

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "109.57," 1

In line 3 of the title, after "2923.1213" insert ", 2923.13" 2

In line 4 of the title, after "2923.16" insert "and to enact 3
sections 2923.26, 2923.27, 2923.28, 2923.29, 2923.30, and 2923.99" 4

In line 9 of the title, after "license" insert ", and to enact the 5
Extreme Risk Protection Order Act to allow family members, household 6
members, and law enforcement officers to obtain a court order that 7
temporarily restricts a person's access to firearms if that person poses a 8
danger to themselves or others" 9

After line 2765, insert: 10

"**Section 3.** That sections 109.57, 2923.125, 2923.128, 11
2923.1213, and 2923.13 be amended and sections 2923.26, 2923.27, 12
2923.28, 2923.29, 2923.30, and 2923.99 of the Revised Code be 13
enacted to read as follows: 14

Sec. 109.57. (A) (1) The superintendent of the bureau of 15
criminal identification and investigation shall procure from 16



wherever procurable and file for record photographs, pictures, 17
descriptions, fingerprints, measurements, and other information 18
that may be pertinent of all persons who have been convicted of 19
committing within this state a felony, any crime constituting a 20
misdemeanor on the first offense and a felony on subsequent 21
offenses, or any misdemeanor described in division (A) (1) (a), 22
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 23
of all children under eighteen years of age who have been 24
adjudicated delinquent children for committing within this state 25
an act that would be a felony or an offense of violence if 26
committed by an adult or who have been convicted of or pleaded 27
guilty to committing within this state a felony or an offense of 28
violence, and of all well-known and habitual criminals. The 29
person in charge of any county, multicounty, municipal, 30
municipal-county, or multicounty-municipal jail or workhouse, 31
community-based correctional facility, halfway house, 32
alternative residential facility, or state correctional 33
institution and the person in charge of any state institution 34
having custody of a person suspected of having committed a 35
felony, any crime constituting a misdemeanor on the first 36
offense and a felony on subsequent offenses, or any misdemeanor 37
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 38
section 109.572 of the Revised Code or having custody of a child 39
under eighteen years of age with respect to whom there is 40
probable cause to believe that the child may have committed an 41
act that would be a felony or an offense of violence if 42
committed by an adult shall furnish such material to the 43
superintendent of the bureau. Fingerprints, photographs, or 44
other descriptive information of a child who is under eighteen 45
years of age, has not been arrested or otherwise taken into 46
custody for committing an act that would be a felony or an 47

offense of violence who is not in any other category of child 48
specified in this division, if committed by an adult, has not 49
been adjudicated a delinquent child for committing an act that 50
would be a felony or an offense of violence if committed by an 51
adult, has not been convicted of or pleaded guilty to committing 52
a felony or an offense of violence, and is not a child with 53
respect to whom there is probable cause to believe that the 54
child may have committed an act that would be a felony or an 55
offense of violence if committed by an adult shall not be 56
procured by the superintendent or furnished by any person in 57
charge of any county, multicounty, municipal, municipal-county, 58
or multicounty-municipal jail or workhouse, community-based 59
correctional facility, halfway house, alternative residential 60
facility, or state correctional institution, except as 61
authorized in section 2151.313 of the Revised Code. 62

(2) Every clerk of a court of record in this state, other 63
than the supreme court or a court of appeals, shall send to the 64
superintendent of the bureau a weekly report containing a 65
summary of each case involving a felony, involving any crime 66
constituting a misdemeanor on the first offense and a felony on 67
subsequent offenses, involving a misdemeanor described in 68
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 69
of the Revised Code, or involving an adjudication in a case in 70
which a child under eighteen years of age was alleged to be a 71
delinquent child for committing an act that would be a felony or 72
an offense of violence if committed by an adult. The clerk of 73
the court of common pleas shall include in the report and 74
summary the clerk sends under this division all information 75
described in divisions (A) (2) (a) to (f) of this section 76
regarding a case before the court of appeals that is served by 77
that clerk. The summary shall be written on the standard forms 78

furnished by the superintendent pursuant to division (B) of this	79
section and shall include the following information:	80
(a) The incident tracking number contained on the standard	81
forms furnished by the superintendent pursuant to division (B)	82
of this section;	83
(b) The style and number of the case;	84
(c) The date of arrest, offense, summons, or arraignment;	85
(d) The date that the person was convicted of or pleaded	86
guilty to the offense, adjudicated a delinquent child for	87
committing the act that would be a felony or an offense of	88
violence if committed by an adult, found not guilty of the	89
offense, or found not to be a delinquent child for committing an	90
act that would be a felony or an offense of violence if	91
committed by an adult, the date of an entry dismissing the	92
charge, an entry declaring a mistrial of the offense in which	93
the person is discharged, an entry finding that the person or	94
child is not competent to stand trial, or an entry of a nolle	95
prosequi, or the date of any other determination that	96
constitutes final resolution of the case;	97
(e) A statement of the original charge with the section of	98
the Revised Code that was alleged to be violated;	99
(f) If the person or child was convicted, pleaded guilty,	100
or was adjudicated a delinquent child, the sentence or terms of	101
probation imposed or any other disposition of the offender or	102
the delinquent child.	103
If the offense involved the disarming of a law enforcement	104
officer or an attempt to disarm a law enforcement officer, the	105
clerk shall clearly state that fact in the summary, and the	106

superintendent shall ensure that a clear statement of that fact 107
is placed in the bureau's records. 108

(3) The superintendent shall cooperate with and assist 109
sheriffs, chiefs of police, and other law enforcement officers 110
in the establishment of a complete system of criminal 111
identification and in obtaining fingerprints and other means of 112
identification of all persons arrested on a charge of a felony, 113
any crime constituting a misdemeanor on the first offense and a 114
felony on subsequent offenses, or a misdemeanor described in 115
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 116
of the Revised Code and of all children under eighteen years of 117
age arrested or otherwise taken into custody for committing an 118
act that would be a felony or an offense of violence if 119
committed by an adult. The superintendent also shall file for 120
record the fingerprint impressions of all persons confined in a 121
county, multicounty, municipal, municipal-county, or 122
multicounty-municipal jail or workhouse, community-based 123
correctional facility, halfway house, alternative residential 124
facility, or state correctional institution for the violation of 125
state laws and of all children under eighteen years of age who 126
are confined in a county, multicounty, municipal, municipal- 127
county, or multicounty-municipal jail or workhouse, community- 128
based correctional facility, halfway house, alternative 129
residential facility, or state correctional institution or in 130
any facility for delinquent children for committing an act that 131
would be a felony or an offense of violence if committed by an 132
adult, and any other information that the superintendent may 133
receive from law enforcement officials of the state and its 134
political subdivisions. 135

(4) The superintendent shall carry out Chapter 2950. of 136
the Revised Code with respect to the registration of persons who 137

are convicted of or plead guilty to a sexually oriented offense 138
or a child-victim oriented offense and with respect to all other 139
duties imposed on the bureau under that chapter. 140

(5) The bureau shall perform centralized recordkeeping 141
functions for criminal history records and services in this 142
state for purposes of the national crime prevention and privacy 143
compact set forth in section 109.571 of the Revised Code and is 144
the criminal history record repository as defined in that 145
section for purposes of that compact. The superintendent or the 146
superintendent's designee is the compact officer for purposes of 147
that compact and shall carry out the responsibilities of the 148
compact officer specified in that compact. 149

(6) The superintendent shall, upon request, assist a 150
county coroner in the identification of a deceased person 151
through the use of fingerprint impressions obtained pursuant to 152
division (A)(1) of this section or collected pursuant to section 153
109.572 or 311.41 of the Revised Code. 154

(B) The superintendent shall prepare and furnish to every 155
county, multicounty, municipal, municipal-county, or 156
multicounty-municipal jail or workhouse, community-based 157
correctional facility, halfway house, alternative residential 158
facility, or state correctional institution and to every clerk 159
of a court in this state specified in division (A)(2) of this 160
section standard forms for reporting the information required 161
under division (A) of this section. The standard forms that the 162
superintendent prepares pursuant to this division may be in a 163
tangible format, in an electronic format, or in both tangible 164
formats and electronic formats. 165

(C)(1) The superintendent may operate a center for 166
electronic, automated, or other data processing for the storage 167

and retrieval of information, data, and statistics pertaining to 168
criminals and to children under eighteen years of age who are 169
adjudicated delinquent children for committing an act that would 170
be a felony or an offense of violence if committed by an adult, 171
criminal activity, crime prevention, law enforcement, and 172
criminal justice, and may establish and operate a statewide 173
communications network to be known as the Ohio law enforcement 174
gateway to gather and disseminate information, data, and 175
statistics for the use of law enforcement agencies and for other 176
uses specified in this division. The superintendent may gather, 177
store, retrieve, and disseminate information, data, and 178
statistics that pertain to children who are under eighteen years 179
of age and that are gathered pursuant to sections 109.57 to 180
109.61 of the Revised Code together with information, data, and 181
statistics that pertain to adults and that are gathered pursuant 182
to those sections. 183

(2) The superintendent or the superintendent's designee 184
shall gather information of the nature described in division (C) 185
(1) of this section that pertains to the offense and delinquency 186
history of a person who has been convicted of, pleaded guilty 187
to, or been adjudicated a delinquent child for committing a 188
sexually oriented offense or a child-victim oriented offense for 189
inclusion in the state registry of sex offenders and child- 190
victim offenders maintained pursuant to division (A)(1) of 191
section 2950.13 of the Revised Code and in the internet database 192
operated pursuant to division (A)(13) of that section and for 193
possible inclusion in the internet database operated pursuant to 194
division (A)(11) of that section. 195

(3) In addition to any other authorized use of 196
information, data, and statistics of the nature described in 197
division (C)(1) of this section, the superintendent or the 198

superintendent's designee may provide and exchange the 199
information, data, and statistics pursuant to the national crime 200
prevention and privacy compact as described in division (A) (5) 201
of this section. 202

(4) The Ohio law enforcement gateway shall contain the 203
name, confidential address, and telephone number of program 204
participants in the address confidentiality program established 205
under sections 111.41 to 111.47 of the Revised Code. 206

(5) The attorney general may adopt rules under Chapter 207
119. of the Revised Code establishing guidelines for the 208
operation of and participation in the Ohio law enforcement 209
gateway. The rules may include criteria for granting and 210
restricting access to information gathered and disseminated 211
through the Ohio law enforcement gateway. The attorney general 212
shall adopt rules under Chapter 119. of the Revised Code that 213
grant access to information in the gateway regarding an address 214
confidentiality program participant under sections 111.41 to 215
111.47 of the Revised Code to only chiefs of police, village 216
marshals, county sheriffs, county prosecuting attorneys, and a 217
designee of each of these individuals. The attorney general 218
shall permit the state medical board and board of nursing to 219
access and view, but not alter, information gathered and 220
disseminated through the Ohio law enforcement gateway. 221

The attorney general may appoint a steering committee to 222
advise the attorney general in the operation of the Ohio law 223
enforcement gateway that is comprised of persons who are 224
representatives of the criminal justice agencies in this state 225
that use the Ohio law enforcement gateway and is chaired by the 226
superintendent or the superintendent's designee. 227

(D) (1) The following are not public records under section 228

149.43 of the Revised Code:	229
(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;	230 231
(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C) (1) of this section;	232 233 234
(c) Information and materials furnished to any board or person under division (F) or (G) of this section.	235 236
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C) (2) of this section.	237 238 239 240 241 242 243
(E) (1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E) (2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A) (1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	244 245 246 247 248 249 250 251 252 253 254 255
(2) Except as otherwise provided in this division or division (E) (3) or (4) of this section, a rule adopted under	256 257

division (E) (1) of this section may provide only for the release 258
 of information gathered pursuant to division (A) of this section 259
 that relates to the conviction of a person, or a person's plea 260
 of guilty to, a criminal offense or to the arrest of a person as 261
 provided in division (E) (3) of this section. The superintendent 262
 shall not release, and the attorney general shall not adopt any 263
 rule under division (E) (1) of this section that permits the 264
 release of, any information gathered pursuant to division (A) of 265
 this section that relates to an adjudication of a child as a 266
 delinquent child, or that relates to a criminal conviction of a 267
 person under eighteen years of age if the person's case was 268
 transferred back to a juvenile court under division (B) (2) or 269
 (3) of section 2152.121 of the Revised Code and the juvenile 270
 court imposed a disposition or serious youthful offender 271
 disposition upon the person under either division, unless either 272
 of the following applies with respect to the adjudication or 273
 conviction: 274

(a) The adjudication or conviction was for a violation of 275
 section 2903.01 or 2903.02 of the Revised Code. 276

(b) The adjudication or conviction was for a sexually 277
 oriented offense, the juvenile court was required to classify 278
 the child a juvenile offender registrant for that offense under 279
 section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 280
 classification has not been removed, and the records of the 281
 adjudication or conviction have not been sealed or expunged 282
 pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 283
 section 2952.32 of the Revised Code. 284

