## As Introduced

# 134th General Assembly Regular Session 2021-2022

S. B. No. 266

#### **Senator Schaffer**

# A BILL

То	amend section 2923.126 of the Revised Code to	1
	generally grant civil immunity for certain	2
	injuries to a person who acts in self-defense or	3
	defense of another during the commission, or	4
	imminent commission, of an offense of violence	5
	to protect the members or guests of a nonprofit	6
	corporation under certain circumstances.	7

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

Section 1. That section 2923.126 of the Revised Code be	8
amended to read as follows:	9
Sec. 2923.126. (A) A concealed handgun license that is	10
issued under section 2923.125 of the Revised Code shall expire	11
five years after the date of issuance. A licensee who has been	12
issued a license under that section shall be granted a grace	13
period of thirty days after the licensee's license expires	14
during which the licensee's license remains valid. Except as	15
provided in divisions (B) and (C) of this section, a licensee	16
who has been issued a concealed handgun license under section	17
2923.125 or 2923.1213 of the Revised Code may carry a concealed	18
handgun anywhere in this state if the licensee also carries a	19

valid license when the licensee is in actual possession of a 20 concealed handgun. The licensee shall give notice of any change 21 in the licensee's residence address to the sheriff who issued 22 the license within forty-five days after that change. 23

If a licensee is the driver or an occupant of a motor 24 vehicle that is stopped as the result of a traffic stop or a 25 stop for another law enforcement purpose and if the licensee is 26 transporting or has a loaded handgun in the motor vehicle at 27 that time, the licensee shall promptly inform any law 28 29 enforcement officer who approaches the vehicle while stopped 30 that the licensee has been issued a concealed handqun license and that the licensee currently possesses or has a loaded 31 handgun; the licensee shall not knowingly disregard or fail to 32 comply with lawful orders of a law enforcement officer given 33 while the motor vehicle is stopped, knowingly fail to remain in 34 the motor vehicle while stopped, or knowingly fail to keep the 3.5 licensee's hands in plain sight after any law enforcement 36 officer begins approaching the licensee while stopped and before 37 the officer leaves, unless directed otherwise by a law 38 enforcement officer; and the licensee shall not knowingly have 39 contact with the loaded handgun by touching it with the 40 licensee's hands or fingers, in any manner in violation of 41 division (E) of section 2923.16 of the Revised Code, after any 42 law enforcement officer begins approaching the licensee while 43 stopped and before the officer leaves. Additionally, if a 44 licensee is the driver or an occupant of a commercial motor 45 vehicle that is stopped by an employee of the motor carrier 46 enforcement unit for the purposes defined in section 5503.34 of 47 the Revised Code and the licensee is transporting or has a 48 loaded handgun in the commercial motor vehicle at that time, the 49 licensee shall promptly inform the employee of the unit who 50

approaches the vehicle while stopped that the licensee has been	51
issued a concealed handgun license and that the licensee	52
currently possesses or has a loaded handgun.	53

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If a licensee is stopped for a law enforcement purpose and 54 if the licensee is carrying a concealed handgun at the time the 55 officer approaches, the licensee shall promptly inform any law 56 enforcement officer who approaches the licensee while stopped 57 that the licensee has been issued a concealed handgun license 58 and that the licensee currently is carrying a concealed handgun; 59 the licensee shall not knowingly disregard or fail to comply 60 with lawful orders of a law enforcement officer given while the 61 licensee is stopped, or knowingly fail to keep the licensee's 62 hands in plain sight after any law enforcement officer begins 63 approaching the licensee while stopped and before the officer 64 leaves, unless directed otherwise by a law enforcement officer; 65 and the licensee shall not knowingly remove, attempt to remove, 66 grasp, or hold the loaded handgun or knowingly have contact with 67 the loaded handgun by touching it with the licensee's hands or 68 fingers, in any manner in violation of division (B) of section 69 2923.12 of the Revised Code, after any law enforcement officer 70 begins approaching the licensee while stopped and before the 71 officer leaves. 72

