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Representative Maag

Cosponsors: Representatives Hood, Retherford, Vitale, Brinkman, Becker, Buchy, LaTourette, Hayes, Thompson, Kraus, Amstutz, Antani, Blessing, Boose, Brenner, Burkley, Conditt, Dovilla, Ginter, Green, Grossman, Hackett, Hambley, Henne, Hill, Huffman, Johnson, T., Koehler, Landis, McClain, McColley, Pelanda, Perales, Ruhl, Schaffer, Sears, Smith, R., Sprague, Terhar, Young, Zeltwanger, Speaker Rosenberger

Senators Coley, Eklund, Faber, Jordan, Obhof, Seitz, Uecker

A BILL

To amend sections 311.42, 2923.12, 2923.122, and 1
2923.126 and to enact section 5103.132 of the 2
Revised Code to modify the prohibition against 3
carrying a concealed handgun onto institutions 4
of higher education, day-care facilities, 5
aircraft, certain government facilities, public 6
areas of airport terminals, and school safety 7
zones, to allow a sheriff to use concealed 8
handgun license fee revenue to purchase 9
ammunition and firearms, and to authorize 10
certain children's crisis care facilities to 11
maintain firearms. 12

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

Section 1. That sections 311.42, 2923.12, 2923.122, and 13
2923.126 be amended and section 5103.132 of the Revised Code be 14

enacted to read as follows: 15

Sec. 311.42. (A) Each county shall establish in the county 16
treasury a sheriff's concealed handgun license issuance expense 17
fund. The sheriff of that county shall deposit into that fund 18
all fees paid by applicants for the issuance or renewal of a 19
concealed handgun license or duplicate concealed handgun license 20
under section 2923.125 of the Revised Code and all fees paid by 21
the person seeking a concealed handgun license on a temporary 22
emergency basis under section 2923.1213 of the Revised Code. The 23
county shall distribute all fees deposited into the fund except 24
forty dollars of each fee paid by an applicant under division 25
(B) of section 2923.125 of the Revised Code, fifteen dollars of 26
each fee paid under section 2923.1213 of the Revised Code, and 27
thirty-five dollars of each fee paid under division (F) of 28
section 2923.125 of the Revised Code to the attorney general to 29
be used to pay the cost of background checks performed by the 30
bureau of criminal identification and investigation and the 31
federal bureau of investigation and to cover administrative 32
costs associated with issuing the license. 33

(B) The sheriff, with the approval of the board of county 34
commissioners, may expend any county portion of the fees 35
deposited into the sheriff's concealed handgun license issuance 36
expense fund for any of the following: 37

(1) Any costs incurred by the sheriff in connection with 38
performing any administrative functions related to the issuance 39
of concealed handgun licenses under section 2923.125 or 40
2923.1213 of the Revised Code, including, but not limited to, 41
personnel expenses and any costs associated with a firearm 42
safety education program, or a firearm training or qualification 43
program that the sheriff chooses to fund; 44

(2) Ammunition and firearms to be used by the sheriff and 45
the sheriff's employees. 46

Sec. 2923.12. (A) No person shall knowingly carry or have, 47
concealed on the person's person or concealed ready at hand, any 48
of the following: 49

(1) A deadly weapon other than a handgun; 50

(2) A handgun other than a dangerous ordnance; 51

(3) A dangerous ordnance. 52

(B) No person who has been issued a concealed handgun 53
license shall do any of the following: 54

(1) If the person is stopped for a law enforcement purpose 55
and is carrying a concealed handgun, fail to promptly inform any 56
law enforcement officer who approaches the person after the 57
person has been stopped that the person has been issued a 58
concealed handgun license and that the person then is carrying a 59
concealed handgun; 60

(2) If the person is stopped for a law enforcement purpose 61
and is carrying a concealed handgun, knowingly fail to keep the 62
person's hands in plain sight at any time after any law 63
enforcement officer begins approaching the person while stopped 64
and before the law enforcement officer leaves, unless the 65
failure is pursuant to and in accordance with directions given 66
by a law enforcement officer; 67

(3) If the person is stopped for a law enforcement 68
purpose, if the person is carrying a concealed handgun, and if 69
the person is approached by any law enforcement officer while 70
stopped, knowingly remove or attempt to remove the loaded 71
handgun from the holster, pocket, or other place in which the 72

person is carrying it, knowingly grasp or hold the loaded 73
handgun, or knowingly have contact with the loaded handgun by 74
touching it with the person's hands or fingers at any time after 75
the law enforcement officer begins approaching and before the 76
law enforcement officer leaves, unless the person removes, 77
attempts to remove, grasps, holds, or has contact with the 78
loaded handgun pursuant to and in accordance with directions 79
given by the law enforcement officer; 80