(3) A rule adopted under division (E) (1) of this section 285
 may provide for the release of information gathered pursuant to 286
 division (A) of this section that relates to the arrest of a 287

person who is eighteen years of age or older when the person has	288
not been convicted as a result of that arrest if any of the	289
following applies:	290
(a) The arrest was made outside of this state.	291
(b) A criminal action resulting from the arrest is	292
pending, and the superintendent confirms that the criminal	293
action has not been resolved at the time the criminal records	294
check is performed.	295
(c) The bureau cannot reasonably determine whether a	296
criminal action resulting from the arrest is pending, and not	297
more than one year has elapsed since the date of the arrest.	298
(4) A rule adopted under division (E) (1) of this section	299
may provide for the release of information gathered pursuant to	300
division (A) of this section that relates to an adjudication of	301
a child as a delinquent child if not more than five years have	302
elapsed since the date of the adjudication, the adjudication was	303
for an act that would have been a felony if committed by an	304
adult, the records of the adjudication have not been sealed or	305
expunged pursuant to sections 2151.355 to 2151.358 of the	306
Revised Code, and the request for information is made under	307
division (F) of this section or under section 109.572 of the	308
Revised Code. In the case of an adjudication for a violation of	309
the terms of community control or supervised release, the five-	310
year period shall be calculated from the date of the	311
adjudication to which the community control or supervised	312
release pertains.	313
(F) (1) As used in division (F) (2) of this section, "head	314
start agency" means an entity in this state that has been	315
approved to be an agency for purposes of subchapter II of the	316

"Community Economic Development Act," 95 Stat. 489 (1981), 42 317
U.S.C.A. 9831, as amended. 318

(2) (a) In addition to or in conjunction with any request 319
that is required to be made under section 109.572, 2151.86, 320
3301.32, 3301.541, division (C) of section 3310.58, or section 321
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 322
5153.111 of the Revised Code or that is made under section 323
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 324
board of education of any school district; the director of 325
developmental disabilities; any county board of developmental 326
disabilities; any provider or subcontractor as defined in 327
section 5123.081 of the Revised Code; the chief administrator of 328
any chartered nonpublic school; the chief administrator of a 329
registered private provider that is not also a chartered 330
nonpublic school; the chief administrator of any home health 331
agency; the chief administrator of or person operating any child 332
day-care center, type A family day-care home, or type B family 333
day-care home licensed under Chapter 5104. of the Revised Code; 334
the chief administrator of any head start agency; the executive 335
director of a public children services agency; a private company 336
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 337
the Revised Code; or an employer described in division (J) (2) of 338
section 3327.10 of the Revised Code may request that the 339
superintendent of the bureau investigate and determine, with 340
respect to any individual who has applied for employment in any 341
position after October 2, 1989, or any individual wishing to 342
apply for employment with a board of education may request, with 343
regard to the individual, whether the bureau has any information 344
gathered under division (A) of this section that pertains to 345
that individual. On receipt of the request, subject to division 346
(E) (2) of this section, the superintendent shall determine 347

whether that information exists and, upon request of the person, 348
board, or entity requesting information, also shall request from 349
the federal bureau of investigation any criminal records it has 350
pertaining to that individual. The superintendent or the 351
superintendent's designee also may request criminal history 352
records from other states or the federal government pursuant to 353
the national crime prevention and privacy compact set forth in 354
section 109.571 of the Revised Code. Within thirty days of the 355
date that the superintendent receives a request, subject to 356
division (E) (2) of this section, the superintendent shall send 357
to the board, entity, or person a report of any information that 358
the superintendent determines exists, including information 359
contained in records that have been sealed under section 2953.32 360
of the Revised Code, and, within thirty days of its receipt, 361
subject to division (E) (2) of this section, shall send the 362
board, entity, or person a report of any information received 363
from the federal bureau of investigation, other than information 364
the dissemination of which is prohibited by federal law. 365

(b) When a board of education or a registered private 366
provider is required to receive information under this section 367
as a prerequisite to employment of an individual pursuant to 368
division (C) of section 3310.58 or section 3319.39 of the 369
Revised Code, it may accept a certified copy of records that 370
were issued by the bureau of criminal identification and 371
investigation and that are presented by an individual applying 372
for employment with the district in lieu of requesting that 373
information itself. In such a case, the board shall accept the 374
certified copy issued by the bureau in order to make a photocopy 375
of it for that individual's employment application documents and 376
shall return the certified copy to the individual. In a case of 377
that nature, a district or provider only shall accept a 378

certified copy of records of that nature within one year after 379
the date of their issuance by the bureau. 380

(c) Notwithstanding division (F) (2) (a) of this section, in 381
the case of a request under section 3319.39, 3319.391, or 382
3327.10 of the Revised Code only for criminal records maintained 383
by the federal bureau of investigation, the superintendent shall 384
not determine whether any information gathered under division 385
(A) of this section exists on the person for whom the request is 386
made. 387

(3) The state board of education may request, with respect 388
to any individual who has applied for employment after October 389
2, 1989, in any position with the state board or the department 390
of education, any information that a school district board of 391
education is authorized to request under division (F) (2) of this 392
section, and the superintendent of the bureau shall proceed as 393
if the request has been received from a school district board of 394
education under division (F) (2) of this section. 395

(4) When the superintendent of the bureau receives a 396
request for information under section 3319.291 of the Revised 397
Code, the superintendent shall proceed as if the request has 398
been received from a school district board of education and 399
shall comply with divisions (F) (2) (a) and (c) of this section. 400

(G) In addition to or in conjunction with any request that 401
is required to be made under section 3701.881, 3712.09, or 402
3721.121 of the Revised Code with respect to an individual who 403
has applied for employment in a position that involves providing 404
direct care to an older adult or adult resident, the chief 405
administrator of a home health agency, hospice care program, 406
home licensed under Chapter 3721. of the Revised Code, or adult 407
day-care program operated pursuant to rules adopted under 408

section 3721.04 of the Revised Code may request that the 409
superintendent of the bureau investigate and determine, with 410
respect to any individual who has applied after January 27, 411
1997, for employment in a position that does not involve 412
providing direct care to an older adult or adult resident, 413
whether the bureau has any information gathered under division 414
(A) of this section that pertains to that individual. 415

In addition to or in conjunction with any request that is 416
required to be made under section 173.27 of the Revised Code 417
with respect to an individual who has applied for employment in 418
a position that involves providing ombudsman services to 419
residents of long-term care facilities or recipients of 420
community-based long-term care services, the state long-term 421
care ombudsman, the director of aging, a regional long-term care 422
ombudsman program, or the designee of the ombudsman, director, 423
or program may request that the superintendent investigate and 424
determine, with respect to any individual who has applied for 425
employment in a position that does not involve providing such 426
ombudsman services, whether the bureau has any information 427
gathered under division (A) of this section that pertains to 428
that applicant. 429

In addition to or in conjunction with any request that is 430
required to be made under section 173.38 of the Revised Code 431
with respect to an individual who has applied for employment in 432
a direct-care position, the chief administrator of a provider, 433
as defined in section 173.39 of the Revised Code, may request 434
that the superintendent investigate and determine, with respect 435
to any individual who has applied for employment in a position 436
that is not a direct-care position, whether the bureau has any 437
information gathered under division (A) of this section that 438
pertains to that applicant. 439

In addition to or in conjunction with any request that is required to be made under section 3712.09 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to a pediatric respite care patient, the chief administrator of a pediatric respite care program may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing direct care to a pediatric respite care patient, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

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

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

disseminated. 471

(I) The superintendent may charge a reasonable fee for 472
providing information or criminal records under division (F) (2) 473
or (G) of this section. 474

(J) (1) The superintendent shall develop and prepare 475
instructions and informational brochures, standard petitions, 476
and extreme risk protection order forms, and a court staff 477
handbook on the extreme risk protection order process. The 478
standard petitions and order forms shall be prepared and 479
available for use not later than six months after the effective 480
date of this amendment, for all petitions filed and orders 481
issued under sections 2923.26 to 2923.30 of the Revised Code. 482
The instructions, brochures, forms, and handbook shall be 483
prepared in consultation with interested parties, including 484
representatives of gun violence prevention groups, judges, and 485
law enforcement personnel. Materials shall be based on best 486
practices and shall be made available online to the public. The 487
petitions and petition forms referred to in divisions (J) (1) to 488
(11) of this section mean both petitions for requesting an 489
extreme risk protection order under section 2923.26 of the 490
Revised Code and applications for requesting an ex parte extreme 491
risk protection order under section 2923.27 of the Revised Code. 492

(2) The instructions shall be designed to assist 493
petitioners in completing the petition, and shall include a 494
sample of a standard petition and an extreme risk protection 495
order form. 496

(3) The instructions and standard petition shall include a 497
means for the petitioner to identify, without special knowledge, 498
the firearms the respondent may own, possess, receive, or have 499
in the respondent's custody or control. The instructions shall 500

provide pictures of types of firearms that the petitioner may 501
choose from to identify the relevant firearms, or an equivalent 502
means to allow petitioners to identify firearms without 503
requiring specific or technical knowledge regarding the 504
firearms. 505

(4) The informational brochure shall describe the use of 506
and the process for obtaining, modifying, and terminating an 507
extreme risk protection order under sections 2923.26 to 2923.30 508
of the Revised Code and provide relevant forms. 509

(5) The extreme risk protection order form shall include, 510
in a conspicuous location, notice of criminal penalties 511
resulting from a violation of the order, and the following 512
statement: 513

"You have the sole responsibility to avoid or refrain from 514
violating this order's provisions. Only the court can change the 515
order and only upon written application." 516

(6) The court staff handbook shall allow for a clerk of 517
court to add to the handbook a community resource list. 518

(7) The superintendent shall distribute a master copy of 519
the petition and order forms, instructions, and informational 520
brochures to every clerk of court and shall distribute a master 521
copy of the petition and order forms to all county courts, 522
municipal courts, and courts of common pleas. 523

(8) The superintendent shall distribute all documents in 524
an electronic format or formats accessible to all courts and 525
clerks of court in the state and may additionally distribute the 526
documents in other formats. 527

(9) The superintendent shall determine the significant 528

non-English-speaking or limited English-speaking populations in 529
the state and arrange for translation of the instructions and 530
informational brochures required by this section into the 531
languages spoken by those populations. The translated 532
instructions and informational brochures shall contain a sample 533
of the standard petition and order for protection forms. The 534
superintendent shall distribute a master copy of the translated 535
instructions and informational brochures to every clerk of court 536
not later than one year after the effective date of this 537
amendment. 538

(10) The superintendent shall update the instructions, 539
brochures, standard petitions and extreme risk protection order 540
forms, and court staff handbook as necessary, including when 541
changes in the law make an update necessary. 542

(11) Any assistance or information provided by a clerk of 543
court under division (J) of this section does not constitute the 544
practice of law. 545

(K) In addition to informational brochures and materials 546
made available by the superintendent under division (J) of this 547
section, each clerk of court may create a community resource 548
list of crisis intervention, mental health, substance abuse, 549
interpreter, counseling, and other relevant resources serving 550
the county in which the court is located. 551

(L) As used in this section: 552

(1) "Pediatric respite care program" and "pediatric care 553
patient" have the same meanings as in section 3712.01 of the 554
Revised Code. 555

(2) "Sexually oriented offense" and "child-victim oriented 556
offense" have the same meanings as in section 2950.01 of the 557

Revised Code. 558

(3) "Registered private provider" means a nonpublic school 559
or entity registered with the superintendent of public 560
instruction under section 3310.41 of the Revised Code to 561
participate in the autism scholarship program or section 3310.58 562
of the Revised Code to participate in the Jon Peterson special 563
needs scholarship program. 564

(4) "Extreme risk protection order" and "ex parte extreme 565
risk protection order" have the same meanings as in section 566
2923.26 of the Revised Code. 567

Sec. 2923.125. It is the intent of the general assembly 568
that Ohio concealed handgun license law be compliant with the 569
national instant criminal background check system, that the 570
bureau of alcohol, tobacco, firearms, and explosives is able to 571
determine that Ohio law is compliant with the national instant 572
criminal background check system, and that no person shall be 573
eligible to receive a concealed handgun license permit under 574
section 2923.125 or 2923.1213 of the Revised Code unless the 575
person is eligible lawfully to receive or possess a firearm in 576
the United States. 577

(A) This section applies with respect to the application 578
for and issuance by this state of concealed handgun licenses 579
other than concealed handgun licenses on a temporary emergency 580
basis that are issued under section 2923.1213 of the Revised 581
Code. Upon the request of a person who wishes to obtain a 582
concealed handgun license with respect to which this section 583
applies or to renew a concealed handgun license with respect to 584
which this section applies, a sheriff, as provided in division 585
(I) of this section, shall provide to the person free of charge 586
an application form and the web site address at which a 587

printable version of the application form that can be downloaded 588
and the pamphlet described in division (B) of section 109.731 of 589
the Revised Code may be found. A sheriff shall accept a 590
completed application form and the fee, items, materials, and 591
information specified in divisions (B) (1) to (5) of this section 592
at the times and in the manners described in division (I) of 593
this section. 594

(B) An applicant for a concealed handgun license who is a 595
resident of this state shall submit a completed application form 596
and all of the material and information described in divisions 597
(B) (1) to (6) of this section to the sheriff of the county in 598
which the applicant resides or to the sheriff of any county 599
adjacent to the county in which the applicant resides. An 600
applicant for a license who resides in another state shall 601
submit a completed application form and all of the material and 602
information described in divisions (B) (1) to (7) of this section 603
to the sheriff of the county in which the applicant is employed 604
or to the sheriff of any county adjacent to the county in which 605
the applicant is employed: 606

(1) (a) A nonrefundable license fee as described in either 607
of the following: 608

(i) For an applicant who has been a resident of this state 609
for five or more years, a fee of sixty-seven dollars; 610

(ii) For an applicant who has been a resident of this 611
state for less than five years or who is not a resident of this 612
state, but who is employed in this state, a fee of sixty-seven 613
dollars plus the actual cost of having a background check 614
performed by the federal bureau of investigation. 615

