

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 199

Senators Uecker, Gardner

A BILL

To amend sections 1547.69, 2923.12, 2923.121, 1
2923.122, 2923.123, 2923.126, 2923.16, and 2
2923.21 of the Revised Code to specify that an 3
active duty member of the U.S. Armed Forces: (1) 4
does not need a concealed handgun license to 5
carry a handgun concealed if the member is 6
carrying valid military identification and a 7
certificate indicating successful small arms 8
qualification; and (2) may be sold or furnished 9
a handgun if the member has received military or 10
equivalent small arms training. 11

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

Section 1. That sections 1547.69, 2923.12, 2923.121, 12
2923.122, 2923.123, 2923.126, 2923.16, and 2923.21 of the 13
Revised Code be amended to read as follows: 14

Sec. 1547.69. (A) As used in this section: 15

(1) "Firearm," "concealed handgun license," "handgun," and 16
"valid concealed handgun license" have the same meanings as in 17
section 2923.11 of the Revised Code. 18

(2) "Unloaded" has the same meanings as in divisions (K) 19

(5) and (6) of section 2923.16 of the Revised Code, except that 20
all references in the definition in division (K) (5) of that 21
section to "vehicle" shall be construed for purposes of this 22
section to be references to "vessel." 23

(B) No person shall knowingly discharge a firearm while in 24
or on a vessel. 25

(C) No person shall knowingly transport or have a loaded 26
firearm in a vessel in a manner that the firearm is accessible 27
to the operator or any passenger. 28

(D) No person shall knowingly transport or have a firearm 29
in a vessel unless it is unloaded and is carried in one of the 30
following ways: 31

(1) In a closed package, box, or case; 32

(2) In plain sight with the action opened or the weapon 33
stripped, or, if the firearm is of a type on which the action 34
will not stay open or that cannot easily be stripped, in plain 35
sight. 36

(E) (1) The affirmative defenses authorized in divisions 37
(D) (1) and (2) of section 2923.12 of the Revised Code are 38
affirmative defenses to a charge under division (C) or (D) of 39
this section that involves a firearm other than a handgun. It is 40
an affirmative defense to a charge under division (C) or (D) of 41
this section of transporting or having a firearm of any type, 42
including a handgun, in a vessel that the actor transported or 43
had the firearm in the vessel for any lawful purpose and while 44
the vessel was on the actor's own property, provided that this 45
affirmative defense is not available unless the actor, prior to 46
arriving at the vessel on the actor's own property, did not 47
transport or possess the firearm in the vessel or in a motor 48

vehicle in a manner prohibited by this section or division (B) 49
or (C) of section 2923.16 of the Revised Code while the vessel 50
was being operated on a waterway that was not on the actor's own 51
property or while the motor vehicle was being operated on a 52
street, highway, or other public or private property used by the 53
public for vehicular traffic. 54

(2) No person who is charged with a violation of division 55
(C) or (D) of this section shall be required to obtain a license 56
or temporary emergency license to carry a concealed handgun 57
under section 2923.125 or 2923.1213 of the Revised Code as a 58
condition for the dismissal of the charge. 59

(F) Divisions (B), (C), and (D) of this section do not 60
apply to the possession or discharge of a United States coast 61
guard approved signaling device required to be carried aboard a 62
vessel under section 1547.251 of the Revised Code when the 63
signaling device is possessed or used for the purpose of giving 64
a visual distress signal. No person shall knowingly transport or 65
possess any signaling device of that nature in or on a vessel in 66
a loaded condition at any time other than immediately prior to 67
the discharge of the signaling device for the purpose of giving 68
a visual distress signal. 69

(G) No person shall operate or permit to be operated any 70
vessel on the waters in this state in violation of this section. 71

(H) (1) This section does not apply to any of the 72
following: 73

(a) An officer, agent, or employee of this or any other 74
state or of the United States, or to a law enforcement officer, 75
when authorized to carry or have loaded or accessible firearms 76
in a vessel and acting within the scope of the officer's, 77

agent's, or employee's duties; 78

(b) Any person who is employed in this state, who is 79
authorized to carry or have loaded or accessible firearms in a 80
vessel, and who is subject to and in compliance with the 81
requirements of section 109.801 of the Revised Code, unless the 82
appointing authority of the person has expressly specified that 83
the exemption provided in division (H) (1) (b) of this section 84
does not apply to the person; 85

(c) Any person legally engaged in hunting. 86

(2) Divisions (C) and (D) of this section do not apply to 87
a person who transports or possesses a handgun in a vessel and 88
who, at the time of that transportation or possession, either is 89
carrying a valid concealed handgun license or is an active 90
member of the armed forces of the United States and is carrying 91
a valid military identification card and a certificate issued by 92
the person's applicable service branch indicating that the 93
person has successfully completed small arms qualification, 94
unless the person knowingly is in a place on the vessel 95
described in division (B) of section 2923.126 of the Revised 96
Code. 97

(I) If a law enforcement officer stops a vessel for a 98
violation of this section or any other law enforcement purpose, 99
if any person on the vessel surrenders a firearm to the officer, 100
either voluntarily or pursuant to a request or demand of the 101
officer, and if the officer does not charge the person with a 102
violation of this section or arrest the person for any offense, 103
the person is not otherwise prohibited by law from possessing 104
the firearm, and the firearm is not contraband, the officer 105
shall return the firearm to the person at the termination of the 106
stop. 107

