

As Introduced

**134th General Assembly
Regular Session
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S. B. No. 215

Senator Johnson

**Cosponsors: Senators Hoagland, Rulli, Huffman, S., Schaffer, Blessing, McColley,
Romanchuk, Lang**

A BILL

To amend sections 1547.69, 2307.601, 2901.05, 1
2901.09, 2923.12, 2923.121, 2923.122, 2923.123, 2
2923.126, 2923.128, 2923.16, and 2953.37 and to 3
enact section 2923.111 of the Revised Code 4
regarding a concealed handgun licensee's duty to 5
carry the license and notify a law enforcement 6
officer if the licensee is carrying a concealed 7
handgun, a right of a person age twenty-one or 8
older and not legally prohibited from firearm 9
possession to carry a concealed handgun in the 10
same manner as if the person was a licensee, and 11
a pretrial immunity hearing. 12

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

Section 1. That sections 1547.69, 2307.601, 2901.05, 13
2901.09, 2923.12, 2923.121, 2923.122, 2923.123, 2923.126, 14
2923.128, 2923.16, and 2953.37 be amended and section 2923.111 15
of the Revised Code be enacted to read as follows: 16

Sec. 1547.69. (A) As used in this section: 17

(1) "Firearm," "concealed handgun license," "handgun," 18
"valid concealed handgun license," and "active duty" have the 19
same meanings as in section 2923.11 of the Revised Code. 20

(2) "Unloaded" has the same meanings as in divisions (K) 21
(5) and (6) of section 2923.16 of the Revised Code, except that 22
all references in the definition in division (K) (5) of that 23
section to "vehicle" shall be construed for purposes of this 24
section to be references to "vessel." 25

(B) No person shall knowingly discharge a firearm while in 26
or on a vessel. 27

(C) No person shall knowingly transport or have a loaded 28
firearm in a vessel in a manner that the firearm is accessible 29
to the operator or any passenger. 30

(D) No person shall knowingly transport or have a firearm 31
in a vessel unless it is unloaded and is carried in one of the 32
following ways: 33

(1) In a closed package, box, or case; 34

(2) In plain sight with the action opened or the weapon 35
stripped, or, if the firearm is of a type on which the action 36
will not stay open or that cannot easily be stripped, in plain 37
sight. 38

(E) (1) The affirmative defenses authorized in divisions 39
(D) (1) and (2) of section 2923.12 of the Revised Code are 40
affirmative defenses to a charge under division (C) or (D) of 41
this section that involves a firearm other than a handgun. It is 42
an affirmative defense to a charge under division (C) or (D) of 43
this section of transporting or having a firearm of any type, 44
including a handgun, in a vessel that the actor transported or 45
had the firearm in the vessel for any lawful purpose and while 46

the vessel was on the actor's own property, provided that this 47
affirmative defense is not available unless the actor, prior to 48
arriving at the vessel on the actor's own property, did not 49
transport or possess the firearm in the vessel or in a motor 50
vehicle in a manner prohibited by this section or division (B) 51
or (C) of section 2923.16 of the Revised Code while the vessel 52
was being operated on a waterway that was not on the actor's own 53
property or while the motor vehicle was being operated on a 54
street, highway, or other public or private property used by the 55
public for vehicular traffic. 56

(2) No person who is charged with a violation of division 57
(C) or (D) of this section shall be required to obtain a license 58
or temporary emergency license to carry a concealed handgun 59
under section 2923.125 or 2923.1213 of the Revised Code as a 60
condition for the dismissal of the charge. 61

(F) Divisions (B), (C), and (D) of this section do not 62
apply to the possession or discharge of a United States coast 63
guard approved signaling device required to be carried aboard a 64
vessel under section 1547.251 of the Revised Code when the 65
signaling device is possessed or used for the purpose of giving 66
a visual distress signal. No person shall knowingly transport or 67
possess any signaling device of that nature in or on a vessel in 68
a loaded condition at any time other than immediately prior to 69
the discharge of the signaling device for the purpose of giving 70
a visual distress signal. 71

(G) No person shall operate or permit to be operated any 72
vessel on the waters in this state in violation of this section. 73

(H) (1) This section does not apply to any of the 74
following: 75

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

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

(c) Any person legally engaged in hunting.

(2) Divisions (C) and (D) of this section do not apply to a person who transports or possesses a handgun in a vessel and who has been issued a concealed handgun license that is valid at the time of that transportation or possession or who, at the time of that transportation or possession, ~~either is carrying a valid concealed handgun license or~~ is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code, unless the person knowingly is in a place on the vessel described in division (B) of section 2923.126 of the Revised Code.

(I) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the

officer, and if the officer does not charge the person with a 106
violation of this section or arrest the person for any offense, 107
the person is not otherwise prohibited by law from possessing 108
the firearm, and the firearm is not contraband, the officer 109
shall return the firearm to the person at the termination of the 110
stop. 111

(J) Division (L) of section 2923.16 of the Revised Code 112
applies with respect to division (A) (2) of this section, except 113
that all references in division (L) of section 2923.16 of the 114
Revised Code to "vehicle," to "this chapter," or to "division 115
(K) (5) (a) or (b) of this section" shall be construed for 116
purposes of this section to be, respectively, references to 117
"vessel," to "section 1547.69 of the Revised Code," and to 118
divisions (K) (5) (a) and (b) of section 2923.16 of the Revised 119
Code as incorporated under the definition of firearm adopted 120
under division (A) (2) of this section. 121

Sec. 2307.601. (A) As used in this section: 122

(1) "Residence" has the same meaning as in section 2901.05 123
of the Revised Code. 124

(2) "Tort action" has the same meaning as in section 125
2307.60 of the Revised Code. 126

(B) For purposes of determining the potential liability of 127
a person in a tort action related to the person's use of force 128
alleged to be in self-defense, defense of another, or defense of 129
the person's residence, the person has no duty to retreat before 130
using force in self-defense, defense of another, or defense of 131
that person's residence if that person is in a place in which 132
the person lawfully has a right to be. 133

(C) A trier of fact shall not consider the possibility of 134

retreat as a factor in determining whether or not a person who 135
used force in self-defense, defense of another, or defense of 136
that person's residence reasonably believed that the force was 137
necessary to prevent injury, loss, or risk to life or safety. 138

(D) (1) In a tort action filed against a person related to 139
the person's use of force against another, the person has a 140
right to a pretrial immunity hearing, as described in division 141
(D) (2) of this section, regarding a claim of immunity from 142
liability for injury, death, or loss to another based on self- 143
defense, defense of another, or defense of that person's 144
residence. 145

(2) A person who is a defendant in a tort action of the 146
type described in division (D) (1) of this section who would like 147
a pretrial immunity hearing as described in that division shall 148
file a pretrial motion claiming that the person used the force 149
in self-defense, defense of another, or defense of that person's 150
residence. The filing of the motion establishes a prima facie 151
claim of self-defense, defense of another, or defense of that 152
person's residence. Upon the filing of the motion, the court 153
shall hold a pretrial immunity hearing and shall grant the 154
motion and hold that the person used the force in self-defense, 155
defense of another, or defense of that person's residence unless 156
the party seeking to overcome the immunity provides substantial 157
evidence that the person did not use the force in self-defense, 158
defense of another, or defense of that person's residence. 159

Sec. 2901.05. ~~(A)~~(A) (1) Every person accused of an offense 160
is presumed innocent until proven guilty beyond a reasonable 161
doubt, and the burden of proof for all elements of the offense 162
is upon the prosecution. The burden of going forward with the 163
evidence of an affirmative defense, and the burden of proof, by 164

a preponderance of the evidence, for an affirmative defense 165
other than self-defense, defense of another, or defense of the 166
accused's residence presented as described in division (B) (1) of 167
this section, is upon the accused. 168

(2) A person accused of an offense that involved the 169
person's use of force against another has a right to a pretrial 170
immunity hearing, as described in division (B) (1) of this 171
section, regarding a claim of immunity from criminal prosecution 172
based on self-defense, defense of another, or defense of that 173
person's residence. 174

(B) (1) A person is ~~allowed to act~~ accused of an offense 175
that involved the person's use of force against another who 176
would like a pretrial immunity hearing as described in division 177
(A) (2) of this section shall file a pretrial motion claiming 178
that the person used the force in self-defense, defense of 179
another, or defense of that person's residence. ~~If, at~~ The 180
filing of the motion establishes a prima facie claim of self- 181
defense, defense of another, or defense of that person's 182
residence. Upon the ~~trial filing~~ of a person who is accused of- 183
an offense that involved the person's use of force against- 184
another, there is evidence presented that tends to support- 185
motion, the court shall hold a pretrial immunity hearing and 186
shall grant the motion and hold that the ~~accused~~ person used the 187
force in self-defense, defense of another, or defense of that 188
person's residence, unless the ~~prosecution must prove~~ state 189
proves by proof beyond a reasonable doubt that the ~~accused~~- 190
person did not use the force in self-defense, defense of 191
another, or defense of that person's residence, as the case may 192
be. 193

(2) Subject to division (B) (3) of this section, a person 194

is presumed to have acted in self-defense or defense of another 195
when using defensive force that is intended or likely to cause 196
death or great bodily harm to another if the person against whom 197
the defensive force is used is in the process of unlawfully and 198
without privilege to do so entering, or has unlawfully and 199
without privilege to do so entered, the residence or vehicle 200
occupied by the person using the defensive force. 201

(3) The presumption set forth in division (B) (2) of this 202
section does not apply if either of the following is true: 203

(a) The person against whom the defensive force is used 204
has a right to be in, or is a lawful resident of, the residence 205
or vehicle. 206

(b) The person who uses the defensive force uses it while 207
in a residence or vehicle and the person is unlawfully, and 208
without privilege to be, in that residence or vehicle. 209

(4) The presumption set forth in division (B) (2) of this 210
section is a rebuttable presumption and may be rebutted by a 211
preponderance of the evidence, provided that the prosecution's 212
burden of proof remains proof beyond a reasonable doubt as 213
described in divisions (A) and (B) (1) of this section. 214

(C) As part of its charge to the jury in a criminal case, 215
the court shall read the definitions of "reasonable doubt" and 216
"proof beyond a reasonable doubt," contained in division (E) of 217
this section. 218

(D) As used in this section: 219

(1) An "affirmative defense" is either of the following: 220

(a) A defense expressly designated as affirmative; 221

(b) A defense involving an excuse or justification 222

peculiarly within the knowledge of the accused, on which the 223
accused can fairly be required to adduce supporting evidence. 224

(2) "Dwelling" means a building or conveyance of any kind 225
that has a roof over it and that is designed to be occupied by 226
people lodging in the building or conveyance at night, 227
regardless of whether the building or conveyance is temporary or 228
permanent or is mobile or immobile. As used in this division, a 229
building or conveyance includes, but is not limited to, an 230
attached porch, and a building or conveyance with a roof over it 231
includes, but is not limited to, a tent. 232

(3) "Residence" means a dwelling in which a person resides 233
either temporarily or permanently or is visiting as a guest. 234

(4) "Vehicle" means a conveyance of any kind, whether or 235
not motorized, that is designed to transport people or property. 236

(E) "Reasonable doubt" is present when the jurors, after 237
they have carefully considered and compared all the evidence, 238
cannot say they are firmly convinced of the truth of the charge. 239
It is a doubt based on reason and common sense. Reasonable doubt 240
is not mere possible doubt, because everything relating to human 241
affairs or depending on moral evidence is open to some possible 242
or imaginary doubt. "Proof beyond a reasonable doubt" is proof 243
of such character that an ordinary person would be willing to 244
rely and act upon it in the most important of the person's own 245
affairs. 246

Sec. 2901.09. (A) As used in this section, "residence" has 247
the same meaning as in section 2901.05 of the Revised Code. 248

(B) For purposes of any section of the Revised Code that 249
sets forth a criminal offense, a person has no duty to retreat 250
before using force in self-defense, defense of another, or 251

defense of that person's residence if that person is in a place 252
in which the person lawfully has a right to be. 253