(b) No sheriff shall require an applicant to pay for the 616

cost of a background check performed by the bureau of criminal 617
identification and investigation. 618

(c) A sheriff shall waive the payment of the license fee 619
described in division (B) (1) (a) of this section in connection 620
with an initial or renewal application for a license that is 621
submitted by an applicant who is an active or reserve member of 622
the armed forces of the United States or has retired from or was 623
honorably discharged from military service in the active or 624
reserve armed forces of the United States, a retired peace 625
officer, a retired person described in division (B) (1) (b) of 626
section 109.77 of the Revised Code, or a retired federal law 627
enforcement officer who, prior to retirement, was authorized 628
under federal law to carry a firearm in the course of duty, 629
unless the retired peace officer, person, or federal law 630
enforcement officer retired as the result of a mental 631
disability. 632

(d) The sheriff shall deposit all fees paid by an 633
applicant under division (B) (1) (a) of this section into the 634
sheriff's concealed handgun license issuance fund established 635
pursuant to section 311.42 of the Revised Code. The county shall 636
distribute the fees in accordance with section 311.42 of the 637
Revised Code. 638

(2) A color photograph of the applicant that was taken 639
within thirty days prior to the date of the application; 640

(3) One or more of the following competency 641
certifications, each of which shall reflect that, regarding a 642
certification described in division (B) (3) (a), (b), (c), (e), or 643
(f) of this section, within the three years immediately 644
preceding the application the applicant has performed that to 645
which the competency certification relates and that, regarding a 646

certification described in division (B) (3) (d) of this section, 647
the applicant currently is an active or reserve member of the 648
armed forces of the United States, the applicant has retired 649
from or was honorably discharged from military service in the 650
active or reserve armed forces of the United States, or within 651
the ten years immediately preceding the application the 652
retirement of the peace officer, person described in division 653
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 654
enforcement officer to which the competency certification 655
relates occurred: 656

(a) An original or photocopy of a certificate of 657
completion of a firearms safety, training, or requalification or 658
firearms safety instructor course, class, or program that was 659
offered by or under the auspices of a national gun advocacy 660
organization and that complies with the requirements set forth 661
in division (G) of this section; 662

(b) An original or photocopy of a certificate of 663
completion of a firearms safety, training, or requalification or 664
firearms safety instructor course, class, or program that 665
satisfies all of the following criteria: 666

(i) It was open to members of the general public. 667

(ii) It utilized qualified instructors who were certified 668
by a national gun advocacy organization, the executive director 669
of the Ohio peace officer training commission pursuant to 670
section 109.75 or 109.78 of the Revised Code, or a governmental 671
official or entity of another state. 672

(iii) It was offered by or under the auspices of a law 673
enforcement agency of this or another state or the United 674
States, a public or private college, university, or other 675

similar postsecondary educational institution located in this or 676
another state, a firearms training school located in this or 677
another state, or another type of public or private entity or 678
organization located in this or another state. 679

(iv) It complies with the requirements set forth in 680
division (G) of this section. 681

(c) An original or photocopy of a certificate of 682
completion of a state, county, municipal, or department of 683
natural resources peace officer training school that is approved 684
by the executive director of the Ohio peace officer training 685
commission pursuant to section 109.75 of the Revised Code and 686
that complies with the requirements set forth in division (G) of 687
this section, or the applicant has satisfactorily completed and 688
been issued a certificate of completion of a basic firearms 689
training program, a firearms requalification training program, 690
or another basic training program described in section 109.78 or 691
109.801 of the Revised Code that complies with the requirements 692
set forth in division (G) of this section; 693

(d) A document that evidences both of the following: 694

(i) That the applicant is an active or reserve member of 695
the armed forces of the United States, has retired from or was 696
honorably discharged from military service in the active or 697
reserve armed forces of the United States, is a retired trooper 698
of the state highway patrol, or is a retired peace officer or 699
federal law enforcement officer described in division (B) (1) of 700
this section or a retired person described in division (B) (1) (b) 701
of section 109.77 of the Revised Code and division (B) (1) of 702
this section; 703

(ii) That, through participation in the military service 704

or through the former employment described in division (B) (3) (d) 705
(i) of this section, the applicant acquired experience with 706
handling handguns or other firearms, and the experience so 707
acquired was equivalent to training that the applicant could 708
have acquired in a course, class, or program described in 709
division (B) (3) (a), (b), or (c) of this section. 710

(e) A certificate or another similar document that 711
evidences satisfactory completion of a firearms training, 712
safety, or requalification or firearms safety instructor course, 713
class, or program that is not otherwise described in division 714
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 715
by an instructor who was certified by an official or entity of 716
the government of this or another state or the United States or 717
by a national gun advocacy organization, and that complies with 718
the requirements set forth in division (G) of this section; 719

(f) An affidavit that attests to the applicant's 720
satisfactory completion of a course, class, or program described 721
in division (B) (3) (a), (b), (c), or (e) of this section and that 722
is subscribed by the applicant's instructor or an authorized 723
representative of the entity that offered the course, class, or 724
program or under whose auspices the course, class, or program 725
was offered; 726

(g) A document that evidences that the applicant has 727
successfully completed the Ohio peace officer training program 728
described in section 109.79 of the Revised Code. 729

(4) A certification by the applicant that the applicant 730
has read the pamphlet prepared by the Ohio peace officer 731
training commission pursuant to section 109.731 of the Revised 732
Code that reviews firearms, dispute resolution, and use of 733
deadly force matters. 734

(5) A set of fingerprints of the applicant provided as 735
described in section 311.41 of the Revised Code through use of 736
an electronic fingerprint reading device or, if the sheriff to 737
whom the application is submitted does not possess and does not 738
have ready access to the use of such a reading device, on a 739
standard impression sheet prescribed pursuant to division (C) (2) 740
of section 109.572 of the Revised Code. 741

(6) If the applicant is not a citizen or national of the 742
United States, the name of the applicant's country of 743
citizenship and the applicant's alien registration number issued 744
by the United States citizenship and immigration services 745
agency. 746

(7) If the applicant resides in another state, adequate 747
proof of employment in Ohio. 748

(C) Upon receipt of the completed application form, 749
supporting documentation, and, if not waived, license fee of an 750
applicant under this section, a sheriff, in the manner specified 751
in section 311.41 of the Revised Code, shall conduct or cause to 752
be conducted the criminal records check and the incompetency 753
records check described in section 311.41 of the Revised Code. 754

(D) (1) Except as provided in division (D) (3) of this 755
section, within forty-five days after a sheriff's receipt of an 756
applicant's completed application form for a concealed handgun 757
license under this section, the supporting documentation, and, 758
if not waived, the license fee, the sheriff shall make available 759
through the law enforcement automated data system in accordance 760
with division (H) of this section the information described in 761
that division and, upon making the information available through 762
the system, shall issue to the applicant a concealed handgun 763
license that shall expire as described in division (D) (2) (a) of 764

this section if all of the following apply: 765

(a) The applicant is legally living in the United States. 766
For purposes of division (D) (1) (a) of this section, if a person 767
is absent from the United States in compliance with military or 768
naval orders as an active or reserve member of the armed forces 769
of the United States and if prior to leaving the United States 770
the person was legally living in the United States, the person, 771
solely by reason of that absence, shall not be considered to 772
have lost the person's status as living in the United States. 773

(b) The applicant is at least twenty-one years of age. 774

(c) The applicant is not a fugitive from justice. 775

(d) The applicant is not under indictment for or otherwise 776
charged with a felony; an offense under Chapter 2925., 3719., or 777
4729. of the Revised Code that involves the illegal possession, 778
use, sale, administration, or distribution of or trafficking in 779
a drug of abuse; a misdemeanor offense of violence; or a 780
violation of section 2903.14 or 2923.1211 of the Revised Code. 781

(e) Except as otherwise provided in division (D) (4) or (5) 782
of this section, the applicant has not been convicted of or 783
pleaded guilty to a felony or an offense under Chapter 2925., 784
3719., or 4729. of the Revised Code that involves the illegal 785
possession, use, sale, administration, or distribution of or 786
trafficking in a drug of abuse; has not been adjudicated a 787
delinquent child for committing an act that if committed by an 788
adult would be a felony or would be an offense under Chapter 789
2925., 3719., or 4729. of the Revised Code that involves the 790
illegal possession, use, sale, administration, or distribution 791
of or trafficking in a drug of abuse; has not been convicted of, 792
pleaded guilty to, or adjudicated a delinquent child for 793

committing a violation of section 2903.13 of the Revised Code 794
when the victim of the violation is a peace officer, regardless 795
of whether the applicant was sentenced under division (C) (4) of 796
that section; and has not been convicted of, pleaded guilty to, 797
or adjudicated a delinquent child for committing any other 798
offense that is not previously described in this division that 799
is a misdemeanor punishable by imprisonment for a term exceeding 800
one year. 801

(f) Except as otherwise provided in division (D) (4) or (5) 802
of this section, the applicant, within three years of the date 803
of the application, has not been convicted of or pleaded guilty 804
to a misdemeanor offense of violence other than a misdemeanor 805
violation of section 2921.33 of the Revised Code or a violation 806
of section 2903.13 of the Revised Code when the victim of the 807
violation is a peace officer, or a misdemeanor violation of 808
section 2923.1211 of the Revised Code; and has not been 809
adjudicated a delinquent child for committing an act that if 810
committed by an adult would be a misdemeanor offense of violence 811
other than a misdemeanor violation of section 2921.33 of the 812
Revised Code or a violation of section 2903.13 of the Revised 813
Code when the victim of the violation is a peace officer or for 814
committing an act that if committed by an adult would be a 815
misdemeanor violation of section 2923.1211 of the Revised Code. 816

(g) Except as otherwise provided in division (D) (1) (e) of 817
this section, the applicant, within five years of the date of 818
the application, has not been convicted of, pleaded guilty to, 819
or adjudicated a delinquent child for committing two or more 820
violations of section 2903.13 or 2903.14 of the Revised Code. 821

(h) Except as otherwise provided in division (D) (4) or (5) 822
of this section, the applicant, within ten years of the date of 823

the application, has not been convicted of, pleaded guilty to, 824
or adjudicated a delinquent child for committing a violation of 825
section 2921.33 of the Revised Code. 826

(i) The applicant has not been adjudicated as a mental 827
defective, has not been committed to any mental institution, is 828
not under adjudication of mental incompetence, has not been 829
found by a court to be a mentally ill person subject to court 830
order, and is not an involuntary patient other than one who is a 831
patient only for purposes of observation. As used in this 832
division, "mentally ill person subject to court order" and 833
"patient" have the same meanings as in section 5122.01 of the 834
Revised Code. 835

(j) The applicant is not currently subject to a civil 836
protection order, a temporary protection order, an extreme risk 837
protection order or ex parte extreme risk protection order 838
issued under sections 2923.26 to 2923.30 of the Revised Code, or 839
a protection order issued by a court of another state. 840

(k) The applicant certifies that the applicant desires a 841
legal means to carry a concealed handgun for defense of the 842
applicant or a member of the applicant's family while engaged in 843
lawful activity. 844

(l) The applicant submits a competency certification of 845
the type described in division (B) (3) of this section and 846
submits a certification of the type described in division (B) (4) 847
of this section regarding the applicant's reading of the 848
pamphlet prepared by the Ohio peace officer training commission 849
pursuant to section 109.731 of the Revised Code. 850

(m) The applicant currently is not subject to a suspension 851
imposed under division (A) (2) of section 2923.128 of the Revised 852

Code of a concealed handgun license that previously was issued 853
to the applicant under this section or section 2923.1213 of the 854
Revised Code or a similar suspension imposed by another state 855
regarding a concealed handgun license issued by that state. 856

(n) If the applicant resides in another state, the 857
applicant is employed in this state. 858

(o) The applicant certifies that the applicant is not an 859
unlawful user of or addicted to any controlled substance as 860
defined in 21 U.S.C. 802. 861

(p) If the applicant is not a United States citizen, the 862
applicant is an alien and has not been admitted to the United 863
States under a nonimmigrant visa, as defined in the "Immigration 864
and Nationality Act," 8 U.S.C. 1101(a) (26). 865

(q) The applicant has not been discharged from the armed 866
forces of the United States under dishonorable conditions. 867

(r) The applicant certifies that the applicant has not 868
renounced the applicant's United States citizenship, if 869
applicable. 870

(s) The applicant has not been convicted of, pleaded 871
guilty to, or adjudicated a delinquent child for committing a 872
violation of section 2919.25 of the Revised Code or a similar 873
violation in another state. 874

(2) (a) A concealed handgun license that a sheriff issues 875
under division (D) (1) of this section shall expire five years 876
after the date of issuance. 877

If a sheriff issues a license under this section, the 878
sheriff shall place on the license a unique combination of 879
letters and numbers identifying the license in accordance with 880

the procedure prescribed by the Ohio peace officer training 881
commission pursuant to section 109.731 of the Revised Code. 882

(b) If a sheriff denies an application under this section 883
because the applicant does not satisfy the criteria described in 884
division (D)(1) of this section, the sheriff shall specify the 885
grounds for the denial in a written notice to the applicant. The 886
applicant may appeal the denial pursuant to section 119.12 of 887
the Revised Code in the county served by the sheriff who denied 888
the application. If the denial was as a result of the criminal 889
records check conducted pursuant to section 311.41 of the 890
Revised Code and if, pursuant to section 2923.127 of the Revised 891
Code, the applicant challenges the criminal records check 892
results using the appropriate challenge and review procedure 893
specified in that section, the time for filing the appeal 894
pursuant to section 119.12 of the Revised Code and this division 895
is tolled during the pendency of the request or the challenge 896
and review. 897