(J) Division (L) of section 2923.16 of the Revised Code 108
applies with respect to division (A) (2) of this section, except 109
that all references in division (L) of section 2923.16 of the 110
Revised Code to "vehicle," to "this chapter," or to "division 111
(K) (5) (a) or (b) of this section" shall be construed for 112
purposes of this section to be, respectively, references to 113
"vessel," to "section 1547.69 of the Revised Code," and to 114
divisions (K) (5) (a) and (b) of section 2923.16 of the Revised 115
Code as incorporated under the definition of firearm adopted 116
under division (A) (2) of this section. 117

Sec. 2923.12. (A) No person shall knowingly carry or have, 118
concealed on the person's person or concealed ready at hand, any 119
of the following: 120

(1) A deadly weapon other than a handgun; 121

(2) A handgun other than a dangerous ordnance; 122

(3) A dangerous ordnance. 123

(B) No person who has been issued a concealed handgun 124
license shall do any of the following: 125

(1) If the person is stopped for a law enforcement purpose 126
and is carrying a concealed handgun, fail to promptly inform any 127
law enforcement officer who approaches the person after the 128
person has been stopped that the person has been issued a 129
concealed handgun license and that the person then is carrying a 130
concealed handgun; 131

(2) If the person is stopped for a law enforcement purpose 132
and is carrying a concealed handgun, knowingly fail to keep the 133
person's hands in plain sight at any time after any law 134
enforcement officer begins approaching the person while stopped 135
and before the law enforcement officer leaves, unless the 136

failure is pursuant to and in accordance with directions given 137
by a law enforcement officer; 138

(3) If the person is stopped for a law enforcement 139
purpose, if the person is carrying a concealed handgun, and if 140
the person is approached by any law enforcement officer while 141
stopped, knowingly remove or attempt to remove the loaded 142
handgun from the holster, pocket, or other place in which the 143
person is carrying it, knowingly grasp or hold the loaded 144
handgun, or knowingly have contact with the loaded handgun by 145
touching it with the person's hands or fingers at any time after 146
the law enforcement officer begins approaching and before the 147
law enforcement officer leaves, unless the person removes, 148
attempts to remove, grasps, holds, or has contact with the 149
loaded handgun pursuant to and in accordance with directions 150
given by the law enforcement officer; 151

(4) If the person is stopped for a law enforcement purpose 152
and is carrying a concealed handgun, knowingly disregard or fail 153
to comply with any lawful order of any law enforcement officer 154
given while the person is stopped, including, but not limited 155
to, a specific order to the person to keep the person's hands in 156
plain sight. 157

(C) (1) This section does not apply to any of the 158
following: 159

(a) An officer, agent, or employee of this or any other 160
state or the United States, or to a law enforcement officer, who 161
is authorized to carry concealed weapons or dangerous ordnance 162
or is authorized to carry handguns and is acting within the 163
scope of the officer's, agent's, or employee's duties; 164

(b) Any person who is employed in this state, who is 165

authorized to carry concealed weapons or dangerous ordnance or 166
is authorized to carry handguns, and who is subject to and in 167
compliance with the requirements of section 109.801 of the 168
Revised Code, unless the appointing authority of the person has 169
expressly specified that the exemption provided in division (C) 170
(1)(b) of this section does not apply to the person; 171

(c) A person's transportation or storage of a firearm, 172
other than a firearm described in divisions (G) to (M) of 173
section 2923.11 of the Revised Code, in a motor vehicle for any 174
lawful purpose if the firearm is not on the actor's person; 175

(d) A person's storage or possession of a firearm, other 176
than a firearm described in divisions (G) to (M) of section 177
2923.11 of the Revised Code, in the actor's own home for any 178
lawful purpose. 179

(2) Division (A)(2) of this section does not apply to any 180
person who, at the time of the alleged carrying or possession of 181
a handgun, either is carrying a valid concealed handgun license 182
or is an active member of the armed forces of the United States 183
and is carrying a valid military identification card and a 184
certificate issued by the person's applicable service branch 185
indicating that the person has successfully completed small arms 186
qualification, unless the person knowingly is in a place 187
described in division (B) of section 2923.126 of the Revised 188
Code. 189

(D) It is an affirmative defense to a charge under 190
division (A)(1) of this section of carrying or having control of 191
a weapon other than a handgun and other than a dangerous 192
ordnance that the actor was not otherwise prohibited by law from 193
having the weapon and that any of the following applies: 194

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

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

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

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

(F) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or division (F) (2) of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or division (F) (2) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony of the fourth degree. Except as otherwise provided

in division (F) (2) of this section, if the offense is committed 225
aboard an aircraft, or with purpose to carry a concealed weapon 226
aboard an aircraft, regardless of the weapon involved, carrying 227
concealed weapons in violation of division (A) of this section 228
is a felony of the third degree. 229

(2) If a person being arrested for a violation of division 230
(A) (2) of this section promptly produces a valid concealed 231
handgun license or promptly produces a valid military 232
identification card and a certificate issued by the person's 233
applicable service branch indicating that the person has 234
successfully completed small arms qualification and the person 235
is an active member of the armed forces of the United States, 236
and if at the time of the violation the person was not knowingly 237
in a place described in division (B) of section 2923.126 of the 238
Revised Code, the officer shall not arrest the person for a 239
violation of that division. If the person is not able to 240
promptly produce any concealed handgun license or a combination 241
of a valid military identification card and a certificate issued 242
by the person's applicable service branch indicating that the 243
person has successfully completed small arms qualification and 244
if the person is not in a place described in that section, the 245
officer may arrest the person for a violation of that division, 246
and the offender shall be punished as follows: 247