- (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 79 patrol station, premises controlled by the bureau of criminal 80

identification and investigation; a state correctional	81
institution, jail, workhouse, or other detention facility; any	82
area of an airport passenger terminal that is beyond a passenger	83
or property screening checkpoint or to which access is	84
restricted through security measures by the airport authority or	85
a public agency; or an institution that is maintained, operated,	86
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managed, and governed pursuant to division (A) of section	
5119.14 of the Revised Code or division (A)(1) of section	88
5123.03 of the Revised Code;	89
(2) A school safety zone if the licensee's carrying the	90
concealed handgun is in violation of section 2923.122 of the	91
Revised Code;	92
(3) A courthouse or another building or structure in which	93
a courtroom is located if the licensee's carrying the concealed	
handgun is in violation of section 2923.123 of the Revised Code;	95
(4) Any premises or open air arena for which a D permit	96
has been issued under Chapter 4303. of the Revised Code if the	97
licensee's carrying the concealed handgun is in violation of	98
section 2923.121 of the Revised Code;	99
(5) Any premises owned or leased by any public or private	100
college, university, or other institution of higher education,	101
unless the handgun is in a locked motor vehicle or the licensee	102
is in the immediate process of placing the handgun in a locked	103
motor vehicle or unless the licensee is carrying the concealed	104
handgun pursuant to a written policy, rule, or other	105
authorization that is adopted by the institution's board of	106
trustees or other governing body and that authorizes specific	107
individuals or classes of individuals to carry a concealed	108
handgun on the premises;	109

(6) Any church, synagogue, mosque, or other place of	110
worship, unless the church, synagogue, mosque, or other place of	111
worship posts or permits otherwise;	112
(7) Any building that is a government facility of this	113
state or a political subdivision of this state and that is not a	114
building that is used primarily as a shelter, restroom, parking	115
facility for motor vehicles, or rest facility and is not a	116
courthouse or other building or structure in which a courtroom	117
is located that is subject to division (B)(3) of this section,	118
unless the governing body with authority over the building has	119
enacted a statute, ordinance, or policy that permits a licensee	120
to carry a concealed handgun into the building;	121
(8) A place in which federal law prohibits the carrying of	122
handguns.	123
(C)(1) Nothing in this section shall negate or restrict a	124
rule, policy, or practice of a private employer that is not a	125
private college, university, or other institution of higher	126
education concerning or prohibiting the presence of firearms on	127
the private employer's premises or property, including motor	128
vehicles owned by the private employer. Nothing in this section	129
shall require a private employer of that nature to adopt a rule,	130
policy, or practice concerning or prohibiting the presence of	131
firearms on the private employer's premises or property,	132
including motor vehicles owned by the private employer.	133
(2)(a) A private employer shall be immune from liability	134
in a civil action for any injury, death, or loss to person or	135
property that allegedly was caused by or related to a licensee	136
bringing a handgun onto the premises or property of the private	137
employer, including motor vehicles owned by the private	138
employer, unless the private employer acted with malicious	139

purpose. A private employer is immune from liability in a civil	140
action for any injury, death, or loss to person or property that	141
allegedly was caused by or related to the private employer's	142
decision to permit a licensee to bring, or prohibit a licensee	143
from bringing, a handgun onto the premises or property of the	
private employer.	
(b) A political subdivision shall be immune from liability	146
in a civil action, to the extent and in the manner provided in	147
Chapter 2744. of the Revised Code, for any injury, death, or	148
loss to person or property that allegedly was caused by or	149
related to a licensee bringing a handgun onto any premises or	150
property owned, leased, or otherwise under the control of the	151
political subdivision. As used in this division, "political	152
subdivision" has the same meaning as in section 2744.01 of the	
Revised Code.	154
(c) An institution of higher education shall be immune	155
(c) An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss	155 156
from liability in a civil action for any injury, death, or loss	156
from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to	156 157
from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the	156 157 158
from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution,	156 157 158 159
from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An	156 157 158 159 160
from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a	156 157 158 159 160 161
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from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of	156 157 158 159 160 161 162 163 164
from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the	156 157 158 159 160 161 162 163 164
from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.	156 157 158 159 160 161 162 163 164 165