(c) If the court in an appeal under section 119.12 of the 898
Revised Code and division (D)(2)(b) of this section enters a 899
judgment sustaining the sheriff's refusal to grant to the 900
applicant a concealed handgun license, the applicant may file a 901
new application beginning one year after the judgment is 902
entered. If the court enters a judgment in favor of the 903
applicant, that judgment shall not restrict the authority of a 904
sheriff to suspend or revoke the license pursuant to section 905
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 906
the license for any proper cause that may occur after the date 907
the judgment is entered. In the appeal, the court shall have 908
full power to dispose of all costs. 909

(3) If the sheriff with whom an application for a 910

concealed handgun license was filed under this section becomes 911
aware that the applicant has been arrested for or otherwise 912
charged with an offense that would disqualify the applicant from 913
holding the license, the sheriff shall suspend the processing of 914
the application until the disposition of the case arising from 915
the arrest or charge. 916

(4) If an applicant has been convicted of or pleaded 917
guilty to an offense identified in division (D)(1)(e), (f), or 918
(h) of this section or has been adjudicated a delinquent child 919
for committing an act or violation identified in any of those 920
divisions, and if a court has ordered the sealing or expungement 921
of the records of that conviction, guilty plea, or adjudication 922
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 923
2953.36, or section 2953.37 of the Revised Code or the applicant 924
has been relieved under operation of law or legal process from 925
the disability imposed pursuant to section 2923.13 of the 926
Revised Code relative to that conviction, guilty plea, or 927
adjudication, the sheriff with whom the application was 928
submitted shall not consider the conviction, guilty plea, or 929
adjudication in making a determination under division (D)(1) or 930
(F) of this section or, in relation to an application for a 931
concealed handgun license on a temporary emergency basis 932
submitted under section 2923.1213 of the Revised Code, in making 933
a determination under division (B)(2) of that section. 934

(5) If an applicant has been convicted of or pleaded 935
guilty to a minor misdemeanor offense or has been adjudicated a 936
delinquent child for committing an act or violation that is a 937
minor misdemeanor offense, the sheriff with whom the application 938
was submitted shall not consider the conviction, guilty plea, or 939
adjudication in making a determination under division (D)(1) or 940
(F) of this section or, in relation to an application for a 941

concealed handgun license on a temporary basis submitted under 942
section 2923.1213 of the Revised Code, in making a determination 943
under division (B) (2) of that section. 944

(E) If a concealed handgun license issued under this 945
section is lost or is destroyed, the licensee may obtain from 946
the sheriff who issued that license a duplicate license upon the 947
payment of a fee of fifteen dollars and the submission of an 948
affidavit attesting to the loss or destruction of the license. 949
The sheriff, in accordance with the procedures prescribed in 950
section 109.731 of the Revised Code, shall place on the 951
replacement license a combination of identifying numbers 952
different from the combination on the license that is being 953
replaced. 954

(F) (1) (a) Except as provided in division (F) (1) (b) of this 955
section, a licensee who wishes to renew a concealed handgun 956
license issued under this section may do so at any time before 957
the expiration date of the license or at any time after the 958
expiration date of the license by filing with the sheriff of the 959
county in which the applicant resides or with the sheriff of an 960
adjacent county, or in the case of an applicant who resides in 961
another state with the sheriff of the county that issued the 962
applicant's previous concealed handgun license an application 963
for renewal of the license obtained pursuant to division (D) of 964
this section, a certification by the applicant that, subsequent 965
to the issuance of the license, the applicant has reread the 966
pamphlet prepared by the Ohio peace officer training commission 967
pursuant to section 109.731 of the Revised Code that reviews 968
firearms, dispute resolution, and use of deadly force matters, 969
and a nonrefundable license renewal fee in an amount determined 970
pursuant to division (F) (4) of this section unless the fee is 971
waived. 972

(b) A person on active duty in the armed forces of the United States or in service with the peace corps, volunteers in service to America, or the foreign service of the United States is exempt from the license requirements of this section for the period of the person's active duty or service and for six months thereafter, provided the person was a licensee under this section at the time the person commenced the person's active duty or service or had obtained a license while on active duty or service. The spouse or a dependent of any such person on active duty or in service also is exempt from the license requirements of this section for the period of the person's active duty or service and for six months thereafter, provided the spouse or dependent was a licensee under this section at the time the person commenced the active duty or service or had obtained a license while the person was on active duty or service, and provided further that the person's active duty or service resulted in the spouse or dependent relocating outside of this state during the period of the active duty or service. This division does not prevent such a person or the person's spouse or dependent from making an application for the renewal of a concealed handgun license during the period of the person's active duty or service.

(2) A sheriff shall accept a completed renewal application, the license renewal fee, and the information specified in division (F)(1) of this section at the times and in the manners described in division (I) of this section. Upon receipt of a completed renewal application, of certification that the applicant has reread the specified pamphlet prepared by the Ohio peace officer training commission, and of a license renewal fee unless the fee is waived, a sheriff, in the manner specified in section 311.41 of the Revised Code shall conduct or

cause to be conducted the criminal records check and the 1004
incompetency records check described in section 311.41 of the 1005
Revised Code. The sheriff shall renew the license if the sheriff 1006
determines that the applicant continues to satisfy the 1007
requirements described in division (D) (1) of this section, 1008
except that the applicant is not required to meet the 1009
requirements of division (D) (1) (1) of this section. A renewed 1010
license shall expire five years after the date of issuance. A 1011
renewed license is subject to division (E) of this section and 1012
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1013
shall comply with divisions (D) (2) and (3) of this section when 1014
the circumstances described in those divisions apply to a 1015
requested license renewal. If a sheriff denies the renewal of a 1016
concealed handgun license, the applicant may appeal the denial, 1017
or challenge the criminal record check results that were the 1018
basis of the denial if applicable, in the same manner as 1019
specified in division (D) (2) (b) of this section and in section 1020
2923.127 of the Revised Code, regarding the denial of a license 1021
under this section. 1022

(3) A renewal application submitted pursuant to division 1023
(F) of this section shall only require the licensee to list on 1024
the application form information and matters occurring since the 1025
date of the licensee's last application for a license pursuant 1026
to division (B) or (F) of this section. A sheriff conducting the 1027
criminal records check and the incompetency records check 1028
described in section 311.41 of the Revised Code shall conduct 1029
the check only from the date of the licensee's last application 1030
for a license pursuant to division (B) or (F) of this section 1031
through the date of the renewal application submitted pursuant 1032
to division (F) of this section. 1033

(4) An applicant for a renewal concealed handgun license 1034

under this section shall submit to the sheriff of the county in 1035
which the applicant resides or to the sheriff of any county 1036
adjacent to the county in which the applicant resides, or in the 1037
case of an applicant who resides in another state to the sheriff 1038
of the county that issued the applicant's previous concealed 1039
handgun license, a nonrefundable license fee as described in 1040
either of the following: 1041

(a) For an applicant who has been a resident of this state 1042
for five or more years, a fee of fifty dollars; 1043

(b) For an applicant who has been a resident of this state 1044
for less than five years or who is not a resident of this state 1045
but who is employed in this state, a fee of fifty dollars plus 1046
the actual cost of having a background check performed by the 1047
federal bureau of investigation. 1048

(5) The concealed handgun license of a licensee who is no 1049
longer a resident of this state or no longer employed in this 1050
state, as applicable, is valid until the date of expiration on 1051
the license, and the licensee is prohibited from renewing the 1052
concealed handgun license. 1053

(G) (1) Each course, class, or program described in 1054
division (B) (3) (a), (b), (c), or (e) of this section shall 1055
provide to each person who takes the course, class, or program 1056
the web site address at which the pamphlet prepared by the Ohio 1057
peace officer training commission pursuant to section 109.731 of 1058
the Revised Code that reviews firearms, dispute resolution, and 1059
use of deadly force matters may be found. Each such course, 1060
class, or program described in one of those divisions shall 1061
include at least eight hours of training in the safe handling 1062
and use of a firearm that shall include training, provided as 1063
described in division (G) (3) of this section, on all of the 1064

following:	1065
(a) The ability to name, explain, and demonstrate the	1066
rules for safe handling of a handgun and proper storage	1067
practices for handguns and ammunition;	1068
(b) The ability to demonstrate and explain how to handle	1069
ammunition in a safe manner;	1070
(c) The ability to demonstrate the knowledge, skills, and	1071
attitude necessary to shoot a handgun in a safe manner;	1072
(d) Gun handling training;	1073
(e) A minimum of two hours of in-person training that	1074
consists of range time and live-fire training.	1075
(2) To satisfactorily complete the course, class, or	1076
program described in division (B) (3) (a), (b), (c), or (e) of	1077
this section, the applicant shall pass a competency examination	1078
that shall include both of the following:	1079
(a) A written section, provided as described in division	1080
(G) (3) of this section, on the ability to name and explain the	1081
rules for the safe handling of a handgun and proper storage	1082
practices for handguns and ammunition;	1083
(b) An in-person physical demonstration of competence in	1084
the use of a handgun and in the rules for safe handling and	1085
storage of a handgun and a physical demonstration of the	1086
attitude necessary to shoot a handgun in a safe manner.	1087
(3) (a) Except as otherwise provided in this division, the	1088
training specified in division (G) (1) (a) of this section shall	1089
be provided to the person receiving the training in person by an	1090
instructor. If the training specified in division (G) (1) (a) of	1091
this section is provided by a course, class, or program	1092

described in division (B) (3) (a) of this section, or it is 1093
provided by a course, class, or program described in division 1094
(B) (3) (b), (c), or (e) of this section and the instructor is a 1095
qualified instructor certified by a national gun advocacy 1096
organization, the training so specified, other than the training 1097
that requires the person receiving the training to demonstrate 1098
handling abilities, may be provided online or as a combination 1099
of in-person and online training, as long as the online training 1100
includes an interactive component that regularly engages the 1101
person. 1102

(b) Except as otherwise provided in this division, the 1103
written section of the competency examination specified in 1104
division (G) (2) (a) of this section shall be administered to the 1105
person taking the competency examination in person by an 1106
instructor. If the training specified in division (G) (1) (a) of 1107
this section is provided to the person receiving the training by 1108
a course, class, or program described in division (B) (3) (a) of 1109
this section, or it is provided by a course, class, or program 1110
described in division (B) (3) (b), (c), or (e) of this section and 1111
the instructor is a qualified instructor certified by a national 1112
gun advocacy organization, the written section of the competency 1113
examination specified in division (G) (2) (a) of this section may 1114
be administered online, as long as the online training includes 1115
an interactive component that regularly engages the person. 1116

(4) The competency certification described in division (B) 1117
(3) (a), (b), (c), or (e) of this section shall be dated and 1118
shall attest that the course, class, or program the applicant 1119
successfully completed met the requirements described in 1120
division (G) (1) of this section and that the applicant passed 1121
the competency examination described in division (G) (2) of this 1122
section. 1123

(H) Upon deciding to issue a concealed handgun license, 1124
deciding to issue a replacement concealed handgun license, or 1125
deciding to renew a concealed handgun license pursuant to this 1126
section, and before actually issuing or renewing the license, 1127
the sheriff shall make available through the law enforcement 1128
automated data system all information contained on the license. 1129
If the license subsequently is suspended under division (A) (1) 1130
or (2) of section 2923.128 of the Revised Code, revoked pursuant 1131
to division (B) (1) of section 2923.128 of the Revised Code, or 1132
lost or destroyed, the sheriff also shall make available through 1133
the law enforcement automated data system a notation of that 1134
fact. The superintendent of the state highway patrol shall 1135
ensure that the law enforcement automated data system is so 1136
configured as to permit the transmission through the system of 1137
the information specified in this division. 1138

(I) (1) A sheriff shall accept a completed application form 1139
or renewal application, and the fee, items, materials, and 1140
information specified in divisions (B) (1) to (5) or division (F) 1141
of this section, whichever is applicable, and shall provide an 1142
application form or renewal application to any person during at 1143
least fifteen hours a week and shall provide the web site 1144
address at which a printable version of the application form 1145
that can be downloaded and the pamphlet described in division 1146
(B) of section 109.731 of the Revised Code may be found at any 1147
time, upon request. The sheriff shall post notice of the hours 1148
during which the sheriff is available to accept or provide the 1149
information described in this division. 1150

(2) A sheriff shall transmit a notice to the attorney 1151
general, in a manner determined by the attorney general, every 1152
time a license is issued that waived payment under division (B) 1153
(1) (c) of this section for an applicant who is an active or 1154

reserve member of the armed forces of the United States or has 1155
retired from or was honorably discharged from military service 1156
in the active or reserve armed forces of the United States. The 1157
attorney general shall monitor and inform sheriffs issuing 1158
licenses under this section when the amount of license fee 1159
payments waived and transmitted to the attorney general reach 1160
one million five hundred thousand dollars each year. Once a 1161
sheriff is informed that the payments waived reached one million 1162
five hundred thousand dollars in any year, a sheriff shall no 1163
longer waive payment of a license fee for an applicant who is an 1164
active or reserve member of the armed forces of the United 1165
States or has retired from or was honorably discharged from 1166
military service in the active or reserve armed forces of the 1167
United States for the remainder of that year. 1168