(a) The offender shall be guilty of a minor misdemeanor if 248
both of the following apply: 249

(i) Within ten days after the arrest, the offender 250
presents a concealed handgun license or a combination of a valid 251
military identification card and a certificate issued by the 252
person's applicable service branch indicating that the person 253
has successfully completed small arms qualification, which 254

license or card and certificate was valid at the time of the 255
arrest to the law enforcement agency that employs the arresting 256
officer. 257

(ii) At the time of the arrest, the offender was not 258
knowingly in a place described in division (B) of section 259
2923.126 of the Revised Code. 260

(b) The offender shall be guilty of a misdemeanor and 261
shall be fined five hundred dollars if all of the following 262
apply: 263

(i) The offender previously had been issued a concealed 264
handgun license, and that license expired within the two years 265
immediately preceding the arrest. 266

(ii) Within forty-five days after the arrest, the offender 267
presents a concealed handgun license to the law enforcement 268
agency that employed the arresting officer, and the offender 269
waives in writing the offender's right to a speedy trial on the 270
charge of the violation that is provided in section 2945.71 of 271
the Revised Code. 272

(iii) At the time of the commission of the offense, the 273
offender was not knowingly in a place described in division (B) 274
of section 2923.126 of the Revised Code. 275

(iv) The offender did not present a valid military 276
identification card and a certificate issued by the person's 277
applicable service branch indicating that the person has 278
successfully completed small arms qualification within ten days 279
after the arrest. 280

(c) If neither division (F) (2) (a) nor (b) of this section 281
applies, the offender shall be punished under division (F) (1) of 282
this section. 283

(3) Except as otherwise provided in this division, 284
carrying concealed weapons in violation of division (B) (1) of 285
this section is a misdemeanor of the first degree, and, in 286
addition to any other penalty or sanction imposed for a 287
violation of division (B) (1) of this section, the offender's 288
concealed handgun license shall be suspended pursuant to 289
division (A) (2) of section 2923.128 of the Revised Code. If, at 290
the time of the stop of the offender for a law enforcement 291
purpose that was the basis of the violation, any law enforcement 292
officer involved with the stop had actual knowledge that the 293
offender has been issued a concealed handgun license, carrying 294
concealed weapons in violation of division (B) (1) of this 295
section is a minor misdemeanor, and the offender's concealed 296
handgun license shall not be suspended pursuant to division (A) 297
(2) of section 2923.128 of the Revised Code. 298

(4) Carrying concealed weapons in violation of division 299
(B) (2) or (4) of this section is a misdemeanor of the first 300
degree or, if the offender previously has been convicted of or 301
pleaded guilty to a violation of division (B) (2) or (4) of this 302
section, a felony of the fifth degree. In addition to any other 303
penalty or sanction imposed for a misdemeanor violation of 304
division (B) (2) or (4) of this section, the offender's concealed 305
handgun license shall be suspended pursuant to division (A) (2) 306
of section 2923.128 of the Revised Code. 307

(5) Carrying concealed weapons in violation of division 308
(B) (3) of this section is a felony of the fifth degree. 309

(G) If a law enforcement officer stops a person to 310
question the person regarding a possible violation of this 311
section, for a traffic stop, or for any other law enforcement 312
purpose, if the person surrenders a firearm to the officer, 313

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

(B) (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 to 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) Any person who is employed in this state, who is authorized to carry firearms, 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 (B) (1) (b) of this section does not apply to the person;

(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 343
premises or an open air arena under Chapter 4303. of the Revised 344
Code while in the premises or open air arena for which the 345
permit was issued if the principal holder of the D permit also 346
possesses a valid concealed handgun license and as long as the 347
principal holder is not consuming beer or intoxicating liquor or 348
under the influence of alcohol or a drug of abuse, or any agent 349
or employee of that holder who also is a peace officer, as 350
defined in section 2151.3515 of the Revised Code, who is off 351
duty, and who otherwise is authorized to carry firearms while in 352
the course of the officer's official duties and while in the 353
premises or open air arena for which the permit was issued and 354
as long as the agent or employee of that holder is not consuming 355
beer or intoxicating liquor or under the influence of alcohol or 356
a drug of abuse. 357

(e) Any person who is carrying a valid concealed handgun 358
license or any person who is an active member of the armed 359
forces of the United States and is carrying a valid military 360
identification card and a certificate issued by the person's 361
applicable service branch indicating that the person has 362
successfully completed small arms qualification, as long as the 363
person is not consuming beer or intoxicating liquor or under the 364
influence of alcohol or a drug of abuse. 365

(2) This section does not prohibit any person who is a 366
member of a veteran's organization, as defined in section 367
2915.01 of the Revised Code, from possessing a rifle in any room 368
in any premises owned, leased, or otherwise under the control of 369
the veteran's organization, if the rifle is not loaded with live 370
ammunition and if the person otherwise is not prohibited by law 371
from having the rifle. 372