licensee bringing a handgun onto the premises of the nonprofit	170
corporation, including any motor vehicle owned by the nonprofit	171
corporation, or to any event organized by the nonprofit	172
corporation, unless the nonprofit corporation acted with	173
malicious purpose. A nonprofit corporation is immune from	174
liability in a civil action for any injury, death, or loss to	175
person or property that allegedly was caused by or related to	176
the nonprofit corporation's decision to permit a licensee to	177
bring a handgun onto the premises of the nonprofit corporation	178
or to any event organized by the nonprofit corporation. The	179
immunities described in division (C)(2)(d)(i) of this section	180
apply to a for-profit corporation that leases its property to	181
the nonprofit corporation or permits its property to be used by	182
the nonprofit corporation for any purpose.	183
(ii) No person shall be liable in a tort action for	184
injury, death, or loss to person or property allegedly caused by	185
the person's act of self-defense or defense of another when	186
performed during the commission, or imminent commission, of an	187
offense of violence to protect the members or guests, including	188
the person's self, of the nonprofit corporation under division	189
(C)(2)(d)(i) of this section against the commission, or imminent	190
commission, of that offense of violence, unless the person's act	191
constitutes willful or wanton misconduct.	192
(iii) As used in division (C)(2)(d)(ii) of this section,	193
"tort action" has the same meaning as in section 2307.60 of the	
Revised Code.	195
(iv) Nothing in division (C)(2)(d)(ii) of this section	196
shall be construed to affect any rights to bring a civil action	197
under section 2307.60 of the Revised Code or any other section	198
of the Revised Code.	199

(v) Division (C)(2)(d)(ii) of this section does not	200
affect, and shall not be construed as affecting, any immunities	201
from civil liability or defenses established by another section	202
of the Revised Code or available at common law, to which the	203
person may be entitled under circumstances not covered by that	204
division.	205
(3)(a) Except as provided in division (C)(3)(b) of this	206
section and section 2923.1214 of the Revised Code, the owner or	207
person in control of private land or premises, and a private	208
person or entity leasing land or premises owned by the state,	209
the United States, or a political subdivision of the state or	210
the United States, may post a sign in a conspicuous location on	211
that land or on those premises prohibiting persons from carrying	212
firearms or concealed firearms on or onto that land or those	213
premises. Except as otherwise provided in this division, a	214
person who knowingly violates a posted prohibition of that	215
nature is guilty of criminal trespass in violation of division	216
(A)(4) of section 2911.21 of the Revised Code and is guilty of a	217
misdemeanor of the fourth degree. If a person knowingly violates	218
a posted prohibition of that nature and the posted land or	219
premises primarily was a parking lot or other parking facility,	220
the person is not guilty of criminal trespass under section	221
2911.21 of the Revised Code or under any other criminal law of	222
this state or criminal law, ordinance, or resolution of a	223
political subdivision of this state, and instead is subject only	224
to a civil cause of action for trespass based on the violation.	225
If a person knowingly violates a posted prohibition of the	226
nature described in this division and the posted land or	227
premises is a child day-care center, type A family day-care	228
home, or type B family day-care home, unless the person is a	229
licensee who resides in a type A family day-care home or type B	230

family day-care home, the person is guilty of aggravated	231
trespass in violation of section 2911.211 of the Revised Code.	232
Except as otherwise provided in this division, the offender is	
guilty of a misdemeanor of the first degree. If the person	
previously has been convicted of a violation of this division or	235
of any offense of violence, if the weapon involved is a firearm	236
that is either loaded or for which the offender has ammunition	237
ready at hand, or if the weapon involved is dangerous ordnance,	238
the offender is guilty of a felony of the fourth degree.	239
(b) A landlord may not prohibit or restrict a tenant who	240
is a licensee and who on or after September 9, 2008, enters into	241
a rental agreement with the landlord for the use of residential	242
premises, and the tenant's guest while the tenant is present,	
from lawfully carrying or possessing a handgun on those	
residential premises.	
(c) As used in division (C)(3) of this section:	246
(i) "Residential premises" has the same meaning as in	247
section 5321.01 of the Revised Code, except "residential	
premises" does not include a dwelling unit that is owned or	
operated by a college or university.	
(ii) "Landlord," "tenant," and "rental agreement" have the	251
same meanings as in section 5321.01 of the Revised Code.	252
(D) A person who holds a valid concealed handgun license	253
issued by another state that is recognized by the attorney	254
general pursuant to a reciprocity agreement entered into	255
pursuant to section 109.69 of the Revised Code or a person who	256
holds a valid concealed handgun license under the circumstances	257
described in division (B) of section 109.69 of the Revised Code	258
has the same right to carry a concealed handgun in this state as	