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1169
concealed handgun license is arrested for or otherwise charged 1170
with an offense described in division (D) (1) (d) of section 1171
2923.125 of the Revised Code or with a violation of section 1172
2923.15 of the Revised Code or becomes subject to a temporary 1173
protection order or to a protection order issued by a court of 1174
another state that is substantially equivalent to a temporary 1175
protection order, the sheriff who issued the license shall 1176
suspend it and shall comply with division (A) (3) of this section 1177
upon becoming aware of the arrest, charge, or protection order. 1178
Upon suspending the license, the sheriff also shall comply with 1179
division (H) of section 2923.125 of the Revised Code. 1180

(b) A suspension under division (A) (1) (a) of this section 1181
shall be considered as beginning on the date that the licensee 1182
is arrested for or otherwise charged with an offense described 1183
in that division or on the date the appropriate court issued the 1184
protection order described in that division, irrespective of 1185

when the sheriff notifies the licensee under division (A) (3) of 1186
this section. The suspension shall end on the date on which the 1187
charges are dismissed or the licensee is found not guilty of the 1188
offense described in division (A) (1) (a) of this section or, 1189
subject to division (B) of this section, on the date the 1190
appropriate court terminates the protection order described in 1191
that division. If the suspension so ends, the sheriff shall 1192
return the license or temporary emergency license to the 1193
licensee. 1194

(2) (a) If a licensee holding a valid concealed handgun 1195
license is convicted of or pleads guilty to a misdemeanor 1196
violation of division (B) (1), (2), or (4) of section 2923.12 of 1197
the Revised Code or of division (E) (1), (2), (3), or (5) of 1198
section 2923.16 of the Revised Code, except as provided in 1199
division (A) (2) (c) of this section and subject to division (C) 1200
of this section, the sheriff who issued the license shall 1201
suspend it and shall comply with division (A) (3) of this section 1202
upon becoming aware of the conviction or guilty plea. Upon 1203
suspending the license, the sheriff also shall comply with 1204
division (H) of section 2923.125 of the Revised Code. 1205

(b) A suspension under division (A) (2) (a) of this section 1206
shall be considered as beginning on the date that the licensee 1207
is convicted of or pleads guilty to the offense described in 1208
that division, irrespective of when the sheriff notifies the 1209
licensee under division (A) (3) of this section. If the 1210
suspension is imposed for a misdemeanor violation of division 1211
(B) (1) or (2) of section 2923.12 of the Revised Code or of 1212
division (E) (1), (2), or (3) of section 2923.16 of the Revised 1213
Code, it shall end on the date that is one year after the date 1214
that the licensee is convicted of or pleads guilty to that 1215
violation. If the suspension is imposed for a misdemeanor 1216

violation of division (B) (4) of section 2923.12 of the Revised Code or of division (E) (5) of section 2923.16 of the Revised Code, it shall end on the date that is two years after the date that the licensee is convicted of or pleads guilty to that violation. If the licensee's license was issued under section 2923.125 of the Revised Code and the license remains valid after the suspension ends as described in this division, when the suspension ends, the sheriff shall return the license to the licensee. If the licensee's license was issued under section 2923.125 of the Revised Code and the license expires before the suspension ends as described in this division, or if the licensee's license was issued under section 2923.1213 of the Revised Code, the licensee is not eligible to apply for a new license under section 2923.125 or 2923.1213 of the Revised Code or to renew the license under section 2923.125 of the Revised Code until after the suspension ends as described in this division.

(c) The license of a licensee who is convicted of or pleads guilty to a violation of division (B) (1) of section 2923.12 or division (E) (1) or (2) of section 2923.16 of the Revised Code shall not be suspended pursuant to division (A) (2) (a) of this section if, at the time of the stop of the licensee for a law enforcement purpose, for a traffic stop, or for a purpose defined in section 5503.34 of the Revised Code that was the basis of the violation, any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the licensee's status as a licensee.

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

license, or a conviction of or plea of guilty to a misdemeanor 1248
offense described in division (A) (2) (a) of this section with 1249
respect to a licensee who was issued a concealed handgun license 1250
and with respect to which division (A) (2) (c) of this section 1251
does not apply, subject to division (C) of this section, the 1252
sheriff who issued the licensee's license shall notify the 1253
licensee, by certified mail, return receipt requested, at the 1254
licensee's last known residence address that the license has 1255
been suspended and that the licensee is required to surrender 1256
the license at the sheriff's office within ten days of the date 1257
on which the notice was mailed. If the suspension is pursuant to 1258
division (A) (2) of this section, the notice shall identify the 1259
date on which the suspension ends. 1260

(B) (1) A sheriff who issues a concealed handgun license to 1261
a licensee shall revoke the license in accordance with division 1262
(B) (2) of this section upon becoming aware that the licensee 1263
satisfies any of the following: 1264

(a) The licensee is under twenty-one years of age. 1265

(b) Subject to division (C) of this section, at the time 1266
of the issuance of the license, the licensee did not satisfy the 1267
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1268
(g), or (h) of section 2923.125 of the Revised Code. 1269

(c) Subject to division (C) of this section, on or after 1270
the date on which the license was issued, the licensee is 1271
convicted of or pleads guilty to a violation of section 2923.15 1272
of the Revised Code or an offense described in division (D) (1) 1273
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1274

(d) On or after the date on which the license was issued, 1275
the licensee becomes subject to an extreme risk protection order 1276

<u>or ex parte extreme risk protection order issued under sections</u>	1277
<u>2923.26 to 2923.30 of the Revised Code, a civil protection</u>	1278
<u>order, or to a protection order issued by a court of another</u>	1279
<u>state that is substantially equivalent to a civil protection</u>	1280
<u>order.</u>	1281
(e) The licensee knowingly carries a concealed handgun	1282
into a place that the licensee knows is an unauthorized place	1283
specified in division (B) of section 2923.126 of the Revised	1284
Code.	1285
(f) On or after the date on which the license was issued,	1286
the licensee is adjudicated as a mental defective or is	1287
committed to a mental institution.	1288
(g) At the time of the issuance of the license, the	1289
licensee did not meet the residency requirements described in	1290
division (D) (1) of section 2923.125 of the Revised Code and	1291
currently does not meet the residency requirements described in	1292
that division.	1293
(h) Regarding a license issued under section 2923.125 of	1294
the Revised Code, the competency certificate the licensee	1295
submitted was forged or otherwise was fraudulent.	1296
(2) Upon becoming aware of any circumstance listed in	1297
division (B) (1) of this section that applies to a particular	1298
licensee who was issued a concealed handgun license, subject to	1299
division (C) of this section, the sheriff who issued the license	1300
to the licensee shall notify the licensee, by certified mail,	1301
return receipt requested, at the licensee's last known residence	1302
address that the license is subject to revocation and that the	1303
licensee may come to the sheriff's office and contest the	1304
sheriff's proposed revocation within fourteen days of the date	1305

on which the notice was mailed. After the fourteen-day period 1306
and after consideration of any information that the licensee 1307
provides during that period, if the sheriff determines on the 1308
basis of the information of which the sheriff is aware that the 1309
licensee is described in division (B) (1) of this section and no 1310
longer satisfies the requirements described in division (D) (1) 1311
of section 2923.125 of the Revised Code that are applicable to 1312
the licensee's type of license, the sheriff shall revoke the 1313
license, notify the licensee of that fact, and require the 1314
licensee to surrender the license. Upon revoking the license, 1315
the sheriff also shall comply with division (H) of section 1316
2923.125 of the Revised Code. 1317

(C) If a sheriff who issues a concealed handgun license to 1318
a licensee becomes aware that at the time of the issuance of the 1319
license the licensee had been convicted of or pleaded guilty to 1320
an offense identified in division (D) (1) (e), (f), or (h) of 1321
section 2923.125 of the Revised Code or had been adjudicated a 1322
delinquent child for committing an act or violation identified 1323
in any of those divisions or becomes aware that on or after the 1324
date on which the license was issued the licensee has been 1325
convicted of or pleaded guilty to an offense identified in 1326
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 1327
shall not consider that conviction, guilty plea, or adjudication 1328
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 1329
(1), and (B) (2) of this section if a court has ordered the 1330
sealing or expungement of the records of that conviction, guilty 1331
plea, or adjudication pursuant to sections 2151.355 to 2151.358 1332
or sections 2953.31 to 2953.36 of the Revised Code or the 1333
licensee has been relieved under operation of law or legal 1334
process from the disability imposed pursuant to section 2923.13 1335
of the Revised Code relative to that conviction, guilty plea, or 1336

adjudication.	1337
(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code.	1338 1339 1340
Sec. 2923.1213. (A) As used in this section:	1341
(1) "Evidence of imminent danger" means any of the following:	1342 1343
(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;	1344 1345 1346 1347 1348
(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor.	1349 1350 1351 1352 1353 1354 1355 1356 1357 1358
(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	1359 1360
(B) (1) A person seeking a concealed handgun license on a temporary emergency basis shall submit to the sheriff of the county in which the person resides or, if the person usually resides in another state, to the sheriff of the county in which	1361 1362 1363 1364

the person is temporarily staying, all of the following: 1365

(a) Evidence of imminent danger to the person or a member 1366
of the person's family; 1367

(b) A sworn affidavit that contains all of the information 1368
required to be on the license and attesting that the person is 1369
legally living in the United States; is at least twenty-one 1370
years of age; is not a fugitive from justice; is not under 1371
indictment for or otherwise charged with an offense identified 1372
in division (D) (1) (d) of section 2923.125 of the Revised Code; 1373
has not been convicted of or pleaded guilty to an offense, and 1374
has not been adjudicated a delinquent child for committing an 1375
act, identified in division (D) (1) (e) of that section and to 1376
which division (B) (3) of this section does not apply; within 1377
three years of the date of the submission, has not been 1378
convicted of or pleaded guilty to an offense, and has not been 1379
adjudicated a delinquent child for committing an act, identified 1380
in division (D) (1) (f) of that section and to which division (B) 1381
(3) of this section does not apply; within five years of the 1382
date of the submission, has not been convicted of, pleaded 1383
guilty, or adjudicated a delinquent child for committing two or 1384
more violations identified in division (D) (1) (g) of that 1385
section; within ten years of the date of the submission, has not 1386
been convicted of, pleaded guilty, or adjudicated a delinquent 1387
child for committing a violation identified in division (D) (1) 1388
(h) of that section and to which division (B) (3) of this section 1389
does not apply; has not been adjudicated as a mental defective, 1390
has not been committed to any mental institution, is not under 1391
adjudication of mental incompetence, has not been found by a 1392
court to be a mentally ill person subject to court order, and is 1393
not an involuntary patient other than one who is a patient only 1394
for purposes of observation, as described in division (D) (1) (i) 1395

of that section; is not currently subject to a civil protection 1396
order, a temporary protection order, an extreme risk protection 1397
order or ex parte extreme risk protection order issued under 1398
sections 2923.26 to 2923.30 of the Revised Code, or a protection 1399
order issued by a court of another state, as described in 1400
division (D)(1)(j) of that section; is not currently subject to 1401
a suspension imposed under division (A)(2) of section 2923.128 1402
of the Revised Code of a concealed handgun license that 1403
previously was issued to the person or a similar suspension 1404
imposed by another state regarding a concealed handgun license 1405
issued by that state; is not an unlawful user of or addicted to 1406
any controlled substance as defined in 21 U.S.C. 802; if 1407
applicable, is an alien and has not been admitted to the United 1408
States under a nonimmigrant visa, as defined in the "Immigration 1409
and Nationality Act," 8 U.S.C. 1101(a)(26); has not been 1410
discharged from the armed forces of the United States under 1411
dishonorable conditions; if applicable, has not renounced the 1412
applicant's United States citizenship; and has not been 1413
convicted of, pleaded guilty to, or been adjudicated a 1414
delinquent child for committing a violation identified in 1415
division (D)(1)(s) of section 2923.125 of the Revised Code; 1416

(c) A nonrefundable temporary emergency license fee as 1417
described in either of the following: 1418

(i) For an applicant who has been a resident of this state 1419
for five or more years, a fee of fifteen dollars plus the actual 1420
cost of having a background check performed by the bureau of 1421
criminal identification and investigation pursuant to section 1422
311.41 of the Revised Code; 1423

(ii) For an applicant who has been a resident of this 1424
state for less than five years or who is not a resident of this 1425

state, but is temporarily staying in this state, a fee of 1426
fifteen dollars plus the actual cost of having background checks 1427
performed by the federal bureau of investigation and the bureau 1428
of criminal identification and investigation pursuant to section 1429
311.41 of the Revised Code. 1430

(d) A set of fingerprints of the applicant provided as 1431
described in section 311.41 of the Revised Code through use of 1432
an electronic fingerprint reading device or, if the sheriff to 1433
whom the application is submitted does not possess and does not 1434
have ready access to the use of an electronic fingerprint 1435
reading device, on a standard impression sheet prescribed 1436
pursuant to division (C) (2) of section 109.572 of the Revised 1437
Code. If the fingerprints are provided on a standard impression 1438
sheet, the person also shall provide the person's social 1439
security number to the sheriff. 1440

(2) A sheriff shall accept the evidence of imminent 1441
danger, the sworn affidavit, the fee, and the set of 1442
fingerprints required under division (B) (1) of this section at 1443
the times and in the manners described in division (I) of this 1444
section. Upon receipt of the evidence of imminent danger, the 1445
sworn affidavit, the fee, and the set of fingerprints required 1446
under division (B) (1) of this section, the sheriff, in the 1447
manner specified in section 311.41 of the Revised Code, 1448
immediately shall conduct or cause to be conducted the criminal 1449
records check and the incompetency records check described in 1450
section 311.41 of the Revised Code. Immediately upon receipt of 1451
the results of the records checks, the sheriff shall review the 1452
information and shall determine whether the criteria set forth 1453
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 1454
of the Revised Code apply regarding the person. If the sheriff 1455
determines that all of the criteria set forth in divisions (D) 1456

(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised Code apply regarding the person, the sheriff shall immediately make available through the law enforcement automated data system all information that will be contained on the temporary emergency license for the person if one is issued, and the superintendent of the state highway patrol shall ensure that the system is so configured as to permit the transmission through the system of that information. Upon making that information available through the law enforcement automated data system, the sheriff shall immediately issue to the person a concealed handgun license on a temporary emergency basis.