(3) This section does not apply to any person possessing 373
or displaying firearms in any room used to exhibit unloaded 374
firearms for sale or trade in a soldiers' memorial established 375
pursuant to Chapter 345. of the Revised Code, in a convention 376
center, or in any other public meeting place, if the person is 377
an exhibitor, trader, purchaser, or seller of firearms and is 378
not otherwise prohibited by law from possessing, trading, 379
purchasing, or selling the firearms. 380

(C) It is an affirmative defense to a charge under this 381
section of illegal possession of a firearm in a liquor permit 382
premises that involves the possession of a firearm other than a 383
handgun, that the actor was not otherwise prohibited by law from 384
having the firearm, and that any of the following apply: 385

(1) The firearm was carried or kept ready at hand by the 386
actor for defensive purposes, while the actor was engaged in or 387
was going to or from the actor's lawful business or occupation, 388
which business or occupation was of such character or was 389
necessarily carried on in such manner or at such a time or place 390
as to render the actor particularly susceptible to criminal 391
attack, such as would justify a prudent person in going armed. 392

(2) The firearm was carried or kept ready at hand by the 393
actor for defensive purposes, while the actor was engaged in a 394
lawful activity, and had reasonable cause to fear a criminal 395
attack upon the actor or a member of the actor's family, or upon 396
the actor's home, such as would justify a prudent person in 397
going armed. 398

(D) No person who is charged with a violation of this 399
section shall be required to obtain a concealed handgun license 400
as a condition for the dismissal of the charge. 401

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

(F) As used in this section, "beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code.

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 430
authorized to carry deadly weapons or dangerous ordnance and is 431
acting within the scope of the officer's, agent's, or employee's 432
duties, a security officer employed by a board of education or 433
governing body of a school during the time that the security 434
officer is on duty pursuant to that contract of employment, or 435
any other person who has written authorization from the board of 436
education or governing body of a school to convey deadly weapons 437
or dangerous ordnance into a school safety zone or to possess a 438
deadly weapon or dangerous ordnance in a school safety zone and 439
who conveys or possesses the deadly weapon or dangerous ordnance 440
in accordance with that authorization; 441

(b) Any person who is employed in this state, who is 442
authorized to carry deadly weapons or dangerous ordnance, and 443
who is subject to and in compliance with the requirements of 444
section 109.801 of the Revised Code, unless the appointing 445
authority of the person has expressly specified that the 446
exemption provided in division (D) (1) (b) of this section does 447
not apply to the person. 448

(2) Division (C) of this section does not apply to 449
premises upon which home schooling is conducted. Division (C) of 450
this section also does not apply to a school administrator, 451
teacher, or employee who possesses an object that is 452
indistinguishable from a firearm for legitimate school purposes 453
during the course of employment, a student who uses an object 454
that is indistinguishable from a firearm under the direction of 455
a school administrator, teacher, or employee, or any other 456
person who with the express prior approval of a school 457
administrator possesses an object that is indistinguishable from 458
a firearm for a legitimate purpose, including the use of the 459
object in a ceremonial activity, a play, reenactment, or other 460

dramatic presentation, or a ROTC activity or another similar use of the object. 461
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(3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply: 463
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(a) The person does not enter into a school building or onto school premises and is not at a school activity. 468
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(b) The person is carrying a valid concealed handgun license or the person is an active member of the armed forces of the United States and is carrying a valid military identification card and a certificate issued by the person's applicable service branch indicating that the person has successfully completed small arms qualification. 470
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(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q) (2) (B). 476
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(d) The person is not knowingly in a place described in division (B) (1) or (B) (3) to (10) of section 2923.126 of the Revised Code. 478
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(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply: 481
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(a) The person is carrying a valid concealed handgun license or the person is an active member of the armed forces of the United States and is carrying a valid military identification card and a certificate issued by the person's 486
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applicable service branch indicating that the person has 490
successfully completed small arms qualification. 491

(b) The person is the driver or passenger in a motor 492
vehicle and is in the school safety zone while immediately in 493
the process of picking up or dropping off a child. 494

(c) The person is not in violation of section 2923.16 of 495
the Revised Code. 496

(E) (1) Whoever violates division (A) or (B) of this 497
section is guilty of illegal conveyance or possession of a 498
deadly weapon or dangerous ordnance in a school safety zone. 499
Except as otherwise provided in this division, illegal 500
conveyance or possession of a deadly weapon or dangerous 501
ordnance in a school safety zone is a felony of the fifth 502
degree. If the offender previously has been convicted of a 503
violation of this section, illegal conveyance or possession of a 504
deadly weapon or dangerous ordnance in a school safety zone is a 505
felony of the fourth degree. 506

(2) Whoever violates division (C) of this section is 507
guilty of illegal possession of an object indistinguishable from 508
a firearm in a school safety zone. Except as otherwise provided 509
in this division, illegal possession of an object 510
indistinguishable from a firearm in a school safety zone is a 511
misdemeanor of the first degree. If the offender previously has 512
been convicted of a violation of this section, illegal 513
possession of an object indistinguishable from a firearm in a 514
school safety zone is a felony of the fifth degree. 515