(4) If the person is stopped for a law enforcement purpose 81
and is carrying a concealed handgun, knowingly disregard or fail 82
to comply with any lawful order of any law enforcement officer 83
given while the person is stopped, including, but not limited 84
to, a specific order to the person to keep the person's hands in 85
plain sight. 86

(C) (1) This section does not apply to any of the 87
following: 88

(a) An officer, agent, or employee of this or any other 89
state or the United States, or to a law enforcement officer, who 90
is authorized to carry concealed weapons or dangerous ordnance 91
or is authorized to carry handguns and is acting within the 92
scope of the officer's, agent's, or employee's duties; 93

(b) Any person who is employed in this state, who is 94
authorized to carry concealed weapons or dangerous ordnance or 95
is authorized to carry handguns, and who is subject to and in 96
compliance with the requirements of section 109.801 of the 97
Revised Code, unless the appointing authority of the person has 98
expressly specified that the exemption provided in division (C) 99
(1)(b) of this section does not apply to the person; 100

(c) A person's transportation or storage of a firearm, 101

other than a firearm described in divisions (G) to (M) of 102
section 2923.11 of the Revised Code, in a motor vehicle for any 103
lawful purpose if the firearm is not on the actor's person; 104

(d) A person's storage or possession of a firearm, other 105
than a firearm described in divisions (G) to (M) of section 106
2923.11 of the Revised Code, in the actor's own home for any 107
lawful purpose. 108

(2) Division (A)(2) of this section does not apply to any 109
person who, at the time of the alleged carrying or possession of 110
a handgun, is carrying a valid concealed handgun license, unless 111
the person knowingly is in a place described in division (B) of 112
section 2923.126 of the Revised Code. 113

(D) It is an affirmative defense to a charge under 114
division (A)(1) of this section of carrying or having control of 115
a weapon other than a handgun and other than a dangerous 116
ordnance that the actor was not otherwise prohibited by law from 117
having the weapon and that any of the following applies: 118

(1) The weapon was carried or kept ready at hand by the 119
actor for defensive purposes while the actor was engaged in or 120
was going to or from the actor's lawful business or occupation, 121
which business or occupation was of a character or was 122
necessarily carried on in a manner or at a time or place as to 123
render the actor particularly susceptible to criminal attack, 124
such as would justify a prudent person in going armed. 125

(2) The weapon was carried or kept ready at hand by the 126
actor for defensive purposes while the actor was engaged in a 127
lawful activity and had reasonable cause to fear a criminal 128
attack upon the actor, a member of the actor's family, or the 129
actor's home, such as would justify a prudent person in going 130

armed. 131

(3) The weapon was carried or kept ready at hand by the 132
actor for any lawful purpose and while in the actor's own home. 133

(E) No person who is charged with a violation of this 134
section shall be required to obtain a concealed handgun license 135
as a condition for the dismissal of the charge. 136

(F) (1) Whoever violates this section is guilty of carrying 137
concealed weapons. Except as otherwise provided in this division 138
or division (F) (2) or (3) of this section, carrying concealed 139
weapons in violation of division (A) of this section is a 140
misdemeanor of the first degree. Except as otherwise provided in 141
this division or division (F) (2) or (3) of this section, if the 142
offender previously has been convicted of a violation of this 143
section or of any offense of violence, if the weapon involved is 144
a firearm that is either loaded or for which the offender has 145
ammunition ready at hand, or if the weapon involved is dangerous 146
ordnance, carrying concealed weapons in violation of division 147
(A) of this section is a felony of the fourth degree. Except as 148
otherwise provided in division (F) (2) of this section, if the 149
offense is committed aboard an aircraft, or with purpose to 150
carry a concealed weapon aboard an aircraft, regardless of the 151
weapon involved, carrying concealed weapons in violation of 152
division (A) of this section is a felony of the third degree. 153

(2) If a person being arrested for a violation of division 154
(A) (2) of this section promptly produces a valid concealed 155
handgun license, and if at the time of the violation the person 156
was not knowingly in a place described in division (B) of 157
section 2923.126 of the Revised Code, the officer shall not 158
arrest the person for a violation of that division. If the 159
person is not able to promptly produce any concealed handgun 160

license and if the person is not in a place described in that 161
section, the officer may arrest the person for a violation of 162
that division, and the offender shall be punished as follows: 163

