of the Revised Code as it 978
existed prior to the effective date of this amendment. A 979

A reference in any provision of the Revised Code to a 980
~~concealed handgun~~ license issued by another state ~~or a license~~ 981
~~to carry a concealed handgun issued by another state that~~ 982
~~authorizes the carrying of concealed handguns, firearms, or~~ 983
~~deadly weapons~~ means only a license issued by another state with 984
which the attorney general has entered into a reciprocity 985
agreement under section 109.69 of the Revised Code. 986

~~(O)~~ (N) "Valid concealed ~~handgun-weapons~~ license" or "valid 987
license to carry a concealed ~~handgun~~ weapon" means ~~a~~ any of the 988
following: 989

(1) A concealed ~~handgun-weapons~~ license of the type 990
described in division (M) (1) (a) or (c) of this section that is 991
currently valid, that is not under a suspension under division 992
(A) (1) of section 2923.128 of the Revised Code, under section 993
2923.1213 of the Revised Code, or under a suspension provision 994

of the state other than this state in which the license was 995
issued, and that has not been revoked under division (B)(1) of 996
section 2923.128 of the Revised Code, under section 2923.1213 of 997
the Revised Code, or under a revocation provision of the state 998
other than this state in which the license was issued; 999

(2) A concealed weapons license of the type described in 1000
division (M)(1)(b) of this section that is currently valid, that 1001
is not under a suspension of any type described in division (N) 1002
(1) of this section, and that has not been revoked in any manner 1003
described in division (N)(1) of this section. 1004

~~(P)~~(O) "Misdemeanor punishable by imprisonment for a term 1005
exceeding one year" does not include any of the following: 1006

(1) Any federal or state offense pertaining to antitrust 1007
violations, unfair trade practices, restraints of trade, or 1008
other similar offenses relating to the regulation of business 1009
practices; 1010

(2) Any misdemeanor offense punishable by a term of 1011
imprisonment of two years or less. 1012

~~(Q)~~(P) "Alien registration number" means the number issued 1013
by the United States citizenship and immigration services agency 1014
that is located on the alien's permanent resident card and may 1015
also be commonly referred to as the "USCIS number" or the "alien 1016
number." 1017

~~(R)~~(Q) "Active duty" has the same meaning as defined in 1018
U.S.C. 101. 1019

Sec. 2923.111. (A) As used in ~~this section~~sections 2923.11 1020
to 2923.25 of the Revised Code: 1021

(1) ~~"Restricted firearm" means a firearm that is dangerous 1022~~

~~ordnance or that is a firearm that any law of this state~~ 1023
~~prohibits the subject person from possessing, having, or~~ 1024
~~carrying.~~ 1025

~~(2)~~ "Qualifying adult" means a person who is all of the 1026
following: 1027

(a) ~~Twenty-one~~ Eighteen years of age or older; 1028

(b) Not legally prohibited from acquiring, possessing, or 1029
receiving a firearm deadly weapon under ~~18 U.S.C. 922(g)(1) to~~ 1030
~~(9) or under section 2923.13 of the Revised Code or any other~~ 1031
~~Revised Code provision~~ the law of this state or the United 1032
States; 1033

(c) Satisfies all of the criteria listed in divisions (D) 1034
(1)(a) to (j), (m), (p), (q), and (s) of section 2923.125 of the 1035
Revised Code. 1036

(2) "Exclusive deadly weapon" means a deadly weapon that 1037
is an exclusive firearm or that is a deadly weapon that any law 1038
of this state or the United States prohibits the subject person 1039
from acquiring, possessing, having, or carrying. 1040

(3) "Exclusive firearm" means a firearm that is dangerous 1041
ordnance or that is a firearm that any law of this state or the 1042
United States prohibits the subject person from acquiring, 1043
possessing, having, or carrying. 1044

(B) Notwithstanding any other Revised Code section to the 1045
contrary: 1046

(1) A person who is a qualifying adult shall not be 1047
required to obtain a concealed ~~handgun~~ weapons license in order 1048
to carry in this state, under authority of division (B)(2) of 1049
this section, a concealed ~~handgun~~ deadly weapon that is not a- 1050

~~restricted firearm~~ an exclusive deadly weapon. 1051

(2) Regardless of whether the person has been issued a 1052
concealed ~~handgun~~ weapons license, subject to the limitations 1053
specified in divisions (B) (3) and (C) (2) of this section, a 1054
person who is a qualifying adult may carry ~~a concealed handgun~~ 1055
on the person's person or concealed ready at hand a deadly 1056
weapon that is not ~~a restricted firearm~~ an exclusive deadly 1057
weapon anywhere in this state in which a person who has been 1058
issued a concealed ~~handgun~~ weapons license may carry a concealed 1059
~~handgun~~ deadly weapon that is not an exclusive deadly weapon. 1060

(3) The right of a person who is a qualifying adult to 1061
carry a concealed ~~handgun~~ deadly weapon that is not ~~a restricted~~ 1062
~~firearm~~ an exclusive deadly weapon that is granted under 1063
divisions (B) (1) and (2) of this section is the same right as is 1064
granted to a person who has been issued a concealed ~~handgun~~ 1065
weapons license, and a qualifying adult who is granted the right 1066
is subject to the same restrictions as apply to a person who has 1067
been issued a concealed ~~handgun~~ weapons license. 1068

(C) (1) For purposes of any provision of section 1547.69, 1069
2923.12, or 2923.124 to 2923.1213 of the Revised Code, or of any 1070
other section of the Revised Code, that refers to a concealed 1071
~~handgun~~ weapons license or a concealed ~~handgun~~ weapons licensee, 1072
except when the context clearly indicates otherwise, all of the 1073
following apply: 1074

(a) A person who is a qualifying adult and is carrying or 1075
has, concealed on the person's person or ready at hand, a 1076
~~handgun~~ deadly weapon that is not ~~a restricted firearm~~ an 1077
exclusive deadly weapon shall be deemed to have been issued a 1078
valid concealed ~~handgun~~ weapons license. 1079

(b) If the provision refers to a person having been issued 1080
a concealed ~~handgun-weapons~~ license or having been issued a 1081
concealed ~~handgun-weapons~~ license that is valid at a particular 1082
point in time, the provision shall be construed as automatically 1083
including a person who is a qualifying adult and who is carrying 1084
or has, concealed on the person's person or ready at hand, a 1085
~~handgun-deadly weapon~~ that is not ~~a restricted firearm~~ an 1086
exclusive deadly weapon, as if the person had been issued a 1087
concealed ~~handgun-weapons~~ license or had been issued a concealed 1088
~~handgun-weapons~~ license that is valid at the particular point in 1089
time. 1090

(c) If the provision in specified circumstances requires a 1091
concealed ~~handgun-weapons~~ licensee to engage in specified 1092
conduct, or prohibits a concealed ~~handgun-weapons~~ licensee from 1093
engaging in specified conduct, the provision shall be construed 1094
as applying in the same circumstances to a person who is a 1095
qualifying adult in the same manner as if the person was a 1096
concealed ~~handgun-weapons~~ licensee. 1097

(d) If the application of the provision to a person 1098
depends on whether the person is or is not a concealed ~~handgun-~~ 1099
~~weapons~~ licensee, the provision shall be applied to a person who 1100
is a qualifying adult in the same manner as if the person was a 1101
concealed ~~handgun-weapons~~ licensee. 1102

(e) If the provision pertains to the imposition of a 1103
penalty or sanction for specified conduct and the penalty or 1104
sanction applicable to a person who engages in the conduct 1105
depends on whether the person is or is not a concealed ~~handgun-~~ 1106
~~weapons~~ licensee, the provision shall be applied to a person who 1107
is a qualifying adult in the same manner as if the person was a 1108
concealed ~~handgun-weapons~~ licensee. 1109

(2) The concealed ~~handgun-weapons~~ license expiration 1110
provisions of sections 2923.125 and 2923.1213 of the Revised 1111
Code, and the concealed ~~handgun-weapons~~ license suspension and 1112
revocation provisions of section 2923.128 of the Revised Code, 1113
do not apply with respect to a person who is a qualifying adult 1114
unless the person has been issued a concealed ~~handgun-weapons~~ 1115
license. If a person is a qualifying adult and the person 1116
thereafter comes within any category of persons specified in 18 1117
U.S.C. 922(g) (1) to (9) or in section 2923.13 of the Revised 1118
Code or any other Revised Code provision so that the person as a 1119
result is legally prohibited under the applicable provision from 1120
possessing or receiving a ~~firearm~~ deadly weapon, both of the 1121
following apply automatically and immediately upon the person 1122
coming within that category: 1123

(a) Division (B) of this section and the authority and 1124
right to carry a concealed ~~handgun~~ deadly weapon that is not an 1125
exclusive deadly weapon that are is described in that division 1126
do not apply to the person. 1127

(b) The person no longer is deemed to have been issued a 1128
concealed ~~handgun-weapons~~ license as described in division (C) 1129
(1) (a) of this section, and the provisions of divisions (C) (1) 1130
(a) to (e) of this section no longer apply to the person in the 1131
same manner as if the person had been issued, possessed, or 1132
produced a valid concealed ~~handgun-weapons~~ license or was a 1133
concealed ~~handgun-weapons~~ licensee. 1134

Sec. 2923.12. (A) No person shall knowingly carry or have, 1135
concealed on the person's person or concealed ready at hand, any 1136
of the following: 1137

(1) A deadly weapon other than a handgun; 1138

- (2) A handgun other than a dangerous ordnance; 1139
- (3) A dangerous ordnance. 1140
- (B) No person who has been issued a concealed ~~handgun~~ 1141
weapons license shall do any of the following: 1142
- (1) If the person is stopped for a law enforcement purpose 1143
and is carrying a concealed ~~handgun~~ deadly weapon that is not an 1144
exclusive deadly weapon, before or at the time a law enforcement 1145
officer asks if the person is carrying a concealed ~~handgun~~ 1146
deadly weapon, knowingly fail to disclose that the person then 1147
is carrying a concealed ~~handgun~~ deadly weapon, provided that it 1148
is not a violation of this division if the person fails to 1149
disclose that fact to an officer during the stop and the person 1150
already has notified another officer of that fact during the 1151
same stop; 1152
- (2) If the person is stopped for a law enforcement purpose 1153
and is carrying a concealed ~~handgun~~ deadly weapon that is not an 1154
exclusive deadly weapon, knowingly fail to keep the person's 1155
hands in plain sight at any time after any law enforcement 1156
officer begins approaching the person while stopped and before 1157
the law enforcement officer leaves, unless the failure is 1158
pursuant to and in accordance with directions given by a law 1159
enforcement officer; 1160
- (3) If the person is stopped for a law enforcement 1161
purpose, if the person is carrying a concealed ~~handgun~~ deadly 1162
weapon that is not an exclusive deadly weapon and that is a 1163
loaded firearm, and if the person is approached by any law 1164
enforcement officer while stopped, knowingly remove or attempt 1165
to remove the loaded ~~handgun~~ firearm from the holster, pocket, 1166
or other place in which the person is carrying it, knowingly 1167

grasp or hold the loaded ~~handgun~~ firearm, or knowingly have 1168
contact with the loaded ~~handgun~~ firearm by touching it with the 1169
person's hands or fingers at any time after the law enforcement 1170
officer begins approaching and before the law enforcement 1171
officer leaves, unless the person removes, attempts to remove, 1172
grasps, holds, or has contact with the loaded ~~handgun~~ firearm 1173
pursuant to and in accordance with directions given by the law 1174
enforcement officer; 1175

(4) If the person is stopped for a law enforcement purpose 1176
and is carrying a concealed ~~handgun~~ deadly weapon that is not an 1177
exclusive deadly weapon, knowingly disregard or fail to comply 1178
with any lawful order of any law enforcement officer given while 1179
the person is stopped, including, but not limited to, a specific 1180
order to the person to keep the person's hands in plain sight. 1181

(C) (1) This section does not apply to any of the 1182
following: 1183

(a) An officer, agent, or employee of this or any other 1184
state or the United States, or to a law enforcement officer, who 1185
is authorized to carry concealed weapons or dangerous ordnance 1186
or is authorized to carry ~~handguns~~ firearms or other deadly 1187
weapons and is acting within the scope of the officer's, 1188
agent's, or employee's duties; 1189

(b) Any person who is employed in this state, who is 1190
authorized to carry concealed weapons or dangerous ordnance or 1191
is authorized to carry ~~handguns~~ firearms or other deadly 1192
weapons, and who is subject to and in compliance with the 1193
requirements of section 109.801 of the Revised Code, unless the 1194
appointing authority of the person has expressly specified that 1195
the exemption provided in division (C) (1) (b) of this section 1196
does not apply to the person; 1197

(c) A person's transportation or storage of a ~~firearm~~ deadly weapon, other than a firearm described in divisions ~~(G)~~ (F) to ~~(M)~~ (L) of section 2923.11 of the Revised Code, in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

(d) A person's storage or possession of a ~~firearm~~ deadly weapon, other than a firearm described in divisions ~~(G)~~ (F) to ~~(M)~~ (L) of section 2923.11 of the Revised Code, in the actor's own home for any lawful purpose.

~~(2) Division (A) (2)~~ (2) (a) Divisions (A) (1) and (2) of this section does do not apply to any person who carries or possesses a deadly weapon that is not an exclusive deadly weapon if, at the time of the alleged carrying or possession of a deadly weapon, either of the following applies:

(i) The person has been issued a concealed handgun weapons license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, deadly weapon;

(ii) The person is an active duty member of the armed forces of the United States and is carrying has been issued a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code, unless that are valid at the time of the alleged carrying or possession of a deadly weapon.

(b) The exemptions specified in division (C) (2) (a) of this section do not apply to a person if, at the time of the alleged carrying or possession of a deadly weapon, the person knowingly

is in a place described in division (B) of section 2923.126 of 1227
the Revised Code. 1228

(D) It is an affirmative defense to a charge under 1229
division (A)(1) of this section of carrying or having control of 1230
a deadly weapon other than a handgun and other than a dangerous 1231
ordnance that the actor was not otherwise prohibited by law from 1232
having the deadly weapon and that any of the following applies: 1233

(1) The deadly weapon was carried or kept ready at hand by 1234
the actor for defensive purposes while the actor was engaged in 1235
or was going to or from the actor's lawful business or 1236
occupation, which business or occupation was of a character or 1237
was necessarily carried on in a manner or at a time or place as 1238
to render the actor particularly susceptible to criminal attack, 1239
such as would justify a prudent person in going armed. 1240

(2) The deadly weapon was carried or kept ready at hand by 1241
the actor for defensive purposes while the actor was engaged in 1242
a lawful activity and had reasonable cause to fear a criminal 1243
attack upon the actor, a member of the actor's family, or the 1244
actor's home, such as would justify a prudent person in going 1245
armed. 1246

(3) The deadly weapon was carried or kept ready at hand by 1247
the actor for any lawful purpose and while in the actor's own 1248
home. 1249

(E) (1) No person who is charged with a violation of this 1250
section shall be required to obtain a concealed ~~handgun~~ weapons 1251
license as a condition for the dismissal of the charge. 1252

(2) If a person is convicted of, was convicted of, pleads 1253
guilty to, or has pleaded guilty to a violation of division (B) 1254
(1) of this section as it existed prior to June 13, 2022, the 1255

person may file an application under section 2953.35 of the 1256
Revised Code requesting the expungement of the record of 1257
conviction. 1258

(F) (1) Whoever violates this section is guilty of carrying 1259
concealed weapons. 1260

(2) (a) Except as otherwise provided in ~~this division or~~ 1261
divisions ~~(F) (2), (6), and (7)~~ (F) (2) (b), (c), and (d) of this 1262
section, carrying concealed weapons in violation of division (A) 1263
of this section is a misdemeanor of the first degree. 1264

(b) Except as otherwise provided in divisions (F) (2) (c) 1265
and (d) of this section, if the offender is a concealed weapons 1266
licensee and has been issued a concealed weapons license that is 1267
valid at the time of the violation, is an active duty member of 1268
the armed forces of the United States and has been issued a 1269
valid military identification card and documentation of 1270
successful completion of firearms training that meets or exceeds 1271
the training requirements described in division (G) (1) of 1272
section 2923.125 of the Revised Code that are valid at the time 1273
of the violation, or is a qualifying adult, but is knowingly in 1274
a place described in division (B) of section 2923.126 of the 1275
Revised Code, carrying concealed deadly weapons in violation of 1276
division (A) (1) or (2) of this section is a minor misdemeanor. 1277

(c) Except as otherwise provided in ~~this division or~~ 1278
divisions ~~(F) (2), (6), and (7)~~ or division (F) (2) (d) of this 1279
section, if the offender previously has been convicted of a 1280
violation of this section or of any offense of violence, if the 1281
weapon involved is a firearm that is either loaded or for which 1282
the offender has ammunition ready at hand, or if the weapon 1283
involved is dangerous ordnance, carrying concealed weapons in 1284
violation of division (A) of this section is a felony of the 1285

fourth degree. 1286

~~Except as otherwise provided in divisions (F) (2) and (6)~~ 1287
~~of this section, if~~ (d) If the offense is committed aboard an 1288
aircraft, or with purpose to carry a concealed weapon aboard an 1289
aircraft, regardless of the weapon involved, carrying concealed 1290
weapons in violation of division (A) of this section is a felony 1291
of the third degree. 1292

~~(2) A person shall not be arrested for a violation of~~ 1293
~~division (A) (2) of this section solely because the person does~~ 1294
~~not promptly produce a valid concealed handgun license. If a~~ 1295
~~person is arrested for a violation of division (A) (2) of this~~ 1296
~~section and is convicted of or pleads guilty to the violation,~~ 1297
~~the offender shall be punished as follows:~~ 1298

~~(a) The offender shall be guilty of a minor misdemeanor if~~ 1299
~~both of the following apply:~~ 1300

~~(i) Within ten days after the arrest, the offender~~ 1301
~~presents a concealed handgun license, which license was valid at~~ 1302
~~the time of the arrest, to the law enforcement agency that~~ 1303
~~employs the arresting officer.~~ 1304

~~(ii) At the time of the arrest, the offender was not~~ 1305
~~knowingly in a place described in division (B) of section~~ 1306
~~2923.126 of the Revised Code.~~ 1307

~~(b) The offender shall be guilty of a misdemeanor and~~ 1308
~~shall be fined five hundred dollars if all of the following~~ 1309
~~apply:~~ 1310

~~(i) The offender previously had been issued a concealed~~ 1311
~~handgun license, and that license expired within the two years~~ 1312
~~immediately preceding the arrest.~~ 1313

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

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

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

(3) Carrying concealed weapons in violation of division (B) (1) of this section is a misdemeanor of the second degree.

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

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

~~(6) If a person being arrested for a violation of division (A) (2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military~~

~~identification card and documentation of successful completion~~ 1343
~~of firearms training that meets or exceeds the training~~ 1344
~~requirements described in division (C) (1) of section 2923.125 of~~ 1345
~~the Revised Code, and if at the time of the violation the person~~ 1346
~~was not knowingly in a place described in division (B) of~~ 1347
~~section 2923.126 of the Revised Code, the officer shall not~~ 1348
~~arrest the person for a violation of that division. If the~~ 1349
~~person is not able to promptly produce a valid military~~ 1350
~~identification card and documentation of successful completion~~ 1351
~~of firearms training that meets or exceeds the training~~ 1352
~~requirements described in division (C) (1) of section 2923.125 of~~ 1353
~~the Revised Code and if the person is not in a place described~~ 1354
~~in division (B) of section 2923.126 of the Revised Code, the~~ 1355
~~officer shall issue a citation and the offender shall be~~ 1356
~~assessed a civil penalty of not more than five hundred dollars.~~ 1357
~~The citation shall be automatically dismissed and the civil~~ 1358
~~penalty shall not be assessed if both of the following apply:~~ 1359

~~(a) Within ten days after the issuance of the citation,~~ 1360
~~the offender presents a valid military identification card and~~ 1361
~~documentation of successful completion of firearms training that~~ 1362
~~meets or exceeds the training requirements described in division~~ 1363
~~(C) (1) of section 2923.125 of the Revised Code, which were both~~ 1364
~~valid at the time of the issuance of the citation to the law~~ 1365
~~enforcement agency that employs the citing officer.~~ 1366

~~(b) At the time of the citation, the offender was not~~ 1367
~~knowingly in a place described in division (B) of section~~ 1368
~~2923.126 of the Revised Code.~~ 1369

~~(7) If a person being arrested for a violation of division~~ 1370
~~(A) (2) of this section is knowingly in a place described in~~ 1371
~~division (B) (5) of section 2923.126 of the Revised Code and is~~ 1372

~~not authorized to carry a handgun or have a handgun concealed on~~ 1373
~~the person's person or concealed ready at hand under that~~ 1374
~~division, the penalty shall be as follows:~~ 1375

~~(a) Except as otherwise provided in this division, if the~~ 1376
~~person produces a valid concealed handgun license within ten~~ 1377
~~days after the arrest and has not previously been convicted or~~ 1378
~~pleaded guilty to a violation of division (A) (2) of this~~ 1379
~~section, the person is guilty of a minor misdemeanor;~~ 1380

~~(b) Except as otherwise provided in this division, if the~~ 1381
~~person has previously been convicted of or pleaded guilty to a~~ 1382
~~violation of division (A) (2) of this section, the person is~~ 1383
~~guilty of a misdemeanor of the fourth degree;~~ 1384

~~(c) Except as otherwise provided in this division, if the~~ 1385
~~person has previously been convicted of or pleaded guilty to two~~ 1386
~~violations of division (A) (2) of this section, the person is~~ 1387
~~guilty of a misdemeanor of the third degree;~~ 1388

~~(d) Except as otherwise provided in this division, if the~~ 1389
~~person has previously been convicted of or pleaded guilty to~~ 1390
~~three or more violations of division (A) (2) of this section, or~~ 1391
~~convicted of or pleaded guilty to any offense of violence, if~~ 1392
~~the weapon involved is a firearm that is either loaded or for~~ 1393
~~which the offender has ammunition ready at hand, or if the~~ 1394
~~weapon involved is a dangerous ordnance, the person is guilty of~~ 1395
~~a misdemeanor of the second degree.~~ 1396

(G) If a law enforcement officer stops a person to 1397
question the person regarding a possible violation of this 1398
section, for a traffic stop, or for any other law enforcement 1399
purpose, if the person surrenders a firearm deadly weapon to the 1400
officer, either voluntarily or pursuant to a request or demand 1401

of the officer, and if the officer does not charge the person 1402
with a violation of this section or arrest the person for any 1403
offense, the person is not otherwise prohibited by law from 1404
possessing the ~~firearm~~ deadly weapon, and the ~~firearm~~ deadly 1405
weapon is not contraband, the officer shall return the ~~firearm~~ 1406
deadly weapon to the person at the termination of the stop. If a 1407
court orders a law enforcement officer to return a ~~firearm~~ 1408
deadly weapon to a person pursuant to the requirement set forth 1409
in this division, division (B) of section 2923.163 of the 1410
Revised Code applies. 1411

(H) For purposes of this section, "deadly weapon" or 1412
"weapon" does not include any knife, razor, or cutting 1413
instrument if the instrument was not used as a weapon. 1414

Sec. 2923.121. (A) No person shall possess a firearm in 1415
any room in which any person is consuming beer or intoxicating 1416
liquor in a premises for which a D permit has been issued under 1417
Chapter 4303. of the Revised Code or in an open air arena for 1418
which a permit of that nature has been issued. 1419

(B) (1) This section does not apply to any of the 1420
following: 1421

(a) An officer, agent, or employee of this or any other 1422
state or the United States, or a law enforcement officer, who is 1423
authorized to carry firearms and is acting within the scope of 1424
the officer's, agent's, or employee's duties; 1425

(b) A law enforcement officer or investigator who is 1426
authorized to carry firearms but is not acting within the scope 1427
of the officer's or investigator's duties, as long as all of the 1428
following apply: 1429

(i) The officer or investigator is carrying validating 1430

identification. 1431

(ii) If the firearm the officer or investigator possesses 1432
is a firearm issued or approved by the law enforcement agency 1433
served by the officer or by the bureau of criminal 1434
identification and investigation with respect to an 1435
investigator, the agency or bureau does not have a restrictive 1436
firearms carrying policy. 1437

(iii) The officer or investigator is not consuming beer or 1438
intoxicating liquor and is not under the influence of alcohol or 1439
a drug of abuse. 1440

(c) Any room used for the accommodation of guests of a 1441
hotel, as defined in section 4301.01 of the Revised Code; 1442

(d) The principal holder of a D permit issued for a 1443
premises or an open air arena under Chapter 4303. of the Revised 1444
Code while in the premises or open air arena for which the 1445
permit was issued if the principal either of the following 1446
applies: 1447

(i) The holder of the D permit also has been issued a 1448
concealed handgun weapons license that is valid at the time in 1449
question and of the possession, as long as the principal firearm 1450
is not an exclusive firearm and the holder is not consuming beer 1451
or intoxicating liquor or under the influence of alcohol or a 1452
drug of abuse, or any. 1453

(ii) The holder is an active duty member of the armed 1454
forces of the United States and has been issued a valid military 1455
identification card and documentation of successful completion 1456
of firearms training that meets or exceeds the training 1457
requirements described in division (G) (1) of section 2923.125 of 1458
the Revised Code that are valid at the time of the possession, 1459

as long as the firearm is not an exclusive firearm and the 1460
holder is not consuming beer or intoxicating liquor or under the 1461
influence of alcohol or a drug of abuse. 1462

(e) An agent or employee of that the principal holder who 1463
of a D permit issued for a premises or open air arena under 1464
Chapter 4303. of the Revised Code if the agent or employee also 1465
is a peace officer, as defined in section 2151.3515 of the 1466
Revised Code, who is off duty, and who otherwise is authorized 1467
to carry firearms while in the course of the officer's official 1468
duties and while in the premises or open air arena for which the 1469
permit was issued and as long as the firearm is not an exclusive 1470
firearm and the agent or employee of that holder is not 1471
consuming beer or intoxicating liquor or under the influence of 1472
alcohol or a drug of abuse. 1473

~~(e)~~ (f) Any person who has been issued a concealed handgun 1474
weapons license that is valid at the time in question of the 1475
possession or any person who is an active duty member of the 1476
armed forces of the United States and ~~is carrying~~ has been 1477
issued a valid military identification card and documentation of 1478
successful completion of firearms training that meets or exceeds 1479
the training requirements described in division (G) (1) of 1480
section 2923.125 of the Revised Code that are valid at the time 1481
of the possession, as long as the firearm is not an exclusive 1482
firearm and the person is not consuming beer or intoxicating 1483
liquor or under the influence of alcohol or a drug of abuse. 1484

(2) This section does not prohibit any person who is a 1485
member of a veteran's organization, as defined in section 1486
2915.01 of the Revised Code, from possessing a rifle in any room 1487
in any premises owned, leased, or otherwise under the control of 1488
the veteran's organization, if the rifle is not loaded with live 1489

ammunition and if the person otherwise is not prohibited by law 1490
from having the rifle. 1491

(3) This section does not apply to any person possessing 1492
or displaying firearms in any room used to exhibit unloaded 1493
firearms for sale or trade in a soldiers' memorial established 1494
pursuant to Chapter 345. of the Revised Code, in a convention 1495
center, or in any other public meeting place, if the person is 1496
an exhibitor, trader, purchaser, or seller of firearms and is 1497
not otherwise prohibited by law from possessing, trading, 1498
purchasing, or selling the firearms. 1499

(C) It is an affirmative defense to a charge under this 1500
section of illegal possession of a firearm in a liquor permit 1501
premises that involves the possession of a firearm other than a 1502
handgun, that the actor was not otherwise prohibited by law from 1503
having the firearm, and that any of the following apply: 1504

(1) The firearm was carried or kept ready at hand by the 1505
actor for defensive purposes, while the actor was engaged in or 1506
was going to or from the actor's lawful business or occupation, 1507
which business or occupation was of such character or was 1508
necessarily carried on in such manner or at such a time or place 1509
as to render the actor particularly susceptible to criminal 1510
attack, such as would justify a prudent person in going armed. 1511

(2) The firearm was carried or kept ready at hand by the 1512
actor for defensive purposes, while the actor was engaged in a 1513
lawful activity, and had reasonable cause to fear a criminal 1514
attack upon the actor or a member of the actor's family, or upon 1515
the actor's home, such as would justify a prudent person in 1516
going armed. 1517

(D) No person who is charged with a violation of this 1518

section shall be required to obtain a concealed ~~handgun~~-weapons license as a condition for the dismissal of the charge.