(C) A trier of fact shall not consider the possibility of 254
retreat as a factor in determining whether or not a person who 255
used force in self-defense, defense of another, or defense of 256
that person's residence reasonably believed that the force was 257
necessary to prevent injury, loss, or risk to life or safety. 258

(D) A person accused of an offense that involved the 259
person's use of force against another has a right to a pretrial 260
immunity hearing, as described in division (B)(1) of section 261
2901.05 of the Revised Code, regarding a claim of immunity from 262
criminal prosecution based on self-defense, defense of another, 263
or defense of that person's residence. 264

Sec. 2923.111. (A) As used in this section: 265

(1) "Restricted firearm" means a firearm that is dangerous 266
ordnance or that is a firearm that any law of this state or the 267
United States prohibits the subject person from possessing, 268
having, or carrying. 269

(2) "Qualifying adult" means a person who is twenty-one 270
years of age or older and who is not legally prohibited from 271
possessing or receiving a firearm under 18 U.S.C. 922(g) (1) to 272
(9) or under section 2923.13 of the Revised Code or any other 273
Revised Code provision. 274

(B) Notwithstanding any other Revised Code section to the 275
contrary: 276

(1) A person who is a qualifying adult shall not be 277
required to obtain a concealed handgun license in order to carry 278
in this state, under authority of division (B)(2) of this 279
section, a concealed handgun that is not a restricted firearm. 280

(2) Regardless of whether the person has been issued a 281
concealed handgun license, subject to the limitations specified 282
in divisions (B) (3) and (D) (2) of this section, a person who is 283
a qualifying adult may carry a concealed handgun that is not a 284
restricted firearm anywhere in this state in which a person who 285
has been issued a concealed handgun license may carry a 286
concealed handgun. 287

(3) The right of a person who is a qualifying adult to 288
carry a concealed handgun that is not a restricted firearm that 289
is granted under divisions (B) (1) and (2) of this section is the 290
same right as is granted to a person who has been issued a 291
concealed handgun license, and a qualifying adult who is granted 292
the right is subject to the same restrictions as apply to a 293
person who has been issued a concealed handgun license. 294

(C) The mere carrying or possession of a handgun that is 295
not a restricted firearm pursuant to the right described in 296
divisions (B) (1) and (2) of this section, with or without a 297
concealed handgun license, does not constitute grounds for any 298
law enforcement officer or any agent of the state, a county, a 299
municipal corporation, or a township to conduct any search, 300
seizure, or detention, no matter how temporary in duration, of 301
an otherwise law-abiding person. 302

(D) (1) For purposes of any provision of section 1547.69, 303
2923.12, or 2923.124 to 2923.1213 of the Revised Code, or of any 304
other section of the Revised Code, that refers to a concealed 305
handgun license or a concealed handgun licensee, except when the 306
context clearly indicates otherwise, all of the following apply: 307

(a) A person who is a qualifying adult and is carrying or 308
has, concealed on the person's person or ready at hand, a 309
handgun that is not a restricted firearm shall be deemed to have 310

been issued a valid concealed handgun license. 311

(b) If the provision refers to a person having been issued 312
a concealed handgun license or having been issued a concealed 313
handgun license that is valid at a particular point in time, the 314
provision shall be construed as automatically including a person 315
who is a qualifying adult and who is carrying or has, concealed 316
on the person's person or ready at hand, a handgun that is not a 317
restricted firearm, as if the person had been issued a concealed 318
handgun license or had been issued a concealed handgun license 319
that is valid at the particular point in time. 320

(c) If the provision in specified circumstances requires a 321
concealed handgun licensee to engage in specified conduct, or 322
prohibits a concealed handgun licensee from engaging in 323
specified conduct, the provision shall be construed as applying 324
in the same circumstances to a person who is a qualifying adult 325
in the same manner as if the person was a concealed handgun 326
licensee. 327

(d) If the application of the provision to a person 328
depends on whether the person is or is not a concealed handgun 329
licensee, the provision shall be applied to a person who is a 330
qualifying adult in the same manner as if the person was a 331
concealed handgun licensee. 332

(e) If the provision pertains to the imposition of a 333
penalty or sanction for specified conduct and the penalty or 334
sanction applicable to a person who engages in the conduct 335
depends on whether the person is or is not a concealed handgun 336
licensee, the provision shall be applied to a person who is a 337
qualifying adult in the same manner as if the person was a 338
concealed handgun licensee. 339

(2) The concealed handgun license expiration provisions of 340
sections 2923.125 and 2923.1213 of the Revised Code, and the 341
concealed handgun license suspension and revocation provisions 342
of section 2923.128 of the Revised Code, do not apply with 343
respect to a person who is a qualifying adult unless the person 344
has been issued a concealed handgun license. If a person is a 345
qualifying adult and the person thereafter comes within any 346
category of persons specified in 18 U.S.C. 922(g)(1) to (9) or 347
in section 2923.13 of the Revised Code or any other Revised Code 348
provision so that the person as a result is legally prohibited 349
under the applicable provision from possessing or receiving a 350
firearm, both of the following apply automatically and 351
immediately upon the person coming within that category: 352

(a) Division (B) of this section and the authority and 353
right to carry a concealed handgun that are described in that 354
division do not apply to the person. 355

(b) The person no longer is deemed to have been issued a 356
concealed handgun license as described in division (D)(1)(a) of 357
this section, and the provisions of divisions (D)(1)(a) to (e) 358
of this section no longer apply to the person in the same manner 359
as if the person had been issued, possessed, or produced a valid 360
concealed handgun license or was a concealed handgun licensee. 361

Sec. 2923.12. (A) No person shall knowingly carry or have, 362
concealed on the person's person or concealed ready at hand, any 363
of the following: 364

(1) A deadly weapon other than a handgun; 365

(2) A handgun other than a dangerous ordnance; 366

(3) A dangerous ordnance. 367

(B) No person who has been issued a concealed handgun 368

license shall do any of the following: 369

~~(1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;~~ 370
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~~(2)~~ If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer; 376
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~~(3)~~ (2) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer; 383
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~~(4)~~ (3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement 396
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officer given while the person is stopped, including, but not 399
limited to, a specific order to the person to keep the person's 400
hands in plain sight. 401

(C) (1) This section does not apply to any of the 402
following: 403

(a) An officer, agent, or employee of this or any other 404
state or the United States, or to a law enforcement officer, who 405
is authorized to carry concealed weapons or dangerous ordnance 406
or is authorized to carry handguns and is acting within the 407
scope of the officer's, agent's, or employee's duties; 408

(b) Any person who is employed in this state, who is 409
authorized to carry concealed weapons or dangerous ordnance or 410
is authorized to carry handguns, and who is subject to and in 411
compliance with the requirements of section 109.801 of the 412
Revised Code, unless the appointing authority of the person has 413
expressly specified that the exemption provided in division (C) 414
(1) (b) of this section does not apply to the person; 415

(c) A person's transportation or storage of a firearm, 416
other than a firearm described in divisions (G) to (M) of 417
section 2923.11 of the Revised Code, in a motor vehicle for any 418
lawful purpose if the firearm is not on the actor's person; 419

(d) A person's storage or possession of a firearm, other 420
than a firearm described in divisions (G) to (M) of section 421
2923.11 of the Revised Code, in the actor's own home for any 422
lawful purpose. 423

(2) Division (A) (2) of this section does not apply to any 424
person who has been issued a concealed handgun license that is 425
valid at the time of the alleged carrying or possession of a 426
handgun or who, at the time of the alleged carrying or 427

possession of a handgun, ~~either is carrying a valid concealed-~~ 428
~~handgun license or~~ is an active duty member of the armed forces 429
of the United States and is carrying a valid military 430
identification card and documentation of successful completion 431
of firearms training that meets or exceeds the training 432
requirements described in division (G) (1) of section 2923.125 of 433
the Revised Code, unless the person knowingly is in a place 434
described in division (B) of section 2923.126 of the Revised 435
Code. 436

(D) It is an affirmative defense to a charge under 437
division (A) (1) of this section of carrying or having control of 438
a weapon other than a handgun and other than a dangerous 439
ordnance that the actor was not otherwise prohibited by law from 440
having the weapon and that any of the following applies: 441

(1) The weapon was carried or kept ready at hand by the 442
actor for defensive purposes while the actor was engaged in or 443
was going to or from the actor's lawful business or occupation, 444
which business or occupation was of a character or was 445
necessarily carried on in a manner or at a time or place as to 446
render the actor particularly susceptible to criminal attack, 447
such as would justify a prudent person in going armed. 448

(2) The weapon was carried or kept ready at hand by the 449
actor for defensive purposes while the actor was engaged in a 450
lawful activity and had reasonable cause to fear a criminal 451
attack upon the actor, a member of the actor's family, or the 452
actor's home, such as would justify a prudent person in going 453
armed. 454

(3) The weapon was carried or kept ready at hand by the 455
actor for any lawful purpose and while in the actor's own home. 456

(E) (1) No person who is charged with a violation of this 457
section shall be required to obtain a concealed handgun license 458
as a condition for the dismissal of the charge. 459

(2) If a person is convicted of, was convicted of, pleads 460
guilty to, or has pleaded guilty to a violation of division (B) 461
(1) of this section as it existed prior to the effective date of 462
this amendment, the person may file an application under section 463
2953.37 of the Revised Code requesting the expungement of the 464
record of conviction. 465

(F) (1) Whoever violates this section is guilty of carrying 466
concealed weapons. Except as otherwise provided in this division 467
or divisions (F) (2), (5), and (6), ~~and (7)~~ of this section, 468
carrying concealed weapons in violation of division (A) of this 469
section is a misdemeanor of the first degree. Except as 470
otherwise provided in this division or divisions (F) (2), (5), 471
and (6), ~~and (7)~~ of this section, if the offender previously has 472
been convicted of a violation of this section or of any offense 473
of violence, if the weapon involved is a firearm that is either 474
loaded or for which the offender has ammunition ready at hand, 475
or if the weapon involved is dangerous ordnance, carrying 476
concealed weapons in violation of division (A) of this section 477
is a felony of the fourth degree. Except as otherwise provided 478
in divisions (F) (2) and ~~(6)~~ (5) of this section, if the offense 479
is committed aboard an aircraft, or with purpose to carry a 480
concealed weapon aboard an aircraft, regardless of the weapon 481
involved, carrying concealed weapons in violation of division 482
(A) of this section is a felony of the third degree. 483

~~(2) Except as provided in division (F) (6) of this section, 484
if a A person being shall not be arrested for a violation of 485
division (A) (2) of this section solely because the person does 486~~

~~not promptly produces-produce~~ a valid concealed handgun license, 487
~~and if at the time of the violation the person was not knowingly~~ 488
~~in a place described in division (B) of section 2923.126 of the~~ 489
~~Revised Code, the officer shall not arrest the person for a~~ 490
~~violation of that division. If the person is not able to~~ 491
~~promptly produce any concealed handgun license and if the person~~ 492
~~is not in a place described in that section, the officer may~~ 493
~~arrest the person for a violation of that division, .~~ 494
If a person 494
is arrested for a violation of division (A) (2) of this section 495
and is convicted of or pleads guilty to the violation, the 496
offender shall be punished as follows: 497

(a) The offender shall be guilty of a minor misdemeanor if 498
both of the following apply: 499

(i) Within ten days after the arrest, the offender 500
presents a concealed handgun license, which license was valid at 501
the time of the arrest, to the law enforcement agency that 502
employs the arresting officer. 503

(ii) At the time of the arrest, the offender was not 504
knowingly in a place described in division (B) of section 505
2923.126 of the Revised Code. 506

(b) The offender shall be guilty of a misdemeanor and 507
shall be fined five hundred dollars if all of the following 508
apply: 509

(i) The offender previously had been issued a concealed 510
handgun license, and that license expired within the two years 511
immediately preceding the arrest. 512