(a) The offender shall be guilty of a minor misdemeanor if 164
both of the following apply: 165

(i) Within ten days after the arrest, the offender 166
presents a concealed handgun license, which license was valid at 167
the time of the arrest to the law enforcement agency that 168
employs the arresting officer. 169

(ii) At the time of the arrest, the offender was not 170
knowingly in a place described in division (B) of section 171
2923.126 of the Revised Code. 172

(b) The offender shall be guilty of a misdemeanor and 173
shall be fined five hundred dollars if all of the following 174
apply: 175

(i) The offender previously had been issued a concealed 176
handgun license, and that license expired within the two years 177
immediately preceding the arrest. 178

(ii) Within forty-five days after the arrest, the offender 179
presents a concealed handgun license to the law enforcement 180
agency that employed the arresting officer, and the offender 181
waives in writing the offender's right to a speedy trial on the 182
charge of the violation that is provided in section 2945.71 of 183
the Revised Code. 184

(iii) At the time of the commission of the offense, the 185
offender was not knowingly in a place described in division (B) 186
of section 2923.126 of the Revised Code. 187

(c) If neither division (F) (2) (a) nor (b) of this section 188

applies, the offender shall be punished under division (F) (1) or 189
(3) of this section. 190

(3) If a person being arrested for a violation of division 191
(A) (2) of this section is knowingly in a place described in 192
division (B) (5) of section 2923.126 of the Revised Code and is 193
not authorized to carry a handgun or have a handgun concealed on 194
the person's person or concealed ready at hand under that 195
division, the penalty shall be as follows: 196

(a) Except as otherwise provided in this division, if the 197
person produces a valid concealed handgun license within ten 198
days after the arrest and has not previously been convicted or 199
pleaded guilty to a violation of division (A) (2) of this 200
section, the person is guilty of a minor misdemeanor; 201

(b) Except as otherwise provided in this division, if the 202
person has previously been convicted of or pleaded guilty to a 203
violation of division (A) (2) of this section, the person is 204
guilty of a misdemeanor of the fourth degree; 205

(c) Except as otherwise provided in this division, if the 206
person has previously been convicted of or pleaded guilty to two 207
violations of division (A) (2) of this section, the person is 208
guilty of a misdemeanor of the third degree; 209

(d) Except as otherwise provided in this division, if the 210
person has previously been convicted of or pleaded guilty to 211
three or more violations of division (A) (2) of this section, or 212
convicted of or pleaded guilty to any offense of violence, if 213
the weapon involved is a firearm that is either loaded or for 214
which the offender has ammunition ready at hand, or if the 215
weapon involved is a dangerous ordnance, the person is guilty of 216
a misdemeanor of the second degree. 217

(4) Except as otherwise provided in this division, 218
carrying concealed weapons in violation of division (B) (1) of 219
this section is a misdemeanor of the first degree, and, in 220
addition to any other penalty or sanction imposed for a 221
violation of division (B) (1) of this section, the offender's 222
concealed handgun license shall be suspended pursuant to 223
division (A) (2) of section 2923.128 of the Revised Code. If, at 224
the time of the stop of the offender for a law enforcement 225
purpose that was the basis of the violation, any law enforcement 226
officer involved with the stop had actual knowledge that the 227
offender has been issued a concealed handgun license, carrying 228
concealed weapons in violation of division (B) (1) of this 229
section is a minor misdemeanor, and the offender's concealed 230
handgun license shall not be suspended pursuant to division (A) 231
(2) of section 2923.128 of the Revised Code. 232

~~(4)~~ (5) Carrying concealed weapons in violation of 233
division (B) (2) or (4) of this section is a misdemeanor of the 234
first degree or, if the offender previously has been convicted 235
of or pleaded guilty to a violation of division (B) (2) or (4) of 236
this section, a felony of the fifth degree. In addition to any 237
other penalty or sanction imposed for a misdemeanor violation of 238
division (B) (2) or (4) of this section, the offender's concealed 239
handgun license shall be suspended pursuant to division (A) (2) 240
of section 2923.128 of the Revised Code. 241

~~(5)~~ (6) Carrying concealed weapons in violation of 242
division (B) (3) of this section is a felony of the fifth degree. 243

(G) If a law enforcement officer stops a person to 244
question the person regarding a possible violation of this 245
section, for a traffic stop, or for any other law enforcement 246
purpose, if the person surrenders a firearm to the officer, 247