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

(F) As used in this section:

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

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

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

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

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

(4) "Law enforcement officer" has the same meaning as in 1547
section 9.69 of the Revised Code. 1548

(5) "Validating identification" means one of the 1549
following: 1550

(a) Photographic identification issued by the law 1551
enforcement agency for which an individual serves as a law 1552
enforcement officer that identifies the individual as a law 1553
enforcement officer of the agency; 1554

(b) Photographic identification issued by the bureau of 1555
criminal identification and investigation that identifies an 1556
individual as an investigator of the bureau. 1557

Sec. 2923.122. (A) No person shall knowingly convey, or 1558
attempt to convey, a deadly weapon or dangerous ordnance into a 1559
school safety zone. 1560

(B) No person shall knowingly possess a deadly weapon or 1561
dangerous ordnance in a school safety zone. 1562

(C) No person shall knowingly possess an object in a 1563
school safety zone if both of the following apply: 1564

(1) The object is indistinguishable from a firearm, 1565
whether or not the object is capable of being fired. 1566

(2) The person indicates that the person possesses the 1567
object and that it is a firearm, or the person knowingly 1568
displays or brandishes the object and indicates that it is a 1569
firearm. 1570

(D) (1) This section does not apply to any of the 1571
following: 1572

(a) An officer, agent, or employee of this or any other 1573

state or the United States who is authorized to carry deadly 1574
weapons or dangerous ordnance and is acting within the scope of 1575
the officer's, agent's, or employee's duties; 1576

(b) A law enforcement officer who is authorized to carry 1577
deadly weapons or dangerous ordnance; 1578

(c) A security officer employed by a board of education or 1579
governing body of a school during the time that the security 1580
officer is on duty pursuant to that contract of employment; 1581

(d) Any person not described in divisions (D) (1) (a) to (c) 1582
of this section who has written authorization from the board of 1583
education or governing body of a school to convey deadly weapons 1584
or dangerous ordnance into a school safety zone or to possess a 1585
deadly weapon or dangerous ordnance in a school safety zone and 1586
who conveys or possesses the deadly weapon or dangerous ordnance 1587
in accordance with that authorization, provided both of the 1588
following apply: 1589

(i) Either the person has successfully completed the 1590
curriculum, instruction, and training established under section 1591
5502.703 of the Revised Code, or the person has received a 1592
certificate of having satisfactorily completed an approved basic 1593
peace officer training program or is a law enforcement officer; 1594

(ii) The board or governing body has notified the public, 1595
by whatever means the affected school regularly communicates 1596
with the public, that the board or governing body has authorized 1597
one or more persons to go armed within a school operated by the 1598
board or governing authority. 1599

A district board or school governing body that authorizes 1600
a person under division (D) (1) (d) of this section shall require 1601
that person to submit to an annual criminal records check 1602

conducted in the same manner as section 3319.39 or 3319.391 of 1603
the Revised Code. 1604

(e) Any person who is employed in this state, who is 1605
authorized to carry deadly weapons or dangerous ordnance, and 1606
who is subject to and in compliance with the requirements of 1607
section 109.801 of the Revised Code, unless the appointing 1608
authority of the person has expressly specified that the 1609
exemption provided in division (D)(1)(e) of this section does 1610
not apply to the person. 1611

(2) Division (C) of this section does not apply to 1612
premises upon which home schooling is conducted. Division (C) of 1613
this section also does not apply to a school administrator, 1614
teacher, or employee who possesses an object that is 1615
indistinguishable from a firearm for legitimate school purposes 1616
during the course of employment, a student who uses an object 1617
that is indistinguishable from a firearm under the direction of 1618
a school administrator, teacher, or employee, or any other 1619
person who with the express prior approval of a school 1620
administrator possesses an object that is indistinguishable from 1621
a firearm for a legitimate purpose, including the use of the 1622
object in a ceremonial activity, a play, reenactment, or other 1623
dramatic presentation, school safety training, or a ROTC 1624
activity or another similar use of the object. 1625

(3) This section does not apply to a person who conveys or 1626
attempts to convey a ~~handgun~~ deadly weapon that is not an 1627
exclusive deadly weapon into, or possesses a ~~handgun~~ deadly 1628
weapon that is not an exclusive deadly weapon in, a school 1629
safety zone if, at the time of that conveyance, attempted 1630
conveyance, or possession of the ~~handgun~~ deadly weapon that is 1631
not an exclusive deadly weapon, all of the following apply: 1632

(a) The person does not enter into a school building or 1633
onto school premises and is not at a school activity. 1634

(b) The person has been issued a concealed ~~handgun~~-weapons 1635
license that is valid at the time of the conveyance, attempted 1636
conveyance, or possession or the person is an active duty member 1637
of the armed forces of the United States and ~~is carrying~~ has 1638
been issued a valid military identification card and 1639
documentation of successful completion of firearms training that 1640
meets or exceeds the training requirements described in division 1641
(G) (1) of section 2923.125 of the Revised Code that are valid at 1642
the time of the conveyance, attempted conveyance, or possession. 1643

(c) The person is in the school safety zone in accordance 1644
with 18 U.S.C. 922(q) (2) (B). 1645

(d) The person is not knowingly in a place described in 1646
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 1647
Revised Code. 1648

(4) This section does not apply to a person who conveys or 1649
attempts to convey a ~~handgun~~-deadly weapon that is not an 1650
exclusive deadly weapon into, or possesses a ~~handgun~~-deadly 1651
weapon that is not an exclusive deadly weapon in, a school 1652
safety zone if at the time of that conveyance, attempted 1653
conveyance, or possession of the ~~handgun~~-deadly weapon that is 1654
not an exclusive deadly weapon all of the following apply: 1655

(a) The person has been issued a concealed ~~handgun~~-weapons 1656
license that is valid at the time of the conveyance, attempted 1657
conveyance, or possession or the person is an active duty member 1658
of the armed forces of the United States and ~~is carrying~~ has 1659
been issued a valid military identification card and 1660
documentation of successful completion of firearms training that 1661

meets or exceeds the training requirements described in division 1662
(G) (1) of section 2923.125 of the Revised Code that are valid at 1663
the time of the conveyance, attempted conveyance, or possession. 1664

(b) The person leaves the ~~handgun~~ deadly weapon in a motor 1665
vehicle. 1666

(c) The ~~handgun~~ deadly weapon does not leave the motor 1667
vehicle. 1668

(d) If the person exits the motor vehicle, the person 1669
locks the motor vehicle. 1670

(E) (1) Whoever violates division (A) or (B) of this 1671
section is guilty of illegal conveyance or possession of a 1672
deadly weapon or dangerous ordnance in a school safety zone. 1673
Except as otherwise provided in this division, illegal 1674
conveyance or possession of a deadly weapon or dangerous 1675
ordnance in a school safety zone is a felony of the fifth 1676
degree. If the offender previously has been convicted of a 1677
violation of this section, illegal conveyance or possession of a 1678
deadly weapon or dangerous ordnance in a school safety zone is a 1679
felony of the fourth degree. 1680

(2) Whoever violates division (C) of this section is 1681
guilty of illegal possession of an object indistinguishable from 1682
a firearm in a school safety zone. Except as otherwise provided 1683
in this division, illegal possession of an object 1684
indistinguishable from a firearm in a school safety zone is a 1685
misdemeanor of the first degree. If the offender previously has 1686
been convicted of a violation of this section, illegal 1687
possession of an object indistinguishable from a firearm in a 1688
school safety zone is a felony of the fifth degree. 1689

(F) (1) In addition to any other penalty imposed upon a 1690

person who is convicted of or pleads guilty to a violation of 1691
this section and subject to division (F) (2) of this section, if 1692
the offender has not attained nineteen years of age, regardless 1693
of whether the offender is attending or is enrolled in a school 1694
operated by a board of education or for which the director of 1695
education and workforce prescribes minimum standards under 1696
section 3301.07 of the Revised Code, the court shall impose upon 1697
the offender a class four suspension of the offender's 1698
probationary driver's license, restricted license, driver's 1699
license, commercial driver's license, temporary instruction 1700
permit, or probationary commercial driver's license that then is 1701
in effect from the range specified in division (A) (4) of section 1702
4510.02 of the Revised Code and shall deny the offender the 1703
issuance of any permit or license of that type during the period 1704
of the suspension. 1705

If the offender is not a resident of this state, the court 1706
shall impose a class four suspension of the nonresident 1707
operating privilege of the offender from the range specified in 1708
division (A) (4) of section 4510.02 of the Revised Code. 1709

(2) If the offender shows good cause why the court should 1710
not suspend one of the types of licenses, permits, or privileges 1711
specified in division (F) (1) of this section or deny the 1712
issuance of one of the temporary instruction permits specified 1713
in that division, the court in its discretion may choose not to 1714
impose the suspension, revocation, or denial required in that 1715
division, but the court, in its discretion, instead may require 1716
the offender to perform community service for a number of hours 1717
determined by the court. 1718

(G) As used in this section, "object that is 1719
indistinguishable from a firearm" means an object made, 1720

constructed, or altered so that, to a reasonable person without 1721
specialized training in firearms, the object appears to be a 1722
firearm. 1723

Sec. 2923.123. (A) No person shall knowingly convey or 1724
attempt to convey a deadly weapon or dangerous ordnance into a 1725
courthouse or into another building or structure in which a 1726
courtroom is located. 1727

(B) No person shall knowingly possess or have under the 1728
person's control a deadly weapon or dangerous ordnance in a 1729
courthouse or in another building or structure in which a 1730
courtroom is located. 1731

(C) This section does not apply to any of the following: 1732

(1) Except as provided in division (E) of this section, a 1733
judge of a court of record of this state or a magistrate; 1734

(2) A peace officer, officer of a law enforcement agency, 1735
or person who is in either of the following categories: 1736

(a) Except as provided in division (E) of this section, a 1737
peace officer, or an officer of a law enforcement agency of 1738
another state, a political subdivision of another state, or the 1739
United States, who is authorized to carry a deadly weapon or 1740
dangerous ordnance, who possesses or has under that individual's 1741
control a deadly weapon or dangerous ordnance as a requirement 1742
of that individual's duties, and who is acting within the scope 1743
of that individual's duties at the time of that possession or 1744
control; 1745

(b) Except as provided in division (E) of this section, a 1746
person who is employed in this state, who is authorized to carry 1747
a deadly weapon or dangerous ordnance, who possesses or has 1748
under that individual's control a deadly weapon or dangerous 1749

ordnance as a requirement of that person's duties, and who is 1750
subject to and in compliance with the requirements of section 1751
109.801 of the Revised Code, unless the appointing authority of 1752
the person has expressly specified that the exemption provided 1753
in division (C) (2) (b) of this section does not apply to the 1754
person. 1755

(3) A person who conveys, attempts to convey, possesses, 1756
or has under the person's control a deadly weapon or dangerous 1757
ordnance that is to be used as evidence in a pending criminal or 1758
civil action or proceeding; 1759

(4) Except as provided in division (E) of this section, a 1760
bailiff or deputy bailiff of a court of record of this state who 1761
is authorized to carry a firearm pursuant to section 109.77 of 1762
the Revised Code, who possesses or has under that individual's 1763
control a firearm as a requirement of that individual's duties, 1764
and who is acting within the scope of that individual's duties 1765
at the time of that possession or control; 1766

(5) Except as provided in division (E) of this section, a 1767
prosecutor, or a secret service officer appointed by a county 1768
prosecuting attorney, who is authorized to carry a deadly weapon 1769
or dangerous ordnance in the performance of the individual's 1770
duties, who possesses or has under that individual's control a 1771
deadly weapon or dangerous ordnance as a requirement of that 1772
individual's duties, and who is acting within the scope of that 1773
individual's duties at the time of that possession or control; 1774

(6) Except as provided in division (E) of this section, a 1775
person who conveys or attempts to convey a ~~handgun~~ deadly weapon 1776
that is not an exclusive deadly weapon into a courthouse or into 1777
another building or structure in which a courtroom is located, 1778
~~if the person~~ and who, at the time of the conveyance or attempt, 1779

has been issued a concealed ~~handgun~~ weapons license that is 1780
valid at the time of the conveyance or attempt or, ~~at the time~~ 1781
~~of the conveyance or attempt, the person~~ is an active duty 1782
member of the armed forces of the United States and ~~is carrying~~ 1783
has been issued a valid military identification card and 1784
documentation of successful completion of firearms training that 1785
meets or exceeds the training requirements described in division 1786
(G) (1) of section 2923.125 of the Revised Code that are valid at 1787
the time of the conveyance or attempt, and if in either case the 1788
person transfers possession of the ~~handgun~~ deadly weapon that is 1789
not an exclusive deadly weapon to the officer or officer's 1790
designee who has charge of the courthouse or building. The 1791
officer shall secure the ~~handgun~~ deadly weapon that is not an 1792
exclusive deadly weapon until the ~~licensee~~ person is prepared to 1793
leave the premises. The exemption described in this division 1794
applies only if the officer who has charge of the courthouse or 1795
building provides services of the nature described in this 1796
division. An officer who has charge of the courthouse or 1797
building is not required to offer services of the nature 1798
described in this division. 1799

(D) (1) Whoever violates division (A) of this section is 1800
guilty of illegal conveyance of a deadly weapon or dangerous 1801
ordnance into a courthouse. Except as otherwise provided in this 1802
division, illegal conveyance of a deadly weapon or dangerous 1803
ordnance into a courthouse is a felony of the fifth degree. If 1804
the offender previously has been convicted of a violation of 1805
division (A) or (B) of this section, illegal conveyance of a 1806
deadly weapon or dangerous ordnance into a courthouse is a 1807
felony of the fourth degree. 1808

(2) Whoever violates division (B) of this section is 1809
guilty of illegal possession or control of a deadly weapon or 1810

dangerous ordnance in a courthouse. Except as otherwise provided 1811
in this division, illegal possession or control of a deadly 1812
weapon or dangerous ordnance in a courthouse is a felony of the 1813
fifth degree. If the offender previously has been convicted of a 1814
violation of division (A) or (B) of this section, illegal 1815
possession or control of a deadly weapon or dangerous ordnance 1816
in a courthouse is a felony of the fourth degree. 1817

(E) The exemptions described in divisions (C) (1), (2) (a), 1818
(2) (b), (4), (5), and (6) of this section do not apply to any 1819
judge, magistrate, peace officer, officer of a law enforcement 1820
agency, bailiff, deputy bailiff, prosecutor, secret service 1821
officer, or other person described in any of those divisions if 1822
a rule of superintendence or another type of rule adopted by the 1823
supreme court pursuant to Article IV, Ohio Constitution, or an 1824
applicable local rule of court prohibits all persons from 1825
conveying or attempting to convey a deadly weapon or dangerous 1826
ordnance into a courthouse or into another building or structure 1827
in which a courtroom is located or from possessing or having 1828
under one's control a deadly weapon or dangerous ordnance in a 1829
courthouse or in another building or structure in which a 1830
courtroom is located. 1831

(F) As used in this section: 1832

(1) "Magistrate" means an individual who is appointed by a 1833
court of record of this state and who has the powers and may 1834
perform the functions specified in Civil Rule 53, Criminal Rule 1835
19, or Juvenile Rule 40. 1836

(2) "Peace officer" and "prosecutor" have the same 1837
meanings as in section 2935.01 of the Revised Code. 1838

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 1839

of the Revised Code: 1840

(A) "Application form" means the application form 1841
prescribed pursuant to division (A)(1) of section 109.731 of the 1842
Revised Code and includes a copy of that form. 1843

(B) "Competency certification" and "competency 1844
certificate" mean a document of the type described in division 1845
(B)(3) of section 2923.125 of the Revised Code. 1846

(C) "Detention facility" has the same meaning as in 1847
section 2921.01 of the Revised Code. 1848

(D) "Licensee" means a person to whom a concealed ~~handgun-~~ 1849
weapons license has been issued under section 2923.125 of the 1850
Revised Code prior to, on, or after the effective date of this 1851
amendment and, except when the context clearly indicates 1852
otherwise, includes a person to whom a concealed ~~handgun-~~weapons 1853
license on a temporary emergency basis has been issued under 1854
section 2923.1213 of the Revised Code ~~and~~ prior to, on, or after 1855
the effective date of this amendment, and a person to whom a 1856
concealed ~~handgun-~~weapons license has been issued by another 1857
state. 1858

(E) "License fee" or "license renewal fee" means the fee 1859
for a concealed ~~handgun-~~weapons license or the fee to renew that 1860
license that is to be paid by an applicant for a license of that 1861
type. 1862

(F) "Peace officer" has the same meaning as in section 1863
2935.01 of the Revised Code. 1864

(G) "State correctional institution" has the same meaning 1865
as in section 2967.01 of the Revised Code. 1866

(H) "Civil protection order" means a protection order 1867

issued, or consent agreement approved, under section 2903.214 or 1868
3113.31 of the Revised Code. 1869

(I) "Temporary protection order" means a protection order 1870
issued under section 2903.213 or 2919.26 of the Revised Code. 1871

(J) "Protection order issued by a court of another state" 1872
has the same meaning as in section 2919.27 of the Revised Code. 1873

(K) "Child care center," "type A family child care home" 1874
and "type B family child care home" have the same meanings as in 1875
section 5104.01 of the Revised Code. 1876

(L) "Foreign air transportation," "interstate air 1877
transportation," and "intrastate air transportation" have the 1878
same meanings as in 49 U.S.C. 40102, as now or hereafter 1879
amended. 1880

(M) "Commercial motor vehicle" has the same meaning as in 1881
division (A) of section 4506.25 of the Revised Code. 1882

(N) "Motor carrier enforcement unit" has the same meaning 1883
as in section 2923.16 of the Revised Code. 1884

Sec. 2923.125. (A) (1) It is the intent of the general 1885
assembly that Ohio concealed ~~handgun~~-weapons license law be 1886
compliant with the national instant criminal background check 1887
system, that the bureau of alcohol, tobacco, firearms, and 1888
explosives is able to determine that Ohio law is compliant with 1889
the national instant criminal background check system, and that 1890
no person shall be eligible to receive a concealed ~~handgun~~- 1891
weapons license permit under section 2923.125 or 2923.1213 of 1892
the Revised Code unless the person is eligible lawfully to 1893
receive or possess a firearm in the United States. 1894

~~(A)~~ (2) This section applies with respect to the 1895

application for and issuance by this state of concealed ~~handgun-~~ 1896
~~weapons licenses~~ other than concealed ~~handgun-weapons licenses~~ 1897
on a temporary emergency basis that are issued under section 1898
2923.1213 of the Revised Code. Upon the request of a person who 1899
wishes to obtain a concealed ~~handgun-weapons license~~ with 1900
respect to which this section applies or to renew a concealed 1901
~~handgun-weapons license~~ with respect to which this section 1902
applies, a sheriff, as provided in division (I) of this section, 1903
shall provide to the person free of charge an application form 1904
and the web site address at which a printable version of the 1905
application form that can be downloaded and the pamphlet 1906
described in division (B) of section 109.731 of the Revised Code 1907
may be found. A sheriff shall accept a completed application 1908
form and the fee, items, materials, and information specified in 1909
divisions (B)(1) to (5) of this section at the times and in the 1910
manners described in division (I) of this section. 1911

(B) An applicant for a concealed ~~handgun-weapons license~~ 1912
who is a resident of this state shall submit a completed 1913
application form and all of the material and information 1914
described in divisions (B)(1) to (6) of this section to the 1915
sheriff of ~~the county in which the applicant resides or to the~~ 1916
~~sheriff of any county adjacent to the county in which the~~ 1917
~~applicant resides~~. An applicant for a license who resides in 1918
another state shall submit a completed application form and all 1919
of the material and information described in divisions (B)(1) to 1920
(7) of this section to the sheriff of the county in which the 1921
applicant is employed or to the sheriff of any county adjacent 1922
to the county in which the applicant is employed: 1923

(1)(a) A nonrefundable license fee as described in either 1924
of the following: 1925

(i) For an applicant who has been a resident of this state 1926
for five or more years, a fee of sixty-seven dollars; 1927

(ii) For an applicant who has been a resident of this 1928
state for less than five years or who is not a resident of this 1929
state, but who is employed in this state, a fee of sixty-seven 1930
dollars plus the actual cost of having a background check 1931
performed by the federal bureau of investigation. 1932

(b) No sheriff shall require an applicant to pay for the 1933
cost of a background check performed by the bureau of criminal 1934
identification and investigation. 1935

(c) A sheriff shall waive the payment of the license fee 1936
described in division (B) (1) (a) of this section in connection 1937
with an initial or renewal application for a license that is 1938
submitted by an applicant who is an active or reserve member of 1939
the armed forces of the United States or has retired from or was 1940
honorably discharged from military service in the active or 1941
reserve armed forces of the United States, a retired peace 1942
officer, a retired person described in division (B) (1) (b) of 1943
section 109.77 of the Revised Code, or a retired federal law 1944
enforcement officer who, prior to retirement, was authorized 1945
under federal law to carry a firearm in the course of duty, 1946
unless the retired peace officer, person, or federal law 1947
enforcement officer retired as the result of a mental 1948
disability. 1949

(d) The sheriff shall deposit all fees paid by an 1950
applicant under division (B) (1) (a) of this section into the 1951
sheriff's concealed ~~handgun~~ weapons license issuance fund 1952
established pursuant to section 311.42 of the Revised Code. The 1953
county shall distribute the fees in accordance with section 1954
311.42 of the Revised Code. 1955

(2) A color photograph of the applicant that was taken 1956
within thirty days prior to the date of the application; 1957

(3) One or more of the following competency 1958
certifications, each of which shall reflect that, regarding a 1959
certification described in division (B) (3) (a), (b), (c), (e), or 1960
(f) of this section, within the three years immediately 1961
preceding the application the applicant has performed that to 1962
which the competency certification relates and that, regarding a 1963
certification described in division (B) (3) (d) of this section, 1964
the applicant currently is an active or reserve member of the 1965
armed forces of the United States, the applicant has retired 1966
from or was honorably discharged from military service in the 1967
active or reserve armed forces of the United States, or within 1968
the ten years immediately preceding the application the 1969
retirement of the peace officer, person described in division 1970
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 1971
enforcement officer to which the competency certification 1972
relates occurred: 1973

(a) An original or photocopy of a certificate of 1974
completion of a firearms safety, training, or requalification or 1975
firearms safety instructor course, class, or program that was 1976
offered by or under the auspices of a national gun advocacy 1977
organization and that complies with the requirements set forth 1978
in division (G) of this section; 1979

(b) An original or photocopy of a certificate of 1980
completion of a firearms safety, training, or requalification or 1981
firearms safety instructor course, class, or program that 1982
satisfies all of the following criteria: 1983

(i) It was open to members of the general public. 1984

(ii) It utilized qualified instructors who were certified 1985
by a national gun advocacy organization, the executive director 1986
of the Ohio peace officer training commission pursuant to 1987
section 109.75 or 109.78 of the Revised Code, or a governmental 1988
official or entity of another state. 1989

(iii) It was offered by or under the auspices of a law 1990
enforcement agency of this or another state or the United 1991
States, a public or private college, university, or other 1992
similar postsecondary educational institution located in this or 1993
another state, a firearms training school located in this or 1994
another state, or another type of public or private entity or 1995
organization located in this or another state. 1996

(iv) It complies with the requirements set forth in 1997
division (G) of this section. 1998

(c) An original or photocopy of a certificate of 1999
completion of a state, county, municipal, or department of 2000
natural resources peace officer training school that is approved 2001
by the executive director of the Ohio peace officer training 2002
commission pursuant to section 109.75 of the Revised Code and 2003
that complies with the requirements set forth in division (G) of 2004
this section, or the applicant has satisfactorily completed and 2005
been issued a certificate of completion of a basic firearms 2006
training program, a firearms requalification training program, 2007
or another basic training program described in section 109.78 or 2008
109.801 of the Revised Code that complies with the requirements 2009
set forth in division (G) of this section; 2010

(d) A document that evidences both of the following: 2011

(i) That the applicant is an active or reserve member of 2012
the armed forces of the United States, has retired from or was 2013

honorably discharged from military service in the active or 2014
reserve armed forces of the United States, is a retired trooper 2015
of the state highway patrol, or is a retired peace officer or 2016
federal law enforcement officer described in division (B) (1) of 2017
this section or a retired person described in division (B) (1) (b) 2018
of section 109.77 of the Revised Code and division (B) (1) of 2019
this section; 2020

(ii) That, through participation in the military service 2021
or through the former employment described in division (B) (3) (d) 2022
(i) of this section, the applicant acquired experience with 2023
~~handling handguns or other~~ firearms, and the experience so 2024
acquired was equivalent to training that the applicant could 2025
have acquired in a course, class, or program described in 2026
division (B) (3) (a), (b), or (c) of this section. 2027

(e) A certificate or another similar document that 2028
evidences satisfactory completion of a firearms training, 2029
safety, or requalification or firearms safety instructor course, 2030
class, or program that is not otherwise described in division 2031
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 2032
by an instructor who was certified by an official or entity of 2033
the government of this or another state or the United States or 2034
by a national gun advocacy organization, and that complies with 2035
the requirements set forth in division (G) of this section; 2036

(f) An affidavit that attests to the applicant's 2037
satisfactory completion of a course, class, or program described 2038
in division (B) (3) (a), (b), (c), or (e) of this section and that 2039
is subscribed by the applicant's instructor or an authorized 2040
representative of the entity that offered the course, class, or 2041
program or under whose auspices the course, class, or program 2042
was offered; 2043

(g) A document that evidences that the applicant has 2044
successfully completed the Ohio peace officer training program 2045
described in section 109.79 of the Revised Code. 2046

(4) A certification by the applicant that the applicant 2047
has read the pamphlet prepared by the Ohio peace officer 2048
training commission pursuant to section 109.731 of the Revised 2049
Code that reviews deadly weapons, including firearms, dispute 2050
resolution, and use of deadly force matters. 2051

(5) A set of fingerprints of the applicant provided as 2052
described in section 311.41 of the Revised Code through use of 2053
an electronic fingerprint reading device or, if the sheriff to 2054
whom the application is submitted does not possess and does not 2055
have ready access to the use of such a reading device, on a 2056
standard impression sheet prescribed pursuant to division (C) (2) 2057
of section 109.572 of the Revised Code. 2058

(6) If the applicant is not a citizen or national of the 2059
United States, the name of the applicant's country of 2060
citizenship and the applicant's alien registration number issued 2061
by the United States citizenship and immigration services 2062
agency. 2063

(7) If the applicant resides in another state, adequate 2064
proof of employment in Ohio. 2065

(C) Upon receipt of the completed application form, 2066
supporting documentation, and, if not waived, license fee of an 2067
applicant under this section, a sheriff, in the manner specified 2068
in section 311.41 of the Revised Code, shall conduct or cause to 2069
be conducted the criminal records check and the incompetency 2070
records check described in section 311.41 of the Revised Code. 2071

(D) (1) Except as provided in division (D) (3) of this 2072

section, within forty-five days after a sheriff's receipt of an 2073
applicant's completed application form for a concealed ~~handgun~~ 2074
weapons license under this section, the supporting 2075
documentation, and, if not waived, the license fee, the sheriff 2076
shall make available through the law enforcement automated data 2077
system in accordance with division (H) of this section the 2078
information described in that division and, upon making the 2079
information available through the system, shall issue to the 2080
applicant a concealed ~~handgun~~-weapons license that shall expire 2081
as described in division (D) (2) (a) of this section if all of the 2082
following apply: 2083