(ii) Within forty-five days after the arrest, the offender 513
presents a concealed handgun license to the law enforcement 514
agency that employed the arresting officer, and the offender 515

waives in writing the offender's right to a speedy trial on the 516
charge of the violation that is provided in section 2945.71 of 517
the Revised Code. 518

(iii) At the time of the commission of the offense, the 519
offender was not knowingly in a place described in division (B) 520
of section 2923.126 of the Revised Code. 521

(c) If divisions (F) (2) (a) and (b) and ~~(F) (6)~~ (F) (5) of 522
this section do not apply, the offender shall be punished under 523
division (F) (1) or ~~(7)~~ (6) of this section. 524

~~(3) Except as otherwise provided in this division, 525
carrying concealed weapons in violation of division (B) (1) of 526
this section is a misdemeanor of the first degree, and, in 527
addition to any other penalty or sanction imposed for a 528
violation of division (B) (1) of this section, the offender's 529
concealed handgun license shall be suspended pursuant to 530
division (A) (2) of section 2923.128 of the Revised Code. If, at 531
the time of the stop of the offender for a law enforcement 532
purpose that was the basis of the violation, any law enforcement 533
officer involved with the stop had actual knowledge that the 534
offender has been issued a concealed handgun license, carrying 535
concealed weapons in violation of division (B) (1) of this 536
section is a minor misdemeanor, and the offender's concealed 537
handgun license shall not be suspended pursuant to division (A) 538
~~(2)~~ of section 2923.128 of the Revised Code. 539~~

~~(4)~~ Carrying concealed weapons in violation of division 540
~~(B) (2)~~ (B) (1) or ~~(4)~~ (3) of this section is a misdemeanor of the 541
first degree or, if the offender previously has been convicted 542
of or pleaded guilty to a violation of division ~~(B) (2)~~ (B) (1) or 543
~~(4)~~ (3) of this section, a felony of the fifth degree. In 544
addition to any other penalty or sanction imposed for a 545

misdemeanor violation of division ~~(B)(2)~~(B)(1) or ~~(4)(3)~~ of this 546
section, the offender's concealed handgun license shall be 547
suspended pursuant to division (A)(2) of section 2923.128 of the 548
Revised Code. 549

~~(5)~~(4) Carrying concealed weapons in violation of 550
division ~~(B)(3)~~(B)(2) of this section is a felony of the fifth 551
degree. 552

~~(6)~~(5) If a person being arrested for a violation of 553
division (A)(2) of this section is an active duty member of the 554
armed forces of the United States and is carrying a valid 555
military identification card and documentation of successful 556
completion of firearms training that meets or exceeds the 557
training requirements described in division (G)(1) of section 558
2923.125 of the Revised Code, and if at the time of the 559
violation the person was not knowingly in a place described in 560
division (B) of section 2923.126 of the Revised Code, the 561
officer shall not arrest the person for a violation of that 562
division. If the person is not able to promptly produce a valid 563
military identification card and documentation of successful 564
completion of firearms training that meets or exceeds the 565
training requirements described in division (G)(1) of section 566
2923.125 of the Revised Code and if the person is not in a place 567
described in division (B) of section 2923.126 of the Revised 568
Code, the officer shall issue a citation and the offender shall 569
be assessed a civil penalty of not more than five hundred 570
dollars. The citation shall be automatically dismissed and the 571
civil penalty shall not be assessed if both of the following 572
apply: 573

(a) Within ten days after the issuance of the citation, 574
the offender presents a valid military identification card and 575

documentation of successful completion of firearms training that 576
meets or exceeds the training requirements described in division 577
(G) (1) of section 2923.125 of the Revised Code, which were both 578
valid at the time of the issuance of the citation to the law 579
enforcement agency that employs the citing officer. 580

(b) At the time of the citation, the offender was not 581
knowingly in a place described in division (B) of section 582
2923.126 of the Revised Code. 583

~~(7)~~ (6) If a person being arrested for a violation of 584
division (A) (2) of this section is knowingly in a place 585
described in division (B) (5) of section 2923.126 of the Revised 586
Code and is not authorized to carry a handgun or have a handgun 587
concealed on the person's person or concealed ready at hand 588
under that division, the penalty shall be as follows: 589

(a) Except as otherwise provided in this division, if the 590
person produces a valid concealed handgun license within ten 591
days after the arrest and has not previously been convicted or 592
pleaded guilty to a violation of division (A) (2) of this 593
section, the person is guilty of a minor misdemeanor; 594

(b) Except as otherwise provided in this division, if the 595
person has previously been convicted of or pleaded guilty to a 596
violation of division (A) (2) of this section, the person is 597
guilty of a misdemeanor of the fourth degree; 598

(c) Except as otherwise provided in this division, if the 599
person has previously been convicted of or pleaded guilty to two 600
violations of division (A) (2) of this section, the person is 601
guilty of a misdemeanor of the third degree; 602

(d) Except as otherwise provided in this division, if the 603
person has previously been convicted of or pleaded guilty to 604

three or more violations of division (A) (2) of this section, or 605
convicted of or pleaded guilty to any offense of violence, if 606
the weapon involved is a firearm that is either loaded or for 607
which the offender has ammunition ready at hand, or if the 608
weapon involved is a dangerous ordnance, the person is guilty of 609
a misdemeanor of the second degree. 610

(G) If a law enforcement officer stops a person to 611
question the person regarding a possible violation of this 612
section, for a traffic stop, or for any other law enforcement 613
purpose, if the person surrenders a firearm to the officer, 614
either voluntarily or pursuant to a request or demand of the 615
officer, and if the officer does not charge the person with a 616
violation of this section or arrest the person for any offense, 617
the person is not otherwise prohibited by law from possessing 618
the firearm, and the firearm is not contraband, the officer 619
shall return the firearm to the person at the termination of the 620
stop. If a court orders a law enforcement officer to return a 621
firearm to a person pursuant to the requirement set forth in 622
this division, division (B) of section 2923.163 of the Revised 623
Code applies. 624

(H) For purposes of this section, "deadly weapon" or 625
"weapon" does not include any knife, razor, or cutting 626
instrument if the instrument was not used as a weapon. 627

Sec. 2923.121. (A) No person shall possess a firearm in 628
any room in which any person is consuming beer or intoxicating 629
liquor in a premises for which a D permit has been issued under 630
Chapter 4303. of the Revised Code or in an open air arena for 631
which a permit of that nature has been issued. 632

(B) (1) This section does not apply to any of the 633
following: 634

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

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

(i) The officer or investigator is carrying validating identification.

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

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

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

(d) The principal holder of a D permit issued for a premises or an open air arena under Chapter 4303. of the Revised Code while in the premises or open air arena for which the permit was issued if the principal holder of the D permit also ~~possesses~~ has been issued a valid concealed handgun license that is valid at the time in question and as long as the principal holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse, or any agent or

employee of that holder who also is a peace officer, as defined 664
in section 2151.3515 of the Revised Code, who is off duty, and 665
who otherwise is authorized to carry firearms while in the 666
course of the officer's official duties and while in the 667
premises or open air arena for which the permit was issued and 668
as long as the agent or employee of that holder is not consuming 669
beer or intoxicating liquor or under the influence of alcohol or 670
a drug of abuse. 671

(e) Any person who ~~is carrying a valid concealed handgun~~ 672
~~license~~ has been issued a concealed handgun license that is 673
valid at the time in question or any person who is an active 674
duty member of the armed forces of the United States and is 675
carrying a valid military identification card and documentation 676
of successful completion of firearms training that meets or 677
exceeds the training requirements described in division (G) (1) 678
of section 2923.125 of the Revised Code, as long as the person 679
is not consuming beer or intoxicating liquor or under the 680
influence of alcohol or a drug of abuse. 681

(2) This section does not prohibit any person who is a 682
member of a veteran's organization, as defined in section 683
2915.01 of the Revised Code, from possessing a rifle in any room 684
in any premises owned, leased, or otherwise under the control of 685
the veteran's organization, if the rifle is not loaded with live 686
ammunition and if the person otherwise is not prohibited by law 687
from having the rifle. 688

(3) This section does not apply to any person possessing 689
or displaying firearms in any room used to exhibit unloaded 690
firearms for sale or trade in a soldiers' memorial established 691
pursuant to Chapter 345. of the Revised Code, in a convention 692
center, or in any other public meeting place, if the person is 693

an exhibitor, trader, purchaser, or seller of firearms and is 694
not otherwise prohibited by law from possessing, trading, 695
purchasing, or selling the firearms. 696

(C) It is an affirmative defense to a charge under this 697
section of illegal possession of a firearm in a liquor permit 698
premises that involves the possession of a firearm other than a 699
handgun, that the actor was not otherwise prohibited by law from 700
having the firearm, and that any of the following apply: 701

(1) The firearm was carried or kept ready at hand by the 702
actor for defensive purposes, while the actor was engaged in or 703
was going to or from the actor's lawful business or occupation, 704
which business or occupation was of such character or was 705
necessarily carried on in such manner or at such a time or place 706
as to render the actor particularly susceptible to criminal 707
attack, such as would justify a prudent person in going armed. 708

(2) The firearm was carried or kept ready at hand by the 709
actor for defensive purposes, while the actor was engaged in a 710
lawful activity, and had reasonable cause to fear a criminal 711
attack upon the actor or a member of the actor's family, or upon 712
the actor's home, such as would justify a prudent person in 713
going armed. 714

(D) No person who is charged with a violation of this 715
section shall be required to obtain a concealed handgun license 716
as a condition for the dismissal of the charge. 717

(E) Whoever violates this section is guilty of illegal 718
possession of a firearm in a liquor permit premises. Except as 719
otherwise provided in this division, illegal possession of a 720
firearm in a liquor permit premises is a felony of the fifth 721
degree. If the offender commits the violation of this section by 722

knowingly carrying or having the firearm concealed on the 723
offender's person or concealed ready at hand, illegal possession 724
of a firearm in a liquor permit premises is a felony of the 725
third degree. 726

(F) As used in this section: 727

(1) "Beer" and "intoxicating liquor" have the same 728
meanings as in section 4301.01 of the Revised Code. 729

(2) "Investigator" has the same meaning as in section 730
109.541 of the Revised Code. 731

(3) "Restrictive firearms carrying policy" means a 732
specific policy of a law enforcement agency or the bureau of 733
criminal identification and investigation that prohibits all 734
officers of the agency or all investigators of the bureau, while 735
not acting within the scope of the officer's or investigator's 736
duties, from doing either of the following: 737

(a) Carrying a firearm issued or approved by the agency or 738
bureau in any room, premises, or arena described in division (A) 739
of this section; 740

(b) Carrying a firearm issued or approved by the agency or 741
bureau in premises described in division (A) of section 742
2923.1214 of the Revised Code. 743

(4) "Law enforcement officer" has the same meaning as in 744
section 9.69 of the Revised Code. 745

(5) "Validating identification" means one of the 746
following: 747

(a) Photographic identification issued by the law 748
enforcement agency for which an individual serves as a law 749
enforcement officer that identifies the individual as a law 750

enforcement officer of the agency; 751

(b) Photographic identification issued by the bureau of 752
criminal identification and investigation that identifies an 753
individual as an investigator of the bureau. 754

Sec. 2923.122. (A) No person shall knowingly convey, or 755
attempt to convey, a deadly weapon or dangerous ordnance into a 756
school safety zone. 757

(B) No person shall knowingly possess a deadly weapon or 758
dangerous ordnance in a school safety zone. 759

(C) No person shall knowingly possess an object in a 760
school safety zone if both of the following apply: 761

(1) The object is indistinguishable from a firearm, 762
whether or not the object is capable of being fired. 763

(2) The person indicates that the person possesses the 764
object and that it is a firearm, or the person knowingly 765
displays or brandishes the object and indicates that it is a 766
firearm. 767