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

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

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

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

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

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

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

(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 deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's

duties, a law enforcement officer who is authorized to carry 277
deadly weapons or dangerous ordnance, a security officer 278
employed by a board of education or governing body of a school 279
during the time that the security officer is on duty pursuant to 280
that contract of employment, or any other person who has written 281
authorization from the board of education or governing body of a 282
school to convey deadly weapons or dangerous ordnance into a 283
school safety zone or to possess a deadly weapon or dangerous 284
ordnance in a school safety zone and who conveys or possesses 285
the deadly weapon or dangerous ordnance in accordance with that 286
authorization; 287

(b) Any person who is employed in this state, who is 288
authorized to carry deadly weapons or dangerous ordnance, and 289
who is subject to and in compliance with the requirements of 290
section 109.801 of the Revised Code, unless the appointing 291
authority of the person has expressly specified that the 292
exemption provided in division (D) (1) (b) of this section does 293
not apply to the person. 294

(2) Division (C) of this section does not apply to 295
premises upon which home schooling is conducted. Division (C) of 296
this section also does not apply to a school administrator, 297
teacher, or employee who possesses an object that is 298
indistinguishable from a firearm for legitimate school purposes 299
during the course of employment, a student who uses an object 300
that is indistinguishable from a firearm under the direction of 301
a school administrator, teacher, or employee, or any other 302
person who with the express prior approval of a school 303
administrator possesses an object that is indistinguishable from 304
a firearm for a legitimate purpose, including the use of the 305
object in a ceremonial activity, a play, reenactment, or other 306
dramatic presentation, school safety training, or a ROTC 307

activity or another similar use of the object. 308

(3) This section does not apply to a person who conveys or 309
attempts to convey a handgun into, or possesses a handgun in, a 310
school safety zone if, at the time of that conveyance, attempted 311
conveyance, or possession of the handgun, all of the following 312
apply: 313

(a) The person does not enter into a school building or 314
onto school premises and is not at a school activity. 315

(b) The person is carrying a valid concealed handgun 316
license. 317

(c) The person is in the school safety zone in accordance 318
with 18 U.S.C. 922(q) (2) (B). 319

(d) The person is not knowingly in a place described in 320
division (B) (1) or (B) (3) to ~~(10)~~ (8) of section 2923.126 of the 321
Revised Code. 322

(4) This section does not apply to a person who conveys or 323
attempts to convey a handgun into, or possesses a handgun in, a 324
school safety zone if at the time of that conveyance, attempted 325
conveyance, or possession of the handgun all of the following 326
apply: 327

(a) The person is carrying a valid concealed handgun 328
license. 329

(b) ~~The person is the driver or passenger leaves the~~ 330
~~handgun in a motor vehicle and is in the school safety zone~~ 331
~~while immediately in the process of picking up or dropping off a~~ 332
~~child.~~ 333

(c) ~~The person is not in violation of section 2923.16 of~~ 334
~~the Revised Code~~ handgun does not leave the motor vehicle. 335

(d) If the person exits the motor vehicle, the person 336
locks the motor vehicle. 337

(E) (1) Whoever violates division (A) or (B) of this 338
section is guilty of illegal conveyance or possession of a 339
deadly weapon or dangerous ordnance in a school safety zone. 340
Except as otherwise provided in this division, illegal 341
conveyance or possession of a deadly weapon or dangerous 342
ordnance in a school safety zone is a felony of the fifth 343
degree. If the offender previously has been convicted of a 344
violation of this section, illegal conveyance or possession of a 345
deadly weapon or dangerous ordnance in a school safety zone is a 346
felony of the fourth degree. 347

(2) Whoever violates division (C) of this section is 348
guilty of illegal possession of an object indistinguishable from 349
a firearm in a school safety zone. Except as otherwise provided 350
in this division, illegal possession of an object 351
indistinguishable from a firearm in a school safety zone is a 352
misdemeanor of the first degree. If the offender previously has 353
been convicted of a violation of this section, illegal 354
possession of an object indistinguishable from a firearm in a 355
school safety zone is a felony of the fifth degree. 356

(F) (1) In addition to any other penalty imposed upon a 357
person who is convicted of or pleads guilty to a violation of 358
this section and subject to division (F) (2) of this section, if 359
the offender has not attained nineteen years of age, regardless 360
of whether the offender is attending or is enrolled in a school 361
operated by a board of education or for which the state board of 362
education prescribes minimum standards under section 3301.07 of 363
the Revised Code, the court shall impose upon the offender a 364
class four suspension of the offender's probationary driver's 365

license, restricted license, driver's license, commercial 366
driver's license, temporary instruction permit, or probationary 367
commercial driver's license that then is in effect from the 368
range specified in division (A) (4) of section 4510.02 of the 369
Revised Code and shall deny the offender the issuance of any 370
permit or license of that type during the period of the 371
suspension. 372