(a) The applicant is legally living in the United States. 2084
For purposes of division (D) (1) (a) of this section, if a person 2085
is absent from the United States in compliance with military or 2086
naval orders as an active or reserve member of the armed forces 2087
of the United States and if prior to leaving the United States 2088
the person was legally living in the United States, the person, 2089
solely by reason of that absence, shall not be considered to 2090
have lost the person's status as living in the United States. 2091

(b) The applicant is at least twenty-one years of age. 2092

(c) The applicant is not a fugitive from justice. 2093

(d) The applicant is not under indictment for or otherwise 2094
charged with a felony; an offense under Chapter 2925., 3719., or 2095
4729. of the Revised Code that involves the illegal possession, 2096
use, sale, administration, or distribution of or trafficking in 2097
a drug of abuse; a misdemeanor offense of violence; or a 2098
violation of section 2903.14 or 2923.1211 of the Revised Code. 2099

(e) Except as otherwise provided in division (D) (4) or (5) 2100
of this section, the applicant has not been convicted of or 2101

pleaded guilty to a felony or an offense under Chapter 2925., 2102
3719., or 4729. of the Revised Code that involves the illegal 2103
possession, use, sale, administration, or distribution of or 2104
trafficking in a drug of abuse; has not been adjudicated a 2105
delinquent child for committing an act that if committed by an 2106
adult would be a felony or would be an offense under Chapter 2107
2925., 3719., or 4729. of the Revised Code that involves the 2108
illegal possession, use, sale, administration, or distribution 2109
of or trafficking in a drug of abuse; has not been convicted of, 2110
pleaded guilty to, or adjudicated a delinquent child for 2111
committing a violation of section 2903.13 of the Revised Code 2112
when the victim of the violation is a peace officer, regardless 2113
of whether the applicant was sentenced under division (C) (4) of 2114
that section; and has not been convicted of, pleaded guilty to, 2115
or adjudicated a delinquent child for committing any other 2116
offense that is not previously described in this division that 2117
is a misdemeanor punishable by imprisonment for a term exceeding 2118
one year. 2119

(f) Except as otherwise provided in division (D) (4) or (5) 2120
of this section, the applicant, within three years of the date 2121
of the application, has not been convicted of or pleaded guilty 2122
to a misdemeanor offense of violence other than a misdemeanor 2123
violation of section 2921.33 of the Revised Code or a violation 2124
of section 2903.13 of the Revised Code when the victim of the 2125
violation is a peace officer, or a misdemeanor violation of 2126
section 2923.1211 of the Revised Code; and has not been 2127
adjudicated a delinquent child for committing an act that if 2128
committed by an adult would be a misdemeanor offense of violence 2129
other than a misdemeanor violation of section 2921.33 of the 2130
Revised Code or a violation of section 2903.13 of the Revised 2131
Code when the victim of the violation is a peace officer or for 2132

committing an act that if committed by an adult would be a 2133
misdemeanor violation of section 2923.1211 of the Revised Code. 2134

(g) Except as otherwise provided in division (D) (1) (e) of 2135
this section, the applicant, within five years of the date of 2136
the application, has not been convicted of, pleaded guilty to, 2137
or adjudicated a delinquent child for committing two or more 2138
violations of section 2903.13 or 2903.14 of the Revised Code. 2139

(h) Except as otherwise provided in division (D) (4) or (5) 2140
of this section, the applicant, within ten years of the date of 2141
the application, has not been convicted of, pleaded guilty to, 2142
or adjudicated a delinquent child for committing a violation of 2143
section 2921.33 of the Revised Code. 2144

(i) The applicant has not been committed to any mental 2145
institution, is not under adjudication of mental incompetence, 2146
has not been found by a court to be a person with a mental 2147
illness subject to court order, and is not an involuntary 2148
patient other than one who is a patient only for purposes of 2149
observation. As used in this division, "person with a mental 2150
illness subject to court order" and "patient" have the same 2151
meanings as in section 5122.01 of the Revised Code. 2152

(j) The applicant is not currently subject to a civil 2153
protection order, a temporary protection order, or a protection 2154
order issued by a court of another state. 2155

(k) The applicant certifies that the applicant desires a 2156
legal means to carry a concealed ~~handgun~~ firearm or other deadly 2157
weapon for defense of the applicant or a member of the 2158
applicant's family while engaged in lawful activity. 2159

(l) The applicant submits a competency certification of 2160
the type described in division (B) (3) of this section and 2161

submits a certification of the type described in division (B) (4) 2162
of this section regarding the applicant's reading of the 2163
pamphlet prepared by the Ohio peace officer training commission 2164
pursuant to section 109.731 of the Revised Code. 2165

(m) The applicant currently is not subject to a suspension 2166
imposed under division (A) (2) of section 2923.128 of the Revised 2167
Code of a concealed ~~handgun~~-weapons license that previously was 2168
issued to the applicant under this section or section 2923.1213 2169
of the Revised Code or a similar suspension imposed by another 2170
state regarding a concealed ~~handgun~~-weapons license issued by 2171
that state. 2172

(n) If the applicant resides in another state, the 2173
applicant is employed in this state. 2174

(o) The applicant certifies that the applicant is not an 2175
unlawful user of or addicted to any controlled substance as 2176
defined in 21 U.S.C. 802. 2177

(p) If the applicant is not a United States citizen, the 2178
applicant is an alien and has not been admitted to the United 2179
States under a nonimmigrant visa, as defined in the "Immigration 2180
and Nationality Act," 8 U.S.C. 1101(a) (26). 2181

(q) The applicant has not been discharged from the armed 2182
forces of the United States under dishonorable conditions. 2183

(r) The applicant certifies that the applicant has not 2184
renounced the applicant's United States citizenship, if 2185
applicable. 2186

(s) The applicant has not been convicted of, pleaded 2187
guilty to, or adjudicated a delinquent child for committing a 2188
violation of section 2919.25 of the Revised Code or a similar 2189
violation in another state. 2190

(2) (a) A concealed ~~handgun~~ weapons license that a sheriff 2191
issues under division (D) (1) of this section prior to, on, or 2192
after the effective date of this amendment shall expire five 2193
years after the date of issuance. A concealed weapons license 2194
that a sheriff issued as a concealed handgun license under that 2195
division prior to the effective date of this amendment and that 2196
has not expired prior to the effective date of this amendment 2197
has the same validity as a concealed weapons license issued on 2198
or after that date and shall be treated for purposes of this 2199
section and other Revised Code provisions as if it were a 2200
license issued on or after that date. 2201

If a sheriff issues a license under this section, the 2202
sheriff shall place on the license a unique combination of 2203
letters and numbers identifying the license in accordance with 2204
the procedure prescribed by the Ohio peace officer training 2205
commission pursuant to section 109.731 of the Revised Code. 2206

(b) If a sheriff denies an application under this section 2207
because the applicant does not satisfy the criteria described in 2208
division (D) (1) of this section, the sheriff shall specify the 2209
grounds for the denial in a written notice to the applicant. The 2210
applicant may appeal the denial pursuant to section 119.12 of 2211
the Revised Code in the county served by the sheriff who denied 2212
the application. If the denial was as a result of the criminal 2213
records check conducted pursuant to section 311.41 of the 2214
Revised Code and if, pursuant to section 2923.127 of the Revised 2215
Code, the applicant challenges the criminal records check 2216
results using the appropriate challenge and review procedure 2217
specified in that section, the time for filing the appeal 2218
pursuant to section 119.12 of the Revised Code and this division 2219
is tolled during the pendency of the request or the challenge 2220
and review. 2221

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

(3) If the sheriff with whom an application for a concealed ~~handgun~~-weapons license was filed under this section becomes aware that the applicant has been arrested for or otherwise charged with an offense that would disqualify the applicant from holding the license, the sheriff shall suspend the processing of the application until the disposition of the case arising from the arrest or charge.

(4) If an applicant has been convicted of or pleaded guilty to an offense identified in division (D) (1) (e), (f), or (h) of this section or has been adjudicated a delinquent child for committing an act or violation identified in any of those divisions, and if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 2953.35, or section 2953.39 of the Revised Code or the applicant has been relieved under operation of law or legal process from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication, the sheriff with whom the application was

submitted shall not consider the conviction, guilty plea, or 2253
adjudication in making a determination under division (D) (1) or 2254
(F) of this section or, in relation to an application for a 2255
concealed ~~handgun-weapons~~ license on a temporary emergency basis 2256
submitted under section 2923.1213 of the Revised Code, in making 2257
a determination under division (B) (2) of that section. 2258

(5) If an applicant has been convicted of or pleaded 2259
guilty to a minor misdemeanor offense or has been adjudicated a 2260
delinquent child for committing an act or violation that is a 2261
minor misdemeanor offense, the sheriff with whom the application 2262
was submitted shall not consider the conviction, guilty plea, or 2263
adjudication in making a determination under division (D) (1) or 2264
(F) of this section or, in relation to an application for a 2265
concealed ~~handgun-weapons~~ license on a temporary basis submitted 2266
under section 2923.1213 of the Revised Code, in making a 2267
determination under division (B) (2) of that section. 2268

(E) If a concealed ~~handgun-weapons~~ license issued under 2269
this section is lost or is destroyed, the licensee may obtain 2270
from the sheriff who issued that license a duplicate license 2271
upon the payment of a fee of fifteen dollars and the submission 2272
of an affidavit attesting to the loss or destruction of the 2273
license. The sheriff, in accordance with the procedures 2274
prescribed in section 109.731 of the Revised Code, shall place 2275
on the replacement license a combination of identifying numbers 2276
different from the combination on the license that is being 2277
replaced. 2278

(F) (1) (a) Except as provided in division (F) (1) (b) of this 2279
section, a licensee who wishes to renew a concealed ~~handgun-~~ 2280
weapons license issued under this section prior to, on, or after 2281
the effective date of this amendment may do so at any time 2282

before the expiration date of the license or at any time after 2283
the expiration date of the license by filing with ~~the any county~~ 2284
~~sheriff of the county in which the applicant resides or with the~~ 2285
~~sheriff of an adjacent county~~, or in the case of an applicant 2286
who resides in another state with the sheriff of the county that 2287
issued the applicant's previous concealed ~~handgun weapons~~ 2288
license an application for renewal of the license obtained 2289
pursuant to division (D) of this section, a certification by the 2290
applicant that, subsequent to the issuance of the license, the 2291
applicant has reread the pamphlet prepared by the Ohio peace 2292
officer training commission pursuant to section 109.731 of the 2293
Revised Code that reviews deadly weapons, including firearms, 2294
dispute resolution, and use of deadly force matters, and a 2295
nonrefundable license renewal fee in an amount determined 2296
pursuant to division (F)(4) of this section unless the fee is 2297
waived. 2298

(b) A person on active duty in the armed forces of the 2299
United States or in service with the peace corps, volunteers in 2300
service to America, or the foreign service of the United States 2301
is exempt from the license requirements of this section for the 2302
period of the person's active duty or service and for six months 2303
thereafter, provided the person was a licensee under this 2304
section at the time the person commenced the person's active 2305
duty or service or had obtained a license while on active duty 2306
or service. The spouse or a dependent of any such person on 2307
active duty or in service also is exempt from the license 2308
requirements of this section for the period of the person's 2309
active duty or service and for six months thereafter, provided 2310
the spouse or dependent was a licensee under this section at the 2311
time the person commenced the active duty or service or had 2312
obtained a license while the person was on active duty or 2313

service, and provided further that the person's active duty or 2314
service resulted in the spouse or dependent relocating outside 2315
of this state during the period of the active duty or service. 2316
This division does not prevent such a person or the person's 2317
spouse or dependent from making an application for the renewal 2318
of a concealed ~~handgun~~ weapons license during the period of the 2319
person's active duty or service. 2320

(2) A sheriff shall accept a completed renewal 2321
application, the license renewal fee, and the information 2322
specified in division (F) (1) of this section at the times and in 2323
the manners described in division (I) of this section. Upon 2324
receipt of a completed renewal application, of certification 2325
that the applicant has reread the specified pamphlet prepared by 2326
the Ohio peace officer training commission, and of a license 2327
renewal fee unless the fee is waived, a sheriff, in the manner 2328
specified in section 311.41 of the Revised Code shall conduct or 2329
cause to be conducted the criminal records check and the 2330
incompetency records check described in section 311.41 of the 2331
Revised Code. The sheriff shall renew the license if the sheriff 2332
determines that the applicant continues to satisfy the 2333
requirements described in division (D) (1) of this section, 2334
except that the applicant is not required to meet the 2335
requirements of division (D) (1) (1) of this section. A renewed 2336
license shall expire five years after the date of issuance, 2337
regardless of whether the renewal occurred prior to, on, or 2338
after the effective date of this amendment. A renewed license is 2339
subject to division (E) of this section and sections 2923.126 2340
and 2923.128 of the Revised Code. A sheriff shall comply with 2341
divisions (D) (2) and (3) of this section when the circumstances 2342
described in those divisions apply to a requested license 2343
renewal. If a sheriff denies the renewal of a concealed ~~handgun~~ 2344

weapons license, the applicant may appeal the denial, or 2345
challenge the criminal record check results that were the basis 2346
of the denial if applicable, in the same manner as specified in 2347
division (D) (2) (b) of this section and in section 2923.127 of 2348
the Revised Code, regarding the denial of a license under this 2349
section. 2350

(3) A renewal application submitted pursuant to division 2351
(F) of this section shall only require the licensee to list on 2352
the application form information and matters occurring since the 2353
date of the licensee's last application for a license pursuant 2354
to division (B) or (F) of this section. A sheriff conducting the 2355
criminal records check and the incompetency records check 2356
described in section 311.41 of the Revised Code shall conduct 2357
the check only from the date of the licensee's last application 2358
for a license pursuant to division (B) or (F) of this section 2359
through the date of the renewal application submitted pursuant 2360
to division (F) of this section. 2361

(4) An applicant for a renewal concealed ~~handgun~~ weapons 2362
license under this section shall submit to ~~the~~ any county 2363
~~sheriff of the county in which the applicant resides or to the~~ 2364
~~sheriff of any county adjacent to the county in which the~~ 2365
~~applicant resides~~, or in the case of an applicant who resides in 2366
another state to the sheriff of the county that issued the 2367
applicant's previous concealed ~~handgun~~ weapons license, a 2368
nonrefundable license fee as described in either of the 2369
following: 2370

(a) For an applicant who has been a resident of this state 2371
for five or more years, a fee of fifty dollars; 2372

(b) For an applicant who has been a resident of this state 2373
for less than five years or who is not a resident of this state 2374

but who is employed in this state, a fee of fifty dollars plus 2375
the actual cost of having a background check performed by the 2376
federal bureau of investigation. 2377

(5) The concealed ~~handgun-weapons~~ license of a licensee 2378
who is no longer a resident of this state or no longer employed 2379
in this state, as applicable, is valid until the date of 2380
expiration on the license, regardless of whether the license is 2381
issued prior to, on, or after the effective date of this 2382
amendment, and the licensee is prohibited from renewing the 2383
concealed ~~handgun-weapons~~ license. 2384

(G) (1) Each course, class, or program described in 2385
division (B) (3) (a), (b), (c), or (e) of this section shall 2386
provide to each person who takes the course, class, or program 2387
the web site address at which the pamphlet prepared by the Ohio 2388
peace officer training commission pursuant to section 109.731 of 2389
the Revised Code that reviews deadly weapons, including 2390
firearms, dispute resolution, and use of deadly force matters 2391
may be found. Each such course, class, or program described in 2392
one of those divisions shall include at least eight hours of 2393
training in the safe handling and use of a firearm that shall 2394
include training, provided as described in division (G) (3) of 2395
this section, on all of the following: 2396

(a) The ability to name, explain, and demonstrate the 2397
rules for safe handling of a ~~handgun-firearm~~ and proper storage 2398
practices for ~~handguns-firearms~~ and ammunition; 2399

(b) The ability to demonstrate and explain how to handle 2400
ammunition in a safe manner; 2401

(c) The ability to demonstrate the knowledge, skills, and 2402
attitude necessary to shoot a ~~handgun-firearm~~ in a safe manner; 2403

(d) Gun handling training; 2404

(e) A minimum of two hours of in-person training that 2405
consists of range time and live-fire training. 2406

(2) To satisfactorily complete the course, class, or 2407
program described in division (B) (3) (a), (b), (c), or (e) of 2408
this section, the applicant shall pass a competency examination 2409
that shall include both of the following: 2410

(a) A written section, provided as described in division 2411
(G) (3) of this section, on the ability to name and explain the 2412
rules for the safe handling of a ~~handgun~~-firearm and proper 2413
storage practices for ~~handguns~~-firearms and ammunition; 2414

(b) An in-person physical demonstration of competence in 2415
the use of a ~~handgun~~-firearm and in the rules for safe handling 2416
and storage of a ~~handgun~~-firearm and a physical demonstration of 2417
the attitude necessary to shoot a ~~handgun~~-firearm in a safe 2418
manner. 2419

(3) (a) Except as otherwise provided in this division, the 2420
training specified in division (G) (1) (a) of this section shall 2421
be provided to the person receiving the training in person by an 2422
instructor. If the training specified in division (G) (1) (a) of 2423
this section is provided by a course, class, or program 2424
described in division (B) (3) (a) of this section, or it is 2425
provided by a course, class, or program described in division 2426
(B) (3) (b), (c), or (e) of this section and the instructor is a 2427
qualified instructor certified by a national gun advocacy 2428
organization, the training so specified, other than the training 2429
that requires the person receiving the training to demonstrate 2430
handling abilities, may be provided online or as a combination 2431
of in-person and online training, as long as the online training 2432

includes an interactive component that regularly engages the 2433
person. 2434

(b) Except as otherwise provided in this division, the 2435
written section of the competency examination specified in 2436
division (G)(2)(a) of this section shall be administered to the 2437
person taking the competency examination in person by an 2438
instructor. If the training specified in division (G)(1)(a) of 2439
this section is provided to the person receiving the training by 2440
a course, class, or program described in division (B)(3)(a) of 2441
this section, or it is provided by a course, class, or program 2442
described in division (B)(3)(b), (c), or (e) of this section and 2443
the instructor is a qualified instructor certified by a national 2444
gun advocacy organization, the written section of the competency 2445
examination specified in division (G)(2)(a) of this section may 2446
be administered online, as long as the online training includes 2447
an interactive component that regularly engages the person. 2448

(4) The competency certification described in division (B) 2449
(3)(a), (b), (c), or (e) of this section shall be dated and 2450
shall attest that the course, class, or program the applicant 2451
successfully completed met the requirements described in 2452
division (G)(1) of this section and that the applicant passed 2453
the competency examination described in division (G)(2) of this 2454
section. 2455

(H) Upon deciding to issue a concealed ~~handgun~~-weapons 2456
license, deciding to issue a replacement concealed ~~handgun~~- 2457
weapons license, or deciding to renew a concealed ~~handgun~~- 2458
weapons license pursuant to this section, and before actually 2459
issuing or renewing the license, the sheriff shall make 2460
available through the law enforcement automated data system all 2461
information contained on the license. If the license 2462

subsequently is suspended under division (A) (1) or (2) of 2463
section 2923.128 of the Revised Code, revoked pursuant to 2464
division (B) (1) of section 2923.128 of the Revised Code, or lost 2465
or destroyed, the sheriff also shall make available through the 2466
law enforcement automated data system a notation of that fact. 2467
The superintendent of the state highway patrol shall ensure that 2468
the law enforcement automated data system is so configured as to 2469
permit the transmission through the system of the information 2470
specified in this division. 2471

~~(I) (1)~~ (I) (1) (a) A sheriff shall accept a completed 2472
application form or renewal application, and the fee, items, 2473
materials, and information specified in divisions (B) (1) to (5) 2474
or division (F) of this section, whichever is applicable, and 2475
shall provide an application form or renewal application to any 2476
person during at least fifteen hours a week and shall provide 2477
the web site address at which a printable version of the 2478
application form that can be downloaded and the pamphlet 2479
described in division (B) of section 109.731 of the Revised Code 2480
may be found at any time, upon request. A sheriff may provide up 2481
to eight hours outside of the fifteen hours required in this 2482
division during which the sheriff is available to accept or 2483
provide the information described in this division only from or 2484
to county residents. For each hour in a week that the sheriff is 2485
available to accept or provide the information described in this 2486
division only from or to county residents, the sheriff must 2487
provide an additional hour outside of the fifteen hours required 2488
in this division during which the sheriff is available to accept 2489
or provide the information described in this division from or to 2490
any person. The sheriff shall post notice of the hours during 2491
which the sheriff is available to accept or provide the 2492
information described in this division. 2493

(b) Nothing in division (I) (1) (a) of this section shall be 2494
construed to prohibit the sheriff from offering more hours than 2495
are required by division (I) (1) (a) of this section during which 2496
the sheriff is available to accept or provide the information 2497
described in division (I) (1) (a) of this section from or to any 2498
person. 2499

(2) A sheriff shall transmit a notice to the attorney 2500
general, in a manner determined by the attorney general, every 2501
time a license is issued that waived payment under division (B) 2502
(1) (c) of this section for an applicant who is an active or 2503
reserve member of the armed forces of the United States or has 2504
retired from or was honorably discharged from military service 2505
in the active or reserve armed forces of the United States. The 2506
attorney general shall monitor and inform sheriffs issuing 2507
licenses under this section when the amount of license fee 2508
payments waived and transmitted to the attorney general reach 2509
one million five hundred thousand dollars each year. Once a 2510
sheriff is informed that the payments waived reached one million 2511
five hundred thousand dollars in any year, a sheriff shall no 2512
longer waive payment of a license fee for an applicant who is an 2513
active or reserve member of the armed forces of the United 2514
States or has retired from or was honorably discharged from 2515
military service in the active or reserve armed forces of the 2516
United States for the remainder of that year. 2517

(J) The availability of a concealed weapons license under 2518
this section or section 2923.1213 of the Revised Code shall not 2519
be construed to prohibit or restrict a person from possessing, 2520
carrying, or transporting a deadly weapon in a vehicle or on or 2521
about the person's person, whether concealed or unconcealed, 2522
loaded or unloaded, without a valid concealed weapons license if 2523
the possession, carrying, or transport in the manner in question 2524

is otherwise permitted by the Revised Code or any other 2525
provision of law. 2526

Sec. 2923.126. (A) A concealed ~~handgun~~-weapons license 2527
~~that is issued~~ under section 2923.125 of the Revised Code prior 2528
to, on, or after the effective date of this amendment shall 2529
expire five years after the date of issuance. A licensee who has 2530
been issued a license under that section shall be granted a 2531
grace period of thirty days after the licensee's license expires 2532
during which the licensee's license remains valid. Except as 2533
provided in divisions (B) and (C) of this section, a licensee 2534
who has been issued a concealed ~~handgun~~-weapons license under 2535
section 2923.125 or 2923.1213 of the Revised Code prior to, on, 2536
or after the effective date of this amendment may carry a 2537
concealed ~~handgun~~-deadly weapon that is not an exclusive deadly 2538
weapon anywhere in this state if the license is valid when the 2539
licensee is in actual possession of a concealed ~~handgun~~-deadly 2540
weapon that is not an exclusive deadly weapon. ~~The A~~ licensee 2541
who has been issued a concealed weapons license under section 2542
2923.125 or 2923.1213 of the Revised Code shall give notice of 2543
any change in the licensee's residence address to the sheriff 2544
who issued the license within forty-five days after that change. 2545
A concealed weapons license that the sheriff issued as a 2546
concealed handgun license prior to the effective date of this 2547
amendment and that has not expired prior to the effective date 2548
of this amendment has the same validity as a concealed weapons 2549
license issued on or after that date and shall be treated for 2550
purposes of this section, sections 2923.127 to 2923.1212 of the 2551
Revised Code, and other Revised Code provisions as if it were a 2552
license issued on or after that date. 2553

(B) A valid concealed ~~handgun~~-weapons license does not 2554
authorize the licensee to carry a concealed ~~handgun~~-deadly 2555

weapon in any manner prohibited under division (B) of section 2556
2923.12 of the Revised Code or in any manner prohibited under 2557
section 2923.16 of the Revised Code. A valid license does not 2558
authorize the licensee to carry a concealed ~~handgun~~ deadly 2559
weapon into any of the following places: 2560

(1) A police station, sheriff's office, or state highway 2561
patrol station, premises controlled by the bureau of criminal 2562
identification and investigation; a state correctional 2563
institution, jail, workhouse, or other detention facility; any 2564
area of an airport passenger terminal that is beyond a passenger 2565
or property screening checkpoint or to which access is 2566
restricted through security measures by the airport authority or 2567
a public agency; or an institution that is maintained, operated, 2568
managed, and governed pursuant to division (A) of section 2569
5119.14 of the Revised Code or division (A) (1) of section 2570
5123.03 of the Revised Code; 2571

(2) A school safety zone if the licensee's carrying the 2572
concealed ~~handgun~~ deadly weapon is in violation of section 2573
2923.122 of the Revised Code; 2574

(3) A courthouse or another building or structure in which 2575
a courtroom is located if the licensee's carrying the concealed 2576
~~handgun~~ deadly weapon is in violation of section 2923.123 of the 2577
Revised Code; 2578

(4) Any premises or open air arena for which a D permit 2579
has been issued under Chapter 4303. of the Revised Code if the 2580
licensee's carrying the concealed ~~handgun~~ deadly weapon is in 2581
violation of section 2923.121 of the Revised Code; 2582

(5) Any premises owned or leased by any public or private 2583
college, university, or other institution of higher education, 2584

unless the ~~handgun~~-deadly weapon is in a locked motor vehicle or 2585
the licensee is in the immediate process of placing the ~~handgun~~- 2586
deadly weapon in a locked motor vehicle or unless the licensee 2587
is carrying the concealed ~~handgun~~-deadly weapon pursuant to a 2588
written policy, rule, or other authorization that is adopted by 2589
the institution's board of trustees or other governing body and 2590
that authorizes specific individuals or classes of individuals 2591
to carry a concealed ~~handgun~~-deadly weapon on the premises; 2592

(6) Any church, synagogue, mosque, or other place of 2593
worship, unless the church, synagogue, mosque, or other place of 2594
worship posts or permits otherwise; 2595

(7) Any building that is a government facility of this 2596
state or a political subdivision of this state and that is not a 2597
building that is used primarily as a shelter, restroom, parking 2598
facility for motor vehicles, or rest facility and is not a 2599
courthouse or other building or structure in which a courtroom 2600
is located that is subject to division (B)(3) of this section, 2601
unless the governing body with authority over the building has 2602
enacted a statute, ordinance, or policy that permits a licensee 2603
to carry a concealed ~~handgun~~-deadly weapon into the building; 2604

(8) A place in which federal law prohibits the carrying of 2605
~~handguns~~ deadly weapons. 2606

(C) (1) Nothing in this section shall negate or restrict a 2607
rule, policy, or practice of a private employer that is not a 2608
private college, university, or other institution of higher 2609
education concerning or prohibiting the presence of ~~firearms~~- 2610
deadly weapons on the private employer's premises or property, 2611
including motor vehicles owned by the private employer. Nothing 2612
in this section shall require a private employer of that nature 2613
to adopt a rule, policy, or practice concerning or prohibiting 2614

the presence of ~~firearms~~ deadly weapons on the private 2615
employer's premises or property, including motor vehicles owned 2616
by the private employer. 2617

(2) (a) A private employer shall be immune from liability 2618
in a civil action for any injury, death, or loss to person or 2619
property that allegedly was caused by or related to a licensee 2620
bringing a ~~handgun~~ deadly weapon onto the premises or property 2621
of the private employer, including motor vehicles owned by the 2622
private employer, unless the private employer acted with 2623
malicious purpose. A private employer is immune from liability 2624
in a civil action for any injury, death, or loss to person or 2625
property that allegedly was caused by or related to the private 2626
employer's decision to permit a licensee to bring, or prohibit a 2627
licensee from bringing, a ~~handgun~~ deadly weapon onto the 2628
premises or property of the private employer. 2629