(D) (1) This section does not apply to any of the 768
following: 769

(a) An officer, agent, or employee of this or any other 770
state or the United States who is authorized to carry deadly 771
weapons or dangerous ordnance and is acting within the scope of 772
the officer's, agent's, or employee's duties, a law enforcement 773
officer who is authorized to carry deadly weapons or dangerous 774
ordnance, a security officer employed by a board of education or 775
governing body of a school during the time that the security 776
officer is on duty pursuant to that contract of employment, or 777
any other person who has written authorization from the board of 778

education or governing body of a school to convey deadly weapons 779
or dangerous ordnance into a school safety zone or to possess a 780
deadly weapon or dangerous ordnance in a school safety zone and 781
who conveys or possesses the deadly weapon or dangerous ordnance 782
in accordance with that authorization; 783

(b) Any person who is employed in this state, who is 784
authorized to carry deadly weapons or dangerous ordnance, and 785
who is subject to and in compliance with the requirements of 786
section 109.801 of the Revised Code, unless the appointing 787
authority of the person has expressly specified that the 788
exemption provided in division (D) (1) (b) of this section does 789
not apply to the person. 790

(2) Division (C) of this section does not apply to 791
premises upon which home schooling is conducted. Division (C) of 792
this section also does not apply to a school administrator, 793
teacher, or employee who possesses an object that is 794
indistinguishable from a firearm for legitimate school purposes 795
during the course of employment, a student who uses an object 796
that is indistinguishable from a firearm under the direction of 797
a school administrator, teacher, or employee, or any other 798
person who with the express prior approval of a school 799
administrator possesses an object that is indistinguishable from 800
a firearm for a legitimate purpose, including the use of the 801
object in a ceremonial activity, a play, reenactment, or other 802
dramatic presentation, school safety training, or a ROTC 803
activity or another similar use of the object. 804

(3) This section does not apply to a person who conveys or 805
attempts to convey a handgun into, or possesses a handgun in, a 806
school safety zone if, at the time of that conveyance, attempted 807
conveyance, or possession of the handgun, all of the following 808

apply: 809

(a) The person does not enter into a school building or 810
onto school premises and is not at a school activity. 811

(b) The person ~~is carrying~~ has been issued a valid 812
concealed handgun license that is valid at the time of the 813
conveyance, attempted conveyance, or possession or the person is 814
an active duty member of the armed forces of the United States 815
and is carrying a valid military identification card and 816
documentation of successful completion of firearms training that 817
meets or exceeds the training requirements described in division 818
(G) (1) of section 2923.125 of the Revised Code. 819

(c) The person is in the school safety zone in accordance 820
with 18 U.S.C. 922(q) (2) (B). 821

(d) The person is not knowingly in a place described in 822
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 823
Revised Code. 824

(4) This section does not apply to a person who conveys or 825
attempts to convey a handgun into, or possesses a handgun in, a 826
school safety zone if at the time of that conveyance, attempted 827
conveyance, or possession of the handgun all of the following 828
apply: 829

(a) The person ~~is carrying~~ has been issued a valid 830
concealed handgun license that is valid at the time of the 831
conveyance, attempted conveyance, or possession or the person is 832
an active duty member of the armed forces of the United States 833
and is carrying a valid military identification card and 834
documentation of successful completion of firearms training that 835
meets or exceeds the training requirements described in division 836
(G) (1) of section 2923.125 of the Revised Code. 837

(b) The person leaves the handgun in a motor vehicle.	838
(c) The handgun does not leave the motor vehicle.	839
(d) If the person exits the motor vehicle, the person locks the motor vehicle.	840 841
(E) (1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree.	842 843 844 845 846 847 848 849 850 851
(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony of the fifth degree.	852 853 854 855 856 857 858 859 860
(F) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F) (2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the state board of	861 862 863 864 865 866

education prescribes minimum standards under section 3301.07 of 867
the Revised Code, the court shall impose upon the offender a 868
class four suspension of the offender's probationary driver's 869
license, restricted license, driver's license, commercial 870
driver's license, temporary instruction permit, or probationary 871
commercial driver's license that then is in effect from the 872
range specified in division (A)(4) of section 4510.02 of the 873
Revised Code and shall deny the offender the issuance of any 874
permit or license of that type during the period of the 875
suspension. 876

If the offender is not a resident of this state, the court 877
shall impose a class four suspension of the nonresident 878
operating privilege of the offender from the range specified in 879
division (A)(4) of section 4510.02 of the Revised Code. 880

(2) If the offender shows good cause why the court should 881
not suspend one of the types of licenses, permits, or privileges 882
specified in division (F)(1) of this section or deny the 883
issuance of one of the temporary instruction permits specified 884
in that division, the court in its discretion may choose not to 885
impose the suspension, revocation, or denial required in that 886
division, but the court, in its discretion, instead may require 887
the offender to perform community service for a number of hours 888
determined by the court. 889

(G) As used in this section, "object that is 890
indistinguishable from a firearm" means an object made, 891
constructed, or altered so that, to a reasonable person without 892
specialized training in firearms, the object appears to be a 893
firearm. 894

Sec. 2923.123. (A) No person shall knowingly convey or 895
attempt to convey a deadly weapon or dangerous ordnance into a 896

courthouse or into another building or structure in which a 897
courtroom is located. 898

(B) No person shall knowingly possess or have under the 899
person's control a deadly weapon or dangerous ordnance in a 900
courthouse or in another building or structure in which a 901
courtroom is located. 902

(C) This section does not apply to any of the following: 903

(1) Except as provided in division (E) of this section, a 904
judge of a court of record of this state or a magistrate; 905

(2) A peace officer, officer of a law enforcement agency, 906
or person who is in either of the following categories: 907

(a) Except as provided in division (E) of this section, a 908
peace officer, or an officer of a law enforcement agency of 909
another state, a political subdivision of another state, or the 910
United States, who is authorized to carry a deadly weapon or 911
dangerous ordnance, who possesses or has under that individual's 912
control a deadly weapon or dangerous ordnance as a requirement 913
of that individual's duties, and who is acting within the scope 914
of that individual's duties at the time of that possession or 915
control; 916

(b) Except as provided in division (E) of this section, a 917
person who is employed in this state, who is authorized to carry 918
a deadly weapon or dangerous ordnance, who possesses or has 919
under that individual's control a deadly weapon or dangerous 920
ordnance as a requirement of that person's duties, and who is 921
subject to and in compliance with the requirements of section 922
109.801 of the Revised Code, unless the appointing authority of 923
the person has expressly specified that the exemption provided 924
in division (C) (2) (b) of this section does not apply to the 925

person. 926

(3) A person who conveys, attempts to convey, possesses, 927
or has under the person's control a deadly weapon or dangerous 928
ordnance that is to be used as evidence in a pending criminal or 929
civil action or proceeding; 930

(4) Except as provided in division (E) of this section, a 931
bailiff or deputy bailiff of a court of record of this state who 932
is authorized to carry a firearm pursuant to section 109.77 of 933
the Revised Code, who possesses or has under that individual's 934
control a firearm as a requirement of that individual's duties, 935
and who is acting within the scope of that individual's duties 936
at the time of that possession or control; 937

(5) Except as provided in division (E) of this section, a 938
prosecutor, or a secret service officer appointed by a county 939
prosecuting attorney, who is authorized to carry a deadly weapon 940
or dangerous ordnance in the performance of the individual's 941
duties, who possesses or has under that individual's control a 942
deadly weapon or dangerous ordnance as a requirement of that 943
individual's duties, and who is acting within the scope of that 944
individual's duties at the time of that possession or control; 945

(6) Except as provided in division (E) of this section, a 946
person who conveys or attempts to convey a handgun into a 947
courthouse or into another building or structure in which a 948
courtroom is located, ~~who~~if the person has been issued a 949
concealed handgun license that is valid at the time of the 950
conveyance or attempt or, at the time of the conveyance or 951
attempt, ~~either is carrying a valid concealed handgun license or~~ 952
the person is an active duty member of the armed forces of the 953
United States and is carrying a valid military identification 954
card and documentation of successful completion of firearms 955

training that meets or exceeds the training requirements 956
described in division (G) (1) of section 2923.125 of the Revised 957
Code, and ~~who~~ if in either case the person transfers possession 958
of the handgun to the officer or officer's designee who has 959
charge of the courthouse or building. The officer shall secure 960
the handgun until the licensee is prepared to leave the 961
premises. The exemption described in this division applies only 962
if the officer who has charge of the courthouse or building 963
provides services of the nature described in this division. An 964
officer who has charge of the courthouse or building is not 965
required to offer services of the nature described in this 966
division. 967

(D) (1) Whoever violates division (A) of this section is 968
guilty of illegal conveyance of a deadly weapon or dangerous 969
ordnance into a courthouse. Except as otherwise provided in this 970
division, illegal conveyance of a deadly weapon or dangerous 971
ordnance into a courthouse is a felony of the fifth degree. If 972
the offender previously has been convicted of a violation of 973
division (A) or (B) of this section, illegal conveyance of a 974
deadly weapon or dangerous ordnance into a courthouse is a 975
felony of the fourth degree. 976

(2) Whoever violates division (B) of this section is 977
guilty of illegal possession or control of a deadly weapon or 978
dangerous ordnance in a courthouse. Except as otherwise provided 979
in this division, illegal possession or control of a deadly 980
weapon or dangerous ordnance in a courthouse is a felony of the 981
fifth degree. If the offender previously has been convicted of a 982
violation of division (A) or (B) of this section, illegal 983
possession or control of a deadly weapon or dangerous ordnance 984
in a courthouse is a felony of the fourth degree. 985

(E) The exemptions described in divisions (C) (1), (2) (a), 986
(2) (b), (4), (5), and (6) of this section do not apply to any 987
judge, magistrate, peace officer, officer of a law enforcement 988
agency, bailiff, deputy bailiff, prosecutor, secret service 989
officer, or other person described in any of those divisions if 990
a rule of superintendence or another type of rule adopted by the 991
supreme court pursuant to Article IV, Ohio Constitution, or an 992
applicable local rule of court prohibits all persons from 993
conveying or attempting to convey a deadly weapon or dangerous 994
ordnance into a courthouse or into another building or structure 995
in which a courtroom is located or from possessing or having 996
under one's control a deadly weapon or dangerous ordnance in a 997
courthouse or in another building or structure in which a 998
courtroom is located. 999

(F) As used in this section: 1000

(1) "Magistrate" means an individual who is appointed by a 1001
court of record of this state and who has the powers and may 1002
perform the functions specified in Civil Rule 53, Criminal Rule 1003
19, or Juvenile Rule 40. 1004

(2) "Peace officer" and "prosecutor" have the same 1005
meanings as in section 2935.01 of the Revised Code. 1006

Sec. 2923.126. (A) (1) A concealed handgun license that is 1007
issued under section 2923.125 of the Revised Code shall expire 1008
five years after the date of issuance. A licensee who has been 1009
issued a license under that section shall be granted a grace 1010
period of thirty days after the licensee's license expires 1011
during which the licensee's license remains valid. Except as 1012
provided in divisions (B) and (C) of this section, a licensee 1013
who has been issued a concealed handgun license under section 1014
2923.125 or 2923.1213 of the Revised Code may carry a concealed 1015

handgun anywhere in this state if the ~~licensee also carries a~~ 1016
license is valid ~~license~~ when the licensee is in actual 1017
possession of a concealed handgun. The licensee shall give 1018
notice of any change in the licensee's residence address to the 1019
sheriff who issued the license within forty-five days after that 1020
change. 1021

(2) If a licensee is the driver or an occupant of a motor 1022
vehicle that is stopped as the result of a traffic stop or a 1023
stop for another law enforcement purpose and if the licensee is 1024
transporting or has a loaded handgun in the motor vehicle at 1025
that time, ~~the licensee shall promptly inform any law~~ 1026
~~enforcement officer who approaches the vehicle while stopped~~ 1027
~~that the licensee has been issued a concealed handgun license~~ 1028
~~and that the licensee currently possesses or has a loaded~~ 1029
~~handgun,~~ the licensee shall not knowingly disregard or fail to 1030
comply with lawful orders of a law enforcement officer given 1031
while the motor vehicle is stopped, knowingly fail to remain in 1032
the motor vehicle while stopped, or knowingly fail to keep the 1033
licensee's hands in plain sight after any law enforcement 1034
officer begins approaching the licensee while stopped and before 1035
the officer leaves, unless directed otherwise by a law 1036
enforcement officer; and the licensee shall not knowingly have 1037
contact with the loaded handgun by touching it with the 1038
licensee's hands or fingers, in any manner in violation of 1039
division (E) of section 2923.16 of the Revised Code, after any 1040
law enforcement officer begins approaching the licensee while 1041
stopped and before the officer leaves. ~~Additionally, if a~~ 1042
~~licensee is the driver or an occupant of a commercial motor~~ 1043
~~vehicle that is stopped by an employee of the motor carrier~~ 1044
~~enforcement unit for the purposes defined in section 5503.34 of~~ 1045
~~the Revised Code and the licensee is transporting or has a~~ 1046

~~loaded handgun in the commercial motor vehicle at that time, the licensee shall promptly inform the employee of the unit who approaches the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun.~~

(3) If a licensee is stopped for a law enforcement purpose and if the licensee is carrying a concealed handgun at the time the officer approaches, ~~the licensee shall promptly inform any law enforcement officer who approaches the licensee while stopped that the licensee has been issued a concealed handgun license and that the licensee currently is carrying a concealed handgun,~~ the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the licensee is stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of division (B) of section 2923.12 of the Revised Code, after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves.