If the offender is not a resident of this state, the court 373
shall impose a class four suspension of the nonresident 374
operating privilege of the offender from the range specified in 375
division (A) (4) of section 4510.02 of the Revised Code. 376

(2) If the offender shows good cause why the court should 377
not suspend one of the types of licenses, permits, or privileges 378
specified in division (F) (1) of this section or deny the 379
issuance of one of the temporary instruction permits specified 380
in that division, the court in its discretion may choose not to 381
impose the suspension, revocation, or denial required in that 382
division, but the court, in its discretion, instead may require 383
the offender to perform community service for a number of hours 384
determined by the court. 385

(G) As used in this section, "object that is 386
indistinguishable from a firearm" means an object made, 387
constructed, or altered so that, to a reasonable person without 388
specialized training in firearms, the object appears to be a 389
firearm. 390

Sec. 2923.126. (A) A concealed handgun license that is 391
issued under section 2923.125 of the Revised Code shall expire 392
five years after the date of issuance. A licensee who has been 393
issued a license under that section shall be granted a grace 394
period of thirty days after the licensee's license expires 395

during which the licensee's license remains valid. Except as 396
provided in divisions (B) and (C) of this section, a licensee 397
who has been issued a concealed handgun license under section 398
2923.125 or 2923.1213 of the Revised Code may carry a concealed 399
handgun anywhere in this state if the licensee also carries a 400
valid license and valid identification when the licensee is in 401
actual possession of a concealed handgun. The licensee shall 402
give notice of any change in the licensee's residence address to 403
the sheriff who issued the license within forty-five days after 404
that change. 405

If a licensee is the driver or an occupant of a motor 406
vehicle that is stopped as the result of a traffic stop or a 407
stop for another law enforcement purpose and if the licensee is 408
transporting or has a loaded handgun in the motor vehicle at 409
that time, the licensee shall promptly inform any law 410
enforcement officer who approaches the vehicle while stopped 411
that the licensee has been issued a concealed handgun license 412
and that the licensee currently possesses or has a loaded 413
handgun; the licensee shall not knowingly disregard or fail to 414
comply with lawful orders of a law enforcement officer given 415
while the motor vehicle is stopped, knowingly fail to remain in 416
the motor vehicle while stopped, or knowingly fail to keep the 417
licensee's hands in plain sight after any law enforcement 418
officer begins approaching the licensee while stopped and before 419
the officer leaves, unless directed otherwise by a law 420
enforcement officer; and the licensee shall not knowingly have 421
contact with the loaded handgun by touching it with the 422
licensee's hands or fingers, in any manner in violation of 423
division (E) of section 2923.16 of the Revised Code, after any 424
law enforcement officer begins approaching the licensee while 425
stopped and before the officer leaves. Additionally, if a 426

licensee is the driver or an occupant of a commercial motor 427
vehicle that is stopped by an employee of the motor carrier 428
enforcement unit for the purposes defined in section 5503.04 of 429
the Revised Code and if the licensee is transporting or has a 430
loaded handgun in the commercial motor vehicle at that time, the 431
licensee shall promptly inform the employee of the unit who 432
approaches the vehicle while stopped that the licensee has been 433
issued a concealed handgun license and that the licensee 434
currently possesses or has a loaded handgun. 435

If a licensee is stopped for a law enforcement purpose and 436
if the licensee is carrying a concealed handgun at the time the 437
officer approaches, the licensee shall promptly inform any law 438
enforcement officer who approaches the licensee while stopped 439
that the licensee has been issued a concealed handgun license 440
and that the licensee currently is carrying a concealed handgun; 441
the licensee shall not knowingly disregard or fail to comply 442
with lawful orders of a law enforcement officer given while the 443
licensee is stopped or knowingly fail to keep the licensee's 444
hands in plain sight after any law enforcement officer begins 445
approaching the licensee while stopped and before the officer 446
leaves, unless directed otherwise by a law enforcement officer; 447
and the licensee shall not knowingly remove, attempt to remove, 448
grasp, or hold the loaded handgun or knowingly have contact with 449
the loaded handgun by touching it with the licensee's hands or 450
fingers, in any manner in violation of division (B) of section 451
2923.12 of the Revised Code, after any law enforcement officer 452
begins approaching the licensee while stopped and before the 453
officer leaves. 454

(B) A valid concealed handgun license does not authorize 455
the licensee to carry a concealed handgun in any manner 456
prohibited under division (B) of section 2923.12 of the Revised 457