(b) A political subdivision shall be immune from liability 2630
in a civil action, to the extent and in the manner provided in 2631
Chapter 2744. of the Revised Code, for any injury, death, or 2632
loss to person or property that allegedly was caused by or 2633
related to a licensee bringing a ~~handgun~~ deadly weapon onto any 2634
premises or property owned, leased, or otherwise under the 2635
control of the political subdivision. As used in this division, 2636
"political subdivision" has the same meaning as in section 2637
2744.01 of the Revised Code. 2638

(c) An institution of higher education shall be immune 2639
from liability in a civil action for any injury, death, or loss 2640
to person or property that allegedly was caused by or related to 2641
a licensee bringing a ~~handgun~~ deadly weapon onto the premises of 2642
the institution, including motor vehicles owned by the 2643
institution, unless the institution acted with malicious 2644

purpose. An institution of higher education is immune from 2645
liability in a civil action for any injury, death, or loss to 2646
person or property that allegedly was caused by or related to 2647
the institution's decision to permit a licensee or class of 2648
licensees to bring a ~~handgun~~ deadly weapon onto the premises of 2649
the institution. 2650

(d) A nonprofit corporation shall be immune from liability 2651
in a civil action for any injury, death, or loss to person or 2652
property that allegedly was caused by or related to a licensee 2653
bringing a ~~handgun~~ deadly weapon onto the premises of the 2654
nonprofit corporation, including any motor vehicle owned by the 2655
nonprofit corporation, or to any event organized by the 2656
nonprofit corporation, unless the nonprofit corporation acted 2657
with malicious purpose. A nonprofit corporation is immune from 2658
liability in a civil action for any injury, death, or loss to 2659
person or property that allegedly was caused by or related to 2660
the nonprofit corporation's decision to permit a licensee to 2661
bring a ~~handgun~~ deadly weapon onto the premises of the nonprofit 2662
corporation or to any event organized by the nonprofit 2663
corporation. The immunities described in this division apply to 2664
an entity that leases its property to the nonprofit corporation 2665
or permits its property to be used by the nonprofit corporation 2666
for any purpose. 2667

(3) (a) Except as provided in division (C) (3) (b) of this 2668
section and section 2923.1214 of the Revised Code, the owner or 2669
person in control of private land or premises, and a private 2670
person or entity leasing land or premises owned by the state, 2671
the United States, or a political subdivision of the state or 2672
the United States, may post a sign in a conspicuous location on 2673
that land or on those premises prohibiting persons from carrying 2674
~~firearms~~ deadly weapons or concealed ~~firearms~~ deadly weapons on 2675

or onto that land or those premises. Except as otherwise 2676
provided in this division, a person who knowingly violates a 2677
posted prohibition of that nature is guilty of criminal trespass 2678
in violation of division (A) (4) of section 2911.21 of the 2679
Revised Code and is guilty of a misdemeanor of the fourth 2680
degree. If a person knowingly violates a posted prohibition of 2681
that nature and the posted land or premises primarily was a 2682
parking lot or other parking facility, the person is not guilty 2683
of criminal trespass under section 2911.21 of the Revised Code 2684
or under any other criminal law of this state or criminal law, 2685
ordinance, or resolution of a political subdivision of this 2686
state, and instead is subject only to a civil cause of action 2687
for trespass based on the violation. 2688

If a person knowingly violates a posted prohibition of the 2689
nature described in this division and the posted land or 2690
premises is a child care center, type A family child care home, 2691
or type B family child care home, unless the person is a 2692
licensee who resides in a type A family child care home or type 2693
B family child care home, the person is guilty of aggravated 2694
trespass in violation of section 2911.211 of the Revised Code. 2695
Except as otherwise provided in this division, the offender is 2696
guilty of a misdemeanor of the first degree. If the person 2697
previously has been convicted of a violation of this division or 2698
of any offense of violence, if the deadly weapon involved is a 2699
firearm that is either loaded or for which the offender has 2700
ammunition ready at hand, or if the deadly weapon involved is 2701
dangerous ordnance, the offender is guilty of a felony of the 2702
fourth degree. 2703

(b) A landlord may not prohibit or restrict a tenant who 2704
is a licensee and who on or after September 9, 2008, enters into 2705
a rental agreement with the landlord for the use of residential 2706

premises, and the tenant's guest while the tenant is present, 2707
from lawfully carrying or possessing a ~~handgun~~ deadly weapon on 2708
those residential premises. 2709

(c) As used in division (C) (3) of this section: 2710

(i) "Residential premises" has the same meaning as in 2711
section 5321.01 of the Revised Code, except "residential 2712
premises" does not include a dwelling unit that is owned or 2713
operated by a college or university. 2714

(ii) "Landlord," "tenant," and "rental agreement" have the 2715
same meanings as in section 5321.01 of the Revised Code. 2716

(D) A person who holds a valid concealed ~~handgun~~ weapons 2717
license issued by another state that is recognized by the 2718
attorney general pursuant to a reciprocity agreement entered 2719
into pursuant to section 109.69 of the Revised Code or a person 2720
who holds a valid concealed ~~handgun~~ weapons license under the 2721
circumstances described in division (B) of section 109.69 of the 2722
Revised Code has the same right to carry a concealed ~~handgun~~ 2723
deadly weapon that is not an exclusive deadly weapon in this 2724
state as a person who was issued a concealed ~~handgun~~ weapons 2725
license under section 2923.125 of the Revised Code and is 2726
subject to the same restrictions that apply to a person who has 2727
been issued a license under that section that is valid at the 2728
time in question. 2729

(E) (1) A peace officer has the same right to carry a 2730
concealed ~~handgun~~ deadly weapon that is not an exclusive deadly 2731
weapon in this state as a person who was issued a concealed 2732
~~handgun~~ weapons license under section 2923.125 of the Revised 2733
Code, provided that the officer when carrying a concealed 2734
~~handgun~~ deadly weapon under authority of this division is 2735

carrying validating identification. For purposes of reciprocity 2736
with other states, a peace officer shall be considered to be a 2737
licensee in this state. 2738

(2) An active duty member of the armed forces of the 2739
United States who ~~is carrying~~ has been issued a valid military 2740
identification card and documentation of successful completion 2741
of firearms training that meets or exceeds the training 2742
requirements described in division (G) (1) of section 2923.125 of 2743
the Revised Code that are valid at the time of carrying or 2744
possession ~~has~~ the same right to carry a concealed ~~handgun~~ 2745
deadly weapon that is not an exclusive deadly weapon in this 2746
state as a person who was issued a concealed ~~handgun weapons~~ 2747
license under section 2923.125 of the Revised Code and is 2748
subject to the same restrictions as specified in this section. 2749

(3) A tactical medical professional who is qualified to 2750
carry firearms while on duty under section 109.771 of the 2751
Revised Code has the same right to carry a concealed ~~handgun~~ 2752
deadly weapon that is not an exclusive deadly weapon in this 2753
state as a person who was issued a concealed ~~handgun weapons~~ 2754
license under section 2923.125 of the Revised Code. 2755

(4) A fire investigator who is qualified to carry firearms 2756
while on duty under section 109.774 of the Revised Code has the 2757
same right to carry a concealed ~~handgun~~ deadly weapon that is 2758
not an exclusive deadly weapon in this state as a person who was 2759
issued a concealed ~~handgun weapons~~ license under section 2760
2923.125 of the Revised Code. 2761

(F) (1) A qualified retired peace officer who possesses a 2762
retired peace officer identification card issued pursuant to 2763
division (F) (2) of this section and a valid firearms 2764
requalification certification issued pursuant to division (F) (3) 2765

of this section has the same right to carry a concealed ~~handgun~~ 2766
deadly weapon that is not an exclusive deadly weapon in this 2767
state as a person who was issued a concealed ~~handgun~~ weapons 2768
license under section 2923.125 of the Revised Code and is 2769
subject to the same restrictions that apply to a person who has 2770
been issued a license issued under that section that is valid at 2771
the time in question. For purposes of reciprocity with other 2772
states, a qualified retired peace officer who possesses a 2773
retired peace officer identification card issued pursuant to 2774
division (F) (2) of this section and a valid firearms 2775
requalification certification issued pursuant to division (F) (3) 2776
of this section shall be considered to be a licensee in this 2777
state who has been issued a concealed weapons license under 2778
section 2923.125 of the Revised Code. 2779

(2) (a) Each public agency of this state or of a political 2780
subdivision of this state that is served by one or more peace 2781
officers shall issue a retired peace officer identification card 2782
to any person who retired from service as a peace officer with 2783
that agency, if the issuance is in accordance with the agency's 2784
policies and procedures and if the person, with respect to the 2785
person's service with that agency, satisfies all of the 2786
following: 2787

(i) The person retired in good standing from service as a 2788
peace officer with the public agency, and the retirement was not 2789
for reasons of mental instability. 2790

(ii) Before retiring from service as a peace officer with 2791
that agency, the person was authorized to engage in or supervise 2792
the prevention, detection, investigation, or prosecution of, or 2793
the incarceration of any person for, any violation of law and 2794
the person had statutory powers of arrest. 2795

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

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

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a

peace officer with the agency and who satisfy the criteria set 2827
forth in divisions (F) (2) (a) (i) to (iv) of this section, 2828
provided that the credentials so issued to retired peace 2829
officers are stamped with the word "RETIRED." 2830

(c) A public agency of this state or of a political 2831
subdivision of this state may charge persons who retired from 2832
service as a peace officer with the agency a reasonable fee for 2833
issuing to the person a retired peace officer identification 2834
card pursuant to division (F) (2) (a) of this section. 2835

(3) If a person retired from service as a peace officer 2836
with a public agency of this state or of a political subdivision 2837
of this state and the person satisfies the criteria set forth in 2838
divisions (F) (2) (a) (i) to (iv) of this section, the public 2839
agency may provide the retired peace officer with the 2840
opportunity to attend a firearms requalification program that is 2841
approved for purposes of firearms requalification required under 2842
section 109.801 of the Revised Code. The retired peace officer 2843
may be required to pay the cost of the course. 2844

If a retired peace officer who satisfies the criteria set 2845
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 2846
a firearms requalification program that is approved for purposes 2847
of firearms requalification required under section 109.801 of 2848
the Revised Code, the retired peace officer's successful 2849
completion of the firearms requalification program requalifies 2850
the retired peace officer for purposes of division (F) of this 2851
section for five years from the date on which the program was 2852
successfully completed, and the requalification is valid during 2853
that five-year period. If a retired peace officer who satisfies 2854
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 2855
section satisfactorily completes such a firearms requalification 2856

program, the retired peace officer shall be issued a firearms 2857
requalification certification that identifies the retired peace 2858
officer by name, identifies the entity that taught the program, 2859
specifies that the retired peace officer successfully completed 2860
the program, specifies the date on which the course was 2861
successfully completed, and specifies that the requalification 2862
is valid for five years from that date of successful completion. 2863
The firearms requalification certification for a retired peace 2864
officer may be included in the retired peace officer 2865
identification card issued to the retired peace officer under 2866
division (F) (2) of this section. 2867

A retired peace officer who attends a firearms 2868
requalification program that is approved for purposes of 2869
firearms requalification required under section 109.801 of the 2870
Revised Code may be required to pay the cost of the program. 2871

(G) As used in this section: 2872

(1) "Qualified retired peace officer" means a person who 2873
satisfies all of the following: 2874

(a) The person satisfies the criteria set forth in 2875
divisions (F) (2) (a) (i) to (v) of this section. 2876

(b) The person is not under the influence of alcohol or 2877
another intoxicating or hallucinatory drug or substance. 2878

(c) The person is not prohibited by federal law from 2879
receiving firearms. 2880

(2) "Retired peace officer identification card" means an 2881
identification card that is issued pursuant to division (F) (2) 2882
of this section to a person who is a retired peace officer. 2883

(3) "Government facility of this state or a political 2884

subdivision of this state" means any of the following: 2885

(a) A building or part of a building that is owned or 2886
leased by the government of this state or a political 2887
subdivision of this state and where employees of the government 2888
of this state or the political subdivision regularly are present 2889
for the purpose of performing their official duties as employees 2890
of the state or political subdivision; 2891

(b) The office of a deputy registrar serving pursuant to 2892
Chapter 4503. of the Revised Code that is used to perform deputy 2893
registrar functions. 2894

(4) "Governing body" has the same meaning as in section 2895
154.01 of the Revised Code. 2896

(5) "Tactical medical professional" has the same meaning 2897
as in section 109.71 of the Revised Code. 2898

(6) "Validating identification" means photographic 2899
identification issued by the agency for which an individual 2900
serves as a peace officer that identifies the individual as a 2901
peace officer of the agency. 2902

(7) "Nonprofit corporation" means any private organization 2903
that is exempt from federal income taxation pursuant to 2904
subsection 501(a) and described in subsection 501(c) of the 2905
Internal Revenue Code. 2906

(8) "Fire investigator" has the same meaning as in section 2907
109.71 of the Revised Code. 2908

Sec. 2923.127. (A) If a sheriff denies an application for 2909
a concealed ~~handgun~~ weapons license under section 2923.125 of 2910
the Revised Code, denies the renewal of a concealed ~~handgun~~ 2911
weapons license under that section, or denies an application for 2912

a concealed ~~handgun~~-weapons license on a temporary emergency 2913
basis under section 2923.1213 of the Revised Code as a result of 2914
the criminal records check conducted pursuant to section 311.41 2915
of the Revised Code and if the applicant believes the denial was 2916
based on incorrect information reported by the source the 2917
sheriff used in conducting the criminal records check, the 2918
applicant may challenge the criminal records check results using 2919
whichever of the following is applicable: 2920

(1) If the bureau of criminal identification and 2921
investigation performed the criminal records check, by using the 2922
bureau's existing challenge and review procedures; 2923

(2) If division (A)(1) of this section does not apply, by 2924
using the existing challenge and review procedure of the sheriff 2925
who denied the application or, if the sheriff does not have a 2926
challenge and review procedure, by using the challenge and 2927
review procedure prescribed by the bureau of criminal 2928
identification and investigation pursuant to division (B) of 2929
this section. 2930

(B) The bureau of criminal identification and 2931
investigation shall prescribe a challenge and review procedure 2932
for applicants to use to challenge criminal records checks under 2933
division (A)(2) of this section in counties in which the sheriff 2934
with whom an application of a type described in division (A) of 2935
this section was filed or submitted does not have an existing 2936
challenge and review procedure. 2937

Sec. 2923.128. (A)(1)(a) If a licensee holding a valid 2938
concealed ~~handgun~~-weapons license is arrested for or otherwise 2939
charged with an offense described in division (D)(1)(d) of 2940
section 2923.125 of the Revised Code or with a violation of 2941
section 2923.15 of the Revised Code or becomes subject to a 2942

temporary protection order or to a protection order issued by a 2943
court of another state that is substantially equivalent to a 2944
temporary protection order, the sheriff who issued the license 2945
shall suspend it and shall comply with division (A) (3) of this 2946
section upon becoming aware of the arrest, charge, or protection 2947
order. Upon suspending the license, the sheriff also shall 2948
comply with division (H) of section 2923.125 of the Revised 2949
Code. 2950

(b) A suspension under division (A) (1) (a) of this section 2951
shall be considered as beginning on the date that the licensee 2952
is arrested for or otherwise charged with an offense described 2953
in that division or on the date the appropriate court issued the 2954
protection order described in that division, irrespective of 2955
when the sheriff notifies the licensee under division (A) (3) of 2956
this section. The suspension shall end on the date on which the 2957
charges are dismissed or the licensee is found not guilty of the 2958
offense described in division (A) (1) (a) of this section or, 2959
subject to division (B) of this section, on the date the 2960
appropriate court terminates the protection order described in 2961
that division. If the suspension so ends, the sheriff shall 2962
return the license or temporary emergency license to the 2963
licensee. 2964

(2) (a) If a licensee holding a valid concealed ~~handgun~~ 2965
weapons license is convicted of or pleads guilty to a 2966
misdemeanor violation of division (B) (2) or (4) of section 2967
2923.12 of the Revised Code or of division ~~(E) (3)~~ (D) (3) or (5) 2968
of section 2923.16 of the Revised Code, subject to division (C) 2969
of this section, the sheriff who issued the license shall 2970
suspend it and shall comply with division (A) (3) of this section 2971
upon becoming aware of the conviction or guilty plea. Upon 2972
suspending the license, the sheriff also shall comply with 2973

division (H) of section 2923.125 of the Revised Code. 2974

(b) A suspension under division (A) (2) (a) of this section 2975
shall be considered as beginning on the date that the licensee 2976
is convicted of or pleads guilty to the offense described in 2977
that division, irrespective of when the sheriff notifies the 2978
licensee under division (A) (3) of this section. If the 2979
suspension is imposed for a misdemeanor violation of division 2980
(B) (2) of section 2923.12 of the Revised Code or of division ~~(E)~~ 2981
~~(3)~~ (D) (3) of section 2923.16 of the Revised Code, it shall end 2982
on the date that is one year after the date that the licensee is 2983
convicted of or pleads guilty to that violation. If the 2984
suspension is imposed for a misdemeanor violation of division 2985
(B) (4) of section 2923.12 of the Revised Code or of division ~~(E)~~ 2986
~~(5)~~ (D) (5) of section 2923.16 of the Revised Code, it shall end 2987
on the date that is two years after the date that the licensee 2988
is convicted of or pleads guilty to that violation. If the 2989
licensee's license was issued under section 2923.125 of the 2990
Revised Code and the license remains valid after the suspension 2991
ends as described in this division, when the suspension ends, 2992
the sheriff shall return the license to the licensee. If the 2993
licensee's license was issued under section 2923.125 of the 2994
Revised Code and the license expires before the suspension ends 2995
as described in this division, or if the licensee's license was 2996
issued under section 2923.1213 of the Revised Code, the licensee 2997
is not eligible to apply for a new license under section 2998
2923.125 or 2923.1213 of the Revised Code or to renew the 2999
license under section 2923.125 of the Revised Code until after 3000
the suspension ends as described in this division. 3001

(3) Upon becoming aware of an arrest, charge, or 3002
protection order described in division (A) (1) (a) of this section 3003
with respect to a licensee who was issued a concealed ~~handgun~~ 3004

weapons license, or a conviction of or plea of guilty to a 3005
misdemeanor offense described in division (A) (2) (a) of this 3006
section with respect to a licensee who was issued a concealed 3007
~~handgun~~ weapons license, subject to division (C) of this 3008
section, the sheriff who issued the licensee's license shall 3009
notify the licensee, by certified mail, return receipt 3010
requested, at the licensee's last known residence address that 3011
the license has been suspended and that the licensee is required 3012
to surrender the license at the sheriff's office within ten days 3013
of the date on which the notice was mailed. If the suspension is 3014
pursuant to division (A) (2) of this section, the notice shall 3015
identify the date on which the suspension ends. 3016

(B) (1) A sheriff who issues a concealed ~~handgun~~ weapons 3017
license to a licensee shall revoke the license in accordance 3018
with division (B) (2) of this section upon becoming aware that 3019
the licensee satisfies any of the following: 3020

(a) The licensee is under twenty-one years of age. 3021

(b) Subject to division (C) of this section, at the time 3022
of the issuance of the license, the licensee did not satisfy the 3023
eligibility requirements of division (D) (1) (c), (d), (e), (f), 3024
(g), or (h) of section 2923.125 of the Revised Code. 3025

(c) Subject to division (C) of this section, on or after 3026
the date on which the license was issued, the licensee is 3027
convicted of or pleads guilty to a violation of section 2923.15 3028
of the Revised Code or an offense described in division (D) (1) 3029
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 3030

(d) On or after the date on which the license was issued, 3031
the licensee becomes subject to a civil protection order or to a 3032
protection order issued by a court of another state that is 3033

substantially equivalent to a civil protection order. 3034

(e) The licensee knowingly carries a concealed ~~handgun~~ 3035
deadly weapon into a place that the licensee knows is an 3036
unauthorized place specified in division (B) of section 2923.126 3037
of the Revised Code. 3038

(f) On or after the date on which the license was issued, 3039
the licensee is under adjudication of mental incompetence or is 3040
committed to a mental institution. 3041

(g) At the time of the issuance of the license, the 3042
licensee did not meet the residency requirements described in 3043
division (D)(1) of section 2923.125 of the Revised Code and 3044
currently does not meet the residency requirements described in 3045
that division. 3046

(h) Regarding a license issued under section 2923.125 of 3047
the Revised Code, the competency certificate the licensee 3048
submitted was forged or otherwise was fraudulent. 3049

(2) Upon becoming aware of any circumstance listed in 3050
division (B)(1) of this section that applies to a particular 3051
licensee who was issued a concealed ~~handgun~~ weapons license, 3052
subject to division (C) of this section, the sheriff who issued 3053
the license to the licensee shall notify the licensee, by 3054
certified mail, return receipt requested, at the licensee's last 3055
known residence address that the license is subject to 3056
revocation and that the licensee may come to the sheriff's 3057
office and contest the sheriff's proposed revocation within 3058
fourteen days of the date on which the notice was mailed. After 3059
the fourteen-day period and after consideration of any 3060
information that the licensee provides during that period, if 3061
the sheriff determines on the basis of the information of which 3062

the sheriff is aware that the licensee is described in division 3063
(B) (1) of this section and no longer satisfies the requirements 3064
described in division (D) (1) of section 2923.125 of the Revised 3065
Code that are applicable to the licensee's type of license, the 3066
sheriff shall revoke the license, notify the licensee of that 3067
fact, and require the licensee to surrender the license. Upon 3068
revoking the license, the sheriff also shall comply with 3069
division (H) of section 2923.125 of the Revised Code. 3070

(C) If a sheriff who issues a concealed ~~handgun~~ weapons 3071
license to a licensee becomes aware that at the time of the 3072
issuance of the license the licensee had been convicted of or 3073
pleaded guilty to an offense identified in division (D) (1) (e), 3074
(f), or (h) of section 2923.125 of the Revised Code or had been 3075
adjudicated a delinquent child for committing an act or 3076
violation identified in any of those divisions or becomes aware 3077
that on or after the date on which the license was issued the 3078
licensee has been convicted of or pleaded guilty to an offense 3079
identified in division (A) (2) (a) or (B) (1) (c) of this section, 3080
the sheriff shall not consider that conviction, guilty plea, or 3081
adjudication as having occurred for purposes of divisions (A) 3082
(2), (A) (3), (B) (1), and (B) (2) of this section if a court has 3083
ordered the sealing or expungement of the records of that 3084
conviction, guilty plea, or adjudication pursuant to sections 3085
2151.355 to 2151.358, sections 2953.31 to 2953.35, or section 3086
2953.39 of the Revised Code or the licensee has been relieved 3087
under operation of law or legal process from the disability 3088
imposed pursuant to section 2923.13 of the Revised Code relative 3089
to that conviction, guilty plea, or adjudication. 3090

(D) As used in this section, "motor carrier enforcement 3091
unit" has the same meaning as in section 2923.16 of the Revised 3092
Code. 3093

Sec. 2923.129. (A) (1) If a sheriff, the superintendent of 3094
the bureau of criminal identification and investigation, the 3095
employees of the bureau, the Ohio peace officer training 3096
commission, or the employees of the commission make a good faith 3097
effort in performing the duties imposed upon the sheriff, the 3098
superintendent, the bureau's employees, the commission, or the 3099
commission's employees by sections 109.731, 311.41, and 2923.124 3100
to 2923.1213 of the Revised Code, in addition to the personal 3101
immunity provided by section 9.86 of the Revised Code or 3102
division (A) (6) of section 2744.03 of the Revised Code and the 3103
governmental immunity of sections 2744.02 and 2744.03 of the 3104
Revised Code and in addition to any other immunity possessed by 3105
the bureau, the commission, and their employees, the sheriff, 3106
the sheriff's office, the county in which the sheriff has 3107
jurisdiction, the bureau, the superintendent of the bureau, the 3108
bureau's employees, the commission, and the commission's 3109
employees are immune from liability in a civil action for 3110
injury, death, or loss to person or property that allegedly was 3111
caused by or related to any of the following: 3112

(a) The issuance, renewal, suspension, or revocation of a 3113
concealed ~~handgun~~-weapons license; 3114

(b) The failure to issue, renew, suspend, or revoke a 3115
concealed ~~handgun~~-weapons license; 3116

(c) Any action or misconduct with a ~~handgun~~-deadly weapon 3117
committed by a licensee. 3118

(2) Any action of a sheriff relating to the issuance, 3119
renewal, suspension, or revocation of a concealed ~~handgun~~- 3120
weapons license shall be considered to be a governmental 3121
function for purposes of Chapter 2744. of the Revised Code. 3122

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

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

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

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

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

(a) The entity or instructor makes a good faith effort in

assessing the person in the physical demonstrations or the 3152
competency examination conducted pursuant to division (G) (4) of 3153
section 2923.125 of the Revised Code as it existed prior to 3154
March 27, 2013. 3155

(b) The entity or instructor did not issue the renewed 3156
competency certificate with malicious purpose, in bad faith, or 3157
in a wanton or reckless manner. 3158

(B) Notwithstanding section 149.43 of the Revised Code, 3159
the records that a sheriff keeps relative to the issuance, 3160
renewal, suspension, or revocation of a concealed ~~handgun~~ 3161
weapons license, including, but not limited to, completed 3162
applications for the issuance or renewal of a license, completed 3163
affidavits submitted regarding an application for a license on a 3164
temporary emergency basis, reports of criminal records checks 3165
and incompetency records checks under section 311.41 of the 3166
Revised Code, and applicants' social security numbers and 3167
fingerprints that are obtained under division (A) of section 3168
311.41 of the Revised Code, are confidential and are not public 3169
records. No person shall release or otherwise disseminate 3170
records that are confidential under this division unless 3171
required to do so pursuant to a court order. 3172

(C) Each sheriff shall report to the Ohio peace officer 3173
training commission the number of concealed ~~handgun~~ weapons 3174
licenses that the sheriff issued, renewed, suspended, revoked, 3175
or denied under section 2923.125 of the Revised Code during the 3176
previous quarter of the calendar year, the number of 3177
applications for those licenses for which processing was 3178
suspended in accordance with division (D) (3) of section 2923.125 3179
of the Revised Code during the previous quarter of the calendar 3180
year, and the number of concealed ~~handgun~~ weapons licenses on a 3181

temporary emergency basis that the sheriff issued, suspended, 3182
revoked, or denied under section 2923.1213 of the Revised Code 3183
during the previous quarter of the calendar year. The sheriff 3184
shall not include in the report the name or any other 3185
identifying information of an applicant or licensee. The sheriff 3186
shall report that information in a manner that permits the 3187
commission to maintain the statistics described in division (C) 3188
of section 109.731 of the Revised Code and to timely prepare the 3189
statistical report described in that division. The information 3190
that is received by the commission under this division is a 3191
public record kept by the commission for the purposes of section 3192
149.43 of the Revised Code. 3193

(D) Law enforcement agencies may use the information a 3194
sheriff makes available through the use of the law enforcement 3195
automated data system pursuant to division (H) of section 3196
2923.125 or division (B) (2) or (D) of section 2923.1213 of the 3197
Revised Code for law enforcement purposes only. The information 3198
is confidential and is not a public record. Except as provided 3199
in section 5503.101 of the Revised Code, a person who releases 3200
or otherwise disseminates this information obtained through the 3201
law enforcement automated data system in a manner not described 3202
in this division is guilty of a violation of section 2913.04 of 3203
the Revised Code. 3204

(E) Whoever violates division (B) of this section is 3205
guilty of illegal release of confidential concealed ~~handgun~~ 3206
weapons license records, a felony of the fifth degree. In 3207
addition to any penalties imposed under Chapter 2929. of the 3208
Revised Code for a violation of division (B) of this section or 3209
a violation of section 2913.04 of the Revised Code described in 3210
division (D) of this section, if the offender is a sheriff, an 3211
employee of a sheriff, or any other public officer or employee, 3212

and if the violation was willful and deliberate, the offender 3213
shall be subject to a civil fine of one thousand dollars. Any 3214
person who is harmed by a violation of division (B) or (C) of 3215
this section or a violation of section 2913.04 of the Revised 3216
Code described in division (D) of this section has a private 3217
cause of action against the offender for any injury, death, or 3218
loss to person or property that is a proximate result of the 3219
violation and may recover court costs and attorney's fees 3220
related to the action. 3221