(F) (1) In addition to any other penalty imposed upon a 516
person who is convicted of or pleads guilty to a violation of 517
this section and subject to division (F) (2) of this section, if 518

the offender has not attained nineteen years of age, regardless 519
of whether the offender is attending or is enrolled in a school 520
operated by a board of education or for which the state board of 521
education prescribes minimum standards under section 3301.07 of 522
the Revised Code, the court shall impose upon the offender a 523
class four suspension of the offender's probationary driver's 524
license, restricted license, driver's license, commercial 525
driver's license, temporary instruction permit, or probationary 526
commercial driver's license that then is in effect from the 527
range specified in division (A) (4) of section 4510.02 of the 528
Revised Code and shall deny the offender the issuance of any 529
permit or license of that type during the period of the 530
suspension. 531

If the offender is not a resident of this state, the court 532
shall impose a class four suspension of the nonresident 533
operating privilege of the offender from the range specified in 534
division (A) (4) of section 4510.02 of the Revised Code. 535

(2) If the offender shows good cause why the court should 536
not suspend one of the types of licenses, permits, or privileges 537
specified in division (F) (1) of this section or deny the 538
issuance of one of the temporary instruction permits specified 539
in that division, the court in its discretion may choose not to 540
impose the suspension, revocation, or denial required in that 541
division, but the court, in its discretion, instead may require 542
the offender to perform community service for a number of hours 543
determined by the court. 544

(G) As used in this section, "object that is 545
indistinguishable from a firearm" means an object made, 546
constructed, or altered so that, to a reasonable person without 547
specialized training in firearms, the object appears to be a 548

firearm. 549

Sec. 2923.123. (A) No person shall knowingly convey or 550
attempt to convey a deadly weapon or dangerous ordnance into a 551
courthouse or into another building or structure in which a 552
courtroom is located. 553

(B) No person shall knowingly possess or have under the 554
person's control a deadly weapon or dangerous ordnance in a 555
courthouse or in another building or structure in which a 556
courtroom is located. 557

(C) This section does not apply to any of the following: 558

(1) Except as provided in division (E) of this section, a 559
judge of a court of record of this state or a magistrate; 560

(2) A peace officer, officer of a law enforcement agency, 561
or person who is in either of the following categories: 562

(a) Except as provided in division (E) of this section, a 563
peace officer, or an officer of a law enforcement agency of 564
another state, a political subdivision of another state, or the 565
United States, who is authorized to carry a deadly weapon or 566
dangerous ordnance, who possesses or has under that individual's 567
control a deadly weapon or dangerous ordnance as a requirement 568
of that individual's duties, and who is acting within the scope 569
of that individual's duties at the time of that possession or 570
control; 571

(b) Except as provided in division (E) of this section, a 572
person who is employed in this state, who is authorized to carry 573
a deadly weapon or dangerous ordnance, who possesses or has 574
under that individual's control a deadly weapon or dangerous 575
ordnance as a requirement of that person's duties, and who is 576
subject to and in compliance with the requirements of section 577

109.801 of the Revised Code, unless the appointing authority of 578
the person has expressly specified that the exemption provided 579
in division (C) (2) (b) of this section does not apply to the 580
person. 581

(3) A person who conveys, attempts to convey, possesses, 582
or has under the person's control a deadly weapon or dangerous 583
ordnance that is to be used as evidence in a pending criminal or 584
civil action or proceeding; 585

(4) Except as provided in division (E) of this section, a 586
bailiff or deputy bailiff of a court of record of this state who 587
is authorized to carry a firearm pursuant to section 109.77 of 588
the Revised Code, who possesses or has under that individual's 589
control a firearm as a requirement of that individual's duties, 590
and who is acting within the scope of that individual's duties 591
at the time of that possession or control; 592

(5) Except as provided in division (E) of this section, a 593
prosecutor, or a secret service officer appointed by a county 594
prosecuting attorney, who is authorized to carry a deadly weapon 595
or dangerous ordnance in the performance of the individual's 596
duties, who possesses or has under that individual's control a 597
deadly weapon or dangerous ordnance as a requirement of that 598
individual's duties, and who is acting within the scope of that 599
individual's duties at the time of that possession or control; 600

(6) Except as provided in division (E) of this section, a 601
person who conveys or attempts to convey a handgun into a 602
courthouse or into another building or structure in which a 603
courtroom is located, who, at the time of the conveyance or 604
attempt, either is carrying a valid concealed handgun license or 605
is an active member of the armed forces of the United States and 606
is carrying a valid military identification card and a 607

certificate issued by the person's applicable service branch 608
indicating that the person has successfully completed small arms 609
qualification, and who transfers possession of the handgun to 610
the officer or officer's designee who has charge of the 611
courthouse or building. The officer shall secure the handgun 612
until the licensee is prepared to leave the premises. The 613
exemption described in this division applies only if the officer 614
who has charge of the courthouse or building provides services 615
of the nature described in this division. An officer who has 616
charge of the courthouse or building is not required to offer 617
services of the nature described in this division. 618

(D) (1) Whoever violates division (A) of this section is 619
guilty of illegal conveyance of a deadly weapon or dangerous 620
ordnance into a courthouse. Except as otherwise provided in this 621
division, illegal conveyance of a deadly weapon or dangerous 622
ordnance into a courthouse is a felony of the fifth degree. If 623
the offender previously has been convicted of a violation of 624
division (A) or (B) of this section, illegal conveyance of a 625
deadly weapon or dangerous ordnance into a courthouse is a 626
felony of the fourth degree. 627