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

- (1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section 5119.14 of the Revised Code or division (A) (1) of section 5123.03 of the Revised Code; 1077
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- (2) A school safety zone if the licensee's carrying the concealed handgun is in violation of section 2923.122 of the Revised Code; 1088
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- (3) A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of section 2923.123 of the Revised Code; 1091
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- (4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code; 1094
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- (5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed 1098
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handgun on the premises; 1107

(6) Any church, synagogue, mosque, or other place of 1108
worship, unless the church, synagogue, mosque, or other place of 1109
worship posts or permits otherwise; 1110

(7) Any building that is a government facility of this 1111
state or a political subdivision of this state and that is not a 1112
building that is used primarily as a shelter, restroom, parking 1113
facility for motor vehicles, or rest facility and is not a 1114
courthouse or other building or structure in which a courtroom 1115
is located that is subject to division (B)(3) of this section, 1116
unless the governing body with authority over the building has 1117
enacted a statute, ordinance, or policy that permits a licensee 1118
to carry a concealed handgun into the building; 1119

(8) A place in which federal law prohibits the carrying of 1120
handguns. 1121

(C)(1) Nothing in this section shall negate or restrict a 1122
rule, policy, or practice of a private employer that is not a 1123
private college, university, or other institution of higher 1124
education concerning or prohibiting the presence of firearms on 1125
the private employer's premises or property, including motor 1126
vehicles owned by the private employer. Nothing in this section 1127
shall require a private employer of that nature to adopt a rule, 1128
policy, or practice concerning or prohibiting the presence of 1129
firearms on the private employer's premises or property, 1130
including motor vehicles owned by the private employer. 1131

(2)(a) A private employer shall be immune from liability 1132
in a civil action for any injury, death, or loss to person or 1133
property that allegedly was caused by or related to a licensee 1134
bringing a handgun onto the premises or property of the private 1135

employer, including motor vehicles owned by the private 1136
employer, unless the private employer acted with malicious 1137
purpose. A private employer is immune from liability in a civil 1138
action for any injury, death, or loss to person or property that 1139
allegedly was caused by or related to the private employer's 1140
decision to permit a licensee to bring, or prohibit a licensee 1141
from bringing, a handgun onto the premises or property of the 1142
private employer. 1143

(b) A political subdivision shall be immune from liability 1144
in a civil action, to the extent and in the manner provided in 1145
Chapter 2744. of the Revised Code, for any injury, death, or 1146
loss to person or property that allegedly was caused by or 1147
related to a licensee bringing a handgun onto any premises or 1148
property owned, leased, or otherwise under the control of the 1149
political subdivision. As used in this division, "political 1150
subdivision" has the same meaning as in section 2744.01 of the 1151
Revised Code. 1152

(c) An institution of higher education shall be immune 1153
from liability in a civil action for any injury, death, or loss 1154
to person or property that allegedly was caused by or related to 1155
a licensee bringing a handgun onto the premises of the 1156
institution, including motor vehicles owned by the institution, 1157
unless the institution acted with malicious purpose. An 1158
institution of higher education is immune from liability in a 1159
civil action for any injury, death, or loss to person or 1160
property that allegedly was caused by or related to the 1161
institution's decision to permit a licensee or class of 1162
licensees to bring a handgun onto the premises of the 1163
institution. 1164

(d) A nonprofit corporation shall be immune from liability 1165

in a civil action for any injury, death, or loss to person or 1166
property that allegedly was caused by or related to a licensee 1167
bringing a handgun onto the premises of the nonprofit 1168
corporation, including any motor vehicle owned by the nonprofit 1169
corporation, or to any event organized by the nonprofit 1170
corporation, unless the nonprofit corporation acted with 1171
malicious purpose. A nonprofit corporation is immune from 1172
liability in a civil action for any injury, death, or loss to 1173
person or property that allegedly was caused by or related to 1174
the nonprofit corporation's decision to permit a licensee to 1175
bring a handgun onto the premises of the nonprofit corporation 1176
or to any event organized by the nonprofit corporation. 1177

(3) (a) Except as provided in division (C) (3) (b) of this 1178
section and section 2923.1214 of the Revised Code, the owner or 1179
person in control of private land or premises, and a private 1180
person or entity leasing land or premises owned by the state, 1181
the United States, or a political subdivision of the state or 1182
the United States, may post a sign in a conspicuous location on 1183
that land or on those premises prohibiting persons from carrying 1184
firearms or concealed firearms on or onto that land or those 1185
premises. Except as otherwise provided in this division, a 1186
person who knowingly violates a posted prohibition of that 1187
nature is guilty of criminal trespass in violation of division 1188
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 1189
misdemeanor of the fourth degree. If a person knowingly violates 1190
a posted prohibition of that nature and the posted land or 1191
premises primarily was a parking lot or other parking facility, 1192
the person is not guilty of criminal trespass under section 1193
2911.21 of the Revised Code or under any other criminal law of 1194
this state or criminal law, ordinance, or resolution of a 1195
political subdivision of this state, and instead is subject only 1196

to a civil cause of action for trespass based on the violation. 1197

If a person knowingly violates a posted prohibition of the 1198
nature described in this division and the posted land or 1199
premises is a child day-care center, type A family day-care 1200
home, or type B family day-care home, unless the person is a 1201
licensee who resides in a type A family day-care home or type B 1202
family day-care home, the person is guilty of aggravated 1203
trespass in violation of section 2911.211 of the Revised Code. 1204
Except as otherwise provided in this division, the offender is 1205
guilty of a misdemeanor of the first degree. If the person 1206
previously has been convicted of a violation of this division or 1207
of any offense of violence, if the weapon involved is a firearm 1208
that is either loaded or for which the offender has ammunition 1209
ready at hand, or if the weapon involved is dangerous ordnance, 1210
the offender is guilty of a felony of the fourth degree. 1211

(b) A landlord may not prohibit or restrict a tenant who 1212
is a licensee and who on or after September 9, 2008, enters into 1213
a rental agreement with the landlord for the use of residential 1214
premises, and the tenant's guest while the tenant is present, 1215
from lawfully carrying or possessing a handgun on those 1216
residential premises. 1217

(c) As used in division (C) (3) of this section: 1218

(i) "Residential premises" has the same meaning as in 1219
section 5321.01 of the Revised Code, except "residential 1220
premises" does not include a dwelling unit that is owned or 1221
operated by a college or university. 1222

(ii) "Landlord," "tenant," and "rental agreement" have the 1223
same meanings as in section 5321.01 of the Revised Code. 1224

(D) A person who holds a valid concealed handgun license 1225

issued by another state that is recognized by the attorney 1226
general pursuant to a reciprocity agreement entered into 1227
pursuant to section 109.69 of the Revised Code or a person who 1228
holds a valid concealed handgun license under the circumstances 1229
described in division (B) of section 109.69 of the Revised Code 1230
has the same right to carry a concealed handgun in this state as 1231
a person who was issued a concealed handgun license under 1232
section 2923.125 of the Revised Code and is subject to the same 1233
restrictions that apply to a person who ~~carries~~ has been issued 1234
a license ~~issued~~ under that section that is valid at the time in 1235
question. 1236

(E) (1) A peace officer has the same right to carry a 1237
concealed handgun in this state as a person who was issued a 1238
concealed handgun license under section 2923.125 of the Revised 1239
Code, provided that the officer when carrying a concealed 1240
handgun under authority of this division is carrying validating 1241
identification. For purposes of reciprocity with other states, a 1242
peace officer shall be considered to be a licensee in this 1243
state. 1244

(2) An active duty member of the armed forces of the 1245
United States who is carrying a valid military identification 1246
card and documentation of successful completion of firearms 1247
training that meets or exceeds the training requirements 1248
described in division (G) (1) of section 2923.125 of the Revised 1249
Code has the same right to carry a concealed handgun in this 1250
state as a person who was issued a concealed handgun license 1251
under section 2923.125 of the Revised Code and is subject to the 1252
same restrictions as specified in this section. 1253

(3) A tactical medical professional who is qualified to 1254
carry firearms while on duty under section 109.771 of the 1255

Revised Code has the same right to carry a concealed handgun in 1256
this state as a person who was issued a concealed handgun 1257
license under section 2923.125 of the Revised Code. 1258

(F) (1) A qualified retired peace officer who possesses a 1259
retired peace officer identification card issued pursuant to 1260
division (F) (2) of this section and a valid firearms 1261
requalification certification issued pursuant to division (F) (3) 1262
of this section has the same right to carry a concealed handgun 1263
in this state as a person who was issued a concealed handgun 1264
license under section 2923.125 of the Revised Code and is 1265
subject to the same restrictions that apply to a person who 1266
~~carries~~ has been issued a license issued under that section that 1267
is valid at the time in question. For purposes of reciprocity 1268
with other states, a qualified retired peace officer who 1269
possesses a retired peace officer identification card issued 1270
pursuant to division (F) (2) of this section and a valid firearms 1271
requalification certification issued pursuant to division (F) (3) 1272
of this section shall be considered to be a licensee in this 1273
state. 1274

(2) (a) Each public agency of this state or of a political 1275
subdivision of this state that is served by one or more peace 1276
officers shall issue a retired peace officer identification card 1277
to any person who retired from service as a peace officer with 1278
that agency, if the issuance is in accordance with the agency's 1279
policies and procedures and if the person, with respect to the 1280
person's service with that agency, satisfies all of the 1281
following: 1282

(i) The person retired in good standing from service as a 1283
peace officer with the public agency, and the retirement was not 1284
for reasons of mental instability. 1285

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

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

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

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

that certification, the identification card shall serve as the 1316
firearms requalification certification for the retired peace 1317
officer. If the issuing public agency issues credentials to 1318
active law enforcement officers who serve the agency, the agency 1319
may comply with division (F)(2)(a) of this section by issuing 1320
the same credentials to persons who retired from service as a 1321
peace officer with the agency and who satisfy the criteria set 1322
forth in divisions (F)(2)(a)(i) to (iv) of this section, 1323
provided that the credentials so issued to retired peace 1324
officers are stamped with the word "RETIRED." 1325

(c) A public agency of this state or of a political 1326
subdivision of this state may charge persons who retired from 1327
service as a peace officer with the agency a reasonable fee for 1328
issuing to the person a retired peace officer identification 1329
card pursuant to division (F)(2)(a) of this section. 1330

(3) If a person retired from service as a peace officer 1331
with a public agency of this state or of a political subdivision 1332
of this state and the person satisfies the criteria set forth in 1333
divisions (F)(2)(a)(i) to (iv) of this section, the public 1334
agency may provide the retired peace officer with the 1335
opportunity to attend a firearms requalification program that is 1336
approved for purposes of firearms requalification required under 1337
section 109.801 of the Revised Code. The retired peace officer 1338
may be required to pay the cost of the course. 1339