Sec. 2923.1210. (A) A business entity, property owner, or 3222
public or private employer may not establish, maintain, or 3223
enforce a policy or rule that prohibits or has the effect of 3224
prohibiting a person who has been issued a valid concealed 3225
handgun-weapons license or who is an active duty member of the 3226
armed forces of the United States and has been issued a valid 3227
military identification card and documentation of successful 3228
completion of firearms training that meets or exceeds the 3229
training requirements described in division (G)(1) of section 3230
2923.125 of the Revised Code from transporting or storing a 3231
firearm-deadly weapon or ammunition for a deadly weapon that is 3232
a firearm when both of the following conditions are met: 3233

(1) Each firearm-deadly weapon and, if there is 3234
ammunition, all of the ammunition remains inside the person's 3235
privately owned motor vehicle while the person is physically 3236
present inside the motor vehicle, or each firearm-deadly weapon 3237
and, if there is ammunition, all of the ammunition is locked 3238
within the trunk, glove box, or other enclosed compartment or 3239
container within or on the person's privately owned motor 3240
vehicle; 3241

(2) The vehicle is in a location where it is otherwise 3242

permitted to be. 3243

(B) A business entity, property owner, or public or 3244
private employer that violates division (A) of this section may 3245
be found liable in a civil action for injunctive relief brought 3246
by any individual injured by the violation. The court may grant 3247
any injunctive relief it finds appropriate. 3248

(C) No business entity, property owner, or public or 3249
private employer shall be held liable in any civil action for 3250
damages, injuries, or death resulting from or arising out of 3251
another person's actions involving a ~~firearm~~ deadly weapon or 3252
ammunition for a deadly weapon that is a firearm transported or 3253
stored pursuant to division (A) of this section including the 3254
theft of a ~~firearm~~ deadly weapon from an employee's or invitee's 3255
automobile, unless the business entity, property owner, or 3256
public or private employer intentionally solicited or procured 3257
the other person's injurious actions. 3258

Sec. 2923.1211. (A) No person shall alter a concealed 3259
~~handgun~~ weapons license or create a fictitious document that 3260
purports to be a license of that nature. 3261

(B) No person, except in the performance of official 3262
duties, shall possess a concealed ~~handgun~~ weapons license that 3263
was issued and that has been revoked or suspended. 3264

(C) Whoever violates division (A) of this section is 3265
guilty of falsification of a concealed ~~handgun~~ weapons license, 3266
a felony of the fifth degree. Whoever violates division (B) of 3267
this section is guilty of possessing a revoked or suspended 3268
concealed ~~handgun~~ weapons license, a misdemeanor of the third 3269
degree. 3270

Sec. 2923.1212. Each person, board, or entity that owns or 3271

controls any place or premises identified in division (B) of 3272
section 2923.126 of the Revised Code as a place into which a 3273
valid license does not authorize the licensee to carry a 3274
concealed ~~handgun~~ deadly weapon, or a designee of such a person, 3275
board, or entity, shall post in one or more conspicuous 3276
locations in the premises a sign that contains a statement in 3277
substantially the following form: "Unless otherwise authorized 3278
by law, pursuant to the Ohio Revised Code, no person shall 3279
knowingly possess, have under the person's control, convey, or 3280
attempt to convey a deadly weapon or dangerous ordnance onto 3281
these premises." 3282

Sec. 2923.1213. (A) As used in this section: 3283

(1) "Evidence of imminent danger" means any of the 3284
following: 3285

(a) A statement sworn by the person seeking to carry a 3286
concealed ~~handgun~~ deadly weapon other than an exclusive deadly 3287
weapon that is made under threat of perjury and that states that 3288
the person has reasonable cause to fear a criminal attack upon 3289
the person or a member of the person's family, such as would 3290
justify a prudent person in going armed; 3291

(b) A written document prepared by a governmental entity 3292
or public official describing the facts that give the person 3293
seeking to carry a concealed ~~handgun~~ deadly weapon other than an 3294
exclusive deadly weapon reasonable cause to fear a criminal 3295
attack upon the person or a member of the person's family, such 3296
as would justify a prudent person in going armed. Written 3297
documents of this nature include, but are not limited to, any 3298
temporary protection order, civil protection order, protection 3299
order issued by another state, or other court order, any court 3300
report, and any report filed with or made by a law enforcement 3301

agency or prosecutor. 3302

(2) "Prosecutor" has the same meaning as in section 3303
2935.01 of the Revised Code. 3304

(B) (1) A person seeking a concealed ~~handgun~~ weapons 3305
license on a temporary emergency basis shall submit to the 3306
sheriff of ~~the any county in which the person resides or~~, if the 3307
person usually resides in another state, to the sheriff of the 3308
county in which the person is temporarily staying, all of the 3309
following: 3310

(a) Evidence of imminent danger to the person or a member 3311
of the person's family; 3312

(b) A sworn affidavit that contains all of the information 3313
required to be on the license and attesting that the person is 3314
legally living in the United States; is at least twenty-one 3315
years of age; is not a fugitive from justice; is not under 3316
indictment for or otherwise charged with an offense identified 3317
in division (D) (1) (d) of section 2923.125 of the Revised Code; 3318
has not been convicted of or pleaded guilty to an offense, and 3319
has not been adjudicated a delinquent child for committing an 3320
act, identified in division (D) (1) (e) of that section and to 3321
which division (B) (3) of this section does not apply; within 3322
three years of the date of the submission, has not been 3323
convicted of or pleaded guilty to an offense, and has not been 3324
adjudicated a delinquent child for committing an act, identified 3325
in division (D) (1) (f) of that section and to which division (B) 3326
(3) of this section does not apply; within five years of the 3327
date of the submission, has not been convicted of, pleaded 3328
guilty, or adjudicated a delinquent child for committing two or 3329
more violations identified in division (D) (1) (g) of that 3330
section; within ten years of the date of the submission, has not 3331

been convicted of, pleaded guilty, or adjudicated a delinquent 3332
child for committing a violation identified in division (D) (1) 3333
(h) of that section and to which division (B) (3) of this section 3334
does not apply; has not been committed to any mental 3335
institution, is not under adjudication of mental incompetence, 3336
has not been found by a court to be a person with a mental 3337
illness subject to court order, and is not an involuntary 3338
patient other than one who is a patient only for purposes of 3339
observation, as described in division (D) (1) (i) of that section; 3340
is not currently subject to a civil protection order, a 3341
temporary protection order, or a protection order issued by a 3342
court of another state, as described in division (D) (1) (j) of 3343
that section; is not currently subject to a suspension imposed 3344
under division (A) (2) of section 2923.128 of the Revised Code of 3345
a concealed ~~handgun-weapons~~ license that previously was issued 3346
to the person or a similar suspension imposed by another state 3347
regarding a concealed ~~handgun-weapons~~ license issued by that 3348
state; is not an unlawful user of or addicted to any controlled 3349
substance as defined in 21 U.S.C. 802; if applicable, is an 3350
alien and has not been admitted to the United States under a 3351
nonimmigrant visa, as defined in the "Immigration and 3352
Nationality Act," 8 U.S.C. 1101(a) (26); has not been discharged 3353
from the armed forces of the United States under dishonorable 3354
conditions; if applicable, has not renounced the applicant's 3355
United States citizenship; and has not been convicted of, 3356
pleaded guilty to, or been adjudicated a delinquent child for 3357
committing a violation identified in division (D) (1) (s) of 3358
section 2923.125 of the Revised Code; 3359

(c) A nonrefundable temporary emergency license fee as 3360
described in either of the following: 3361

(i) For an applicant who has been a resident of this state 3362

for five or more years, a fee of fifteen dollars plus the actual 3363
cost of having a background check performed by the bureau of 3364
criminal identification and investigation pursuant to section 3365
311.41 of the Revised Code; 3366

(ii) For an applicant who has been a resident of this 3367
state for less than five years or who is not a resident of this 3368
state, but is temporarily staying in this state, a fee of 3369
fifteen dollars plus the actual cost of having background checks 3370
performed by the federal bureau of investigation and the bureau 3371
of criminal identification and investigation pursuant to section 3372
311.41 of the Revised Code. 3373

(d) A set of fingerprints of the applicant provided as 3374
described in section 311.41 of the Revised Code through use of 3375
an electronic fingerprint reading device or, if the sheriff to 3376
whom the application is submitted does not possess and does not 3377
have ready access to the use of an electronic fingerprint 3378
reading device, on a standard impression sheet prescribed 3379
pursuant to division (C) (2) of section 109.572 of the Revised 3380
Code. If the fingerprints are provided on a standard impression 3381
sheet, the person also shall provide the person's social 3382
security number to the sheriff. 3383

(2) A sheriff shall accept the evidence of imminent 3384
danger, the sworn affidavit, the fee, and the set of 3385
fingerprints required under division (B) (1) of this section at 3386
the times and in the manners described in division (I) of this 3387
section. Upon receipt of the evidence of imminent danger, the 3388
sworn affidavit, the fee, and the set of fingerprints required 3389
under division (B) (1) of this section, the sheriff, in the 3390
manner specified in section 311.41 of the Revised Code, 3391
immediately shall conduct or cause to be conducted the criminal 3392

records check and the incompetency records check described in 3393
section 311.41 of the Revised Code. Immediately upon receipt of 3394
the results of the records checks, the sheriff shall review the 3395
information and shall determine whether the criteria set forth 3396
in divisions (D)(1)(a) to (j) and (m) to (s) of section 2923.125 3397
of the Revised Code apply regarding the person. If the sheriff 3398
determines that all of the criteria set forth in divisions (D) 3399
(1)(a) to (j) and (m) to (s) of section 2923.125 of the Revised 3400
Code apply regarding the person, the sheriff shall immediately 3401
make available through the law enforcement automated data system 3402
all information that will be contained on the temporary 3403
emergency license for the person if one is issued, and the 3404
superintendent of the state highway patrol shall ensure that the 3405
system is so configured as to permit the transmission through 3406
the system of that information. Upon making that information 3407
available through the law enforcement automated data system, the 3408
sheriff shall immediately issue to the person a concealed 3409
~~handgun~~weapons license on a temporary emergency basis. 3410

If the sheriff denies the issuance of a license on a 3411
temporary emergency basis to the person, the sheriff shall 3412
specify the grounds for the denial in a written notice to the 3413
person. The person may appeal the denial, or challenge criminal 3414
records check results that were the basis of the denial if 3415
applicable, in the same manners specified in division (D)(2) of 3416
section 2923.125 and in section 2923.127 of the Revised Code, 3417
regarding the denial of an application for a concealed ~~handgun~~ 3418
weapons license under that section. 3419

The license on a temporary emergency basis issued under 3420
this division shall be in the form, and shall include all of the 3421
information, described in divisions (A)(2)(a) and (d) of section 3422
109.731 of the Revised Code, and also shall include a unique 3423

combination of identifying letters and numbers in accordance 3424
with division (A) (2) (c) of that section. 3425

The license on a temporary emergency basis issued under 3426
this division is valid for ninety days and may not be renewed. A 3427
person who has been issued a license on a temporary emergency 3428
basis under this division shall not be issued another license on 3429
a temporary emergency basis unless at least four years has 3430
expired since the issuance of the prior license on a temporary 3431
emergency basis. 3432

(3) If a person seeking a concealed ~~handgun~~ weapons 3433
license on a temporary emergency basis has been convicted of or 3434
pleaded guilty to an offense identified in division (D) (1) (e), 3435
(f), or (h) of section 2923.125 of the Revised Code or has been 3436
adjudicated a delinquent child for committing an act or 3437
violation identified in any of those divisions, and if a court 3438
has ordered the sealing or expungement of the records of that 3439
conviction, guilty plea, or adjudication pursuant to sections 3440
2151.355 to 2151.358, sections 2953.31 to 2953.35, or section 3441
2953.39 of the Revised Code or the applicant has been relieved 3442
under operation of law or legal process from the disability 3443
imposed pursuant to section 2923.13 of the Revised Code relative 3444
to that conviction, guilty plea, or adjudication, the 3445
conviction, guilty plea, or adjudication shall not be relevant 3446
for purposes of the sworn affidavit described in division (B) (1) 3447
(b) of this section, and the person may complete, and swear to 3448
the truth of, the affidavit as if the conviction, guilty plea, 3449
or adjudication never had occurred. 3450

(4) The sheriff shall waive the payment pursuant to 3451
division (B) (1) (c) of this section of the license fee in 3452
connection with an application that is submitted by an applicant 3453

who is a retired peace officer, a retired person described in 3454
division (B) (1) (b) of section 109.77 of the Revised Code, or a 3455
retired federal law enforcement officer who, prior to 3456
retirement, was authorized under federal law to carry a firearm 3457
in the course of duty, unless the retired peace officer, person, 3458
or federal law enforcement officer retired as the result of a 3459
mental disability. 3460

The sheriff shall deposit all fees paid by an applicant 3461
under division (B) (1) (c) of this section into the sheriff's 3462
concealed ~~handgun-weapons~~ license issuance fund established 3463
pursuant to section 311.42 of the Revised Code. 3464

(C) A person who holds a concealed ~~handgun-weapons~~ license 3465
on a temporary emergency basis, regardless of whether the 3466
license was issued prior to, on, or after the effective date of 3467
this amendment, has the same right to carry a concealed ~~handgun-~~ 3468
~~deadly~~ weapon that is not an exclusive deadly weapon as a person 3469
who was issued a concealed ~~handgun-weapons~~ license under section 3470
2923.125 of the Revised Code, and any exceptions to the 3471
prohibitions contained in ~~section 1547.69 and~~ sections 2923.12 3472
to 2923.16 of the Revised Code for a licensee under section 3473
2923.125 of the Revised Code apply to a licensee under this 3474
section. The person is subject to the same restrictions, and to 3475
all other procedures, duties, and sanctions, that apply to a 3476
person who ~~carries~~ has been issued a license issued under 3477
section 2923.125 of the Revised Code, other than the license 3478
renewal procedures set forth in that section. A concealed 3479
weapons license on a temporary emergency basis that a sheriff 3480
issued as a concealed handgun license on a temporary emergency 3481
basis prior to the effective date of this amendment and that had 3482
not expired prior to the effective date of this amendment has 3483
the same validity as a concealed weapons license on a temporary 3484

emergency basis issued on or after that date and shall be 3485
treated for purposes of this section, sections 2923.127 to 3486
2923.1212 of the Revised Code, and other Revised Code provisions 3487
as if it were a license issued on or after that date. 3488

(D) A sheriff who issues a concealed ~~handgun~~-weapons 3489
license on a temporary emergency basis under this section shall 3490
not require a person seeking to carry a concealed ~~handgun~~-deadly 3491
weapon that is not an exclusive deadly weapon in accordance with 3492
this section to submit a competency certificate as a 3493
prerequisite for issuing the license and shall comply with 3494
division (H) of section 2923.125 of the Revised Code in regards 3495
to the license. The sheriff shall suspend or revoke the license 3496
in accordance with section 2923.128 of the Revised Code. In 3497
addition to the suspension or revocation procedures set forth in 3498
section 2923.128 of the Revised Code, the sheriff may revoke the 3499
license upon receiving information, verifiable by public 3500
documents, that the person is not eligible to possess a firearm 3501
or deadly weapon under either the laws of this state or of the 3502
United States or that the person committed perjury in obtaining 3503
the license; if the sheriff revokes a license under this 3504
additional authority, the sheriff shall notify the person, by 3505
certified mail, return receipt requested, at the person's last 3506
known residence address that the license has been revoked and 3507
that the person is required to surrender the license at the 3508
sheriff's office within ten days of the date on which the notice 3509
was mailed. Division (H) of section 2923.125 of the Revised Code 3510
applies regarding any suspension or revocation of a concealed 3511
~~handgun~~-weapons license on a temporary emergency basis. 3512

(E) A sheriff who issues a concealed ~~handgun~~-weapons 3513
license on a temporary emergency basis under this section shall 3514
retain, for the entire period during which the license is in 3515

effect, the evidence of imminent danger that the person 3516
submitted to the sheriff and that was the basis for the license, 3517
or a copy of that evidence, as appropriate. 3518

(F) If a concealed ~~handgun-weapons~~ license on a temporary 3519
emergency basis issued under this section is lost or is 3520
destroyed, the licensee may obtain from the sheriff who issued 3521
that license a duplicate license upon the payment of a fee of 3522
fifteen dollars and the submission of an affidavit attesting to 3523
the loss or destruction of the license. The sheriff, in 3524
accordance with the procedures prescribed in section 109.731 of 3525
the Revised Code, shall place on the replacement license a 3526
combination of identifying numbers different from the 3527
combination on the license that is being replaced. 3528

(G) The attorney general shall prescribe, and shall make 3529
available to sheriffs, a standard form to be used under division 3530
(B) of this section by a person who applies for a concealed 3531
~~handgun-weapons~~ license on a temporary emergency basis on the 3532
basis of imminent danger of a type described in division (A)(1) 3533
(a) of this section. The attorney general shall design the form 3534
to enable applicants to provide the information that is required 3535
by law to be collected, and shall update the form as necessary. 3536
Burdens or restrictions to obtaining a concealed ~~handgun-weapons~~ 3537
license that are not expressly prescribed in law shall not be 3538
incorporated into the form. The attorney general shall post a 3539
printable version of the form on the web site of the attorney 3540
general and shall provide the address of the web site to any 3541
person who requests the form. 3542

(H) A sheriff who receives any fees paid by a person under 3543
this section shall deposit all fees so paid into the sheriff's 3544
concealed ~~handgun-weapons~~ license issuance expense fund 3545

established under section 311.42 of the Revised Code. 3546

(I) A sheriff shall accept evidence of imminent danger, a 3547
sworn affidavit, the fee, and the set of fingerprints specified 3548
in division (B)(1) of this section at any time during normal 3549
business hours. In no case shall a sheriff require an 3550
appointment, or designate a specific period of time, for the 3551
submission or acceptance of evidence of imminent danger, a sworn 3552
affidavit, the fee, and the set of fingerprints specified in 3553
division (B)(1) of this section, or for the provision to any 3554
person of a standard form to be used for a person to apply for a 3555
concealed ~~handgun~~ weapons license on a temporary emergency 3556
basis. 3557

(J) The availability of a concealed weapons license under 3558
this section or section 2923.125 of the Revised Code shall not 3559
be construed to prohibit or restrict a person from possessing, 3560
carrying, or transporting a deadly weapon in a vehicle or on or 3561
about the person's person, whether concealed or unconcealed, 3562
loaded or unloaded, without a valid concealed weapons license if 3563
the possession, carrying, or transport in the manner in question 3564
is otherwise permitted by the Revised Code or any other 3565
provision of law. 3566

Sec. 2923.16. (A) No person shall knowingly discharge a 3567
firearm while in or on a motor vehicle. 3568

~~(B) No person shall knowingly transport or have a loaded~~ 3569
~~firearm in a motor vehicle in such a manner that the firearm is~~ 3570
~~accessible to the operator or any passenger without leaving the~~ 3571
~~vehicle.~~ 3572

~~(C)~~ No person shall knowingly transport or have a firearm 3573
in a motor vehicle, unless the person may lawfully possess that 3574

firearm under applicable law of this state or the United States, 3575
~~the firearm is unloaded, and the firearm is carried in one of~~ 3576
~~the following ways:~~ 3577

~~(1) In a closed package, box, or case;~~ 3578

~~(2) In a compartment that can be reached only by leaving~~ 3579
~~the vehicle;~~ 3580

~~(3) In plain sight and secured in a rack or holder made~~ 3581
~~for the purpose;~~ 3582

~~(4) If the firearm is at least twenty-four inches in~~ 3583
~~overall length as measured from the muzzle to the part of the~~ 3584
~~stock furthest from the muzzle and if the barrel is at least~~ 3585
~~eighteen inches in length, either in plain sight with the action~~ 3586
~~open or the weapon stripped, or, if the firearm is of a type on~~ 3587
~~which the action will not stay open or which cannot easily be~~ 3588
~~stripped, in plain sight.~~ 3589

~~(D)~~ (C) No person shall knowingly transport or have a 3590
loaded ~~handgun~~ firearm in a motor vehicle if, at the time of 3591
that transportation or possession, any of the following applies: 3592

(1) The person is under the influence of alcohol, a drug 3593
of abuse, or a combination of them. 3594

(2) The person's whole blood, blood serum or plasma, 3595
breath, or urine contains a concentration of alcohol, a listed 3596
controlled substance, or a listed metabolite of a controlled 3597
substance prohibited for persons operating a vehicle, as 3598
specified in division (A) of section 4511.19 of the Revised 3599
Code, regardless of whether the person at the time of the 3600
transportation or possession as described in this division is 3601
the operator of or a passenger in the motor vehicle. 3602

~~(E)~~ (D) No person who has been issued a concealed ~~handgun~~
weapons license or who is an active duty member of the armed
forces of the United States and ~~is carrying~~ has been issued a
valid military identification card and documentation of
successful completion of firearms training that meets or exceeds
the training requirements described in division (G) (1) of
section 2923.125 of the Revised Code, who is the driver or an
occupant of a motor vehicle that is stopped as a result of a
traffic stop or a stop for another law enforcement purpose or is
the driver or an occupant of a commercial motor vehicle that is
stopped by an employee of the motor carrier enforcement unit for
the purposes defined in section 5503.34 of the Revised Code, and
who is transporting or has a loaded ~~handgun~~ firearm that is not
an exclusive firearm in the motor vehicle or commercial motor
vehicle in any manner, shall do any of the following:

(1) Before or at the time a law enforcement officer asks
if the person is carrying a concealed ~~handgun~~ firearm that is
not an exclusive firearm, knowingly fail to disclose that the
person then possesses or has a loaded ~~handgun~~ firearm in the
motor vehicle, provided that it is not a violation of this
division if the person fails to disclose that fact to an officer
during the stop and the person already has notified another
officer of that fact during the same stop;

(2) Before or at the time an employee of the motor carrier
enforcement unit asks if the person is carrying a concealed
~~handgun~~ firearm that is not an exclusive firearm, knowingly fail
to disclose that the person then possesses or has a loaded
~~handgun~~ firearm in the commercial motor vehicle, provided that
it is not a violation of this division if the person fails to
disclose that fact to an employee of the unit during the stop
and the person already has notified another employee of the unit

of that fact during the same stop; 3634

(3) Knowingly fail to remain in the motor vehicle while 3635
stopped or knowingly fail to keep the person's hands in plain 3636
sight at any time after any law enforcement officer begins 3637
approaching the person while stopped and before the law 3638
enforcement officer leaves, unless the failure is pursuant to 3639
and in accordance with directions given by a law enforcement 3640
officer; 3641

(4) Knowingly have contact with the loaded ~~handgun~~-firearm 3642
by touching it with the person's hands or fingers in the motor 3643
vehicle at any time after the law enforcement officer begins 3644
approaching and before the law enforcement officer leaves, 3645
unless the person has contact with the loaded ~~handgun~~-firearm 3646
pursuant to and in accordance with directions given by the law 3647
enforcement officer; 3648

(5) Knowingly disregard or fail to comply with any lawful 3649
order of any law enforcement officer given while the motor 3650
vehicle is stopped, including, but not limited to, a specific 3651
order to the person to keep the person's hands in plain sight. 3652

~~(F)(1)~~(E)(1) Divisions (A), (B), ~~(C)~~, and ~~(E)~~(D) of this 3653
section do not apply to any of the following: 3654

(a) An officer, agent, or employee of this or any other 3655
state or the United States, or a law enforcement officer, when 3656
authorized to carry or have loaded or accessible firearms in 3657
motor vehicles and acting within the scope of the officer's, 3658
agent's, or employee's duties; 3659

(b) Any person who is employed in this state, who is 3660
authorized to carry or have loaded or accessible firearms in 3661
motor vehicles, and who is subject to and in compliance with the 3662

requirements of section 109.801 of the Revised Code, unless the 3663
appointing authority of the person has expressly specified that 3664
the exemption provided in division ~~(F) (1) (b)~~ (E) (1) (b) of this 3665
section does not apply to the person. 3666

(2) Division (A) of this section does not apply to a 3667
person if all of the following circumstances apply: 3668

(a) The person discharges a firearm from a motor vehicle 3669
at a coyote or groundhog, the discharge is not during the deer 3670
gun hunting season as set by the chief of the division of 3671
wildlife of the department of natural resources, and the 3672
discharge at the coyote or groundhog, but for the operation of 3673
this section, is lawful. 3674

(b) The motor vehicle from which the person discharges the 3675
firearm is on real property that is located in an unincorporated 3676
area of a township and that either is zoned for agriculture or 3677
is used for agriculture. 3678

(c) The person owns the real property described in 3679
division ~~(F) (2) (b)~~ (E) (2) (b) of this section, is the spouse or a 3680
child of another person who owns that real property, is a tenant 3681
of another person who owns that real property, or is the spouse 3682
or a child of a tenant of another person who owns that real 3683
property. 3684

(d) The person does not discharge the firearm in any of 3685
the following manners: 3686

(i) While under the influence of alcohol, a drug of abuse, 3687
or alcohol and a drug of abuse; 3688

(ii) In the direction of a street, highway, or other 3689
public or private property used by the public for vehicular 3690
traffic or parking; 3691

(iii) At or into an occupied structure that is a permanent 3692
or temporary habitation; 3693

(iv) In the commission of any violation of law, including, 3694
but not limited to, a felony that includes, as an essential 3695
element, purposely or knowingly causing or attempting to cause 3696
the death of or physical harm to another and that was committed 3697
by discharging a firearm from a motor vehicle. 3698

(3) Division (A) of this section does not apply to a 3699
person if all of the following apply: 3700

(a) The person possesses a valid all-purpose vehicle 3701
permit issued under section 1533.103 of the Revised Code by the 3702
chief of the division of wildlife. 3703

(b) The person discharges a firearm at a wild quadruped or 3704
game bird as defined in section 1531.01 of the Revised Code 3705
during the open hunting season for the applicable wild quadruped 3706
or game bird. 3707

(c) The person discharges a firearm from a stationary all- 3708
purpose vehicle as defined in section 1531.01 of the Revised 3709
Code from private or publicly owned lands or from a motor 3710
vehicle that is parked on a road that is owned or administered 3711
by the division of wildlife. 3712

(d) The person does not discharge the firearm in any of 3713
the following manners: 3714

(i) While under the influence of alcohol, a drug of abuse, 3715
or alcohol and a drug of abuse; 3716

(ii) In the direction of a street, a highway, or other 3717
public or private property that is used by the public for 3718
vehicular traffic or parking; 3719

(iii) At or into an occupied structure that is a permanent 3720
or temporary habitation; 3721

(iv) In the commission of any violation of law, including, 3722
but not limited to, a felony that includes, as an essential 3723
element, purposely or knowingly causing or attempting to cause 3724
the death of or physical harm to another and that was committed 3725
by discharging a firearm from a motor vehicle. 3726

~~(4) Divisions (B) and (C) of this section do not apply to~~ 3727
~~a person if all of the following circumstances apply:~~ 3728

~~(a) At the time of the alleged violation of either of~~ 3729
~~those divisions, the person is the operator of or a passenger in~~ 3730
~~a motor vehicle.~~ 3731

~~(b) The motor vehicle is on real property that is located~~ 3732
~~in an unincorporated area of a township and that either is zoned~~ 3733
~~for agriculture or is used for agriculture.~~ 3734

~~(c) The person owns the real property described in~~ 3735
~~division (F) (4) (b) of this section, is the spouse or a child of~~ 3736
~~another person who owns that real property, is a tenant of~~ 3737
~~another person who owns that real property, or is the spouse or~~ 3738
~~a child of a tenant of another person who owns that real~~ 3739
~~property.~~ 3740

~~(d) The person, prior to arriving at the real property~~ 3741
~~described in division (F) (4) (b) of this section, did not~~ 3742
~~transport or possess a firearm in the motor vehicle in a manner~~ 3743
~~prohibited by division (B) or (C) of this section while the~~ 3744
~~motor vehicle was being operated on a street, highway, or other~~ 3745
~~public or private property used by the public for vehicular~~ 3746
~~traffic or parking.~~ 3747