(2) Whoever violates division (B) of this section is 628
guilty of illegal possession or control of a deadly weapon or 629
dangerous ordnance in a courthouse. Except as otherwise provided 630
in this division, illegal possession or control of a deadly 631
weapon or dangerous ordnance in a courthouse is a felony of the 632
fifth degree. If the offender previously has been convicted of a 633
violation of division (A) or (B) of this section, illegal 634
possession or control of a deadly weapon or dangerous ordnance 635
in a courthouse is a felony of the fourth degree. 636

(E) The exemptions described in divisions (C) (1), (2) (a), 637

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

(F) As used in this section:

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

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

Sec. 2923.126. (A) A concealed handgun license that is issued under section 2923.125 of the Revised Code shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B) and (C) of this section, a licensee who has been issued a concealed handgun license under section 2923.125 or 2923.1213 of the Revised Code may carry a concealed handgun anywhere in this state if the licensee also carries a

valid license and valid identification when the licensee is in 668
actual possession of a concealed handgun. The licensee shall 669
give notice of any change in the licensee's residence address to 670
the sheriff who issued the license within forty-five days after 671
that change. 672

If a licensee is the driver or an occupant of a motor 673
vehicle that is stopped as the result of a traffic stop or a 674
stop for another law enforcement purpose and if the licensee is 675
transporting or has a loaded handgun in the motor vehicle at 676
that time, the licensee shall promptly inform any law 677
enforcement officer who approaches the vehicle while stopped 678
that the licensee has been issued a concealed handgun license 679
and that the licensee currently possesses or has a loaded 680
handgun; the licensee shall not knowingly disregard or fail to 681
comply with lawful orders of a law enforcement officer given 682
while the motor vehicle is stopped, knowingly fail to remain in 683
the motor vehicle while stopped, or knowingly fail to keep the 684
licensee's hands in plain sight after any law enforcement 685
officer begins approaching the licensee while stopped and before 686
the officer leaves, unless directed otherwise by a law 687
enforcement officer; and the licensee shall not knowingly have 688
contact with the loaded handgun by touching it with the 689
licensee's hands or fingers, in any manner in violation of 690
division (E) of section 2923.16 of the Revised Code, after any 691
law enforcement officer begins approaching the licensee while 692
stopped and before the officer leaves. Additionally, if a 693
licensee is the driver or an occupant of a commercial motor 694
vehicle that is stopped by an employee of the motor carrier 695
enforcement unit for the purposes defined in section ~~5503.04~~ 696
5503.34 of the Revised Code and if the licensee is transporting 697
or has a loaded handgun in the commercial motor vehicle at that 698

time, the licensee shall promptly inform the employee of the 699
unit who approaches the vehicle while stopped that the licensee 700
has been issued a concealed handgun license and that the 701
licensee currently possesses or has a loaded handgun. 702

If a licensee is stopped for a law enforcement purpose and 703
if the licensee is carrying a concealed handgun at the time the 704
officer approaches, the licensee shall promptly inform any law 705
enforcement officer who approaches the licensee while stopped 706
that the licensee has been issued a concealed handgun license 707
and that the licensee currently is carrying a concealed handgun; 708
the licensee shall not knowingly disregard or fail to comply 709
with lawful orders of a law enforcement officer given while the 710
licensee is stopped or knowingly fail to keep the licensee's 711
hands in plain sight after any law enforcement officer begins 712
approaching the licensee while stopped and before the officer 713
leaves, unless directed otherwise by a law enforcement officer; 714
and the licensee shall not knowingly remove, attempt to remove, 715
grasp, or hold the loaded handgun or knowingly have contact with 716
the loaded handgun by touching it with the licensee's hands or 717
fingers, in any manner in violation of division (B) of section 718
2923.12 of the Revised Code, after any law enforcement officer 719
begins approaching the licensee while stopped and before the 720
officer leaves. 721

(B) A valid concealed handgun license does not authorize 722
the licensee to carry a concealed handgun in any manner 723
prohibited under division (B) of section 2923.12 of the Revised 724
Code or in any manner prohibited under section 2923.16 of the 725
Revised Code. A valid license does not authorize the licensee to 726
carry a concealed handgun into any of the following places: 727

(1) A police station, sheriff's office, or state highway 728

patrol station, premises controlled by the bureau of criminal 729
identification and investigation, a state correctional 730
institution, jail, workhouse, or other detention facility, an 731
airport passenger terminal, or an institution that is 732
maintained, operated, managed, and governed pursuant to division 733
(A) of section 5119.14 of the Revised Code or division (A) (1) of 734
section 5123.03 of the Revised Code; 735

(2) A school safety zone if the licensee's carrying the 736
concealed handgun is in violation of section 2923.122 of the 737
Revised Code; 738

(3) A courthouse or another building or structure in which 739
a courtroom is located, in violation of section 2923.123 of the 740
Revised Code; 741

(4) Any premises or open air arena for which a D permit 742
has been issued under Chapter 4303. of the Revised Code if the 743
licensee's carrying the concealed handgun is in violation of 744
section 2923.121 of the Revised Code; 745

(5) Any premises owned or leased by any public or private 746
college, university, or other institution of higher education, 747
unless the handgun is in a locked motor vehicle or the licensee 748
is in the immediate process of placing the handgun in a locked 749
motor vehicle; 750

(6) Any church, synagogue, mosque, or other place of 751
worship, unless the church, synagogue, mosque, or other place of 752
worship posts or permits otherwise; 753