a person who was issued a concealed handgun license under	260
section 2923.125 of the Revised Code and is subject to the same	261
restrictions that apply to a person who carries a license issued	262
under that section.	263
(E)(1) A peace officer has the same right to carry a	264
concealed handgun in this state as a person who was issued a	265
concealed handgun license under section 2923.125 of the Revised	
Code, provided that the officer when carrying a concealed	
handgun under authority of this division is carrying validating	
identification. For purposes of reciprocity with other states, a	269
peace officer shall be considered to be a licensee in this	270
state.	271
(2) An active duty member of the armed forces of the	272
United States who is carrying a valid military identification	273
card and documentation of successful completion of firearms	274
training that meets or exceeds the training requirements	
described in division (G)(1) of section 2923.125 of the Revised	
Code has the same right to carry a concealed handgun in this	
state as a person who was issued a concealed handgun license	
under section 2923.125 of the Revised Code and is subject to the	
same restrictions as specified in this section.	
(3) A tactical medical professional who is qualified to	281
carry firearms while on duty under section 109.771 of the	282
Revised Code has the same right to carry a concealed handgun in	283
this state as a person who was issued a concealed handgun	
license under section 2923.125 of the Revised Code.	285
(F)(1) A qualified retired peace officer who possesses a	286
retired peace officer identification card issued pursuant to	287
division (F)(2) of this section and a valid firearms	288
requalification certification issued pursuant to division (F)(3)	

of this section has the same right to carry a concealed handgun	290
in this state as a person who was issued a concealed handgun	291
license under section 2923.125 of the Revised Code and is	292
subject to the same restrictions that apply to a person who	293
carries a license issued under that section. For purposes of	294
reciprocity with other states, a qualified retired peace officer	295
who possesses a retired peace officer identification card issued	296
pursuant to division (F)(2) of this section and a valid firearms	297
requalification certification issued pursuant to division (F)(3)	298
of this section shall be considered to be a licensee in this	299
state.	300
(2)(a) Each public agency of this state or of a political	301
subdivision of this state that is served by one or more peace	
officers shall issue a retired peace officer identification card	
to any person who retired from service as a peace officer with	
that agency, if the issuance is in accordance with the agency's	
policies and procedures and if the person, with respect to the	
person's service with that agency, satisfies all of the	
following:	308
(i) The person retired in good standing from service as a	309
peace officer with the public agency, and the retirement was not	310
for reasons of mental instability.	311
(ii) Before retiring from service as a peace officer with	312
that agency, the person was authorized to engage in or supervise	313
the prevention, detection, investigation, or prosecution of, or	314
the incarceration of any person for, any violation of law and	315
the person had statutory powers of arrest.	316
(iii) At the time of the person's retirement as a peace	317

officer with that agency, the person was trained and qualified

to carry firearms in the performance of the peace officer's

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duties.	32	(

(iv) Before retiring from service as a peace officer with

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that agency, the person was regularly employed as a peace

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officer for an aggregate of fifteen years or more, or, in the

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alternative, the person retired from service as a peace officer

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with that agency, after completing any applicable probationary

period of that service, due to a service-connected disability,

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as determined by the agency.