~~(5) Divisions (B) and (C) of this section do not apply to~~ 3748

~~a person who transports or possesses a handgun in a motor~~ 3749
~~vehicle if, at the time of that transportation or possession,~~ 3750
~~both of the following apply:~~ 3751

~~(a) The person transporting or possessing the handgun has~~ 3752
~~been issued a concealed handgun license that is valid at the~~ 3753
~~time in question or the person is an active duty member of the~~ 3754
~~armed forces of the United States and is carrying a valid~~ 3755
~~military identification card and documentation of successful~~ 3756
~~completion of firearms training that meets or exceeds the~~ 3757
~~training requirements described in division (G) (1) of section~~ 3758
~~2923.125 of the Revised Code.~~ 3759

~~(b) The person transporting or possessing the handgun is~~ 3760
~~not knowingly in a place described in division (B) of section~~ 3761
~~2923.126 of the Revised Code.~~ 3762

~~(6) Divisions (B) and (C) of this section do not apply to~~ 3763
~~a person if all of the following apply:~~ 3764

~~(a) The person possesses a valid all-purpose vehicle~~ 3765
~~permit issued under section 1533.103 of the Revised Code by the~~ 3766
~~chief of the division of wildlife.~~ 3767

~~(b) The person is on or in an all-purpose vehicle as~~ 3768
~~defined in section 1531.01 of the Revised Code or a motor~~ 3769
~~vehicle during the open hunting season for a wild quadruped or~~ 3770
~~game bird.~~ 3771

~~(c) The person is on or in an all-purpose vehicle as~~ 3772
~~defined in section 1531.01 of the Revised Code on private or~~ 3773
~~publicly owned lands or on or in a motor vehicle that is parked~~ 3774
~~on a road that is owned or administered by the division of~~ 3775
~~wildlife.~~ 3776

~~(7) Nothing in this section prohibits or restricts a~~ 3777

person from possessing, storing, or leaving a firearm in a 3778
locked motor vehicle that is parked in the state underground 3779
parking garage at the state capitol building or in the parking 3780
garage at the Riffe center for government and the arts in 3781
Columbus, if the person's transportation and possession of the 3782
firearm in the motor vehicle while traveling to the premises or 3783
facility was not in violation of division (A), (B), (C), or (D) ~~or~~ 3784
~~or (E)~~ of this section or any other provision of the Revised 3785
Code. 3786

~~(G) (1) The affirmative defenses authorized in divisions 3787
(D) (1) and (2) of section 2923.12 of the Revised Code are 3788
affirmative defenses to a charge under division (B) or (C) of 3789
this section that involves a firearm other than a handgun. 3790~~

~~(2) It is an affirmative defense to a charge under 3791
division (B) or (C) of this section of improperly handling 3792
firearms in a motor vehicle that the actor transported or had 3793
the firearm in the motor vehicle for any lawful purpose and 3794
while the motor vehicle was on the actor's own property, 3795
provided that this affirmative defense is not available unless 3796
the person, immediately prior to arriving at the actor's own 3797
property, did not transport or possess the firearm in a motor 3798
vehicle in a manner prohibited by division (B) or (C) of this 3799
section while the motor vehicle was being operated on a street, 3800
highway, or other public or private property used by the public 3801
for vehicular traffic. 3802~~

~~(H) (1)~~ (F) (1) No person who is charged with a violation of 3803
division (B) ~~or~~ or (C) ~~or~~ or (D) of this section shall be required 3804
to obtain a concealed ~~handgun~~ weapons license as a condition for 3805
the dismissal of the charge. 3806

~~(2) (a)~~ (2) If a person is convicted of, was convicted of, 3807

pleads guilty to, or has pleaded guilty to a violation of 3808
division (E) of this section as it existed prior to September 3809
30, 2011, and the conduct that was the basis of the violation no 3810
longer would be a violation of division (E) of this section on 3811
~~or after~~ September 30, 2011, or if a person is convicted of, was 3812
convicted of, pleads guilty to, or has pleaded guilty to a 3813
violation of division (E) (1) or (2) of this section as it 3814
existed prior to June 13, 2022, the person may file an 3815
application under section 2953.35 of the Revised Code requesting 3816
the expungement of the record of conviction. 3817

If a person is convicted of, was convicted of, pleads 3818
guilty to, or has pleaded guilty to a violation of division (B) 3819
or (C) of this section as the division existed prior to 3820
September 30, 2011, and if the conduct that was the basis of the 3821
violation no longer would be a violation of division (B) or (C) 3822
of this section on ~~or after~~ September 30, 2011, due to the 3823
application of division (F) (5) of this section as it ~~exists~~ 3824
existed on and after September 30, 2011, the person may file an 3825
application under section 2953.35 of the Revised Code requesting 3826
the expungement of the record of conviction. 3827

~~(b) The attorney general shall develop a public media 3828
advisory that summarizes the expungement procedure established 3829
under section 2953.35 of the Revised Code and the offenders 3830
identified in division (H) (2) (a) of this section and those 3831
identified in division (E) (2) of section 2923.12 of the Revised 3832
Code who are authorized to apply for the expungement. Within 3833
thirty days after September 30, 2011, with respect to violations 3834
of division (B), (C), or (E) of this section as they existed 3835
prior to that date, and within thirty days after June 13, 2022, 3836
with respect to a violation of division (E) (1) or (2) of this 3837
section or division (B) (1) of section 2923.12 of the Revised 3838~~

~~Code as they existed prior to June 13, 2022, the attorney- 3839
general shall provide a copy of the advisory to each daily- 3840
newspaper published in this state and each television station- 3841
that broadcasts in this state. The attorney general may provide- 3842
the advisory in a tangible form, an electronic form, or in both- 3843
tangible and electronic forms. 3844~~

~~(I)~~ (G) Whoever violates this section is guilty of 3845
improperly handling firearms in a motor vehicle. A violation of 3846
division (A) of this section is a felony of the fourth degree. A 3847
violation of division ~~(C)~~ (B) of this section is a misdemeanor of 3848
the fourth degree. A violation of division ~~(D)~~ (C) of this 3849
section is a felony of the fifth degree or, if the loaded 3850
~~handgun~~ firearm is concealed on the person's person, a felony of 3851
the fourth degree. A violation of division ~~(E) (1) or (2)~~ (D) (1) 3852
or (2) of this section is a misdemeanor of the second degree. A 3853
violation of division ~~(E) (4)~~ (D) (4) of this section is a felony 3854
of the fifth degree. A violation of division ~~(E) (3)~~ (D) (3) or (5) 3855
of this section is a misdemeanor of the first degree or, if the 3856
offender previously has been convicted of or pleaded guilty to a 3857
violation of division ~~(E) (3)~~ (D) (3) or (5) of this section, a 3858
felony of the fifth degree. In addition to any other penalty or 3859
sanction imposed for a misdemeanor violation of division ~~(E) (3)~~ 3860
(D) (3) or (5) of this section, if the offender has been issued a 3861
concealed weapons license, the offender's ~~concealed handgun-~~ 3862
license shall be suspended pursuant to division (A) (2) of 3863
section 2923.128 of the Revised Code. ~~A violation of division-~~ 3864
~~(B) of this section is a felony of the fourth degree.~~ 3865

~~(J)~~ (H) If a law enforcement officer stops a motor vehicle 3866
for a traffic stop or any other purpose, if any person in the 3867
motor vehicle surrenders a ~~firearm~~ deadly weapon to the officer, 3868
either voluntarily or pursuant to a request or demand of the 3869

officer, and if the officer does not charge the person with a
violation of this section or arrest the person for any offense,
the person is not otherwise prohibited by law from possessing
the ~~firearm~~deadly weapon, and the ~~firearm~~deadly weapon is not
contraband, the officer shall return the ~~firearm~~deadly weapon
to the person at the termination of the stop. If a court orders
a law enforcement officer to return a ~~firearm~~deadly weapon to a
person pursuant to the requirement set forth in this division,
division (B) of section 2923.163 of the Revised Code applies.

~~(K)~~(I) As used in this section:

(1) "Motor vehicle," "street," and "highway" have the same
meanings as in section 4511.01 of the Revised Code.

(2) "Occupied structure" has the same meaning as in
section 2909.01 of the Revised Code.

(3) "Agriculture" has the same meaning as in section
519.01 of the Revised Code.

(4) "Tenant" has the same meaning as in section 1531.01 of
the Revised Code.

~~(5) (a) "Unloaded" means, with respect to a firearm other
than a firearm described in division (K) (6) of this section,
that no ammunition is in the firearm in question, no magazine or
speed loader containing ammunition is inserted into the firearm
in question, and one of the following applies:~~

~~(i) There is no ammunition in a magazine or speed loader
that is in the vehicle in question and that may be used with the
firearm in question.~~

~~(ii) Any magazine or speed loader that contains ammunition
and that may be used with the firearm in question is stored in a~~

~~compartment within the vehicle in question that cannot be~~ 3898
~~accessed without leaving the vehicle or is stored in a container~~ 3899
~~that provides complete and separate enclosure.~~ 3900

~~(b) For the purposes of division (K) (5) (a) (ii) of this~~ 3901
~~section, a "container that provides complete and separate~~ 3902
~~enclosure" includes, but is not limited to, any of the~~ 3903
~~following:~~ 3904

~~(i) A package, box, or case with multiple compartments, as~~ 3905
~~long as the loaded magazine or speed loader and the firearm in~~ 3906
~~question either are in separate compartments within the package,~~ 3907
~~box, or case, or, if they are in the same compartment, the~~ 3908
~~magazine or speed loader is contained within a separate~~ 3909
~~enclosure in that compartment that does not contain the firearm~~ 3910
~~and that closes using a snap, button, buckle, zipper, hook and~~ 3911
~~loop closing mechanism, or other fastener that must be opened to~~ 3912
~~access the contents or the firearm is contained within a~~ 3913
~~separate enclosure of that nature in that compartment that does~~ 3914
~~not contain the magazine or speed loader;~~ 3915

~~(ii) A pocket or other enclosure on the person of the~~ 3916
~~person in question that closes using a snap, button, buckle,~~ 3917
~~zipper, hook and loop closing mechanism, or other fastener that~~ 3918
~~must be opened to access the contents.~~ 3919

~~(c) For the purposes of divisions (K) (5) (a) and (b) of~~ 3920
~~this section, ammunition held in stripper clips or in en-bloc~~ 3921
~~clips is not considered ammunition that is loaded into a~~ 3922
~~magazine or speed loader.~~ 3923

~~(6) "Unloaded" means, with respect to a firearm employing~~ 3924
~~a percussion cap, flintlock, or other obsolete ignition system,~~ 3925
~~when the weapon is uncapped or when the priming charge is~~ 3926

~~removed from the pan.~~

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~~(7)~~ (5) "Commercial motor vehicle" has the same meaning as
in division (A) of section 4506.25 of the Revised Code.

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~~(8)~~ (6) "Motor carrier enforcement unit" means the motor
carrier enforcement unit in the department of public safety,
division of state highway patrol, that is created by section
5503.34 of the Revised Code.

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~~(I) Divisions (K) (5) (a) and (b) of this section do not
affect the authority of a person who has been issued a concealed
handgun license that is valid at the time in question to have
one or more magazines or speed loaders containing ammunition
anywhere in a vehicle, without being transported as described in
those divisions, as long as no ammunition is in a firearm, other
than a handgun, in the vehicle other than as permitted under any
other provision of this chapter. A person who has been issued a
concealed handgun license that is valid at the time in question
may have one or more magazines or speed loaders containing
ammunition anywhere in a vehicle without further restriction, as
long as no ammunition is in a firearm, other than a handgun, in
the vehicle other than as permitted under any provision of this
chapter.~~

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Sec. 2923.17. (A) No person shall knowingly acquire, have,
carry, or use any dangerous ordnance.

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(B) No person shall manufacture or process an explosive at
any location in this state unless the person first has been
issued a license, certificate of registration, or permit to do
so from a fire official of a political subdivision of this state
or from the office of the fire marshal.

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(C) Division (A) of this section does not apply to:

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(1) Officers, agents, or employees of this or any other 3956
state or the United States, members of the armed forces of the 3957
United States or the organized militia of this or any other 3958
state, and law enforcement officers, to the extent that any such 3959
person is authorized to acquire, have, carry, or use dangerous 3960
ordnance and is acting within the scope of the person's duties; 3961

(2) Importers, manufacturers, dealers, and users of 3962
explosives, having a license or user permit issued and in effect 3963
pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 3964
952, 18 U.S.C. 843, and any amendments or additions thereto or 3965
reenactments thereof, with respect to explosives and explosive 3966
devices lawfully acquired, possessed, carried, or used under the 3967
laws of this state and applicable federal law; 3968

(3) Importers, manufacturers, and dealers having a license 3969
to deal in destructive devices or their ammunition, issued and 3970
in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 3971
1213, 18 U.S.C. 923, and any amendments or additions thereto or 3972
reenactments thereof, with respect to dangerous ordnance 3973
lawfully acquired, possessed, carried, or used under the laws of 3974
this state and applicable federal law; 3975

(4) Persons to whom surplus ordnance has been sold, 3976
loaned, or given by the secretary of the army pursuant to 70A 3977
Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any 3978
amendments or additions thereto or reenactments thereof, with 3979
respect to dangerous ordnance when lawfully possessed and used 3980
for the purposes specified in such section; 3981

(5) Owners of dangerous ordnance registered in the 3982
national firearms registration and transfer record pursuant to 3983
the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and 3984
~~any amendments or additions thereto or reenactments thereof, and~~ 3985

~~regulations issued thereunder.~~ "National Firearms Act," 26 U.S.C. 3986
5841; 3987

(6) Carriers, warehouses, and others engaged in the 3988
business of transporting or storing goods for hire, with respect 3989
to dangerous ordnance lawfully transported or stored in the 3990
usual course of their business and in compliance with the laws 3991
of this state and applicable federal law; 3992

(7) The holders of a license or temporary permit issued 3993
and in effect pursuant to section 2923.18 of the Revised Code, 3994
with respect to dangerous ordnance lawfully acquired, possessed, 3995
carried, or used for the purposes and in the manner specified in 3996
such license or permit; 3997

~~(8) Persons who own a dangerous ordnance that is a firearm 3998
muffler or suppressor attached to a gun that is authorized to be 3999
used for hunting by section 1533.16 of the Revised Code and who 4000
are authorized to use such a dangerous ordnance by section 4001
1533.04 of the Revised Code. 4002~~

(D) Whoever violates division (A) of this section is 4003
guilty of unlawful possession of dangerous ordnance, a felony of 4004
the fifth degree. 4005

(E) Whoever violates division (B) of this section is 4006
guilty of illegally manufacturing or processing explosives, a 4007
felony of the second degree. 4008

Sec. 2953.35. (A) Any person who is convicted of, was 4009
convicted of, pleads guilty to, or has pleaded guilty to a 4010
violation of division (B), (C), or (E) of section 2923.16 of the 4011
Revised Code as the division existed prior to September 30, 4012
2011, or a violation of division (E)(1) or (2) of section 4013
2923.16 of the Revised Code as the division existed prior to 4014

June 13, 2022, and who is authorized by division ~~(H) (2) (a)~~ (F) (2) 4015
of that section to file an application under this section for 4016
the expungement of the conviction record may apply to the 4017
sentencing court for the expungement of the record of 4018
conviction. Any person who is convicted of, was convicted of, 4019
pleads guilty to, or has pleaded guilty to a violation of 4020
division (B) (1) of section 2923.12 of the Revised Code as it 4021
existed prior to June 13, 2022, and who is authorized by 4022
division (E) (2) of that section may apply to the sentencing 4023
court for the expungement of the record of conviction. The 4024
person may file the application at any time on or after 4025
September 30, 2011, with respect to violations of division (B), 4026
(C), or (E) of section 2923.16 of the Revised Code as they 4027
existed prior to that date, or at any time on or after June 13, 4028
2022, with respect to a violation of division (B) (1) of section 4029
2923.12 of the Revised Code or of division (E) (1) or (2) of 4030
section 2923.16 of the Revised Code as the particular division 4031
existed prior to June 13, 2022. The application shall do all of 4032
the following: 4033

(1) Identify the applicant, the offense for which the 4034
expungement is sought, the date of the conviction of or plea of 4035
guilty to that offense, and the court in which the conviction 4036
occurred or the plea of guilty was entered; 4037

(2) Include evidence that the offense was a violation of 4038
division (B), (C), or (E) of section 2923.16 of the Revised Code 4039
as the division existed prior to September 30, 2011, or was a 4040
violation of division (B) (1) of section 2923.12 of the Revised 4041
Code or of division (E) (1) or (2) of section 2923.16 of the 4042
Revised Code as the particular division existed prior to June 4043
13, 2022, and that the applicant is authorized by division ~~(H)~~ 4044
~~(2) (a)~~ (F) (2) of section 2923.16 or division (E) (2) of section 4045

2923.12 of the Revised Code, whichever is applicable, to file an 4046
application under this section; 4047

(3) Include a request for expungement of the record of 4048
conviction of that offense under this section. 4049

(B) Upon the filing of an application under division (A) 4050
of this section and the payment of the fee described in division 4051
(C) (3) of this section if applicable, the court shall set a date 4052
for a hearing and shall notify the prosecutor for the case of 4053
the hearing on the application. The prosecutor may object to the 4054
granting of the application by filing an objection with the 4055
court prior to the date set for the hearing. The prosecutor 4056
shall specify in the objection the reasons for believing a 4057
denial of the application is justified. The court shall direct 4058
its regular probation officer, a state probation officer, or the 4059
department of probation of the county in which the applicant 4060
resides to make inquiries and written reports as the court 4061
requires concerning the applicant. The court shall hold the 4062
hearing scheduled under this division. 4063

(C) (1) At the hearing held under division (B) of this 4064
section, the court shall do each of the following: 4065

(a) Determine whether the applicant has been convicted of 4066
or pleaded guilty to a violation of division (E) of section 4067
2923.16 of the Revised Code as the division existed prior to 4068
September 30, 2011, and whether the conduct that was the basis 4069
of the violation no longer would be a violation of that division 4070
on ~~or after~~ September 30, 2011; 4071

(b) Determine whether the applicant has been convicted of 4072
or pleaded guilty to a violation of division (B) or (C) of 4073
section 2923.16 of the Revised Code as the division existed 4074

prior to September 30, 2011, and whether the conduct that was 4075
the basis of the violation no longer would be a violation of 4076
that division on ~~or after~~ September 30, 2011, due to the 4077
application of division (F) (5) of that section as it exists on 4078
~~and after~~ September 30, 2011; 4079

(c) Determine whether the applicant has been convicted of 4080
or pleaded guilty to a violation of division (B) (1) of section 4081
2923.12 of the Revised Code or of division (E) (1) or (2) of 4082
section 2923.16 of the Revised Code as the particular division 4083
existed prior to June 13, 2022; 4084

(d) If the prosecutor has filed an objection in accordance 4085
with division (B) of this section, consider the reasons against 4086
granting the application specified by the prosecutor in the 4087
objection; 4088

(e) Weigh the interests of the applicant in having the 4089
records pertaining to the applicant's conviction or guilty plea 4090
expunged against the legitimate needs, if any, of the government 4091
to maintain those records. 4092

(2) (a) The court may order the expungement of all official 4093
records pertaining to the case and the deletion of all index 4094
references to the case and, if it does order the expungement, 4095
shall send notice of the order to each public office or agency 4096
that the court has reason to believe may have an official record 4097
pertaining to the case if the court, after complying with 4098
division (C) (1) of this section, determines both of the 4099
following: 4100

(i) That the applicant has been convicted of or pleaded 4101
guilty to a violation of division (E) of section 2923.16 of the 4102
Revised Code as it existed prior to September 30, 2011, and the 4103

conduct that was the basis of the violation no longer would be a 4104
violation of that division on ~~or after~~ September 30, 2011; that 4105
the applicant has been convicted of or pleaded guilty to a 4106
violation of division (B) or (C) of section 2923.16 of the 4107
Revised Code as the division existed prior to September 30, 4108
2011, and the conduct that was the basis of the violation no 4109
longer would be a violation of that division on ~~or after~~ 4110
September 30, 2011, due to the application of division (F) (5) of 4111
that section as it exists on ~~and after~~ September 30, 2011; or 4112
that the applicant has been convicted of or pleaded guilty to a 4113
violation of division (B) (1) of section 2923.12 of the Revised 4114
Code or of division (E) (1) or (2) of section 2923.16 of the 4115
Revised Code as the particular division existed prior to June 4116
13, 2022; 4117

(ii) That the interests of the applicant in having the 4118
records pertaining to the applicant's conviction or guilty plea 4119
expunged are not outweighed by any legitimate needs of the 4120
government to maintain those records. 4121

(b) The proceedings in the case that is the subject of an 4122
order issued under division (C) (2) (a) of this section shall be 4123
considered not to have occurred and the conviction or guilty 4124
plea of the person who is the subject of the proceedings shall 4125
be expunged. The record of the conviction shall not be used for 4126
any purpose, including, but not limited to, a criminal records 4127
check under section 109.572 of the Revised Code or a 4128
determination under section 2923.125 or 2923.1213 of the Revised 4129
Code of eligibility for a concealed ~~handgun~~ weapons license. The 4130
applicant may, and the court shall, reply that no record exists 4131
with respect to the applicant upon any inquiry into the matter. 4132

(3) Upon the filing of an application under this section, 4133

the applicant, unless indigent, shall pay a fee of fifty 4134
dollars. The court shall pay thirty dollars of the fee into the 4135
state treasury and shall pay twenty dollars of the fee into the 4136
county general revenue fund. 4137

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 4138
streetcar, or trackless trolley within this state, if, at the 4139
time of the operation, any of the following apply: 4140

(a) The person is under the influence of alcohol, a drug 4141
of abuse, or a combination of them. 4142

(b) The person has a concentration of eight-hundredths of 4143
one per cent or more but less than seventeen-hundredths of one 4144
per cent by weight per unit volume of alcohol in the person's 4145
whole blood. 4146

(c) The person has a concentration of ninety-six- 4147
thousandths of one per cent or more but less than two hundred 4148
four-thousandths of one per cent by weight per unit volume of 4149
alcohol in the person's blood serum or plasma. 4150

(d) The person has a concentration of eight-hundredths of 4151
one gram or more but less than seventeen-hundredths of one gram 4152
by weight of alcohol per two hundred ten liters of the person's 4153
breath. 4154

(e) The person has a concentration of eleven-hundredths of 4155
one gram or more but less than two hundred thirty-eight- 4156
thousandths of one gram by weight of alcohol per one hundred 4157
milliliters of the person's urine. 4158

(f) The person has a concentration of seventeen-hundredths 4159
of one per cent or more by weight per unit volume of alcohol in 4160
the person's whole blood. 4161

(g) The person has a concentration of two hundred four- 4162
thousandths of one per cent or more by weight per unit volume of 4163
alcohol in the person's blood serum or plasma. 4164

(h) The person has a concentration of seventeen-hundredths 4165
of one gram or more by weight of alcohol per two hundred ten 4166
liters of the person's breath. 4167

(i) The person has a concentration of two hundred thirty- 4168
eight-thousandths of one gram or more by weight of alcohol per 4169
one hundred milliliters of the person's urine. 4170

(j) Except as provided in division (K) of this section, 4171
the person has a concentration of any of the following 4172
controlled substances or metabolites of a controlled substance 4173
in the person's whole blood, blood serum or plasma, or urine 4174
that equals or exceeds any of the following: 4175

(i) The person has a concentration of amphetamine in the 4176
person's urine of at least five hundred nanograms of amphetamine 4177
per milliliter of the person's urine or has a concentration of 4178
amphetamine in the person's whole blood or blood serum or plasma 4179
of at least one hundred nanograms of amphetamine per milliliter 4180
of the person's whole blood or blood serum or plasma. 4181

(ii) The person has a concentration of cocaine in the 4182
person's urine of at least one hundred fifty nanograms of 4183
cocaine per milliliter of the person's urine or has a 4184
concentration of cocaine in the person's whole blood or blood 4185
serum or plasma of at least fifty nanograms of cocaine per 4186
milliliter of the person's whole blood or blood serum or plasma. 4187

(iii) The person has a concentration of cocaine metabolite 4188
in the person's urine of at least one hundred fifty nanograms of 4189
cocaine metabolite per milliliter of the person's urine or has a 4190

concentration of cocaine metabolite in the person's whole blood 4191
or blood serum or plasma of at least fifty nanograms of cocaine 4192
metabolite per milliliter of the person's whole blood or blood 4193
serum or plasma. 4194

(iv) The person has a concentration of heroin in the 4195
person's urine of at least two thousand nanograms of heroin per 4196
milliliter of the person's urine or has a concentration of 4197
heroin in the person's whole blood or blood serum or plasma of 4198
at least fifty nanograms of heroin per milliliter of the 4199
person's whole blood or blood serum or plasma. 4200

(v) The person has a concentration of heroin metabolite 4201
(6-monoacetyl morphine) in the person's urine of at least ten 4202
nanograms of heroin metabolite (6-monoacetyl morphine) per 4203
milliliter of the person's urine or has a concentration of 4204
heroin metabolite (6-monoacetyl morphine) in the person's whole 4205
blood or blood serum or plasma of at least ten nanograms of 4206
heroin metabolite (6-monoacetyl morphine) per milliliter of the 4207
person's whole blood or blood serum or plasma. 4208

(vi) The person has a concentration of L.S.D. in the 4209
person's urine of at least twenty-five nanograms of L.S.D. per 4210
milliliter of the person's urine or a concentration of L.S.D. in 4211
the person's whole blood or blood serum or plasma of at least 4212
ten nanograms of L.S.D. per milliliter of the person's whole 4213
blood or blood serum or plasma. 4214

(vii) The person has a concentration of marihuana in the 4215
person's urine of at least ten nanograms of marihuana per 4216
milliliter of the person's urine or has a concentration of 4217
marihuana in the person's whole blood or blood serum or plasma 4218
of at least two nanograms of marihuana per milliliter of the 4219
person's whole blood or blood serum or plasma. 4220

(viii) Either of the following applies: 4221

(I) The person is under the influence of alcohol, a drug 4222
of abuse, or a combination of them, and the person has a 4223
concentration of marihuana metabolite in the person's urine of 4224
at least fifteen nanograms of marihuana metabolite per 4225
milliliter of the person's urine or has a concentration of 4226
marihuana metabolite in the person's whole blood or blood serum 4227
or plasma of at least five nanograms of marihuana metabolite per 4228
milliliter of the person's whole blood or blood serum or plasma. 4229

(II) The person has a concentration of marihuana 4230
metabolite in the person's urine of at least thirty-five 4231
nanograms of marihuana metabolite per milliliter of the person's 4232
urine or has a concentration of marihuana metabolite in the 4233
person's whole blood or blood serum or plasma of at least fifty 4234
nanograms of marihuana metabolite per milliliter of the person's 4235
whole blood or blood serum or plasma. 4236

(ix) The person has a concentration of methamphetamine in 4237
the person's urine of at least five hundred nanograms of 4238
methamphetamine per milliliter of the person's urine or has a 4239
concentration of methamphetamine in the person's whole blood or 4240
blood serum or plasma of at least one hundred nanograms of 4241
methamphetamine per milliliter of the person's whole blood or 4242
blood serum or plasma. 4243

(x) The person has a concentration of phencyclidine in the 4244
person's urine of at least twenty-five nanograms of 4245
phencyclidine per milliliter of the person's urine or has a 4246
concentration of phencyclidine in the person's whole blood or 4247
blood serum or plasma of at least ten nanograms of phencyclidine 4248
per milliliter of the person's whole blood or blood serum or 4249
plasma. 4250

(xi) The state board of pharmacy has adopted a rule 4251
pursuant to section 4729.041 of the Revised Code that specifies 4252
the amount of salvia divinorum and the amount of salvinorin A 4253
that constitute concentrations of salvia divinorum and 4254
salvinorin A in a person's urine, in a person's whole blood, or 4255
in a person's blood serum or plasma at or above which the person 4256
is impaired for purposes of operating any vehicle, streetcar, or 4257
trackless trolley within this state, the rule is in effect, and 4258
the person has a concentration of salvia divinorum or salvinorin 4259
A of at least that amount so specified by rule in the person's 4260
urine, in the person's whole blood, or in the person's blood 4261
serum or plasma. 4262