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

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

The license on a temporary emergency basis issued under this division is valid for ninety days and may not be renewed. A person who has been issued a license on a temporary emergency basis under this division shall not be issued another license on

a temporary emergency basis unless at least four years has 1487
expired since the issuance of the prior license on a temporary 1488
emergency basis. 1489

(3) If a person seeking a concealed handgun license on a 1490
temporary emergency basis has been convicted of or pleaded 1491
guilty to an offense identified in division (D)(1)(e), (f), or 1492
(h) of section 2923.125 of the Revised Code or has been 1493
adjudicated a delinquent child for committing an act or 1494
violation identified in any of those divisions, and if a court 1495
has ordered the sealing or expungement of the records of that 1496
conviction, guilty plea, or adjudication pursuant to sections 1497
2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the 1498
Revised Code or the applicant has been relieved under operation 1499
of law or legal process from the disability imposed pursuant to 1500
section 2923.13 of the Revised Code relative to that conviction, 1501
guilty plea, or adjudication, the conviction, guilty plea, or 1502
adjudication shall not be relevant for purposes of the sworn 1503
affidavit described in division (B)(1)(b) of this section, and 1504
the person may complete, and swear to the truth of, the 1505
affidavit as if the conviction, guilty plea, or adjudication 1506
never had occurred. 1507

(4) The sheriff shall waive the payment pursuant to 1508
division (B)(1)(c) of this section of the license fee in 1509
connection with an application that is submitted by an applicant 1510
who is a retired peace officer, a retired person described in 1511
division (B)(1)(b) of section 109.77 of the Revised Code, or a 1512
retired federal law enforcement officer who, prior to 1513
retirement, was authorized under federal law to carry a firearm 1514
in the course of duty, unless the retired peace officer, person, 1515
or federal law enforcement officer retired as the result of a 1516
mental disability. 1517

The sheriff shall deposit all fees paid by an applicant 1518
under division (B) (1) (c) of this section into the sheriff's 1519
concealed handgun license issuance fund established pursuant to 1520
section 311.42 of the Revised Code. 1521

(C) A person who holds a concealed handgun license on a 1522
temporary emergency basis has the same right to carry a 1523
concealed handgun as a person who was issued a concealed handgun 1524
license under section 2923.125 of the Revised Code, and any 1525
exceptions to the prohibitions contained in section 1547.69 and 1526
sections 2923.12 to 2923.16 of the Revised Code for a licensee 1527
under section 2923.125 of the Revised Code apply to a licensee 1528
under this section. The person is subject to the same 1529
restrictions, and to all other procedures, duties, and 1530
sanctions, that apply to a person who carries a license issued 1531
under section 2923.125 of the Revised Code, other than the 1532
license renewal procedures set forth in that section. 1533

(D) A sheriff who issues a concealed handgun license on a 1534
temporary emergency basis under this section shall not require a 1535
person seeking to carry a concealed handgun in accordance with 1536
this section to submit a competency certificate as a 1537
prerequisite for issuing the license and shall comply with 1538
division (H) of section 2923.125 of the Revised Code in regards 1539
to the license. The sheriff shall suspend or revoke the license 1540
in accordance with section 2923.128 of the Revised Code. In 1541
addition to the suspension or revocation procedures set forth in 1542
section 2923.128 of the Revised Code, the sheriff may revoke the 1543
license upon receiving information, verifiable by public 1544
documents, that the person is not eligible to possess a firearm 1545
under either the laws of this state or of the United States or 1546
that the person committed perjury in obtaining the license; if 1547
the sheriff revokes a license under this additional authority, 1548

the sheriff shall notify the person, by certified mail, return 1549
receipt requested, at the person's last known residence address 1550
that the license has been revoked and that the person is 1551
required to surrender the license at the sheriff's office within 1552
ten days of the date on which the notice was mailed. Division 1553
(H) of section 2923.125 of the Revised Code applies regarding 1554
any suspension or revocation of a concealed handgun license on a 1555
temporary emergency basis. 1556

(E) A sheriff who issues a concealed handgun license on a 1557
temporary emergency basis under this section shall retain, for 1558
the entire period during which the license is in effect, the 1559
evidence of imminent danger that the person submitted to the 1560
sheriff and that was the basis for the license, or a copy of 1561
that evidence, as appropriate. 1562

(F) If a concealed handgun license on a temporary 1563
emergency basis issued under this section is lost or is 1564
destroyed, the licensee may obtain from the sheriff who issued 1565
that license a duplicate license upon the payment of a fee of 1566
fifteen dollars and the submission of an affidavit attesting to 1567
the loss or destruction of the license. The sheriff, in 1568
accordance with the procedures prescribed in section 109.731 of 1569
the Revised Code, shall place on the replacement license a 1570
combination of identifying numbers different from the 1571
combination on the license that is being replaced. 1572

(G) The attorney general shall prescribe, and shall make 1573
available to sheriffs, a standard form to be used under division 1574
(B) of this section by a person who applies for a concealed 1575
handgun license on a temporary emergency basis on the basis of 1576
imminent danger of a type described in division (A) (1) (a) of 1577
this section. The attorney general shall design the form to 1578

enable applicants to provide the information that is required by 1579
law to be collected, and shall update the form as necessary. 1580
Burdens or restrictions to obtaining a concealed handgun license 1581
that are not expressly prescribed in law shall not be 1582
incorporated into the form. The attorney general shall post a 1583
printable version of the form on the web site of the attorney 1584
general and shall provide the address of the web site to any 1585
person who requests the form. 1586

(H) A sheriff who receives any fees paid by a person under 1587
this section shall deposit all fees so paid into the sheriff's 1588
concealed handgun license issuance expense fund established 1589
under section 311.42 of the Revised Code. 1590

(I) A sheriff shall accept evidence of imminent danger, a 1591
sworn affidavit, the fee, and the set of fingerprints specified 1592
in division (B)(1) of this section at any time during normal 1593
business hours. In no case shall a sheriff require an 1594
appointment, or designate a specific period of time, for the 1595
submission or acceptance of evidence of imminent danger, a sworn 1596
affidavit, the fee, and the set of fingerprints specified in 1597
division (B)(1) of this section, or for the provision to any 1598
person of a standard form to be used for a person to apply for a 1599
concealed handgun license on a temporary emergency basis. 1600

Sec. 2923.13. (A) Unless relieved from disability under 1601
operation of law or legal process, no person shall knowingly 1602
acquire, have, carry, or use any firearm or dangerous ordnance, 1603
if any of the following apply: 1604

(1) The person is a fugitive from justice. 1605

(2) The person is under indictment for or has been 1606
convicted of any felony offense of violence or has been 1607

adjudicated a delinquent child for the commission of an offense 1608
that, if committed by an adult, would have been a felony offense 1609
of violence. 1610

(3) The person is under indictment for or has been 1611
convicted of any felony offense involving the illegal 1612
possession, use, sale, administration, distribution, or 1613
trafficking in any drug of abuse or has been adjudicated a 1614
delinquent child for the commission of an offense that, if 1615
committed by an adult, would have been a felony offense 1616
involving the illegal possession, use, sale, administration, 1617
distribution, or trafficking in any drug of abuse. 1618

(4) The person is drug dependent, in danger of drug 1619
dependence, or a chronic alcoholic. 1620

(5) The person is under adjudication of mental 1621
incompetence, has been adjudicated as a mental defective, has 1622
been committed to a mental institution, has been found by a 1623
court to be a mentally ill person subject to court order, or is 1624
an involuntary patient other than one who is a patient only for 1625
purposes of observation. ~~As used in this division, "mentally ill~~ 1626
~~person subject to court order" and "patient" have the same~~ 1627
~~meanings as in section 5122.01 of the Revised Code.~~ 1628

(6) The person has been found guilty of having a firearm 1629
while under extreme risk protection order disability, and is 1630
prohibited from acquiring, having, carrying, or using a firearm 1631
under section 2923.99 of the Revised Code. 1632

(B) Whoever violates this section is guilty of having 1633
weapons while under disability, a felony of the third degree. 1634

(C) For the purposes of this section, ~~"under:~~ 1635

(1) Under operation of law or legal process" shall not 1636
itself include mere completion, termination, or expiration of a 1637
sentence imposed as a result of a criminal conviction. 1638

(2) "Mentally ill person subject to court order" and 1639
"patient" have the same meanings as in section 5122.01 of the 1640
Revised Code. 1641

Sec. 2923.26. (A) As used in this section and sections 1642
2923.27 to 2923.30 of the Revised Code: 1643

(1) "Extreme risk protection order" means a final order 1644
granted under section 2923.26 of the Revised Code. 1645

(2) "Ex parte extreme risk protection order" means an ex 1646
parte order granted under section 2923.27 of the Revised Code. 1647

(3) "Family or household member" means, with respect to a 1648
respondent, any of the following: 1649

(a) A person related by blood, marriage, or adoption to 1650
the respondent; 1651

(b) A person in a dating relationship with the respondent; 1652

(c) A person who has a child in common with the 1653
respondent, regardless of whether the person has been married to 1654
the respondent or has lived together with the respondent at any 1655
time; 1656

(d) A person who resides with the respondent or who has 1657
resided with the respondent within the past year; 1658

(e) A person who has a biological or legal parent-child 1659
relationship with the respondent, including a stepparent, 1660
stepchild, grandparent, and grandchild of the respondent; 1661

(f) A person who is acting or has acted as the 1662

respondent's legal guardian. 1663

(4) "Petitioner" means the person who petitions for an extreme risk protection order under this section. 1664
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(5) "Respondent" means the person who is identified as the subject of a petition for an extreme risk protection order under this section. 1666
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(6) "Law enforcement officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, municipal police officer, or state highway patrol trooper. 1669
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(7) "Law enforcement agency" means a municipal or township police department, a county sheriff's office, or the state highway patrol. 1673
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(B) (1) Any of the following persons may seek relief under sections 2923.26 to 2923.30 of the Revised Code by filing a petition for an extreme risk protection order in the court of common pleas in the county where the petitioner resides or in the county where the respondent resides: 1676
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(a) A family or household member of the respondent; 1681

(b) A law enforcement officer or law enforcement agency. 1682

(2) If a petitioner files a petition for an extreme risk protection order, in addition to the petition, the petitioner may file an application for an ex parte extreme risk protection order under section 2923.27 of the Revised Code. An application for an ex parte extreme risk protection order may be filed as specified in that section in the court of common pleas in which the petition is filed or in a county court or municipal court. If a petitioner who files a petition for an extreme risk 1683
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protection order also files an application for an ex parte 1691
extreme risk protection order, except as expressly specified to 1692
the contrary, the provisions of this section apply with respect 1693
to the petition that is related to the application. 1694

(C) A petition for an extreme risk protection order shall 1695
include all of the following: 1696

(1) An allegation that the respondent poses a significant 1697
danger of causing personal injury to self or others by having in 1698
the respondent's custody or control, purchasing, possessing, or 1699
receiving a firearm, accompanied by an affidavit made under oath 1700
stating the specific statements, actions, or facts that give 1701
rise to a reasonable fear of future dangerous acts by the 1702
respondent; 1703

(2) An inventory list including the number, types, and 1704
locations of every firearm the petitioner believes to be in the 1705
respondent's ownership, possession, custody, or control; 1706

(3) A list of any protection order issued under section 1707
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1708
Code to which the respondent is subject and of which the 1709
petitioner is aware; 1710

(4) A list of any pending lawsuit, complaint, petition, or 1711
other legal action between the parties. 1712

(D) The court shall verify the terms of any existing order 1713
governing the parties but shall not delay granting relief under 1714
this section or section 2923.27 of the Revised Code because an 1715
action is pending between the parties. A petition for an extreme 1716
risk protection order may be granted whether or not an action 1717
between the parties is pending. 1718

(E) If the petitioner for an extreme risk protection order 1719
is a law enforcement officer or agency, the petitioner shall 1720
make a good faith effort to provide notice to a family or 1721
household member or third party who may be at risk of violence. 1722
The notice shall state that the petitioner intends to petition 1723
the court for an extreme risk protection order or that the 1724
petitioner has already done so, and include referrals to 1725
appropriate resources, including mental health, domestic 1726
violence, and counseling resources. The petitioner shall attest 1727
in the petition to having provided this notice, or attest to the 1728
steps that will be taken to provide the notice. 1729

(F) If the petition for an extreme risk protection order 1730
states that disclosure of the petitioner's address would risk 1731
harm to the petitioner or any member of the petitioner's family 1732
or household, the petitioner's address may be omitted from all 1733
documents filed with the court. If the petitioner has not 1734
disclosed an address under this division, the petitioner shall 1735
designate an alternate address at which the respondent may serve 1736
notice of any motions. If the petitioner is a law enforcement 1737
officer or agency, the address of record shall be the address of 1738
the law enforcement agency. 1739