(7) A child day-care center, a type A family day-care 754
home, or a type B family day-care home, except that this 755
division does not prohibit a licensee who resides in a type A 756
family day-care home or a type B family day-care home from 757

carrying a concealed handgun at any time in any part of the home 758
that is not dedicated or used for day-care purposes, or from 759
carrying a concealed handgun in a part of the home that is 760
dedicated or used for day-care purposes at any time during which 761
no children, other than children of that licensee, are in the 762
home; 763

(8) An aircraft that is in, or intended for operation in, 764
foreign air transportation, interstate air transportation, 765
intrastate air transportation, or the transportation of mail by 766
aircraft; 767

(9) Any building that is a government facility of this 768
state or a political subdivision of this state and that is not a 769
building that is used primarily as a shelter, restroom, parking 770
facility for motor vehicles, or rest facility and is not a 771
courthouse or other building or structure in which a courtroom 772
is located that is subject to division (B)(3) of this section; 773

(10) A place in which federal law prohibits the carrying 774
of handguns. 775

(C)(1) Nothing in this section shall negate or restrict a 776
rule, policy, or practice of a private employer that is not a 777
private college, university, or other institution of higher 778
education concerning or prohibiting the presence of firearms on 779
the private employer's premises or property, including motor 780
vehicles owned by the private employer. Nothing in this section 781
shall require a private employer of that nature to adopt a rule, 782
policy, or practice concerning or prohibiting the presence of 783
firearms on the private employer's premises or property, 784
including motor vehicles owned by the private employer. 785

(2)(a) A private employer shall be immune from liability 786

in a civil action for any injury, death, or loss to person or 787
property that allegedly was caused by or related to a licensee 788
bringing a handgun onto the premises or property of the private 789
employer, including motor vehicles owned by the private 790
employer, unless the private employer acted with malicious 791
purpose. A private employer is immune from liability in a civil 792
action for any injury, death, or loss to person or property that 793
allegedly was caused by or related to the private employer's 794
decision to permit a licensee to bring, or prohibit a licensee 795
from bringing, a handgun onto the premises or property of the 796
private employer. As used in this division, "private employer" 797
includes a private college, university, or other institution of 798
higher education. 799

(b) A political subdivision shall be immune from liability 800
in a civil action, to the extent and in the manner provided in 801
Chapter 2744. of the Revised Code, for any injury, death, or 802
loss to person or property that allegedly was caused by or 803
related to a licensee bringing a handgun onto any premises or 804
property owned, leased, or otherwise under the control of the 805
political subdivision. As used in this division, "political 806
subdivision" has the same meaning as in section 2744.01 of the 807
Revised Code. 808

(3) (a) Except as provided in division (C) (3) (b) of this 809
section, the owner or person in control of private land or 810
premises, and a private person or entity leasing land or 811
premises owned by the state, the United States, or a political 812
subdivision of the state or the United States, may post a sign 813
in a conspicuous location on that land or on those premises 814
prohibiting persons from carrying firearms or concealed firearms 815
on or onto that land or those premises. Except as otherwise 816
provided in this division, a person who knowingly violates a 817

posted prohibition of that nature is guilty of criminal trespass 818
in violation of division (A) (4) of section 2911.21 of the 819
Revised Code and is guilty of a misdemeanor of the fourth 820
degree. If a person knowingly violates a posted prohibition of 821
that nature and the posted land or premises primarily was a 822
parking lot or other parking facility, the person is not guilty 823
of criminal trespass under section 2911.21 of the Revised Code 824
or under any other criminal law of this state or criminal law, 825
ordinance, or resolution of a political subdivision of this 826
state, and instead is subject only to a civil cause of action 827
for trespass based on the violation. 828

(b) A landlord may not prohibit or restrict a tenant who 829
is a licensee and who on or after September 9, 2008, enters into 830
a rental agreement with the landlord for the use of residential 831
premises, and the tenant's guest while the tenant is present, 832
from lawfully carrying or possessing a handgun on those 833
residential premises. 834

(c) As used in division (C) (3) of this section: 835

(i) "Residential premises" has the same meaning as in 836
section 5321.01 of the Revised Code, except "residential 837
premises" does not include a dwelling unit that is owned or 838
operated by a college or university. 839

(ii) "Landlord," "tenant," and "rental agreement" have the 840
same meanings as in section 5321.01 of the Revised Code. 841

(D) A person who holds a valid concealed handgun license 842
issued by another state that is recognized by the attorney 843
general pursuant to a reciprocity agreement entered into 844
pursuant to section 109.69 of the Revised Code or a person who 845
holds a valid concealed handgun license under the circumstances 846

described in division (B) of section 109.69 of the Revised Code 847
has the same right to carry a concealed handgun in this state as 848
a person who was issued a concealed handgun license under 849
section 2923.125 of the Revised Code and is subject to the same 850
restrictions that apply to a person who carries a license issued 851
under that section. 852

(E) (1) A peace officer has the same right to carry a 853
concealed handgun in this state as a person who was issued a 854
concealed handgun license under section 2923.125 of the Revised 855
Code. For purposes of reciprocity with other states, a peace 856
officer shall be considered to be a licensee in this state. 857