(2) No person who, within twenty years of the conduct 4263
described in division (A)(2)(a) of this section, previously has 4264
been convicted of or pleaded guilty to a violation of this 4265
division, a violation of division (A)(1) of this section, or any 4266
other equivalent offense shall do both of the following: 4267

(a) Operate any vehicle, streetcar, or trackless trolley 4268
within this state while under the influence of alcohol, a drug 4269
of abuse, or a combination of them; 4270

(b) Subsequent to being arrested for operating the 4271
vehicle, streetcar, or trackless trolley as described in 4272
division (A)(2)(a) of this section, being asked by a law 4273
enforcement officer to submit to a chemical test or tests under 4274
section 4511.191 of the Revised Code, and being advised by the 4275
officer in accordance with section 4511.192 of the Revised Code 4276
of the consequences of the person's refusal or submission to the 4277
test or tests, refuse to submit to the test or tests. 4278

(B) No person under twenty-one years of age shall operate 4279
any vehicle, streetcar, or trackless trolley within this state, 4280

if, at the time of the operation, any of the following apply: 4281

(1) The person has a concentration of at least two- 4282
hundredths of one per cent but less than eight-hundredths of one 4283
per cent by weight per unit volume of alcohol in the person's 4284
whole blood. 4285

(2) The person has a concentration of at least three- 4286
hundredths of one per cent but less than ninety-six-thousandths 4287
of one per cent by weight per unit volume of alcohol in the 4288
person's blood serum or plasma. 4289

(3) The person has a concentration of at least two- 4290
hundredths of one gram but less than eight-hundredths of one 4291
gram by weight of alcohol per two hundred ten liters of the 4292
person's breath. 4293

(4) The person has a concentration of at least twenty- 4294
eight one-thousandths of one gram but less than eleven- 4295
hundredths of one gram by weight of alcohol per one hundred 4296
milliliters of the person's urine. 4297

(C) In any proceeding arising out of one incident, a 4298
person may be charged with a violation of division (A) (1) (a) or 4299
(A) (2) and a violation of division (B) (1), (2), or (3) of this 4300
section, but the person may not be convicted of more than one 4301
violation of these divisions. 4302

(D) (1) (a) In any criminal prosecution or juvenile court 4303
proceeding for a violation of division (A) (1) (a) of this section 4304
or for an equivalent offense that is vehicle-related, the result 4305
of any test of any blood, oral fluid, or urine withdrawn and 4306
analyzed at any health care provider, as defined in section 4307
2317.02 of the Revised Code, may be admitted with expert 4308
testimony to be considered with any other relevant and competent 4309

evidence in determining the guilt or innocence of the defendant. 4310

(b) In any criminal prosecution or juvenile court 4311
proceeding for a violation of division (A) or (B) of this 4312
section or for an equivalent offense that is vehicle-related, 4313
the court may admit evidence on the presence and concentration 4314
of alcohol, drugs of abuse, controlled substances, metabolites 4315
of a controlled substance, or a combination of them in the 4316
defendant's whole blood, blood serum or plasma, breath, urine, 4317
oral fluid, or other bodily substance at the time of the alleged 4318
violation as shown by chemical analysis of the substance 4319
withdrawn within three hours of the time of the alleged 4320
violation. The three-hour time limit specified in this division 4321
regarding the admission of evidence does not extend or affect 4322
the two-hour time limit specified in division (A) of section 4323
4511.192 of the Revised Code as the maximum period of time 4324
during which a person may consent to a chemical test or tests as 4325
described in that section. The court may admit evidence on the 4326
presence and concentration of alcohol, drugs of abuse, or a 4327
combination of them as described in this division when a person 4328
submits to a blood, breath, urine, oral fluid, or other bodily 4329
substance test at the request of a law enforcement officer under 4330
section 4511.191 of the Revised Code or a blood or urine sample 4331
is obtained pursuant to a search warrant. Only a physician, a 4332
registered nurse, an emergency medical technician-intermediate, 4333
an emergency medical technician-paramedic, or a qualified 4334
technician, chemist, or phlebotomist shall withdraw a blood 4335
sample for the purpose of determining the alcohol, drug, 4336
controlled substance, metabolite of a controlled substance, or 4337
combination content of the whole blood, blood serum, or blood 4338
plasma. This limitation does not apply to the taking of breath, 4339
oral fluid, or urine specimens. A person authorized to withdraw 4340

blood under this division may refuse to withdraw blood under 4341
this division, if in that person's opinion, the physical welfare 4342
of the person would be endangered by the withdrawing of blood. 4343

The bodily substance withdrawn under division (D) (1) (b) of 4344
this section shall be analyzed in accordance with methods 4345
approved by the director of health by an individual possessing a 4346
valid permit issued by the director pursuant to section 3701.143 4347
of the Revised Code. 4348

(c) As used in division (D) (1) (b) of this section, 4349
"emergency medical technician-intermediate" and "emergency 4350
medical technician-paramedic" have the same meanings as in 4351
section 4765.01 of the Revised Code. 4352

(2) In a criminal prosecution or juvenile court proceeding 4353
for a violation of division (A) of this section or for an 4354
equivalent offense that is vehicle-related, if there was at the 4355
time the bodily substance was withdrawn a concentration of less 4356
than the applicable concentration of alcohol specified in 4357
divisions (A) (1) (b), (c), (d), and (e) of this section or less 4358
than the applicable concentration of a listed controlled 4359
substance or a listed metabolite of a controlled substance 4360
specified for a violation of division (A) (1) (j) of this section, 4361
that fact may be considered with other competent evidence in 4362
determining the guilt or innocence of the defendant. This 4363
division does not limit or affect a criminal prosecution or 4364
juvenile court proceeding for a violation of division (B) of 4365
this section or for an equivalent offense that is substantially 4366
equivalent to that division. 4367

(3) Upon the request of the person who was tested, the 4368
results of the chemical test shall be made available to the 4369
person or the person's attorney, immediately upon the completion 4370

of the chemical test analysis. 4371

If the chemical test was obtained pursuant to division (D) 4372
(1)(b) of this section, the person tested may have a physician, 4373
a registered nurse, or a qualified technician, chemist, or 4374
phlebotomist of the person's own choosing administer a chemical 4375
test or tests, at the person's expense, in addition to any 4376
administered at the request of a law enforcement officer. If the 4377
person was under arrest as described in division (A)(5) of 4378
section 4511.191 of the Revised Code, the arresting officer 4379
shall advise the person at the time of the arrest that the 4380
person may have an independent chemical test taken at the 4381
person's own expense. If the person was under arrest other than 4382
described in division (A)(5) of section 4511.191 of the Revised 4383
Code, the form to be read to the person to be tested, as 4384
required under section 4511.192 of the Revised Code, shall state 4385
that the person may have an independent test performed at the 4386
person's expense. The failure or inability to obtain an 4387
additional chemical test by a person shall not preclude the 4388
admission of evidence relating to the chemical test or tests 4389
taken at the request of a law enforcement officer. 4390

(4)(a) As used in divisions (D)(4)(b) and (c) of this 4391
section, "national highway traffic safety administration" means 4392
the national highway traffic safety administration established 4393
as an administration of the United States department of 4394
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 4395

(b) In any criminal prosecution or juvenile court 4396
proceeding for a violation of division (A) or (B) of this 4397
section, of a municipal ordinance relating to operating a 4398
vehicle while under the influence of alcohol, a drug of abuse, 4399
or alcohol and a drug of abuse, or of a municipal ordinance 4400

relating to operating a vehicle with a prohibited concentration 4401
of alcohol, a controlled substance, or a metabolite of a 4402
controlled substance in the whole blood, blood serum or plasma, 4403
breath, oral fluid, or urine, if a law enforcement officer has 4404
administered a field sobriety test to the operator of the 4405
vehicle involved in the violation and if it is shown by clear 4406
and convincing evidence that the officer administered the test 4407
in substantial compliance with the testing standards for any 4408
reliable, credible, and generally accepted field sobriety tests 4409
that were in effect at the time the tests were administered, 4410
including, but not limited to, any testing standards then in 4411
effect that were set by the national highway traffic safety 4412
administration, all of the following apply: 4413

(i) The officer may testify concerning the results of the 4414
field sobriety test so administered. 4415

(ii) The prosecution may introduce the results of the 4416
field sobriety test so administered as evidence in any 4417
proceedings in the criminal prosecution or juvenile court 4418
proceeding. 4419

(iii) If testimony is presented or evidence is introduced 4420
under division (D) (4) (b) (i) or (ii) of this section and if the 4421
testimony or evidence is admissible under the Rules of Evidence, 4422
the court shall admit the testimony or evidence and the trier of 4423
fact shall give it whatever weight the trier of fact considers 4424
to be appropriate. 4425

(c) Division (D) (4) (b) of this section does not limit or 4426
preclude a court, in its determination of whether the arrest of 4427
a person was supported by probable cause or its determination of 4428
any other matter in a criminal prosecution or juvenile court 4429
proceeding of a type described in that division, from 4430

considering evidence or testimony that is not otherwise 4431
disallowed by division (D) (4) (b) of this section. 4432

(E) (1) Subject to division (E) (3) of this section, in any 4433
criminal prosecution or juvenile court proceeding for a 4434
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 4435
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 4436
an equivalent offense that is substantially equivalent to any of 4437
those divisions, a laboratory report from any laboratory 4438
personnel issued a permit by the department of health 4439
authorizing an analysis as described in this division that 4440
contains an analysis of the whole blood, blood serum or plasma, 4441
breath, urine, or other bodily substance tested and that 4442
contains all of the information specified in this division shall 4443
be admitted as prima-facie evidence of the information and 4444
statements that the report contains. The laboratory report shall 4445
contain all of the following: 4446

(a) The signature, under oath, of any person who performed 4447
the analysis; 4448

(b) Any findings as to the identity and quantity of 4449
alcohol, a drug of abuse, a controlled substance, a metabolite 4450
of a controlled substance, or a combination of them that was 4451
found; 4452

(c) A copy of a notarized statement by the laboratory 4453
director or a designee of the director that contains the name of 4454
each certified analyst or test performer involved with the 4455
report, the analyst's or test performer's employment 4456
relationship with the laboratory that issued the report, and a 4457
notation that performing an analysis of the type involved is 4458
part of the analyst's or test performer's regular duties; 4459

(d) An outline of the analyst's or test performer's 4460
education, training, and experience in performing the type of 4461
analysis involved and a certification that the laboratory 4462
satisfies appropriate quality control standards in general and, 4463
in this particular analysis, under rules of the department of 4464
health. 4465

(2) Notwithstanding any other provision of law regarding 4466
the admission of evidence, a report of the type described in 4467
division (E)(1) of this section is not admissible against the 4468
defendant to whom it pertains in any proceeding, other than a 4469
preliminary hearing or a grand jury proceeding, unless the 4470
prosecutor has served a copy of the report on the defendant's 4471
attorney or, if the defendant has no attorney, on the defendant. 4472

(3) A report of the type described in division (E)(1) of 4473
this section shall not be prima-facie evidence of the contents, 4474
identity, or amount of any substance if, within seven days after 4475
the defendant to whom the report pertains or the defendant's 4476
attorney receives a copy of the report, the defendant or the 4477
defendant's attorney demands the testimony of the person who 4478
signed the report. The judge in the case may extend the seven- 4479
day time limit in the interest of justice. 4480

(F) Except as otherwise provided in this division, any 4481
physician, registered nurse, emergency medical technician- 4482
intermediate, emergency medical technician-paramedic, or 4483
qualified technician, chemist, or phlebotomist who withdraws 4484
blood from a person pursuant to this section or section 4511.191 4485
or 4511.192 of the Revised Code, and any hospital, first-aid 4486
station, or clinic at which blood is withdrawn from a person 4487
pursuant to this section or section 4511.191 or 4511.192 of the 4488
Revised Code, is immune from criminal liability and civil 4489

liability based upon a claim of assault and battery or any other 4490
claim that is not a claim of malpractice, for any act performed 4491
in withdrawing blood from the person. The immunity provided in 4492
this division also extends to an emergency medical service 4493
organization that employs an emergency medical technician- 4494
intermediate or emergency medical technician-paramedic who 4495
withdraws blood under this section. The immunity provided in 4496
this division is not available to a person who withdraws blood 4497
if the person engages in willful or wanton misconduct. 4498

As used in this division, "emergency medical technician- 4499
intermediate" and "emergency medical technician-paramedic" have 4500
the same meanings as in section 4765.01 of the Revised Code. 4501

(G) (1) Whoever violates any provision of divisions (A) (1) 4502
(a) to (i) or (A) (2) of this section is guilty of operating a 4503
vehicle under the influence of alcohol, a drug of abuse, or a 4504
combination of them. Whoever violates division (A) (1) (j) of this 4505
section is guilty of operating a vehicle while under the 4506
influence of a listed controlled substance or a listed 4507
metabolite of a controlled substance. The court shall sentence 4508
the offender for either offense under Chapter 2929. of the 4509
Revised Code, except as otherwise authorized or required by 4510
divisions (G) (1) (a) to (e) of this section: 4511

(a) Except as otherwise provided in division (G) (1) (b), 4512
(c), (d), or (e) of this section, the offender is guilty of a 4513
misdemeanor of the first degree, and the court shall sentence 4514
the offender to all of the following: 4515

(i) If the sentence is being imposed for a violation of 4516
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 4517
a mandatory jail term of three consecutive days. As used in this 4518
division, three consecutive days means seventy-two consecutive 4519

hours. The court may sentence an offender to both an 4520
intervention program and a jail term. The court may impose a 4521
jail term in addition to the three-day mandatory jail term or 4522
intervention program. However, in no case shall the cumulative 4523
jail term imposed for the offense exceed six months. 4524

The court may suspend the execution of the three-day jail 4525
term under this division if the court, in lieu of that suspended 4526
term, places the offender under a community control sanction 4527
pursuant to section 2929.25 of the Revised Code and requires the 4528
offender to attend, for three consecutive days, a drivers' 4529
intervention program certified under section 5119.38 of the 4530
Revised Code. The court also may suspend the execution of any 4531
part of the three-day jail term under this division if it places 4532
the offender under a community control sanction pursuant to 4533
section 2929.25 of the Revised Code for part of the three days, 4534
requires the offender to attend for the suspended part of the 4535
term a drivers' intervention program so certified, and sentences 4536
the offender to a jail term equal to the remainder of the three 4537
consecutive days that the offender does not spend attending the 4538
program. The court may require the offender, as a condition of 4539
community control and in addition to the required attendance at 4540
a drivers' intervention program, to attend and satisfactorily 4541
complete any treatment or education programs that comply with 4542
the minimum standards adopted pursuant to Chapter 5119. of the 4543
Revised Code by the director of ~~mental health and addiction~~ 4544
~~services~~ behavioral health that the operators of the drivers' 4545
intervention program determine that the offender should attend 4546
and to report periodically to the court on the offender's 4547
progress in the programs. The court also may impose on the 4548
offender any other conditions of community control that it 4549
considers necessary. 4550

If the court grants unlimited driving privileges to a 4551
first-time offender under section 4510.022 of the Revised Code, 4552
all penalties imposed upon the offender by the court under 4553
division (G)(1)(a)(i) of this section for the offense apply, 4554
except that the court shall suspend any mandatory or additional 4555
jail term imposed by the court under division (G)(1)(a)(i) of 4556
this section upon granting unlimited driving privileges in 4557
accordance with section 4510.022 of the Revised Code. 4558

(ii) If the sentence is being imposed for a violation of 4559
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4560
section, except as otherwise provided in this division, a 4561
mandatory jail term of at least three consecutive days and a 4562
requirement that the offender attend, for three consecutive 4563
days, a drivers' intervention program that is certified pursuant 4564
to section 5119.38 of the Revised Code. As used in this 4565
division, three consecutive days means seventy-two consecutive 4566
hours. If the court determines that the offender is not 4567
conducive to treatment in a drivers' intervention program, if 4568
the offender refuses to attend a drivers' intervention program, 4569
or if the jail at which the offender is to serve the jail term 4570
imposed can provide a driver's intervention program, the court 4571
shall sentence the offender to a mandatory jail term of at least 4572
six consecutive days. 4573

If the court grants unlimited driving privileges to a 4574
first-time offender under section 4510.022 of the Revised Code, 4575
all penalties imposed upon the offender by the court under 4576
division (G)(1)(a)(ii) of this section for the offense apply, 4577
except that the court shall suspend any mandatory or additional 4578
jail term imposed by the court under division (G)(1)(a)(ii) of 4579
this section upon granting unlimited driving privileges in 4580
accordance with section 4510.022 of the Revised Code. 4581

The court may require the offender, under a community control sanction imposed under section 2929.25 of the Revised Code, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 5119. of the Revised Code by the director of ~~mental health and addiction services~~behavioral health, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(iii) In all cases, a fine of not less than five hundred sixty-five and not more than one thousand seventy-five dollars;

(iv) In all cases, a suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege for a definite period of one to three years. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under section 4510.022 of the Revised Code.

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the

following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a mandatory jail term of twenty consecutive days. The court shall

impose the twenty-day mandatory jail term under this division 4642
unless, subject to division (G) (3) of this section, it instead 4643
imposes a sentence under that division consisting of both a jail 4644
term and a term of house arrest with electronic monitoring, with 4645
continuous alcohol monitoring, or with both electronic 4646
monitoring and continuous alcohol monitoring. The court may 4647
impose a jail term in addition to the twenty-day mandatory jail 4648
term. The cumulative jail term imposed for the offense shall not 4649
exceed six months. 4650

In addition to the jail term or the term of house arrest 4651
with electronic monitoring or continuous alcohol monitoring or 4652
both types of monitoring and jail term, the court shall require 4653
the offender to be assessed by a community addiction service 4654
provider that is authorized by section 5119.21 of the Revised 4655
Code, subject to division (I) of this section, and shall order 4656
the offender to follow the treatment recommendations of the 4657
services provider. The purpose of the assessment is to determine 4658
the degree of the offender's alcohol usage and to determine 4659
whether or not treatment is warranted. Upon the request of the 4660
court, the services provider shall submit the results of the 4661
assessment to the court, including all treatment recommendations 4662
and clinical diagnoses related to alcohol use. 4663

(iii) In all cases, notwithstanding the fines set forth in 4664
Chapter 2929. of the Revised Code, a fine of not less than seven 4665
hundred fifteen and not more than one thousand six hundred 4666
twenty-five dollars; 4667

(iv) In all cases, a suspension of the offender's driver's 4668
license, commercial driver's license, temporary instruction 4669
permit, probationary license, or nonresident operating privilege 4670
for a definite period of one to seven years. The court may grant 4671

limited driving privileges relative to the suspension under 4672
sections 4510.021 and 4510.13 of the Revised Code. 4673

(v) In all cases, if the vehicle is registered in the 4674
offender's name, immobilization of the vehicle involved in the 4675
offense for ninety days in accordance with section 4503.233 of 4676
the Revised Code and impoundment of the license plates of that 4677
vehicle for ninety days. 4678

(c) Except as otherwise provided in division (G)(1)(e) of 4679
this section, an offender who, within ten years of the offense, 4680
previously has been convicted of or pleaded guilty to two 4681
violations of division (A) of this section or other equivalent 4682
offenses is guilty of a misdemeanor. The court shall sentence 4683
the offender to all of the following: 4684

(i) If the sentence is being imposed for a violation of 4685
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 4686
a mandatory jail term of thirty consecutive days. The court 4687
shall impose the thirty-day mandatory jail term under this 4688
division unless, subject to division (G)(3) of this section, it 4689
instead imposes a sentence under that division consisting of 4690
both a jail term and a term of house arrest with electronic 4691
monitoring, with continuous alcohol monitoring, or with both 4692
electronic monitoring and continuous alcohol monitoring. The 4693
court may impose a jail term in addition to the thirty-day 4694
mandatory jail term. Notwithstanding the jail terms set forth in 4695
sections 2929.21 to 2929.28 of the Revised Code, the additional 4696
jail term shall not exceed one year, and the cumulative jail 4697
term imposed for the offense shall not exceed one year. 4698

(ii) If the sentence is being imposed for a violation of 4699
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4700
section, a mandatory jail term of sixty consecutive days. The 4701

court shall impose the sixty-day mandatory jail term under this 4702
division unless, subject to division (G)(3) of this section, it 4703
instead imposes a sentence under that division consisting of 4704
both a jail term and a term of house arrest with electronic 4705
monitoring, with continuous alcohol monitoring, or with both 4706
electronic monitoring and continuous alcohol monitoring. The 4707
court may impose a jail term in addition to the sixty-day 4708
mandatory jail term. Notwithstanding the jail terms set forth in 4709
sections 2929.21 to 2929.28 of the Revised Code, the additional 4710
jail term shall not exceed one year, and the cumulative jail 4711
term imposed for the offense shall not exceed one year. 4712

(iii) In all cases, notwithstanding the fines set forth in 4713
Chapter 2929. of the Revised Code, a fine of not less than one 4714
thousand forty and not more than two thousand seven hundred 4715
fifty dollars; 4716

(iv) In all cases, a suspension of the offender's driver's 4717
license, commercial driver's license, temporary instruction 4718
permit, probationary license, or nonresident operating privilege 4719
for a definite period of two to twelve years. The court may 4720
grant limited driving privileges relative to the suspension 4721
under sections 4510.021 and 4510.13 of the Revised Code. 4722

(v) In all cases, if the vehicle is registered in the 4723
offender's name, criminal forfeiture of the vehicle involved in 4724
the offense in accordance with section 4503.234 of the Revised 4725
Code. Division (G)(6) of this section applies regarding any 4726
vehicle that is subject to an order of criminal forfeiture under 4727
this division. 4728

(vi) In all cases, the court shall order the offender to 4729
participate with a community addiction services provider 4730
authorized by section 5119.21 of the Revised Code, subject to 4731

division (I) of this section, and shall order the offender to 4732
follow the treatment recommendations of the services provider. 4733
The operator of the services provider shall determine and assess 4734
the degree of the offender's alcohol dependency and shall make 4735
recommendations for treatment. Upon the request of the court, 4736
the services provider shall submit the results of the assessment 4737
to the court, including all treatment recommendations and 4738
clinical diagnoses related to alcohol use. 4739

(d) Except as otherwise provided in division (G) (1) (e) of 4740
this section, an offender who, within ten years of the offense, 4741
previously has been convicted of or pleaded guilty to three or 4742
four violations of division (A) of this section or other 4743
equivalent offenses, an offender who, within twenty years of the 4744
offense, previously has been convicted of or pleaded guilty to 4745
five or more violations of that nature, or an offender who 4746
previously has been convicted of or pleaded guilty to a 4747
specification of the type described in section 2941.1413 of the 4748
Revised Code, is guilty of a felony of the fourth degree. The 4749
court shall sentence the offender to all of the following: 4750

(i) If the sentence is being imposed for a violation of 4751
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 4752
a mandatory prison term of one, two, three, four, or five years 4753
as required by and in accordance with division (G) (2) of section 4754
2929.13 of the Revised Code if the offender also is convicted of 4755
or also pleads guilty to a specification of the type described 4756
in section 2941.1413 of the Revised Code or, in the discretion 4757
of the court, either a mandatory term of local incarceration of 4758
sixty consecutive days in accordance with division (G) (1) of 4759
section 2929.13 of the Revised Code or a mandatory prison term 4760
of sixty consecutive days in accordance with division (G) (2) of 4761
that section if the offender is not convicted of and does not 4762

plead guilty to a specification of that type. If the court 4763
imposes a mandatory term of local incarceration, it may impose a 4764
jail term in addition to the sixty-day mandatory term, the 4765
cumulative total of the mandatory term and the jail term for the 4766
offense shall not exceed one year, and, except as provided in 4767
division (A)(1) of section 2929.13 of the Revised Code, no 4768
prison term is authorized for the offense. If the court imposes 4769
a mandatory prison term, notwithstanding division (A)(4) of 4770
section 2929.14 of the Revised Code, it also may sentence the 4771
offender to a definite prison term that shall be not less than 4772
six months and not more than thirty months and the prison terms 4773
shall be imposed as described in division (G)(2) of section 4774
2929.13 of the Revised Code. If the court imposes a mandatory 4775
prison term or mandatory prison term and additional prison term, 4776
in addition to the term or terms so imposed, the court also may 4777
sentence the offender to a community control sanction for the 4778
offense, but the offender shall serve all of the prison terms so 4779
imposed prior to serving the community control sanction. 4780

(ii) If the sentence is being imposed for a violation of 4781
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4782
section, a mandatory prison term of one, two, three, four, or 4783
five years as required by and in accordance with division (G)(2) 4784
of section 2929.13 of the Revised Code if the offender also is 4785
convicted of or also pleads guilty to a specification of the 4786
type described in section 2941.1413 of the Revised Code or, in 4787
the discretion of the court, either a mandatory term of local 4788
incarceration of one hundred twenty consecutive days in 4789
accordance with division (G)(1) of section 2929.13 of the 4790
Revised Code or a mandatory prison term of one hundred twenty 4791
consecutive days in accordance with division (G)(2) of that 4792
section if the offender is not convicted of and does not plead 4793

guilty to a specification of that type. If the court imposes a 4794
mandatory term of local incarceration, it may impose a jail term 4795
in addition to the one hundred twenty-day mandatory term, the 4796
cumulative total of the mandatory term and the jail term for the 4797
offense shall not exceed one year, and, except as provided in 4798
division (A) (1) of section 2929.13 of the Revised Code, no 4799
prison term is authorized for the offense. If the court imposes 4800
a mandatory prison term, notwithstanding division (A) (4) of 4801
section 2929.14 of the Revised Code, it also may sentence the 4802
offender to a definite prison term that shall be not less than 4803
six months and not more than thirty months and the prison terms 4804
shall be imposed as described in division (G) (2) of section 4805
2929.13 of the Revised Code. If the court imposes a mandatory 4806
prison term or mandatory prison term and additional prison term, 4807
in addition to the term or terms so imposed, the court also may 4808
sentence the offender to a community control sanction for the 4809
offense, but the offender shall serve all of the prison terms so 4810
imposed prior to serving the community control sanction. 4811

(iii) In all cases, notwithstanding section 2929.18 of the 4812
Revised Code, a fine of not less than one thousand five hundred 4813
forty nor more than ten thousand five hundred dollars; 4814

(iv) In all cases, a class two license suspension of the 4815
offender's driver's license, commercial driver's license, 4816
temporary instruction permit, probationary license, or 4817
nonresident operating privilege from the range specified in 4818
division (A) (2) of section 4510.02 of the Revised Code. The 4819
court may grant limited driving privileges relative to the 4820
suspension under sections 4510.021 and 4510.13 of the Revised 4821
Code. 4822

(v) In all cases, if the vehicle is registered in the 4823

offender's name, criminal forfeiture of the vehicle involved in 4824
the offense in accordance with section 4503.234 of the Revised 4825
Code. Division (G) (6) of this section applies regarding any 4826
vehicle that is subject to an order of criminal forfeiture under 4827
this division. 4828

(vi) In all cases, the court shall order the offender to 4829
participate with a community addiction services provider 4830
authorized by section 5119.21 of the Revised Code, subject to 4831
division (I) of this section, and shall order the offender to 4832
follow the treatment recommendations of the services provider. 4833
The operator of the services provider shall determine and assess 4834
the degree of the offender's alcohol dependency and shall make 4835
recommendations for treatment. Upon the request of the court, 4836
the services provider shall submit the results of the assessment 4837
to the court, including all treatment recommendations and 4838
clinical diagnoses related to alcohol use. 4839

(vii) In all cases, if the court sentences the offender to 4840
a mandatory term of local incarceration, in addition to the 4841
mandatory term, the court, pursuant to section 2929.17 of the 4842
Revised Code, may impose a term of house arrest with electronic 4843
monitoring. The term shall not commence until after the offender 4844
has served the mandatory term of local incarceration. 4845