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;

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

(3) A courthouse or another building or structure in which a courtroom is located, in violation of section 2923.123 of the Revised Code;

(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;

(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 487
authorization that is adopted by the institution's board of 488
trustees or other governing body and that authorizes specific 489
individuals or classes of individuals to carry a concealed 490
handgun on the premises; 491

(6) Any church, synagogue, mosque, or other place of 492
worship, unless the church, synagogue, mosque, or other place of 493
worship posts or permits otherwise; 494

~~(7) A child day care center, a type A family day care~~ 495
~~home, or a type B family day care home, except that this~~ 496
~~division does not prohibit a licensee who resides in a type A~~ 497
~~family day care home or a type B family day care home from~~ 498
~~carrying a concealed handgun at any time in any part of the home~~ 499
~~that is not dedicated or used for day care purposes, or from~~ 500
~~carrying a concealed handgun in a part of the home that is~~ 501
~~dedicated or used for day care purposes at any time during which~~ 502
~~no children, other than children of that licensee, are in the~~ 503
~~home;~~ 504

~~(8) An aircraft that is in, or intended for operation in,~~ 505
~~foreign air transportation, interstate air transportation,~~ 506
~~intrastate air transportation, or the transportation of mail by~~ 507
~~aircraft;~~ 508

~~(9) Any (a) Except as provided in division (B) (7) (b) of~~ 509
~~this section, any building that is a government facility of this~~ 510
~~state or a political subdivision of this state and that is not a~~ 511
~~building that is used primarily as a shelter, restroom, parking~~ 512
~~facility for motor vehicles, or rest facility and is not a~~ 513
~~courthouse or other building or structure in which a courtroom~~ 514
~~is located that is subject to division (B) (3) of this section to~~ 515
~~which, during the building's normal hours of operation, access~~ 516

is restricted at the main point of entry by the continuous 517
posting of security personnel and the use of security screening 518
measures; 519

(b) Regardless of whether the government facility has the 520
security measures described in division (B) (7) (a) of this 521
section in place, if the building is used by the county child 522
support enforcement agency or the public children services 523
agency, the board of county commissioners in the county where 524
the building is located may prohibit carrying concealed weapons 525
on the premises. If the board of county commissioners prohibits 526
concealed weapons on the premises, a sign must be posted at the 527
facility pursuant to section 2923.1212 of the Revised Code; 528

~~(10)~~(8) A place in which federal law prohibits the 529
carrying of handguns. 530

(C) (1) Nothing in this section shall negate or restrict a 531
rule, policy, or practice of a private employer that is not a 532
private college, university, or other institution of higher 533
education concerning or prohibiting the presence of firearms on 534
the private employer's premises or property, including motor 535
vehicles owned by the private employer. Nothing in this section 536
shall require a private employer of that nature to adopt a rule, 537
policy, or practice concerning or prohibiting the presence of 538
firearms on the private employer's premises or property, 539
including motor vehicles owned by the private employer. 540

(2) (a) A private employer shall be immune from liability 541
in a civil action for any injury, death, or loss to person or 542
property that allegedly was caused by or related to a licensee 543
bringing a handgun onto the premises or property of the private 544
employer, including motor vehicles owned by the private 545
employer, unless the private employer acted with malicious 546

purpose. A private employer is immune from liability in a civil 547
action for any injury, death, or loss to person or property that 548
allegedly was caused by or related to the private employer's 549
decision to permit a licensee to bring, or prohibit a licensee 550
from bringing, a handgun onto the premises or property of the 551
private employer. ~~As used in this division, "private employer"~~ 552
~~includes a private college, university, or other institution of~~ 553
~~higher education.~~ 554

(b) A political subdivision shall be immune from liability 555
in a civil action, to the extent and in the manner provided in 556
Chapter 2744. of the Revised Code, for any injury, death, or 557
loss to person or property that allegedly was caused by or 558
related to a licensee bringing a handgun onto any premises or 559
property owned, leased, or otherwise under the control of the 560
political subdivision. As used in this division, "political 561
subdivision" has the same meaning as in section 2744.01 of the 562
Revised Code. 563

(c) An institution of higher education shall be immune 564
from liability in a civil action for any injury, death, or loss 565
to person or property that allegedly was caused by or related to 566
a licensee bringing a handgun onto the premises of the 567
institution, including motor vehicles owned by the institution, 568
unless the institution acted with malicious purpose. An 569
institution of higher education is immune from liability in a 570
civil action for any injury, death, or loss to person or 571
property that allegedly was caused by or related to the 572
institution's decision to permit a licensee or class of 573
licensees to bring a handgun onto the premises of the 574
institution. 575