If a retired peace officer who satisfies the criteria set 1340
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 1341
a firearms requalification program that is approved for purposes 1342
of firearms requalification required under section 109.801 of 1343
the Revised Code, the retired peace officer's successful 1344
completion of the firearms requalification program requalifies 1345

the retired peace officer for purposes of division (F) of this 1346
section for five years from the date on which the program was 1347
successfully completed, and the requalification is valid during 1348
that five-year period. If a retired peace officer who satisfies 1349
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1350
section satisfactorily completes such a firearms requalification 1351
program, the retired peace officer shall be issued a firearms 1352
requalification certification that identifies the retired peace 1353
officer by name, identifies the entity that taught the program, 1354
specifies that the retired peace officer successfully completed 1355
the program, specifies the date on which the course was 1356
successfully completed, and specifies that the requalification 1357
is valid for five years from that date of successful completion. 1358
The firearms requalification certification for a retired peace 1359
officer may be included in the retired peace officer 1360
identification card issued to the retired peace officer under 1361
division (F) (2) of this section. 1362

A retired peace officer who attends a firearms 1363
requalification program that is approved for purposes of 1364
firearms requalification required under section 109.801 of the 1365
Revised Code may be required to pay the cost of the program. 1366

(G) As used in this section: 1367

(1) "Qualified retired peace officer" means a person who 1368
satisfies all of the following: 1369

(a) The person satisfies the criteria set forth in 1370
divisions (F) (2) (a) (i) to (v) of this section. 1371

(b) The person is not under the influence of alcohol or 1372
another intoxicating or hallucinatory drug or substance. 1373

(c) The person is not prohibited by federal law from 1374

receiving firearms. 1375

(2) "Retired peace officer identification card" means an 1376
identification card that is issued pursuant to division (F) (2) 1377
of this section to a person who is a retired peace officer. 1378

(3) "Government facility of this state or a political 1379
subdivision of this state" means any of the following: 1380

(a) A building or part of a building that is owned or 1381
leased by the government of this state or a political 1382
subdivision of this state and where employees of the government 1383
of this state or the political subdivision regularly are present 1384
for the purpose of performing their official duties as employees 1385
of the state or political subdivision; 1386

(b) The office of a deputy registrar serving pursuant to 1387
Chapter 4503. of the Revised Code that is used to perform deputy 1388
registrar functions. 1389

(4) "Governing body" has the same meaning as in section 1390
154.01 of the Revised Code. 1391

(5) "Tactical medical professional" has the same meaning 1392
as in section 109.71 of the Revised Code. 1393

(6) "Validating identification" means photographic 1394
identification issued by the agency for which an individual 1395
serves as a peace officer that identifies the individual as a 1396
peace officer of the agency. 1397

(7) "Nonprofit corporation" means any private organization 1398
that is exempt from federal income taxation pursuant to 1399
subsection 501(a) and described in subsection 501(c) of the 1400
Internal Revenue Code. 1401

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1402

concealed handgun license is arrested for or otherwise charged 1403
with an offense described in division (D) (1) (d) of section 1404
2923.125 of the Revised Code or with a violation of section 1405
2923.15 of the Revised Code or becomes subject to a temporary 1406
protection order or to a protection order issued by a court of 1407
another state that is substantially equivalent to a temporary 1408
protection order, the sheriff who issued the license shall 1409
suspend it and shall comply with division (A) (3) of this section 1410
upon becoming aware of the arrest, charge, or protection order. 1411
Upon suspending the license, the sheriff also shall comply with 1412
division (H) of section 2923.125 of the Revised Code. 1413

(b) A suspension under division (A) (1) (a) of this section 1414
shall be considered as beginning on the date that the licensee 1415
is arrested for or otherwise charged with an offense described 1416
in that division or on the date the appropriate court issued the 1417
protection order described in that division, irrespective of 1418
when the sheriff notifies the licensee under division (A) (3) of 1419
this section. The suspension shall end on the date on which the 1420
charges are dismissed or the licensee is found not guilty of the 1421
offense described in division (A) (1) (a) of this section or, 1422
subject to division (B) of this section, on the date the 1423
appropriate court terminates the protection order described in 1424
that division. If the suspension so ends, the sheriff shall 1425
return the license or temporary emergency license to the 1426
licensee. 1427

(2) (a) If a licensee holding a valid concealed handgun 1428
license is convicted of or pleads guilty to a misdemeanor 1429
violation of division (B) (1), ~~(2)~~, or ~~(4)~~ (3) of section 2923.12 1430
of the Revised Code or of division (E) (1), ~~(2)~~, or (3), ~~or~~ ~~(5)~~ 1431
of section 2923.16 of the Revised Code, ~~except as provided in~~ 1432
~~division (A) (2) (c) of this section and~~ subject to division (C) 1433

of this section, the sheriff who issued the license shall 1434
suspend it and shall comply with division (A) (3) of this section 1435
upon becoming aware of the conviction or guilty plea. Upon 1436
suspending the license, the sheriff also shall comply with 1437
division (H) of section 2923.125 of the Revised Code. 1438

(b) A suspension under division (A) (2) (a) of this section 1439
shall be considered as beginning on the date that the licensee 1440
is convicted of or pleads guilty to the offense described in 1441
that division, irrespective of when the sheriff notifies the 1442
licensee under division (A) (3) of this section. If the 1443
suspension is imposed for a misdemeanor violation of division 1444
(B) (1) ~~or (2)~~ of section 2923.12 of the Revised Code or of 1445
division (E) (1), ~~(2), or (3)~~ of section 2923.16 of the Revised 1446
Code, it shall end on the date that is one year after the date 1447
that the licensee is convicted of or pleads guilty to that 1448
violation. If the suspension is imposed for a misdemeanor 1449
violation of division ~~(B) (4)~~ (B) (3) of section 2923.12 of the 1450
Revised Code or of division ~~(E) (5)~~ (E) (3) of section 2923.16 of 1451
the Revised Code, it shall end on the date that is two years 1452
after the date that the licensee is convicted of or pleads 1453
guilty to that violation. If the licensee's license was issued 1454
under section 2923.125 of the Revised Code and the license 1455
remains valid after the suspension ends as described in this 1456
division, when the suspension ends, the sheriff shall return the 1457
license to the licensee. If the licensee's license was issued 1458
under section 2923.125 of the Revised Code and the license 1459
expires before the suspension ends as described in this 1460
division, or if the licensee's license was issued under section 1461
2923.1213 of the Revised Code, the licensee is not eligible to 1462
apply for a new license under section 2923.125 or 2923.1213 of 1463
the Revised Code or to renew the license under section 2923.125 1464

of the Revised Code until after the suspension ends as described 1465
in this division. 1466

~~(c) The license of a licensee who is convicted of or 1467
pleads guilty to a violation of division (B) (1) of section 1468
2923.12 or division (E) (1) or (2) of section 2923.16 of the 1469
Revised Code shall not be suspended pursuant to division (A) (2) 1470
(a) of this section if, at the time of the stop of the licensee 1471
for a law enforcement purpose, for a traffic stop, or for a 1472
purpose defined in section 5503.34 of the Revised Code that was 1473
the basis of the violation, any law enforcement officer involved 1474
with the stop or the employee of the motor carrier enforcement 1475
unit who made the stop had actual knowledge of the licensee's 1476
status as a licensee. 1477~~

(3) Upon becoming aware of an arrest, charge, or 1478
protection order described in division (A) (1) (a) of this section 1479
with respect to a licensee who was issued a concealed handgun 1480
license, or a conviction of or plea of guilty to a misdemeanor 1481
offense described in division (A) (2) (a) of this section with 1482
respect to a licensee who was issued a concealed handgun license 1483
and with respect to which ~~division (A) (2) (c) of this section 1484
does not apply,~~ subject to division (C) of this section, the 1485
sheriff who issued the licensee's license shall notify the 1486
licensee, by certified mail, return receipt requested, at the 1487
licensee's last known residence address that the license has 1488
been suspended and that the licensee is required to surrender 1489
the license at the sheriff's office within ten days of the date 1490
on which the notice was mailed. If the suspension is pursuant to 1491
division (A) (2) of this section, the notice shall identify the 1492
date on which the suspension ends. 1493

(B) (1) A sheriff who issues a concealed handgun license to 1494

a licensee shall revoke the license in accordance with division 1495
(B) (2) of this section upon becoming aware that the licensee 1496
satisfies any of the following: 1497

(a) The licensee is under twenty-one years of age. 1498

(b) Subject to division (C) of this section, at the time 1499
of the issuance of the license, the licensee did not satisfy the 1500
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1501
(g), or (h) of section 2923.125 of the Revised Code. 1502

(c) Subject to division (C) of this section, on or after 1503
the date on which the license was issued, the licensee is 1504
convicted of or pleads guilty to a violation of section 2923.15 1505
of the Revised Code or an offense described in division (D) (1) 1506
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1507

(d) On or after the date on which the license was issued, 1508
the licensee becomes subject to a civil protection order or to a 1509
protection order issued by a court of another state that is 1510
substantially equivalent to a civil protection order. 1511

(e) The licensee knowingly carries a concealed handgun 1512
into a place that the licensee knows is an unauthorized place 1513
specified in division (B) of section 2923.126 of the Revised 1514
Code. 1515

(f) On or after the date on which the license was issued, 1516
the licensee is adjudicated as a mental defective or is 1517
committed to a mental institution. 1518

(g) At the time of the issuance of the license, the 1519
licensee did not meet the residency requirements described in 1520
division (D) (1) of section 2923.125 of the Revised Code and 1521
currently does not meet the residency requirements described in 1522
that division. 1523

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

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

(C) If a sheriff who issues a concealed handgun license to a licensee becomes aware that at the time of the issuance of the license the licensee had been convicted of or pleaded guilty to an offense identified in division (D)(1)(e), (f), or (h) of section 2923.125 of the Revised Code or had been adjudicated a delinquent child for committing an act or violation identified in any of those divisions or becomes aware that on or after the

date on which the license was issued the licensee has been 1555
convicted of or pleaded guilty to an offense identified in 1556
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 1557
shall not consider that conviction, guilty plea, or adjudication 1558
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 1559
(1), and (B) (2) of this section if a court has ordered the 1560
sealing or expungement of the records of that conviction, guilty 1561
plea, or adjudication pursuant to sections 2151.355 to 2151.358 1562
or sections 2953.31 to 2953.36 of the Revised Code or the 1563
licensee has been relieved under operation of law or legal 1564
process from the disability imposed pursuant to section 2923.13 1565
of the Revised Code relative to that conviction, guilty plea, or 1566
adjudication. 1567

(D) As used in this section, "motor carrier enforcement 1568
unit" has the same meaning as in section 2923.16 of the Revised 1569
Code. 1570

Sec. 2923.16. (A) No person shall knowingly discharge a 1571
firearm while in or on a motor vehicle. 1572

(B) No person shall knowingly transport or have a loaded 1573
firearm in a motor vehicle in such a manner that the firearm is 1574
accessible to the operator or any passenger without leaving the 1575
vehicle. 1576

(C) No person shall knowingly transport or have a firearm 1577
in a motor vehicle, unless the person may lawfully possess that 1578
firearm under applicable law of this state or the United States, 1579
the firearm is unloaded, and the firearm is carried in one of 1580
the following ways: 1581

(1) In a closed package, box, or case; 1582

(2) In a compartment that can be reached only by leaving 1583

the vehicle; 1584

(3) In plain sight and secured in a rack or holder made 1585
for the purpose; 1586

(4) If the firearm is at least twenty-four inches in 1587
overall length as measured from the muzzle to the part of the 1588
stock furthest from the muzzle and if the barrel is at least 1589
eighteen inches in length, either in plain sight with the action 1590
open or the weapon stripped, or, if the firearm is of a type on 1591
which the action will not stay open or which cannot easily be 1592
stripped, in plain sight. 1593