(e) An offender who previously has been convicted of or 4846
pleaded guilty to a violation of division (A) of this section 4847
that was a felony, regardless of when the violation and the 4848
conviction or guilty plea occurred, is guilty of a felony of the 4849
third degree. The court shall sentence the offender to all of 4850
the following: 4851

(i) If the offender is being sentenced for a violation of 4852
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 4853

a mandatory prison term of one, two, three, four, or five years 4854
as required by and in accordance with division (G) (2) of section 4855
2929.13 of the Revised Code if the offender also is convicted of 4856
or also pleads guilty to a specification of the type described 4857
in section 2941.1413 of the Revised Code or a mandatory prison 4858
term of sixty consecutive days in accordance with division (G) 4859
(2) of section 2929.13 of the Revised Code if the offender is 4860
not convicted of and does not plead guilty to a specification of 4861
that type. The court may impose a prison term in addition to the 4862
mandatory prison term. The cumulative total of a sixty-day 4863
mandatory prison term and the additional prison term for the 4864
offense shall not exceed five years. In addition to the 4865
mandatory prison term or mandatory prison term and additional 4866
prison term the court imposes, the court also may sentence the 4867
offender to a community control sanction for the offense, but 4868
the offender shall serve all of the prison terms so imposed 4869
prior to serving the community control sanction. 4870

(ii) If the sentence is being imposed for a violation of 4871
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 4872
section, a mandatory prison term of one, two, three, four, or 4873
five years as required by and in accordance with division (G) (2) 4874
of section 2929.13 of the Revised Code if the offender also is 4875
convicted of or also pleads guilty to a specification of the 4876
type described in section 2941.1413 of the Revised Code or a 4877
mandatory prison term of one hundred twenty consecutive days in 4878
accordance with division (G) (2) of section 2929.13 of the 4879
Revised Code if the offender is not convicted of and does not 4880
plead guilty to a specification of that type. The court may 4881
impose a prison term in addition to the mandatory prison term. 4882
The cumulative total of a one hundred twenty-day mandatory 4883
prison term and the additional prison term for the offense shall 4884

not exceed five years. In addition to the mandatory prison term 4885
or mandatory prison term and additional prison term the court 4886
imposes, the court also may sentence the offender to a community 4887
control sanction for the offense, but the offender shall serve 4888
all of the prison terms so imposed prior to serving the 4889
community control sanction. 4890

(iii) In all cases, notwithstanding section 2929.18 of the 4891
Revised Code, a fine of not less than one thousand five hundred 4892
forty nor more than ten thousand five hundred dollars; 4893

(iv) In all cases, a class two license suspension of the 4894
offender's driver's license, commercial driver's license, 4895
temporary instruction permit, probationary license, or 4896
nonresident operating privilege from the range specified in 4897
division (A) (2) of section 4510.02 of the Revised Code. The 4898
court may grant limited driving privileges relative to the 4899
suspension under sections 4510.021 and 4510.13 of the Revised 4900
Code. 4901

(v) In all cases, if the vehicle is registered in the 4902
offender's name, criminal forfeiture of the vehicle involved in 4903
the offense in accordance with section 4503.234 of the Revised 4904
Code. Division (G) (6) of this section applies regarding any 4905
vehicle that is subject to an order of criminal forfeiture under 4906
this division. 4907

(vi) In all cases, the court shall order the offender to 4908
participate with a community addiction services provider 4909
authorized by section 5119.21 of the Revised Code, subject to 4910
division (I) of this section, and shall order the offender to 4911
follow the treatment recommendations of the services provider. 4912
The operator of the services provider shall determine and assess 4913
the degree of the offender's alcohol dependency and shall make 4914

recommendations for treatment. Upon the request of the court, 4915
the services provider shall submit the results of the assessment 4916
to the court, including all treatment recommendations and 4917
clinical diagnoses related to alcohol use. 4918

(2) An offender who is convicted of or pleads guilty to a 4919
violation of division (A) of this section and who subsequently 4920
seeks reinstatement of the driver's or occupational driver's 4921
license or permit or nonresident operating privilege suspended 4922
under this section as a result of the conviction or guilty plea 4923
shall pay a reinstatement fee as provided in division (F) (2) of 4924
section 4511.191 of the Revised Code. 4925

(3) If an offender is sentenced to a jail term under 4926
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 4927
section and if, within sixty days of sentencing of the offender, 4928
the court issues a written finding on the record that, due to 4929
the unavailability of space at the jail where the offender is 4930
required to serve the term, the offender will not be able to 4931
begin serving that term within the sixty-day period following 4932
the date of sentencing, the court may impose an alternative 4933
sentence under this division that includes a term of house 4934
arrest with electronic monitoring, with continuous alcohol 4935
monitoring, or with both electronic monitoring and continuous 4936
alcohol monitoring. 4937

As an alternative to a mandatory jail term of ten 4938
consecutive days required by division (G) (1) (b) (i) of this 4939
section, the court, under this division, may sentence the 4940
offender to five consecutive days in jail and not less than 4941
eighteen consecutive days of house arrest with electronic 4942
monitoring, with continuous alcohol monitoring, or with both 4943
electronic monitoring and continuous alcohol monitoring. The 4944

cumulative total of the five consecutive days in jail and the 4945
period of house arrest with electronic monitoring, continuous 4946
alcohol monitoring, or both types of monitoring shall not exceed 4947
six months. The five consecutive days in jail do not have to be 4948
served prior to or consecutively to the period of house arrest. 4949

As an alternative to the mandatory jail term of twenty 4950
consecutive days required by division (G)(1)(b)(ii) of this 4951
section, the court, under this division, may sentence the 4952
offender to ten consecutive days in jail and not less than 4953
thirty-six consecutive days of house arrest with electronic 4954
monitoring, with continuous alcohol monitoring, or with both 4955
electronic monitoring and continuous alcohol monitoring. The 4956
cumulative total of the ten consecutive days in jail and the 4957
period of house arrest with electronic monitoring, continuous 4958
alcohol monitoring, or both types of monitoring shall not exceed 4959
six months. The ten consecutive days in jail do not have to be 4960
served prior to or consecutively to the period of house arrest. 4961

As an alternative to a mandatory jail term of thirty 4962
consecutive days required by division (G)(1)(c)(i) of this 4963
section, the court, under this division, may sentence the 4964
offender to fifteen consecutive days in jail and not less than 4965
fifty-five consecutive days of house arrest with electronic 4966
monitoring, with continuous alcohol monitoring, or with both 4967
electronic monitoring and continuous alcohol monitoring. The 4968
cumulative total of the fifteen consecutive days in jail and the 4969
period of house arrest with electronic monitoring, continuous 4970
alcohol monitoring, or both types of monitoring shall not exceed 4971
one year. The fifteen consecutive days in jail do not have to be 4972
served prior to or consecutively to the period of house arrest. 4973

As an alternative to the mandatory jail term of sixty 4974

consecutive days required by division (G) (1) (c) (ii) of this 4975
section, the court, under this division, may sentence the 4976
offender to thirty consecutive days in jail and not less than 4977
one hundred ten consecutive days of house arrest with electronic 4978
monitoring, with continuous alcohol monitoring, or with both 4979
electronic monitoring and continuous alcohol monitoring. The 4980
cumulative total of the thirty consecutive days in jail and the 4981
period of house arrest with electronic monitoring, continuous 4982
alcohol monitoring, or both types of monitoring shall not exceed 4983
one year. The thirty consecutive days in jail do not have to be 4984
served prior to or consecutively to the period of house arrest. 4985

(4) If an offender's driver's or occupational driver's 4986
license or permit or nonresident operating privilege is 4987
suspended under division (G) of this section and if section 4988
4510.13 of the Revised Code permits the court to grant limited 4989
driving privileges, the court may grant the limited driving 4990
privileges in accordance with that section. If division (A) (7) 4991
of that section requires that the court impose as a condition of 4992
the privileges that the offender must display on the vehicle 4993
that is driven subject to the privileges restricted license 4994
plates that are issued under section 4503.231 of the Revised 4995
Code, except as provided in division (B) of that section, the 4996
court shall impose that condition as one of the conditions of 4997
the limited driving privileges granted to the offender, except 4998
as provided in division (B) of section 4503.231 of the Revised 4999
Code. 5000

(5) Fines imposed under this section for a violation of 5001
division (A) of this section shall be distributed as follows: 5002

(a) Twenty-five dollars of the fine imposed under division 5003
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 5004

division (G) (1) (b) (iii), one hundred twenty-three dollars of the 5005
fine imposed under division (G) (1) (c) (iii), and two hundred ten 5006
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 5007
(iii) of this section shall be paid to an enforcement and 5008
education fund established by the legislative authority of the 5009
law enforcement agency in this state that primarily was 5010
responsible for the arrest of the offender, as determined by the 5011
court that imposes the fine. The agency shall use this share to 5012
pay only those costs it incurs in enforcing this section or a 5013
municipal OVI ordinance and in informing the public of the laws 5014
governing the operation of a vehicle while under the influence 5015
of alcohol, the dangers of the operation of a vehicle under the 5016
influence of alcohol, and other information relating to the 5017
operation of a vehicle under the influence of alcohol and the 5018
consumption of alcoholic beverages. 5019

(b) Fifty dollars of the fine imposed under division (G) 5020
(1) (a) (iii) of this section shall be paid to the political 5021
subdivision that pays the cost of housing the offender during 5022
the offender's term of incarceration. If the offender is being 5023
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 5024
(e), or (j) of this section and was confined as a result of the 5025
offense prior to being sentenced for the offense but is not 5026
sentenced to a term of incarceration, the fifty dollars shall be 5027
paid to the political subdivision that paid the cost of housing 5028
the offender during that period of confinement. The political 5029
subdivision shall use the share under this division to pay or 5030
reimburse incarceration or treatment costs it incurs in housing 5031
or providing drug and alcohol treatment to persons who violate 5032
this section or a municipal OVI ordinance, costs of any 5033
immobilizing or disabling device used on the offender's vehicle, 5034
and costs of electronic house arrest equipment needed for 5035

persons who violate this section. 5036

(c) Twenty-five dollars of the fine imposed under division 5037
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 5038
division (G) (1) (b) (iii) of this section shall be deposited into 5039
the county or municipal indigent drivers' alcohol treatment fund 5040
under the control of that court, as created by the county or 5041
municipal corporation under division (H) of section 4511.191 of 5042
the Revised Code. 5043

(d) One hundred fifteen dollars of the fine imposed under 5044
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 5045
the fine imposed under division (G) (1) (c) (iii), and four hundred 5046
forty dollars of the fine imposed under division (G) (1) (d) (iii) 5047
or (e) (iii) of this section shall be paid to the political 5048
subdivision that pays the cost of housing the offender during 5049
the offender's term of incarceration. The political subdivision 5050
shall use this share to pay or reimburse incarceration or 5051
treatment costs it incurs in housing or providing drug and 5052
alcohol treatment to persons who violate this section or a 5053
municipal OVI ordinance, costs for any immobilizing or disabling 5054
device used on the offender's vehicle, and costs of electronic 5055
house arrest equipment needed for persons who violate this 5056
section. 5057

(e) One hundred twenty-five dollars of the fine imposed 5058
under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), 5059
(G) (1) (d) (iii), and (G) (1) (e) (iii) of this section shall be 5060
deposited into the special projects fund of the court in which 5061
the offender was convicted and that is established under 5062
division (E) (1) of section 2303.201, division (B) (1) of section 5063
1901.26, or division (B) (1) of section 1907.24 of the Revised 5064
Code, to be used exclusively to cover the cost of immobilizing 5065

or disabling devices, including certified ignition interlock 5066
devices, and remote alcohol monitoring devices for indigent 5067
offenders who are required by a judge to use either of these 5068
devices. If the court in which the offender was convicted does 5069
not have a special projects fund that is established under 5070
division (E)(1) of section 2303.201, division (B)(1) of section 5071
1901.26, or division (B)(1) of section 1907.24 of the Revised 5072
Code, the one hundred twenty-five dollars shall be deposited 5073
into the indigent drivers interlock and alcohol monitoring fund 5074
under division (I) of section 4511.191 of the Revised Code. 5075

(f) Seventy-five dollars of the fine imposed under 5076
division (G)(1)(a)(iii), one hundred twenty-five dollars of the 5077
fine imposed under division (G)(1)(b)(iii), two hundred fifty 5078
dollars of the fine imposed under division (G)(1)(c)(iii), and 5079
five hundred dollars of the fine imposed under division (G)(1) 5080
(d)(iii) or (e)(iii) of this section shall be transmitted to the 5081
treasurer of state for deposit into the indigent defense support 5082
fund established under section 120.08 of the Revised Code. 5083

(g) One hundred fifteen dollars shall be credited to the 5084
statewide treatment and prevention fund created by section 5085
4301.30 of the Revised Code. Money credited to the fund under 5086
this section shall be used for purposes identified under section 5087
5119.22 of the Revised Code. 5088

(h) The balance of the fine imposed under division (G)(1) 5089
(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 5090
section shall be disbursed as otherwise provided by law. 5091

(6) If title to a motor vehicle that is subject to an 5092
order of criminal forfeiture under division (G)(1)(c), (d), or 5093
(e) of this section is assigned or transferred and division (B) 5094
(2) or (3) of section 4503.234 of the Revised Code applies, in 5095

addition to or independent of any other penalty established by 5096
law, the court may fine the offender the value of the vehicle as 5097
determined by publications of the national automobile dealers 5098
association. The proceeds of any fine so imposed shall be 5099
distributed in accordance with division (C) (2) of that section. 5100

(7) In all cases in which an offender is sentenced under 5101
division (G) of this section, the offender shall provide the 5102
court with proof of financial responsibility as defined in 5103
section 4509.01 of the Revised Code. If the offender fails to 5104
provide that proof of financial responsibility, the court, in 5105
addition to any other penalties provided by law, may order 5106
restitution pursuant to section 2929.18 or 2929.28 of the 5107
Revised Code in an amount not exceeding five thousand dollars 5108
for any economic loss arising from an accident or collision that 5109
was the direct and proximate result of the offender's operation 5110
of the vehicle before, during, or after committing the offense 5111
for which the offender is sentenced under division (G) of this 5112
section. 5113

(8) A court may order an offender to reimburse a law 5114
enforcement agency for any costs incurred by the agency with 5115
respect to a chemical test or tests administered to the offender 5116
if all of the following apply: 5117

(a) The offender is convicted of or pleads guilty to a 5118
violation of division (A) of this section. 5119

(b) The test or tests were of the offender's whole blood, 5120
blood serum or plasma, oral fluid, or urine. 5121

(c) The test or tests indicated that the offender had one 5122
of the following at the time of the offense: 5123

(i) A prohibited concentration of a controlled substance 5124

or a metabolite of a controlled substance in the offender's 5125
whole blood, blood serum or plasma, or urine; 5126

(ii) A drug of abuse or a metabolite of a drug of abuse in 5127
the offender's oral fluid. 5128

(9) A court may warn any person who is convicted of or who 5129
pleads guilty to a violation of division (A) of this section or 5130
an equivalent offense that a subsequent violation of this 5131
section or an equivalent offense that results in the death of 5132
another or the unlawful termination of another's pregnancy may 5133
result in the person being guilty of aggravated vehicular 5134
homicide under section 2903.06 of the Revised Code. The court 5135
may warn the person of the applicable penalties for that 5136
violation under sections 2903.06 and 2929.142 of the Revised 5137
Code. 5138

(10) As used in division (G) of this section, "electronic 5139
monitoring," "mandatory prison term," and "mandatory term of 5140
local incarceration" have the same meanings as in section 5141
2929.01 of the Revised Code. 5142

(H) Whoever violates division (B) of this section is 5143
guilty of operating a vehicle after underage alcohol consumption 5144
and shall be punished as follows: 5145

(1) Except as otherwise provided in division (H) (2) of 5146
this section, the offender is guilty of a misdemeanor of the 5147
fourth degree. In addition to any other sanction imposed for the 5148
offense, the court shall impose a class six suspension of the 5149
offender's driver's license, commercial driver's license, 5150
temporary instruction permit, probationary license, or 5151
nonresident operating privilege from the range specified in 5152
division (A) (6) of section 4510.02 of the Revised Code. The 5153

court may grant limited driving privileges relative to the 5154
suspension under sections 4510.021 and 4510.13 of the Revised 5155
Code. The court may grant unlimited driving privileges with an 5156
ignition interlock device relative to the suspension and may 5157
reduce the period of suspension as authorized under section 5158
4510.022 of the Revised Code. If the court grants unlimited 5159
driving privileges under section 4510.022 of the Revised Code, 5160
the court shall suspend any jail term imposed under division (H) 5161
(1) of this section as required under that section. 5162

(2) If, within one year of the offense, the offender 5163
previously has been convicted of or pleaded guilty to one or 5164
more violations of division (A) of this section or other 5165
equivalent offenses, the offender is guilty of a misdemeanor of 5166
the third degree. In addition to any other sanction imposed for 5167
the offense, the court shall impose a class four suspension of 5168
the offender's driver's license, commercial driver's license, 5169
temporary instruction permit, probationary license, or 5170
nonresident operating privilege from the range specified in 5171
division (A) (4) of section 4510.02 of the Revised Code. The 5172
court may grant limited driving privileges relative to the 5173
suspension under sections 4510.021 and 4510.13 of the Revised 5174
Code. 5175

(3) The offender shall provide the court with proof of 5176
financial responsibility as defined in section 4509.01 of the 5177
Revised Code. If the offender fails to provide that proof of 5178
financial responsibility, then, in addition to any other 5179
penalties provided by law, the court may order restitution 5180
pursuant to section 2929.28 of the Revised Code in an amount not 5181
exceeding five thousand dollars for any economic loss arising 5182
from an accident or collision that was the direct and proximate 5183
result of the offender's operation of the vehicle before, 5184

during, or after committing the violation of division (B) of 5185
this section. 5186

(I) (1) No court shall sentence an offender to an alcohol 5187
treatment program under this section unless the treatment 5188
program complies with the minimum standards for alcohol 5189
treatment programs adopted under Chapter 5119. of the Revised 5190
Code by the director of ~~mental health and addiction~~ 5191
~~services~~ behavioral health. 5192

(2) An offender who stays in a drivers' intervention 5193
program or in an alcohol treatment program under an order issued 5194
under this section shall pay the cost of the stay in the 5195
program. However, if the court determines that an offender who 5196
stays in an alcohol treatment program under an order issued 5197
under this section is unable to pay the cost of the stay in the 5198
program, the court may order that the cost be paid from the 5199
court's indigent drivers' alcohol treatment fund. 5200

(J) If a person whose driver's or commercial driver's 5201
license or permit or nonresident operating privilege is 5202
suspended under this section files an appeal regarding any 5203
aspect of the person's trial or sentence, the appeal itself does 5204
not stay the operation of the suspension. 5205

(K) Division (A) (1) (j) of this section does not apply to a 5206
person who operates a vehicle, streetcar, or trackless trolley 5207
while the person has a concentration of a listed controlled 5208
substance or a listed metabolite of a controlled substance in 5209
the person's whole blood, blood serum or plasma, or urine that 5210
equals or exceeds the amount specified in that division, if both 5211
of the following apply: 5212

(1) The person obtained the controlled substance pursuant 5213

to a prescription issued by a licensed health professional 5214
authorized to prescribe drugs. 5215

(2) The person injected, ingested, or inhaled the 5216
controlled substance in accordance with the health 5217
professional's directions. 5218

(L) The prohibited concentrations of a controlled 5219
substance or a metabolite of a controlled substance listed in 5220
division (A)(1)(j) of this section also apply in a prosecution 5221
of a violation of division ~~(D)~~(C) of section 2923.16 of the 5222
Revised Code in the same manner as if the offender is being 5223
prosecuted for a prohibited concentration of alcohol. 5224

(M) All terms defined in section 4510.01 of the Revised 5225
Code apply to this section. If the meaning of a term defined in 5226
section 4510.01 of the Revised Code conflicts with the meaning 5227
of the same term as defined in section 4501.01 or 4511.01 of the 5228
Revised Code, the term as defined in section 4510.01 of the 5229
Revised Code applies to this section. 5230

(N)(1) The Ohio Traffic Rules in effect on January 1, 5231
2004, as adopted by the supreme court under authority of section 5232
2937.46 of the Revised Code, do not apply to felony violations 5233
of this section. Subject to division (N)(2) of this section, the 5234
Rules of Criminal Procedure apply to felony violations of this 5235
section. 5236

(2) If, on or after January 1, 2004, the supreme court 5237
modifies the Ohio Traffic Rules to provide procedures to govern 5238
felony violations of this section, the modified rules shall 5239
apply to felony violations of this section. 5240

Sec. 4749.10. (A) No class A, B, or C licensee and no 5241
registered employee of a class A, B, or C licensee shall carry a 5242

firearm, as defined in section 2923.11 of the Revised Code, in 5243
the course of engaging in the business of private investigation, 5244
the business of security services, or both businesses, unless 5245
all of the following apply: 5246

(1) The licensee or employee either has successfully 5247
completed a basic firearm training program at a training school 5248
approved by the Ohio peace officer training commission, which 5249
program includes twenty hours of training in handgun use and, if 5250
any firearm other than a handgun is to be used, five hours of 5251
training in the use of other firearms, and has received a 5252
certificate of satisfactory completion of that program from the 5253
executive director of the commission; the licensee or employee 5254
has, within three years prior to November 27, 1985, 5255
satisfactorily completed firearms training that has been 5256
approved by the commission as being equivalent to such a program 5257
and has received written evidence of approval of that training 5258
from the executive director of the commission; or the licensee 5259
or employee is a former peace officer, as defined in section 5260
109.71 of the Revised Code, who previously had successfully 5261
completed a firearms training course at a training school 5262
approved by the Ohio peace officer training commission and has 5263
received a certificate or other evidence of satisfactory 5264
completion of that course from the executive director of the 5265
commission. 5266

(2) The licensee or employee submits an application to the 5267
director of public safety, on a form prescribed by the director, 5268
in which the licensee or employee requests registration as a 5269
class A, B, or C licensee or employee who may carry a firearm. 5270
The application shall be accompanied by a copy of the 5271
certificate or the written evidence or other evidence described 5272
in division (A) (1) of this section, the identification card 5273

issued pursuant to section 4749.03 or 4749.06 of the Revised 5274
Code if one has previously been issued, a statement of the 5275
duties that will be performed while the licensee or employee is 5276
armed, and a fee the director determines, not to exceed fifteen 5277
dollars. In the case of a registered employee, the statement 5278
shall be prepared by the employing class A, B, or C licensee. 5279

(3) The licensee or employee receives a notation on the 5280
licensee's or employee's identification card that the licensee 5281
or employee is a firearm-bearer and carries the identification 5282
card whenever the licensee or employee carries a firearm in the 5283
course of engaging in the business of private investigation, the 5284
business of security services, or both businesses. 5285

(4) At any time within the immediately preceding twelve- 5286
month period, the licensee or employee has requalified in 5287
firearms use on a firearms training range at a firearms 5288
requalification program certified by the Ohio peace officer 5289
training commission or on a firearms training range under the 5290
supervision of an instructor certified by the commission and has 5291
received a certificate of satisfactory requalification from the 5292
certified program or certified instructor, provided that this 5293
division does not apply to any licensee or employee prior to the 5294
expiration of eighteen months after the licensee's or employee's 5295
completion of the program described in division (A)(1) of this 5296
section. A certificate of satisfactory requalification is valid 5297
and remains in effect for twelve months from the date of the 5298
requalification. 5299

(5) If division (A)(4) of this section applies to the 5300
licensee or employee, the licensee or employee carries the 5301
certificate of satisfactory requalification that then is in 5302
effect or any other evidence of requalification issued or 5303

provided by the director. 5304

(B) (1) The director of public safety shall register an 5305
applicant under division (A) of this section who satisfies 5306
divisions (A) (1) and (2) of this section, and place a notation 5307
on the applicant's identification card indicating that the 5308
applicant is a firearm-bearer and the date on which the 5309
applicant completed the program described in division (A) (1) of 5310
this section. 5311

(2) A firearms requalification training program or 5312
instructor certified by the commission for the annual 5313
requalification of class A, B, or C licensees or employees who 5314
are authorized to carry a firearm under section 4749.10 of the 5315
Revised Code shall award a certificate of satisfactory 5316
requalification to each class A, B, or C licensee or registered 5317
employee of a class A, B, or C licensee who satisfactorily 5318
requalifies in firearms training. The certificate shall identify 5319
the licensee or employee and indicate the date of the 5320
requalification. A licensee or employee who receives such a 5321
certificate shall submit a copy of it to the director of public 5322
safety. A licensee shall submit the copy of the requalification 5323
certificate at the same time that the licensee makes application 5324
for renewal of the licensee's class A, B, or C license. The 5325
director shall keep a record of all copies of requalification 5326
certificates the director receives under this division and shall 5327
establish a procedure for the updating of identification cards 5328
to provide evidence of compliance with the annual 5329
requalification requirement. The procedure for the updating of 5330
identification cards may provide for the issuance of a new card 5331
containing the evidence, the entry of a new notation containing 5332
the evidence on the existing card, the issuance of a separate 5333
card or paper containing the evidence, or any other procedure 5334

determined by the director to be reasonable. Each person who is 5335
issued a requalification certificate under this division 5336
promptly shall pay to the Ohio peace officer training commission 5337
established by section 109.71 of the Revised Code a fee the 5338
director determines, not to exceed fifteen dollars, which fee 5339
shall be transmitted to the treasurer of state for deposit in 5340
the peace officer private security fund established by section 5341
109.78 of the Revised Code. 5342

(C) Nothing in this section prohibits a private 5343
investigator or a security guard provider from carrying a 5344
concealed ~~handgun~~ deadly weapon that is not an exclusive deadly 5345
weapon if the private investigator or security guard provider 5346
complies with sections 2923.124 to 2923.1213 of the Revised 5347
Code. 5348

(D) As used in this section: 5349

(1) "Deadly weapon" has the same meaning as in section 5350
2923.11 of the Revised Code. 5351

(2) "Exclusive deadly weapon" has the same meaning as in 5352
section 2923.111 of the Revised Code. 5353

Section 2. That existing sections 9.68, 109.69, 109.731, 5354
311.41, 311.42, 311.43, 1547.69, 2921.13, 2923.11, 2923.111, 5355
2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 5356
2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 5357
2923.1212, 2923.1213, 2923.16, 2923.17, 2953.35, 4511.19, and 5358
4749.10 of the Revised Code are hereby repealed. 5359

Section 3. That section 1533.04 of the Revised Code is 5360
hereby repealed. 5361

Section 4. If any provision of a section of this act or 5362
the application thereof to any person or circumstance is held 5363

invalid, the invalidity does not affect other provisions or 5364
applications of the section or related sections that can be 5365
given effect without the invalid provision or application, and 5366
to this end the provisions are severable. 5367

Section 5. This act shall be known as the Freedom to Carry 5368
Act. 5369

Section 6. The General Assembly, applying the principle 5370
stated in division (B) of section 1.52 of the Revised Code that 5371
amendments are to be harmonized if reasonably capable of 5372
simultaneous operation, finds that the following sections, 5373
presented in this act as composites of the sections as amended 5374
by the acts indicated, are the resulting versions of the 5375
sections in effect prior to the effective date of the sections 5376
as presented in this act: 5377

Section 2923.125 of the Revised Code as amended by both 5378
H.B. 281 and S.B. 288 of the 134th General Assembly. 5379

Section 2923.126 of the Revised Code as amended by H.B. 5380
33, H.B. 452, and S.B. 98, all of the 135th General Assembly. 5381

Section 2923.128 of the Revised Code as amended by H.B. 5382
281, S.B. 215, and S.B. 288, all of the 134th General Assembly. 5383

Section 2923.1213 of the Revised Code as amended by both 5384
H.B. 281 and S.B. 288 of the 134th General Assembly. 5385

Section 4511.19 of the Revised Code as amended by both 5386
H.B. 37 and S.B. 100 of the 135th General Assembly. 5387