(3) (a) Except as provided in division (C) (3) (b) of this 576

section, the owner or person in control of private land or 577
premises, and a private person or entity leasing land or 578
premises owned by the state, the United States, or a political 579
subdivision of the state or the United States, may post a sign 580
in a conspicuous location on that land or on those premises 581
prohibiting persons from carrying firearms or concealed firearms 582
on or onto that land or those premises. Except as otherwise 583
provided in this division, a person who knowingly violates a 584
posted prohibition of that nature is guilty of criminal trespass 585
in violation of division (A) (4) of section 2911.21 of the 586
Revised Code and is guilty of a misdemeanor of the fourth 587
degree. If a person knowingly violates a posted prohibition of 588
that nature and the posted land or premises primarily was a 589
parking lot or other parking facility, the person is not guilty 590
of criminal trespass in violation of division (A) (4) of section 591
2911.21 of the Revised Code and instead is subject only to a 592
civil cause of action for trespass based on the violation. 593

If a person knowingly violates a posted prohibition of the 594
nature described in this division and the posted land or 595
premises is a child day-care center, type A family day-care 596
home, or type B family day-care home, unless the person is a 597
licensee who resides in a type A family day-care home or type B 598
family day-care home, the person is guilty of aggravated 599
trespass in violation of section 2911.211 of the Revised Code. 600
Except as otherwise provided in this division, the offender is 601
guilty of a misdemeanor of the first degree. If the person 602
previously has been convicted of a violation of this division or 603
of any offense of violence, if the weapon involved is a firearm 604
that is either loaded or for which the offender has ammunition 605
ready at hand, or if the weapon involved is dangerous ordnance, 606
the offender is guilty of a felony of the fourth degree. 607

(b) A landlord may not prohibit or restrict a tenant who 608
is a licensee and who on or after September 9, 2008, enters into 609
a rental agreement with the landlord for the use of residential 610
premises, and the tenant's guest while the tenant is present, 611
from lawfully carrying or possessing a handgun on those 612
residential premises. 613

(c) As used in division (C)(3) of this section: 614

(i) "Residential premises" has the same meaning as in 615
section 5321.01 of the Revised Code, except "residential 616
premises" does not include a dwelling unit that is owned or 617
operated by a college or university. 618

(ii) "Landlord," "tenant," and "rental agreement" have the 619
same meanings as in section 5321.01 of the Revised Code. 620

(D) A person who holds a concealed handgun license issued 621
by another state that is recognized by the attorney general 622
pursuant to a reciprocity agreement entered into pursuant to 623
section 109.69 of the Revised Code has the same right to carry a 624
concealed handgun in this state as a person who was issued a 625
concealed handgun license under section 2923.125 of the Revised 626
Code and is subject to the same restrictions that apply to a 627
person who carries a license issued under that section. 628

(E) A peace officer has the same right to carry a 629
concealed handgun in this state as a person who was issued a 630
concealed handgun license under section 2923.125 of the Revised 631
Code. For purposes of reciprocity with other states, a peace 632
officer shall be considered to be a licensee in this state. 633

(F)(1) A qualified retired peace officer who possesses a 634
retired peace officer identification card issued pursuant to 635
division (F)(2) of this section and a valid firearms 636

requalification certification issued pursuant to division (F) (3) 637
of this section has the same right to carry a concealed handgun 638
in this state as a person who was issued a concealed handgun 639
license under section 2923.125 of the Revised Code and is 640
subject to the same restrictions that apply to a person who 641
carries a license issued under that section. For purposes of 642
reciprocity with other states, a qualified retired peace officer 643
who possesses a retired peace officer identification card issued 644
pursuant to division (F) (2) of this section and a valid firearms 645
requalification certification issued pursuant to division (F) (3) 646
of this section shall be considered to be a licensee in this 647
state. 648

(2) (a) Each public agency of this state or of a political 649
subdivision of this state that is served by one or more peace 650
officers shall issue a retired peace officer identification card 651
to any person who retired from service as a peace officer with 652
that agency, if the issuance is in accordance with the agency's 653
policies and procedures and if the person, with respect to the 654
person's service with that agency, satisfies all of the 655
following: 656

(i) The person retired in good standing from service as a 657
peace officer with the public agency, and the retirement was not 658
for reasons of mental instability. 659