(D) No person shall knowingly transport or have a loaded 1594
handgun in a motor vehicle if, at the time of that 1595
transportation or possession, any of the following applies: 1596

(1) The person is under the influence of alcohol, a drug 1597
of abuse, or a combination of them. 1598

(2) The person's whole blood, blood serum or plasma, 1599
breath, or urine contains a concentration of alcohol, a listed 1600
controlled substance, or a listed metabolite of a controlled 1601
substance prohibited for persons operating a vehicle, as 1602
specified in division (A) of section 4511.19 of the Revised 1603
Code, regardless of whether the person at the time of the 1604
transportation or possession as described in this division is 1605
the operator of or a passenger in the motor vehicle. 1606

(E) No person who has been issued a concealed handgun 1607
license or who is an active duty member of the armed forces of 1608
the United States and is carrying a valid military 1609
identification card and documentation of successful completion 1610
of firearms training that meets or exceeds the training 1611
requirements described in division (G) (1) of section 2923.125 of 1612

the Revised Code, who is the driver or an occupant of a motor 1613
vehicle that is stopped as a result of a traffic stop or a stop 1614
for another law enforcement purpose or is the driver or an 1615
occupant of a commercial motor vehicle that is stopped by an 1616
employee of the motor carrier enforcement unit for the purposes 1617
defined in section 5503.34 of the Revised Code, and who is 1618
transporting or has a loaded handgun in the motor vehicle or 1619
commercial motor vehicle in any manner, shall do any of the 1620
following: 1621

~~(1) Fail to promptly inform any law enforcement officer 1622
who approaches the vehicle while stopped that the person has 1623
been issued a concealed handgun license or is authorized to 1624
carry a concealed handgun as an active duty member of the armed 1625
forces of the United States and that the person then possesses 1626
or has a loaded handgun in the motor vehicle;~~ 1627

~~(2) Fail to promptly inform the employee of the unit who 1628
approaches the vehicle while stopped that the person has been 1629
issued a concealed handgun license or is authorized to carry a 1630
concealed handgun as an active duty member of the armed forces 1631
of the United States and that the person then possesses or has a 1632
loaded handgun in the commercial motor vehicle;~~ 1633

~~(3) Knowingly fail to remain in the motor vehicle while 1634
stopped or knowingly fail to keep the person's hands in plain 1635
sight at any time after any law enforcement officer begins 1636
approaching the person while stopped and before the law 1637
enforcement officer leaves, unless the failure is pursuant to 1638
and in accordance with directions given by a law enforcement 1639
officer;~~ 1640

~~(4) (2) Knowingly have contact with the loaded handgun by 1641
touching it with the person's hands or fingers in the motor 1642~~

vehicle at any time after the law enforcement officer begins 1643
approaching and before the law enforcement officer leaves, 1644
unless the person has contact with the loaded handgun pursuant 1645
to and in accordance with directions given by the law 1646
enforcement officer; 1647

~~(5)~~ (3) Knowingly disregard or fail to comply with any 1648
lawful order of any law enforcement officer given while the 1649
motor vehicle is stopped, including, but not limited to, a 1650
specific order to the person to keep the person's hands in plain 1651
sight. 1652

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1653
not apply to any of the following: 1654

(a) An officer, agent, or employee of this or any other 1655
state or the United States, or a law enforcement officer, when 1656
authorized to carry or have loaded or accessible firearms in 1657
motor vehicles and acting within the scope of the officer's, 1658
agent's, or employee's duties; 1659

(b) Any person who is employed in this state, who is 1660
authorized to carry or have loaded or accessible firearms in 1661
motor vehicles, and who is subject to and in compliance with the 1662
requirements of section 109.801 of the Revised Code, unless the 1663
appointing authority of the person has expressly specified that 1664
the exemption provided in division (F) (1) (b) of this section 1665
does not apply to the person. 1666

(2) Division (A) of this section does not apply to a 1667
person if all of the following circumstances apply: 1668

(a) The person discharges a firearm from a motor vehicle 1669
at a coyote or groundhog, the discharge is not during the deer 1670
gun hunting season as set by the chief of the division of 1671

wildlife of the department of natural resources, and the 1672
discharge at the coyote or groundhog, but for the operation of 1673
this section, is lawful. 1674

(b) The motor vehicle from which the person discharges the 1675
firearm is on real property that is located in an unincorporated 1676
area of a township and that either is zoned for agriculture or 1677
is used for agriculture. 1678

(c) The person owns the real property described in 1679
division (F) (2) (b) of this section, is the spouse or a child of 1680
another person who owns that real property, is a tenant of 1681
another person who owns that real property, or is the spouse or 1682
a child of a tenant of another person who owns that real 1683
property. 1684

(d) The person does not discharge the firearm in any of 1685
the following manners: 1686

(i) While under the influence of alcohol, a drug of abuse, 1687
or alcohol and a drug of abuse; 1688

(ii) In the direction of a street, highway, or other 1689
public or private property used by the public for vehicular 1690
traffic or parking; 1691

(iii) At or into an occupied structure that is a permanent 1692
or temporary habitation; 1693

(iv) In the commission of any violation of law, including, 1694
but not limited to, a felony that includes, as an essential 1695
element, purposely or knowingly causing or attempting to cause 1696
the death of or physical harm to another and that was committed 1697
by discharging a firearm from a motor vehicle. 1698

(3) Division (A) of this section does not apply to a 1699

person if all of the following apply: 1700

(a) The person possesses a valid all-purpose vehicle 1701
permit issued under section 1533.103 of the Revised Code by the 1702
chief of the division of wildlife. 1703

(b) The person discharges a firearm at a wild quadruped or 1704
game bird as defined in section 1531.01 of the Revised Code 1705
during the open hunting season for the applicable wild quadruped 1706
or game bird. 1707

(c) The person discharges a firearm from a stationary all- 1708
purpose vehicle as defined in section 1531.01 of the Revised 1709
Code from private or publicly owned lands or from a motor 1710
vehicle that is parked on a road that is owned or administered 1711
by the division of wildlife. 1712

(d) The person does not discharge the firearm in any of 1713
the following manners: 1714

(i) While under the influence of alcohol, a drug of abuse, 1715
or alcohol and a drug of abuse; 1716

(ii) In the direction of a street, a highway, or other 1717
public or private property that is used by the public for 1718
vehicular traffic or parking; 1719

(iii) At or into an occupied structure that is a permanent 1720
or temporary habitation; 1721

(iv) In the commission of any violation of law, including, 1722
but not limited to, a felony that includes, as an essential 1723
element, purposely or knowingly causing or attempting to cause 1724
the death of or physical harm to another and that was committed 1725
by discharging a firearm from a motor vehicle. 1726

(4) Divisions (B) and (C) of this section do not apply to 1727

a person if all of the following circumstances apply: 1728

(a) At the time of the alleged violation of either of 1729
those divisions, the person is the operator of or a passenger in 1730
a motor vehicle. 1731

(b) The motor vehicle is on real property that is located 1732
in an unincorporated area of a township and that either is zoned 1733
for agriculture or is used for agriculture. 1734

(c) The person owns the real property described in 1735
division (D) (4) (b) of this section, is the spouse or a child of 1736
another person who owns that real property, is a tenant of 1737
another person who owns that real property, or is the spouse or 1738
a child of a tenant of another person who owns that real 1739
property. 1740

(d) The person, prior to arriving at the real property 1741
described in division (D) (4) (b) of this section, did not 1742
transport or possess a firearm in the motor vehicle in a manner 1743
prohibited by division (B) or (C) of this section while the 1744
motor vehicle was being operated on a street, highway, or other 1745
public or private property used by the public for vehicular 1746
traffic or parking. 1747

(5) Divisions (B) and (C) of this section do not apply to 1748
a person who transports or possesses a handgun in a motor 1749
vehicle if, at the time of that transportation or possession, 1750
both of the following apply: 1751

(a) The person transporting or possessing the handgun ~~is~~ 1752
~~either carrying a valid~~ has been issued a concealed handgun 1753
license that is valid at the time in question or the person is 1754
an active duty member of the armed forces of the United States 1755
and is carrying a valid military identification card and 1756

documentation of successful completion of firearms training that 1757
meets or exceeds the training requirements described in division 1758
(G) (1) of section 2923.125 of the Revised Code. 1759

(b) The person transporting or possessing the handgun is 1760
not knowingly in a place described in division (B) of section 1761
2923.126 of the Revised Code. 1762

(6) Divisions (B) and (C) of this section do not apply to 1763
a person if all of the following apply: 1764

(a) The person possesses a valid all-purpose vehicle 1765
permit issued under section 1533.103 of the Revised Code by the 1766
chief of the division of wildlife. 1767

(b) The person is on or in an all-purpose vehicle as 1768
defined in section 1531.01 of the Revised Code or a motor 1769
vehicle during the open hunting season for a wild quadruped or 1770
game bird. 1771

(c) The person is on or in an all-purpose vehicle as 1772
defined in section 1531.01 of the Revised Code on private or 1773
publicly owned lands or on or in a motor vehicle that is parked 1774
on a road that is owned or administered by the division of 1775
wildlife. 1776

(7) Nothing in this section prohibits or restricts a 1777
person from possessing, storing, or leaving a firearm in a 1778
locked motor vehicle that is parked in the state underground 1779
parking garage at the state capitol building or in the parking 1780
garage at the Riffe center for government and the arts in 1781
Columbus, if the person's transportation and possession of the 1782
firearm in the motor vehicle while traveling to the premises or 1783
facility was not in violation of division (A), (B), (C), (D), or 1784
(E) of this section or any other provision of the Revised Code. 1785

(G) (1) The affirmative defenses authorized in divisions 1786
(D) (1) and (2) of section 2923.12 of the Revised Code are 1787
affirmative defenses to a charge under division (B) or (C) of 1788
this section that involves a firearm other than a handgun. 1789

(2) It is an affirmative defense to a charge under 1790
division (B) or (C) of this section of improperly handling 1791
firearms in a motor vehicle that the actor transported or had 1792
the firearm in the motor vehicle for any lawful purpose and 1793
while the motor vehicle was on the actor's own property, 1794
provided that this affirmative defense is not available unless 1795
the person, immediately prior to arriving at the actor's own 1796
property, did not transport or possess the firearm in a motor 1797
vehicle in a manner prohibited by division (B) or (C) of this 1798
section while the motor vehicle was being operated on a street, 1799
highway, or other public or private property used by the public 1800
for vehicular traffic. 1801

(H) (1) No person who is charged with a violation of 1802
division (B), (C), or (D) of this section shall be required to 1803
obtain a concealed handgun license as a condition for the 1804
dismissal of the charge. 1805

(2) (a) If a person is convicted of, was convicted of, 1806
pleads guilty to, or has pleaded guilty to a violation of 1807
division (E) of this section as it existed prior to September 1808
30, 2011, and ~~if~~ the conduct that was the basis of the violation 1809
no longer would be a violation of division (E) of this section 1810
on or after September 30, 2011, or if a person is convicted of, 1811
was convicted of, pleads guilty to, or has pleaded guilty to a 1812
violation of division (E) (1) or (2) of this section as it 1813
existed prior to the effective date of this amendment, the 1814
person may file an application under section 2953.37 of the 1815

Revised Code requesting the expungement of the record of 1816
conviction. 1817

If a person is convicted of, was convicted of, pleads 1818
guilty to, or has pleaded guilty to a violation of division (B) 1819
or (C) of this section as the division existed prior to 1820
September 30, 2011, and if the conduct that was the basis of the 1821
violation no longer would be a violation of division (B) or (C) 1822
of this section on or after September 30, 2011, due to the 1823
application of division (F) (5) of this section as it exists on 1824
and after September 30, 2011, the person may file an application 1825
under section 2953.37 of the Revised Code requesting the 1826
expungement of the record of conviction. 1827