(G) The court shall not charge a fee to a petitioner for 1740
filing a petition under this section or for filing an 1741
application for an ex parte extreme risk protection order under 1742
section 2923.27 of the Revised Code, and shall not charge the 1743
petitioner for service of process of the petition. The court 1744
shall provide the necessary certified copies and forms and shall 1745
provide materials explaining the process of filing a petition 1746
for an extreme risk protection order to persons free of charge. 1747

(H) No petitioner for an extreme risk protection order 1748

shall be required to post a bond to obtain relief under this 1749
section or sections 2923.27 to 2923.30 of the Revised Code. 1750

(I) (1) Upon receiving a petition for an extreme risk 1751
protection order, the court shall do all of the following, 1752
subject to division (I) (2) of this section: 1753

(a) Order a hearing to be held not later than fourteen 1754
days after the date the petition is filed; 1755

(b) Issue a notice of the date, time, and location of the 1756
hearing to the respondent named in the petition; 1757

(c) Cause a copy of the notice of hearing and petition to 1758
be forwarded on or before the next judicial day to a local law 1759
enforcement agency for service on the respondent. 1760

(2) If a petitioner who files a petition for an extreme 1761
risk protection order also files an application for an ex parte 1762
extreme risk protection order under section 2923.27 of the 1763
Revised Code with respect to the same respondent, the court 1764
shall order the hearing specified in division (I) (1) (a) of this 1765
section, but except as provided in division (E) (4) of section 1766
2923.27 of the Revised Code, the court shall not issue the 1767
notice under division (I) (1) (b) of this section, cause the copy 1768
of the notice and petition to be served under division (I) (1) (c) 1769
of this section, or conduct the hearing. 1770

(J) The court may do either of the following with respect 1771
to a petition for an extreme risk protection order: 1772

(1) Subject to division (K) of this section, schedule a 1773
hearing by telephone pursuant to local court rule, to reasonably 1774
accommodate a disability, or, in exceptional circumstances, to 1775
protect a petitioner from potential harm; 1776

(2) Issue an ex parte extreme risk protection order under section 2923.27 of the Revised Code, if an application for such an order is made under that section. 1777
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(K) The court shall require assurances of the petitioner's identity before conducting a telephonic hearing under division (J) (1) of this section. 1780
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(L) Except as otherwise provided in this division, the local law enforcement agency shall personally serve the petition and notice of the hearing on the respondent not less than five judicial days prior to the hearing. If the petitioner who filed the petition for an extreme risk protection order also filed an application for an ex parte extreme risk protection order under section 2923.27 of the Revised Code with respect to the same respondent, the agency shall serve the notice and petition as specified in division (E) (3) or (4) of section 2923.27 of the Revised Code. Service issued under this section shall take precedence over other service of other documents, unless those documents are also of an emergency nature. If the local law enforcement agency cannot serve process under this section within the time period specified, the court shall set a new hearing date and either require the local law enforcement agency to attempt personal service again or shall permit service by publication or mail as provided in division (H) of section 2923.28 of the Revised Code. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail after two attempts unless the petitioner requests additional time to attempt personal service. If the court issues an order that permits service by publication or mail, the court shall set the hearing date not later than twenty-four days after the date the order is issued. 1783
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(M) (1) Upon hearing a petition for an extreme risk protection order, subject to division (M) (2) of this section, if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing personal injury to self or others by having custody or control of a firearm or the ability to purchase, possess, or receive a firearm, the court shall issue an extreme risk protection order for a period of one hundred eighty days. 1807
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(2) Division (M) (1) of this section does not apply to a determination of whether an ex parte extreme risk protection order should be issued under section 2923.27 of the Revised Code. Divisions (B) and (C) of that section govern the determination of whether such an order should be issued. If a court issues an ex parte extreme risk protection order under that section, division (M) (1) of this section applies in determining whether to issue a final extreme risk protection order after a hearing held on the related petition for an order. If a court denies an application for an ex parte extreme risk protection order under that section, division (M) (1) of this section applies in determining whether to issue an extreme risk protection order after a hearing held on the related petition for an order. 1815
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(N) In determining whether grounds for an extreme risk protection order exist under division (M) (1) of this section or whether grounds for an ex parte extreme risk protection order exist under divisions (B) and (C) of section 2923.27 of the Revised Code, the court may do any of the following: 1829
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(1) Consider any relevant evidence including any of the following: 1834
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(a) A recent act or threat of violence by the respondent 1836

<u>against the respondent or against another, whether or not the</u>	1837
<u>violence or threat involves a firearm;</u>	1838
<u>(b) A pattern of acts or threats of violence by the</u>	1839
<u>respondent within the past twelve months, including acts or</u>	1840
<u>threats of violence by the respondent against the respondent or</u>	1841
<u>against others;</u>	1842
<u>(c) Any dangerous mental health issues of the respondent;</u>	1843
<u>(d) A violation by the respondent of any of the following:</u>	1844
<u>(i) A protection order issued or consent agreement</u>	1845
<u>approved pursuant to section 2919.26 or 3113.31 of the Revised</u>	1846
<u>Code;</u>	1847
<u>(ii) A protection order issued pursuant to section</u>	1848
<u>2151.34, 2903.213, or 2903.214 of the Revised Code;</u>	1849
<u>(iii) A protection order issued by a court of another</u>	1850
<u>state.</u>	1851
<u>(e) A previous or existing extreme risk protection order</u>	1852
<u>issued against the respondent;</u>	1853
<u>(f) A violation of a previous or existing extreme risk</u>	1854
<u>protection order issued against the respondent;</u>	1855
<u>(g) A conviction of the respondent for a violation of</u>	1856
<u>section 2919.25 of the Revised Code;</u>	1857
<u>(h) The respondent's ownership, access to, or intent to</u>	1858
<u>possess firearms;</u>	1859
<u>(i) The unlawful or reckless use, display, or brandishing</u>	1860
<u>of a firearm by the respondent;</u>	1861
<u>(j) The history of use, attempted use, or threatened use</u>	1862

of physical force by the respondent against another person, or 1863
the respondent's history of stalking another person; 1864

(k) Any prior arrest of the respondent for a felony 1865
offense or violent crime; 1866

(l) Corroborated evidence of the abuse of controlled 1867
substances or alcohol by the respondent; 1868

(m) Evidence of recent acquisition of firearms by the 1869
respondent. 1870

(2) Examine under oath the petitioner, the respondent, and 1871
any witness called by the petitioner or respondent; 1872

(3) Ensure that a reasonable search has been conducted for 1873
criminal history records related to the respondent. 1874

(O) During a hearing for an extreme risk protection order, 1875
the court shall consider whether a mental health evaluation or 1876
chemical dependency evaluation is appropriate and may order such 1877
an evaluation if appropriate. 1878

(P) An extreme risk protection order issued under this 1879
section shall include all of the following: 1880

(1) A statement of the grounds supporting the order; 1881

(2) The date and time that the order was issued; 1882

(3) The date and time the order expires; 1883

(4) Whether a mental health evaluation or chemical 1884
dependency evaluation of the respondent is required; 1885

(5) The address of the court in which any responsive 1886
pleading should be filed; 1887

(6) A description of the requirements for relinquishment 1888

of firearms under section 2923.30 of the Revised Code; 1889

(7) The following statement: 1890

"To the subject of the protection order: 1891

This order will last until the date and time noted above. 1892

If you have not done so already, you must surrender to the 1893

(insert name of local law enforcement agency) all firearms in 1894

your custody, control, or possession and any license to carry a 1895

concealed handgun issued to you under section 2923.125 or 1896

2923.1213 of the Revised Code. You may not have in your custody 1897

or control, purchase, possess, receive, or attempt to purchase 1898

or receive, a firearm while this order is in effect. You have 1899

the right to request one hearing to terminate this order every 1900

one-hundred-eighty-day period that this order is in effect, 1901

starting from the date of this order and continuing through any 1902

renewals. You may seek the advice of an attorney as to any 1903

matter connected with this order." 1904

(Q) When the court issues an extreme risk protection order 1905

under this section, the court shall inform the respondent that 1906

the respondent is entitled to request termination of the order 1907

in the manner prescribed in section 2923.29 of the Revised Code. 1908

(R) If the court declines to issue an extreme risk 1909

protection order under this section, the court shall state the 1910

particular reasons for denial in the court's order. 1911

(S) Sections 2923.26 to 2923.30 of the Revised Code do not 1912

affect the ability of a law enforcement officer to remove a 1913

firearm or concealed handgun license from any person or conduct 1914

any search and seizure for firearms pursuant to any other lawful 1915

authority. 1916

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

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

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

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

(E) (1) If a court of common pleas issues an ex parte

extreme risk protection order, the court shall schedule a 1947
hearing to be held within three days of the issuance of the 1948
order to determine if an extreme risk protection order should be 1949
issued and shall hold the hearing on the date, and at the time 1950
and place, scheduled. 1951

(2) If a county court or municipal court issues an ex 1952
parte extreme risk protection order, the court shall transfer 1953
the case to the court of common pleas and that court shall 1954
schedule a hearing to be held within three days of the issuance 1955
of the order to determine if an extreme risk protection order 1956
should be issued, and shall hold the hearing on the date, and at 1957
the time and place, scheduled. 1958

(3) If a court of common pleas, county court, or municipal 1959
court issues an ex parte extreme risk protection order, the 1960
hearing scheduled under division (I)(1)(a) of section 2923.26 of 1961
the Revised Code shall not be conducted. Instead, the 1962
appropriate court shall conduct the hearing scheduled under 1963
division (E)(1) or (2) of this section to determine if an 1964
extreme risk protection order should be issued. The court shall 1965
issue a notice of the date, time, and location of the hearing to 1966
the respondent and shall cause a copy of the notice of the 1967
hearing and petition to be forwarded on or before the next 1968
judicial day to a local law enforcement agency for service on 1969
the respondent. The local law enforcement agency shall 1970
personally serve the notice of the hearing and petition on the 1971
day that it is received and shall serve the ex parte order 1972
concurrently with the notice. 1973

(4) If a petitioner files an application requesting that 1974
an ex parte extreme risk protection order be issued and the 1975
court denies the application, the court in which the petition 1976

was filed under section 2923.26 of the Revised Code shall 1977

conduct the hearing scheduled under division (I)(1)(a) of that 1978

section to determine if an extreme risk protection order should 1979

be issued. The court shall issue the notice under division (I) 1980

(1)(b) of that section and cause the copy of the notice and 1981

petition to be served under division (I)(1)(c) of that section. 1982

The local law enforcement agency that is served with the copy of 1983

the notice and petition shall personally serve the petition and 1984

notice of the hearing on the respondent not less than five 1985

judicial days prior to the hearing. 1986

(F) An ex parte extreme risk protection order issued under 1987

this section shall include all of the following: 1988

(1) A statement of the grounds asserted for the order; 1989

(2) The date and time the order was issued; 1990

(3) The date and time the order expires; 1991

(4) The address of the court in which any responsive 1992

pleading should be filed; 1993

(5) The date, time, and location of the hearing scheduled 1994

under division (E)(1) or (2) of this section; 1995

(6) A description of the requirements for surrender of 1996

firearms under section 2923.30 of the Revised Code; 1997

(7) The following statement: 1998

"To the subject of this protection order: 1999

This order is valid until the date and time noted above. 2000

You are required to surrender all firearms in your custody, 2001

control, or possession. You may not have in your custody or 2002

control, purchase, possess, receive, or attempt to purchase or 2003

receive, a firearm while this order is in effect. You must 2004
immediately surrender to the (insert name of local law 2005
enforcement agency) all firearms in your custody, control, or 2006
possession and any license to carry a concealed handgun issued 2007
to you under section 2923.125 or 2923.1213 of the Revised Code 2008
immediately. A hearing will be held on the date and at the time 2009
and location noted above to determine if an extreme risk 2010
protection order should be issued. Failure to appear at that 2011
hearing may result in a court making an order against you that 2012
is valid for one hundred eighty days. You may seek the advice of 2013
an attorney as to any matter connected with this order." 2014

(G) Any ex parte extreme risk protection order issued 2015
under this section expires upon the hearing on the petition for 2016
the extreme risk protection order. 2017

(H) If the court of common pleas, county court, or 2018
municipal court declines to issue an ex parte extreme risk 2019
protection order, the court shall state the particular reasons 2020
for the denial. 2021

Sec. 2923.28. (A) An extreme risk protection order issued 2022
under section 2923.26 of the Revised Code shall be personally 2023
served upon the respondent, except as otherwise provided in 2024
sections 2923.26 to 2923.30 of the Revised Code. 2025

(B) The law enforcement agency with jurisdiction over the 2026
area in which the respondent resides shall serve the respondent 2027
personally unless the petitioner elects to have the respondent 2028
served by a private party. 2029

(C) If service by the local law enforcement agency is to 2030
be used, the clerk of court shall cause a copy of the order 2031
issued under section 2923.26 of the Revised Code to be forwarded 2032

on or before the next judicial day to the local law enforcement agency specified in the order for service upon the respondent. 2033
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(D) If the law enforcement agency is unable to complete service on the respondent within ten days, the law enforcement agency shall notify the petitioner. The petitioner shall provide any information necessary to allow the law enforcement agency to complete service on the respondent. 2035
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(E) If an order entered by the court specifies that the respondent appeared in person before the court, further service is waived and proof of service is not necessary. 2040
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(F) If the court previously entered an order allowing service of the notice and petition or an ex parte extreme risk protection order by publication or mail under division (H) of this section, or if the court finds there are now grounds to allow for that method of service, the court may permit service by publication or mail of the extreme risk protection order as provided in that division. 2043
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(G) Return of service under sections 2923.26 to 2923.30 of the Revised Code shall be made in accordance with applicable rules of court. 2050
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(H) The court may order service by publication or service by mail as provided by the Rules of Civil Procedure except that any summons shall contain the name of the respondent and petitioner, the date and time of the hearing, and any ex parte extreme risk protection order that has been issued against the respondent, and the following notice: 2053
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"If you fail to respond, an extreme risk protection order may be issued against you pursuant to sections 2923.26 to 2923.30 of the Revised Code for one hundred eighty days from the 2059
2060
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date you are required to appear." 2062