(ii) Before retiring from service as a peace officer with 660
that agency, the person was authorized to engage in or supervise 661
the prevention, detection, investigation, or prosecution of, or 662
the incarceration of any person for, any violation of law and 663
the person had statutory powers of arrest. 664

(iii) At the time of the person's retirement as a peace 665
officer with that agency, the person was trained and qualified 666

to carry firearms in the performance of the peace officer's 667
duties. 668

(iv) Before retiring from service as a peace officer with 669
that agency, the person was regularly employed as a peace 670
officer for an aggregate of fifteen years or more, or, in the 671
alternative, the person retired from service as a peace officer 672
with that agency, after completing any applicable probationary 673
period of that service, due to a service-connected disability, 674
as determined by the agency. 675

(b) A retired peace officer identification card issued to 676
a person under division (F)(2)(a) of this section shall identify 677
the person by name, contain a photograph of the person, identify 678
the public agency of this state or of the political subdivision 679
of this state from which the person retired as a peace officer 680
and that is issuing the identification card, and specify that 681
the person retired in good standing from service as a peace 682
officer with the issuing public agency and satisfies the 683
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 684
section. In addition to the required content specified in this 685
division, a retired peace officer identification card issued to 686
a person under division (F)(2)(a) of this section may include 687
the firearms requalification certification described in division 688
(F)(3) of this section, and if the identification card includes 689
that certification, the identification card shall serve as the 690
firearms requalification certification for the retired peace 691
officer. If the issuing public agency issues credentials to 692
active law enforcement officers who serve the agency, the agency 693
may comply with division (F)(2)(a) of this section by issuing 694
the same credentials to persons who retired from service as a 695
peace officer with the agency and who satisfy the criteria set 696
forth in divisions (F)(2)(a)(i) to (iv) of this section, 697

provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

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

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

If a retired peace officer who satisfies the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace

officer by name, identifies the entity that taught the program, 728
specifies that the retired peace officer successfully completed 729
the program, specifies the date on which the course was 730
successfully completed, and specifies that the requalification 731
is valid for five years from that date of successful completion. 732
The firearms requalification certification for a retired peace 733
officer may be included in the retired peace officer 734
identification card issued to the retired peace officer under 735
division (F) (2) of this section. 736

A retired peace officer who attends a firearms 737
requalification program that is approved for purposes of 738
firearms requalification required under section 109.801 of the 739
Revised Code may be required to pay the cost of the program. 740

(G) As used in this section: 741

(1) "Qualified retired peace officer" means a person who 742
satisfies all of the following: 743

(a) The person satisfies the criteria set forth in 744
divisions (F) (2) (a) (i) to (v) of this section. 745

(b) The person is not under the influence of alcohol or 746
another intoxicating or hallucinatory drug or substance. 747

(c) The person is not prohibited by federal law from 748
receiving firearms. 749

(2) "Retired peace officer identification card" means an 750
identification card that is issued pursuant to division (F) (2) 751
of this section to a person who is a retired peace officer. 752

(3) "Government facility of this state or a political 753
subdivision of this state" means any of the following: 754

(a) A building or part of a building that is owned or 755

leased by the government of this state or a political 756
subdivision of this state and where employees of the government 757
of this state or the political subdivision regularly are present 758
for the purpose of performing their official duties as employees 759
of the state or political subdivision; 760

(b) The office of a deputy registrar serving pursuant to 761
Chapter 4503. of the Revised Code that is used to perform deputy 762
registrar functions. 763

(4) "Governing body" has the same meaning as in section 764
154.01 of the Revised Code. 765

Sec. 5103.132. (A) As used in this section, "firearm" has 766
the same meaning as in section 2923.11 of the Revised Code. 767

(B) A children's crisis care facility that has as its 768
primary purpose the provision of residential and other care to 769
infants who are born drug exposed and that regularly maintains 770
on its premises schedule II controlled substances, as defined in 771
section 3719.01 of the Revised Code, may do both of the 772
following: 773

(1) Maintain firearms at the facility; 774

(2) Permit security personnel to bear firearms while on 775
the grounds of the facility. 776

Section 2. That existing sections 311.42, 2923.12, 777
2923.122, and 2923.126 of the Revised Code are hereby repealed. 778

Section 3. Section 2923.122 of the Revised Code is 779
presented in this act as a composite of the section as amended 780
by both Am. Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th 781
General Assembly. The General Assembly, applying the principle 782
stated in division (B) of section 1.52 of the Revised Code that 783

amendments are to be harmonized if reasonably capable of	784
simultaneous operation, finds that the composite is the	785
resulting version of the section in effect prior to the	786
effective date of the section as presented in this act.	787