(b) The attorney general shall develop a public media 1828
advisory that summarizes the expungement procedure established 1829
under section 2953.37 of the Revised Code and the offenders 1830
identified in division (H) (2) (a) of this section and those 1831
identified in division (E) (2) of section 2923.12 of the Revised 1832
Code who are authorized to apply for the expungement. Within 1833
thirty days after September 30, 2011, with respect to violations 1834
of division (B), (C), or (E) of this section as they existed 1835
prior to that date, and within thirty days after the effective 1836
date of this amendment with respect to a violation of division 1837
(E) (1) or (2) of this section or division (B) (1) of section 1838
2923.12 of the Revised Code as they existed prior to the 1839
effective date of this amendment, the attorney general shall 1840
provide a copy of the advisory to each daily newspaper published 1841
in this state and each television station that broadcasts in 1842
this state. The attorney general may provide the advisory in a 1843
tangible form, an electronic form, or in both tangible and 1844
electronic forms. 1845

(I) Whoever violates this section is guilty of improperly 1846
handling firearms in a motor vehicle. Violation of division (A) 1847
of this section is a felony of the fourth degree. Violation of 1848
division (C) of this section is a misdemeanor of the fourth 1849
degree. A violation of division (D) of this section is a felony 1850
of the fifth degree or, if the loaded handgun is concealed on 1851
the person's person, a felony of the fourth degree. ~~Except as~~ 1852
~~otherwise provided in this division, a violation of division (E)~~ 1853
~~(1) or (2) of this section is a misdemeanor of the first degree,~~ 1854
~~and, in addition to any other penalty or sanction imposed for~~ 1855
~~the violation, the offender's concealed handgun license shall be~~ 1856
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1857
~~Revised Code. If at the time of the stop of the offender for a~~ 1858
~~traffic stop, for another law enforcement purpose, or for a~~ 1859
~~purpose defined in section 5503.34 of the Revised Code that was~~ 1860
~~the basis of the violation any law enforcement officer involved~~ 1861
~~with the stop or the employee of the motor carrier enforcement~~ 1862
~~unit who made the stop had actual knowledge of the offender's~~ 1863
~~status as a licensee, a violation of division (E) (1) or (2) of~~ 1864
~~this section is a minor misdemeanor, and the offender's~~ 1865
~~concealed handgun license shall not be suspended pursuant to~~ 1866
~~division (A) (2) of section 2923.128 of the Revised Code. A~~ 1867
violation of division ~~(E) (4)~~ (E) (2) of this section is a felony 1868
of the fifth degree. A violation of division ~~(E) (3)~~ (E) (1) or 1869
~~(5)~~ (3) of this section is a misdemeanor of the first degree or, 1870
if the offender previously has been convicted of or pleaded 1871
guilty to a violation of division ~~(E) (3)~~ (E) (1) or ~~(5)~~ (3) of 1872
this section, a felony of the fifth degree. In addition to any 1873
other penalty or sanction imposed for a misdemeanor violation of 1874
division ~~(E) (3)~~ (E) (1) or ~~(5)~~ (3) of this section, the 1875
offender's concealed handgun license shall be suspended pursuant 1876
to division (A) (2) of section 2923.128 of the Revised Code. A 1877

violation of division (B) of this section is a felony of the 1878
fourth degree. 1879

(J) If a law enforcement officer stops a motor vehicle for 1880
a traffic stop or any other purpose, if any person in the motor 1881
vehicle surrenders a firearm to the officer, either voluntarily 1882
or pursuant to a request or demand of the officer, and if the 1883
officer does not charge the person with a violation of this 1884
section or arrest the person for any offense, the person is not 1885
otherwise prohibited by law from possessing the firearm, and the 1886
firearm is not contraband, the officer shall return the firearm 1887
to the person at the termination of the stop. If a court orders 1888
a law enforcement officer to return a firearm to a person 1889
pursuant to the requirement set forth in this division, division 1890
(B) of section 2923.163 of the Revised Code applies. 1891

(K) As used in this section: 1892

(1) "Motor vehicle," "street," and "highway" have the same 1893
meanings as in section 4511.01 of the Revised Code. 1894

(2) "Occupied structure" has the same meaning as in 1895
section 2909.01 of the Revised Code. 1896

(3) "Agriculture" has the same meaning as in section 1897
519.01 of the Revised Code. 1898

(4) "Tenant" has the same meaning as in section 1531.01 of 1899
the Revised Code. 1900

(5) (a) "Unloaded" means, with respect to a firearm other 1901
than a firearm described in division (K) (6) of this section, 1902
that no ammunition is in the firearm in question, no magazine or 1903
speed loader containing ammunition is inserted into the firearm 1904
in question, and one of the following applies: 1905

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

(ii) Any magazine or speed loader that contains ammunition
and that may be used with the firearm in question is stored in a
compartment within the vehicle in question that cannot be
accessed without leaving the vehicle or is stored in a container
that provides complete and separate enclosure.

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

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

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

(c) For the purposes of divisions (K) (5) (a) and (b) of
this section, ammunition held in stripper-clips or in en-bloc

clips is not considered ammunition that is loaded into a magazine or speed loader.

(6) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

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

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

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

Sec. 2953.37. (A) As used in this section:

(1) "Expunge" means to destroy, delete, and erase a record

as appropriate for the record's physical or electronic form or 1964
characteristic so that the record is permanently irretrievable. 1965

(2) "Official records" has the same meaning as in section 1966
2953.51 of the Revised Code. 1967

(3) "Prosecutor" has the same meaning as in section 1968
2953.31 of the Revised Code. 1969

(4) "Record of conviction" means the record related to a 1970
conviction of or plea of guilty to an offense. 1971

(B) Any person who is convicted of, was convicted of, 1972
pleads guilty to, or has pleaded guilty to a violation of 1973
division (B), (C), or (E) of section 2923.16 of the Revised Code 1974
as the division existed prior to September 30, 2011, or a 1975
violation of division (E) (1) or (2) of section 2923.16 of the 1976
Revised Code as the division existed prior to the effective date 1977
of this amendment and who is authorized by division (H) (2) (a) of 1978
that section to file an application under this section for the 1979
expungement of the conviction record may apply to the sentencing 1980
court for the expungement of the record of conviction. Any 1981
person who is convicted of, was convicted of, pleads guilty to, 1982
or has pleaded guilty to a violation of division (B) (1) of 1983
section 2923.12 of the Revised Code as it existed prior to the 1984
effective date of this amendment and who is authorized by 1985
division (E) (2) of that section may apply to the sentencing 1986
court for the expungement of the record of conviction. The 1987
person may file the application at any time on or after 1988
September 30, 2011, with respect to violations of division (B), 1989
(C), or (E) of section 2923.16 of the Revised Code as they 1990
existed prior to that date, or at any time on or after the 1991
effective date of this amendment with respect to a violation of 1992
division (B) (1) of section 2923.12 of the Revised Code or of 1993

division (E) (1) or (2) of section 2923.16 of the Revised Code as 1994
the particular division existed prior to the effective date of 1995
this amendment. The application shall do all of the following: 1996

(1) Identify the applicant, the offense for which the 1997
expungement is sought, the date of the conviction of or plea of 1998
guilty to that offense, and the court in which the conviction 1999
occurred or the plea of guilty was entered; 2000

(2) Include evidence that the offense was a violation of 2001
division (B), (C), or (E) of section 2923.16 of the Revised Code 2002
as the division existed prior to September 30, 2011, or was a 2003
violation of division (B) (1) of section 2923.12 of the Revised 2004
Code or of division (E) (1) or (2) of section 2923.16 of the 2005
Revised Code as the particular division existed prior to the 2006
effective date of this amendment and that the applicant is 2007
authorized by division (H) (2) (a) of ~~that~~ section 2923.16 or 2008
division (E) (2) of section 2923.12 of the Revised Code, 2009
whichever is applicable, to file an application under this 2010
section; 2011

(3) Include a request for expungement of the record of 2012
conviction of that offense under this section. 2013

(C) Upon the filing of an application under division (B) 2014
of this section and the payment of the fee described in division 2015
(D) (3) of this section if applicable, the court shall set a date 2016
for a hearing and shall notify the prosecutor for the case of 2017
the hearing on the application. The prosecutor may object to the 2018
granting of the application by filing an objection with the 2019
court prior to the date set for the hearing. The prosecutor 2020
shall specify in the objection the reasons for believing a 2021
denial of the application is justified. The court shall direct 2022
its regular probation officer, a state probation officer, or the 2023

department of probation of the county in which the applicant 2024
resides to make inquiries and written reports as the court 2025
requires concerning the applicant. The court shall hold the 2026
hearing scheduled under this division. 2027

(D) (1) At the hearing held under division (C) of this 2028
section, the court shall do each of the following: 2029

(a) Determine whether the applicant has been convicted of 2030
or pleaded guilty to a violation of division (E) of section 2031
2923.16 of the Revised Code as the division existed prior to 2032
September 30, 2011, and whether the conduct that was the basis 2033
of the violation no longer would be a violation of that division 2034
on or after September 30, 2011; 2035

(b) Determine whether the applicant has been convicted of 2036
or pleaded guilty to a violation of division (B) or (C) of 2037
section 2923.16 of the Revised Code as the division existed 2038
prior to September 30, 2011, and whether the conduct that was 2039
the basis of the violation no longer would be a violation of 2040
that division on or after September 30, 2011, due to the 2041
application of division (F) (5) of that section as it exists on 2042
and after September 30, 2011; 2043

(c) Determine whether the applicant has been convicted of 2044
or pleaded guilty to a violation of division (B) (1) of section 2045
2923.12 of the Revised Code or of division (E) (1) or (2) of 2046
section 2923.16 of the Revised Code as the particular division 2047
existed prior to the effective date of this amendment; 2048

(d) If the prosecutor has filed an objection in accordance 2049
with division (C) of this section, consider the reasons against 2050
granting the application specified by the prosecutor in the 2051
objection; 2052

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

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

(i) That the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the Revised Code as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011;~~or;~~ that the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F) (5) of that section as it exists on and after September 30, 2011;or that the applicant has been convicted of or pleaded guilty to a violation of division (B) (1) of section 2923.12 of the Revised Code or of division (E) (1) or (2) of section 2923.16 of the Revised Code as the particular division existed prior to the effective date of this amendment;

(ii) That the interests of the applicant in having the

records pertaining to the applicant's conviction or guilty plea 2083
expunged are not outweighed by any legitimate needs of the 2084
government to maintain those records. 2085

(b) The proceedings in the case that is the subject of an 2086
order issued under division (D)(2)(a) of this section shall be 2087
considered not to have occurred and the conviction or guilty 2088
plea of the person who is the subject of the proceedings shall 2089
be expunged. The record of the conviction shall not be used for 2090
any purpose, including, but not limited to, a criminal records 2091
check under section 109.572 of the Revised Code or a 2092
determination under section 2923.125 or 2923.1213 of the Revised 2093
Code of eligibility for a concealed handgun license. The 2094
applicant may, and the court shall, reply that no record exists 2095
with respect to the applicant upon any inquiry into the matter. 2096

(3) Upon the filing of an application under this section, 2097
the applicant, unless indigent, shall pay a fee of fifty 2098
dollars. The court shall pay thirty dollars of the fee into the 2099
state treasury and shall pay twenty dollars of the fee into the 2100
county general revenue fund. 2101

Section 2. That existing sections 1547.69, 2307.601, 2102
2901.05, 2901.09, 2923.12, 2923.121, 2923.122, 2923.123, 2103
2923.126, 2923.128, 2923.16, and 2953.37 of the Revised Code are 2104
hereby repealed. 2105

Section 3. Section 2953.37 of the Revised Code is 2106
presented in this act as a composite of the section as amended 2107
by both H.B. 228 and H.B. 425 of the 132nd General Assembly. The 2108
General Assembly, applying the principle stated in division (B) 2109
of section 1.52 of the Revised Code that amendments are to be 2110
harmonized if reasonably capable of simultaneous operation, 2111
finds that the composite is the resulting version of the section 2112

in effect prior to the effective date of the section as
presented in this act.

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