(I) If the court orders service by publication or mail for 2063
notice of an extreme risk protection order hearing, it shall 2064
also reissue the ex parte extreme risk protection order, if 2065
issued, to expire on the date of the extreme risk protection 2066
order hearing. 2067

(J) Following completion of service by publication or by 2068
mail for notice of an extreme risk protection order hearing, if 2069
the respondent fails to appear at the hearing, the court may 2070
issue an extreme risk protection order as provided in section 2071
2923.26 of the Revised Code. 2072

(K) The clerk of the court shall enter any extreme risk 2073
protection order or ex parte extreme risk protection order 2074
issued under sections 2923.26 to 2923.30 of the Revised Code 2075
into a statewide judicial information system on the same day 2076
such order is issued. 2077

(L) The clerk of the court shall forward a copy of an 2078
order issued under sections 2923.26 to 2923.30 of the Revised 2079
Code the same day the order is issued to the appropriate law 2080
enforcement agency specified in the order. Upon receipt of the 2081
copy of the order, the law enforcement agency shall enter the 2082
order into the national instant criminal background check 2083
system, any other federal or state computer-based systems used 2084
by law enforcement or others to identify prohibited purchasers 2085
of firearms, and any computer-based criminal intelligence 2086
information system available in this state used by law 2087
enforcement agencies to list outstanding warrants. The order 2088
shall remain in each system for the period stated in the order, 2089
and the law enforcement agency shall only remove orders from the 2090
systems that have expired or terminated. Entry into the 2091

computer-based criminal intelligence information system 2092
constitutes notice to all law enforcement agencies of the 2093
existence of the order. The order is fully enforceable in any 2094
county in the state. 2095

(M) (1) The issuing court shall, within three judicial days 2096
after issuance of an extreme risk protection order or ex parte 2097
extreme risk protection order, forward a copy of the 2098
respondent's driver's license or state identification card, or 2099
comparable information, along with the date of the order's 2100
issuance, to the sheriff that has issued a concealed handgun 2101
license to the respondent. Upon receipt of the information, the 2102
sheriff shall immediately revoke the respondent's license in 2103
accordance with division (B) of section 2923.128 of the Revised 2104
Code. 2105

(2) The court, if necessary, may apply for access to the 2106
law enforcement automated data system to identify a sheriff that 2107
has issued a concealed handgun license to a respondent. For 2108
purposes of this inquiry, the court is a criminal justice 2109
agency. 2110

(N) If an extreme risk protection order is terminated 2111
before its expiration date, the clerk of the court shall forward 2112
the same day a copy of the termination order to the appropriate 2113
law enforcement agency specified in the termination order. Upon 2114
receipt of the order, the law enforcement agency shall promptly 2115
remove the order from any computer-based system in which it was 2116
entered pursuant to division (L) of this section. 2117

Sec. 2923.29. (A) The respondent may submit one written 2118
request for a hearing to terminate an extreme risk protection 2119
order issued under sections 2923.26 to 2923.30 of the Revised 2120
Code every one-hundred-eighty-day period that the order is in 2121

effect, starting from the date of the order and continuing 2122
through any renewals. 2123

(1) Upon receipt of the request for a hearing to terminate 2124
an extreme risk protection order, the court shall set a date for 2125
a hearing. Notice of the request shall be served on the 2126
petitioner in accordance with the Rules of Civil Procedure. The 2127
hearing shall occur not sooner than fourteen days and not later 2128
than thirty days after the date the petitioner is served with 2129
the request. 2130

(2) The respondent shall have the burden of proving by a 2131
preponderance of the evidence that the respondent does not pose 2132
a significant danger of causing personal injury to self or 2133
others by having custody or control of a firearm or the ability 2134
to purchase, possess, or receive a firearm. The court may 2135
consider any relevant evidence, including evidence of the 2136
considerations listed in division (N)(1) of section 2923.26 of 2137
the Revised Code. 2138

(3) If the court finds after the hearing that the 2139
respondent has met the respondent's burden, the court shall 2140
terminate the order. 2141

(B) The court shall notify the petitioner of the impending 2142
expiration of an extreme risk protection order. Notice shall be 2143
received by the petitioner sixty calendar days before the date 2144
the order expires. 2145

(C) A family or household member of a respondent or a law 2146
enforcement officer or agency may by motion request a renewal of 2147
an extreme risk protection not sooner than sixty calendar days 2148
before the expiration of the order. 2149

(D) Upon receipt of a motion to renew, the court shall 2150

order that a hearing be held not later than fourteen days from 2151
the date of the request for renewal. The court may schedule a 2152
hearing by telephone in the manner prescribed by division (J)(1) 2153
of section 2923.26 of the Revised Code. The respondent shall be 2154
personally served in the same manner prescribed by divisions (I) 2155
(3) and (L) of section 2923.26 of the Revised Code. 2156

(E) In determining whether to renew an extreme risk 2157
protection order under this section, the court shall consider 2158
all relevant evidence presented by the petitioner and follow the 2159
same procedure as provided in section 2923.26 of the Revised 2160
Code. 2161

If the court finds by a preponderance of the evidence that 2162
the requirements for issuance of an extreme risk protection 2163
order as provided in section 2923.26 of the Revised Code 2164
continue to be met, the court shall renew the order. However, 2165
if, after notice, the motion for renewal is uncontested and the 2166
petitioner seeks no modification of the order, the order may be 2167
renewed on the basis of the petitioner's motion or affidavit 2168
stating that there has been no material change in relevant 2169
circumstances since entry of the order and stating the reason 2170
for the requested renewal. 2171

(F) The renewal of an extreme risk protection order has a 2172
duration of one hundred eighty days, subject to termination as 2173
provided in division (A) of this section or further renewal by 2174
order of the court. 2175

Sec. 2923.30. (A) Upon issuance of any extreme risk 2176
protection order or ex parte extreme risk protection order under 2177
sections 2923.26 to 2923.30 of the Revised Code, the court shall 2178
order the respondent to surrender to the local law enforcement 2179
agency all firearms in the respondent's custody, control, or 2180

possession and any license to carry a concealed handgun issued 2181
to the respondent under section 2923.125 or 2923.1213 of the 2182
Revised Code. 2183

(B) The law enforcement officer serving any extreme risk 2184
protection order or ex parte extreme risk protection order 2185
issued under sections 2923.26 to 2923.30 of the Revised Code 2186
shall request that the respondent immediately surrender all 2187
firearms in the respondent's custody, control, or possession and 2188
any license to carry a concealed handgun issued to the 2189
respondent under section 2923.125 or 2923.1213 of the Revised 2190
Code, and conduct any search permitted by law for such firearms. 2191

(C) The law enforcement officer shall take possession of 2192
all firearms belonging to the respondent that are surrendered, 2193
in plain sight, or discovered pursuant to a lawful search. 2194
Alternatively, if personal service by a law enforcement officer 2195
is not possible, or not required because the respondent was 2196
present at the extreme risk protection order hearing, the 2197
respondent shall surrender the firearms in a safe manner to the 2198
control of the local law enforcement agency within forty-eight 2199
hours of being served with the order by alternate service or 2200
within forty-eight hours of the hearing at which the respondent 2201
was present. 2202

(D) At the time of surrender, a law enforcement officer 2203
taking possession of a firearm or concealed handgun license 2204
shall issue a receipt identifying all firearms that have been 2205
surrendered and provide a copy of the receipt to the respondent. 2206
Within seventy-two hours after service of the order, the officer 2207
serving the order shall file the original receipt with the court 2208
and shall ensure that the officer's law enforcement agency 2209
retains a copy of the receipt. 2210

(E) Upon the sworn statement or testimony of the 2211
petitioner or of any law enforcement officer alleging that the 2212
respondent has failed to comply with the surrender of firearms 2213
as required by an order issued under sections 2923.26 to 2923.30 2214
of the Revised Code, the court shall determine whether probable 2215
cause exists to believe that the respondent has failed to 2216
surrender all firearms in the respondent's possession, custody, 2217
or control. If probable cause exists, the court shall issue a 2218
warrant describing the firearms and authorizing a search of the 2219
locations where the firearms are reasonably believed to be and 2220
the seizure of any firearms discovered pursuant to such search. 2221

(F) If a person other than the respondent claims title to 2222
any firearm surrendered pursuant to this section, and the other 2223
person is determined by the law enforcement agency to be the 2224
lawful owner of the firearm, the firearm shall be returned to 2225
the other person, provided that both of the following apply: 2226

(1) The firearm is removed from the respondent's custody, 2227
control, or possession and the lawful owner agrees to store the 2228
firearm in a manner such that the respondent does not have 2229
access to or control of the firearm. 2230

(2) The lawful owner is not prohibited from possessing the 2231
firearm under state or federal law. 2232

(G) Upon the issuance of an extreme risk protection order, 2233
the court shall order a new hearing date and require the 2234
respondent to appear not later than three judicial days from the 2235
issuance of the order. The court shall require a showing that 2236
the respondent has surrendered any firearms in the respondent's 2237
custody, control, or possession. The court may dismiss the 2238
hearing upon a satisfactory showing that the respondent is in 2239
compliance with the order. 2240

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

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

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

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

Sec. 2923.99. (A) Except as provided in this section, sections 2923.26 to 2923.30 of the Revised Code do not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining an extreme risk protection order or ex parte extreme risk protection order including for

reporting, declining to report, investigating, declining to 2271
investigate, filing, or declining to file a petition under those 2272
sections. 2273

(B) (1) No person shall do either of the following: 2274

(a) File a petition for an extreme risk protection order 2275
under section 2923.26 of the Revised Code alleging that the 2276
respondent poses a significant danger of causing personal injury 2277
to self or others by having in the respondent's custody or 2278
control, purchasing, possessing, or receiving a firearm if the 2279
person knows the allegation is false; 2280

(b) File an application for an ex parte extreme risk 2281
protection order under section 2923.27 of the Revised Code 2282
alleging that the respondent poses a significant danger of 2283
causing personal injury to self or others in the near future by 2284
having custody or control of a firearm or the ability to 2285
purchase, possess, or receive a firearm if the person knows the 2286
allegation is false. 2287

(2) An individual injured in person or property by a 2288
violation of division (B) (1) (a) or (b) of this section has, and 2289
may recover full damages in, a civil action under section 2290
2307.60 of the Revised Code. A civil action described in this 2291
division is in addition to, and does not preclude, any possible 2292
criminal prosecution of the person who violates division (B) (1) 2293
(a) or (b) of this section. 2294

(3) Whoever violates division (B) (1) (a) or (b) of this 2295
section is guilty of a felony of the fifth degree. 2296

(C) (1) No person shall acquire, have, carry, or use any 2297
firearm with knowledge that the person is prohibited from doing 2298
so by an order issued under this section or sections 2923.26 to 2299

<u>2923.30 of the Revised Code.</u>	2300
<u>(2) A person who violates division (C)(1) of this section</u>	2301
<u>is guilty of having a firearm while under extreme risk</u>	2302
<u>protection order disability. Except as provided in division (C)</u>	2303
<u>(3) of this section, having a firearm while under extreme risk</u>	2304
<u>protection order disability is a misdemeanor of the third</u>	2305
<u>degree.</u>	2306
<u>(3) If a person found guilty of having a firearm while</u>	2307
<u>under extreme risk protection order disability has two or more</u>	2308
<u>previous convictions for such an offense, having a firearm while</u>	2309
<u>under extreme risk protection order disability is a felony of</u>	2310
<u>the fifth degree.</u>	2311
<u>(D) In addition to the penalties prescribed in division</u>	2312
<u>(C) of this section, no person found guilty of having a firearm</u>	2313
<u>while under extreme risk protection order disability shall</u>	2314
<u>knowingly acquire, have, carry, or use any firearm or dangerous</u>	2315
<u>ordnance for a period of five years after the date the</u>	2316
<u>underlying extreme risk protection order expires.</u>	2317
Section 4. That existing sections 109.57, 2923.125,	2318
2923.128, 2923.1213, and 2923.13 of the Revised Code are hereby	2319
repealed."	2320
In line 2766, delete "3" and insert "5"	2321
After line 2775, insert:	2322
"Section 2923.13 of the Revised Code as amended by both	2323
H.B. 234 and S.B. 43 of the 130th General Assembly.	2324
Section 6. Sections 2923.26 to 2923.30 and 2923.99 of the	2325
Revised Code, as enacted by this act, shall be known as the	2326
"Extreme Risk Protection Order Act."	2327

The motion was _____ agreed to.

SYNOPSIS

2328

Red flag law

2329

**R.C. 109.57, 2923.125, 2923.128, 2923.1213, 2923.13,
2923.26, 2923.27, 2923.28, 2923.29, 2923.30, and 2923.99**

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2331

Enacts the Extreme Risk Protection Order Act to allow
family members, household members, and law enforcement officers
to obtain a court order that temporarily restricts a person's
access to firearms if that person poses a danger to themselves
or others.

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