(b) A retired peace officer identification card issued to 328 a person under division (F)(2)(a) of this section shall identify 329 the person by name, contain a photograph of the person, identify 330 the public agency of this state or of the political subdivision 331 of this state from which the person retired as a peace officer 332 and that is issuing the identification card, and specify that 333 the person retired in good standing from service as a peace 334 officer with the issuing public agency and satisfies the 335 criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 336 section. In addition to the required content specified in this 337 division, a retired peace officer identification card issued to 338 a person under division (F)(2)(a) of this section may include 339 the firearms requalification certification described in division 340 (F) (3) of this section, and if the identification card includes 341 that certification, the identification card shall serve as the 342 firearms requalification certification for the retired peace 343 officer. If the issuing public agency issues credentials to 344 active law enforcement officers who serve the agency, the agency 345 may comply with division (F)(2)(a) of this section by issuing 346 the same credentials to persons who retired from service as a 347 peace officer with the agency and who satisfy the criteria set 348 forth in divisions (F)(2)(a)(i) to (iv) of this section, 349 provided that the credentials so issued to retired peace 350 officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political 352 subdivision of this state may charge persons who retired from 353 service as a peace officer with the agency a reasonable fee for 354 issuing to the person a retired peace officer identification 355 card pursuant to division (F)(2)(a) of this section. 356

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(3) If a person retired from service as a peace officer 357 with a public agency of this state or of a political subdivision 358 of this state and the person satisfies the criteria set forth in 359 divisions (F)(2)(a)(i) to (iv) of this section, the public 360 agency may provide the retired peace officer with the 361 opportunity to attend a firearms requalification program that is 362 approved for purposes of firearms requalification required under 363 section 109.801 of the Revised Code. The retired peace officer 364 may be required to pay the cost of the course. 365

If a retired peace officer who satisfies the criteria set 366 forth in divisions (F)(2)(a)(i) to (iv) of this section attends 367 a firearms requalification program that is approved for purposes 368 of firearms requalification required under section 109.801 of 369 the Revised Code, the retired peace officer's successful 370 completion of the firearms requalification program requalifies 371 the retired peace officer for purposes of division (F) of this 372 section for five years from the date on which the program was 373 successfully completed, and the requalification is valid during 374 that five-year period. If a retired peace officer who satisfies 375 the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 376 section satisfactorily completes such a firearms requalification 377 program, the retired peace officer shall be issued a firearms 378 requalification certification that identifies the retired peace 379 officer by name, identifies the entity that taught the program, 380

specifies that the retired peace officer successfully completed	381
the program, specifies the date on which the course was	382
successfully completed, and specifies that the requalification	383
is valid for five years from that date of successful completion.	384
The firearms requalification certification for a retired peace	385
officer may be included in the retired peace officer	386
identification card issued to the retired peace officer under	387
division (F)(2) of this section.	388
A retired peace officer who attends a firearms	389
requalification program that is approved for purposes of	390
firearms requalification required under section 109.801 of the	391
Revised Code may be required to pay the cost of the program.	392
(G) As used in this section:	393
(1) "Qualified retired peace officer" means a person who	394
satisfies all of the following:	395
(a) The person satisfies the criteria set forth in	396
divisions (F)(2)(a)(i) to (v) of this section.	397
(b) The person is not under the influence of alcohol or	398
another intoxicating or hallucinatory drug or substance.	399
(c) The person is not prohibited by federal law from	400
receiving firearms.	401
(2) "Retired peace officer identification card" means an	402
identification card that is issued pursuant to division (F)(2)	403
of this section to a person who is a retired peace officer.	404
(3) "Government facility of this state or a political	405
subdivision of this state" means any of the following:	406
(a) A building or part of a building that is owned or	407
leased by the government of this state or a political	408

S. B. No. 266	Page 15
As Introduced	-

subdivision of this state and where employees of the government	409
of this state or the political subdivision regularly are present	410
for the purpose of performing their official duties as employees	411
of the state or political subdivision;	412
(b) The office of a deputy registrar serving pursuant to	413
Chapter 4503. of the Revised Code that is used to perform deputy	414
registrar functions.	415
(4) "Governing body" has the same meaning as in section	416
154.01 of the Revised Code.	417
134.01 Of the Nevisea Code.	41/
(5) "Tactical medical professional" has the same meaning	418
as in section 109.71 of the Revised Code.	419
(6) "Validating identification" means photographic	420
identification issued by the agency for which an individual	421
serves as a peace officer that identifies the individual as a	422
peace officer of the agency.	423
(7) "Nonprofit corporation" means any private organization	424
that is exempt from federal income taxation pursuant to	425
subsection 501(a) and described in subsection 501(c) of the	426
Internal Revenue Code.	427
Section 2. That existing section 2923.126 of the Revised	428
Code is hereby repealed.	429