(2) An active member of the armed forces of the United 858
States who is carrying a valid military identification card and 859
a certificate issued by the person's applicable service branch 860
indicating that the person has successfully completed small arms 861
qualification has the same right to carry a concealed handgun in 862
this state as a person who was issued a concealed handgun 863
license under section 2923.125 of the Revised Code and is 864
subject to the same restrictions as specified in this section. 865

(F) (1) A qualified retired peace officer who possesses a 866
retired peace officer identification card issued pursuant to 867
division (F) (2) of this section and a valid firearms 868
requalification certification issued pursuant to division (F) (3) 869
of this section has the same right to carry a concealed handgun 870
in this state as a person who was issued a concealed handgun 871
license under section 2923.125 of the Revised Code and is 872
subject to the same restrictions that apply to a person who 873
carries a license issued under that section. For purposes of 874
reciprocity with other states, a qualified retired peace officer 875
who possesses a retired peace officer identification card issued 876

pursuant to division (F) (2) of this section and a valid firearms 877
requalification certification issued pursuant to division (F) (3) 878
of this section shall be considered to be a licensee in this 879
state. 880

(2) (a) Each public agency of this state or of a political 881
subdivision of this state that is served by one or more peace 882
officers shall issue a retired peace officer identification card 883
to any person who retired from service as a peace officer with 884
that agency, if the issuance is in accordance with the agency's 885
policies and procedures and if the person, with respect to the 886
person's service with that agency, satisfies all of the 887
following: 888

(i) The person retired in good standing from service as a 889
peace officer with the public agency, and the retirement was not 890
for reasons of mental instability. 891

(ii) Before retiring from service as a peace officer with 892
that agency, the person was authorized to engage in or supervise 893
the prevention, detection, investigation, or prosecution of, or 894
the incarceration of any person for, any violation of law and 895
the person had statutory powers of arrest. 896

(iii) At the time of the person's retirement as a peace 897
officer with that agency, the person was trained and qualified 898
to carry firearms in the performance of the peace officer's 899
duties. 900

(iv) Before retiring from service as a peace officer with 901
that agency, the person was regularly employed as a peace 902
officer for an aggregate of fifteen years or more, or, in the 903
alternative, the person retired from service as a peace officer 904
with that agency, after completing any applicable probationary 905

period of that service, due to a service-connected disability, 906
as determined by the agency. 907

(b) A retired peace officer identification card issued to 908
a person under division (F) (2) (a) of this section shall identify 909
the person by name, contain a photograph of the person, identify 910
the public agency of this state or of the political subdivision 911
of this state from which the person retired as a peace officer 912
and that is issuing the identification card, and specify that 913
the person retired in good standing from service as a peace 914
officer with the issuing public agency and satisfies the 915
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 916
section. In addition to the required content specified in this 917
division, a retired peace officer identification card issued to 918
a person under division (F) (2) (a) of this section may include 919
the firearms requalification certification described in division 920
(F) (3) of this section, and if the identification card includes 921
that certification, the identification card shall serve as the 922
firearms requalification certification for the retired peace 923
officer. If the issuing public agency issues credentials to 924
active law enforcement officers who serve the agency, the agency 925
may comply with division (F) (2) (a) of this section by issuing 926
the same credentials to persons who retired from service as a 927
peace officer with the agency and who satisfy the criteria set 928
forth in divisions (F) (2) (a) (i) to (iv) of this section, 929
provided that the credentials so issued to retired peace 930
officers are stamped with the word "RETIRED." 931

(c) A public agency of this state or of a political 932
subdivision of this state may charge persons who retired from 933
service as a peace officer with the agency a reasonable fee for 934
issuing to the person a retired peace officer identification 935
card pursuant to division (F) (2) (a) of this section. 936

(3) If a person retired from service as a peace officer 937
with a public agency of this state or of a political subdivision 938
of this state and the person satisfies the criteria set forth in 939
divisions (F) (2) (a) (i) to (iv) of this section, the public 940
agency may provide the retired peace officer with the 941
opportunity to attend a firearms requalification program that is 942
approved for purposes of firearms requalification required under 943
section 109.801 of the Revised Code. The retired peace officer 944
may be required to pay the cost of the course. 945

If a retired peace officer who satisfies the criteria set 946
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 947
a firearms requalification program that is approved for purposes 948
of firearms requalification required under section 109.801 of 949
the Revised Code, the retired peace officer's successful 950
completion of the firearms requalification program requalifies 951
the retired peace officer for purposes of division (F) of this 952
section for five years from the date on which the program was 953
successfully completed, and the requalification is valid during 954
that five-year period. If a retired peace officer who satisfies 955
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 956
section satisfactorily completes such a firearms requalification 957
program, the retired peace officer shall be issued a firearms 958
requalification certification that identifies the retired peace 959
officer by name, identifies the entity that taught the program, 960
specifies that the retired peace officer successfully completed 961
the program, specifies the date on which the course was 962
successfully completed, and specifies that the requalification 963
is valid for five years from that date of successful completion. 964
The firearms requalification certification for a retired peace 965
officer may be included in the retired peace officer 966
identification card issued to the retired peace officer under 967

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| division (F) (2) of this section. | 968 |
| A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code may be required to pay the cost of the program. | 969 970 971 972 |
| (G) As used in this section: | 973 |
| (1) "Qualified retired peace officer" means a person who satisfies all of the following: | 974 975 |
| (a) The person satisfies the criteria set forth in divisions (F) (2) (a) (i) to (v) of this section. | 976 977 |
| (b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance. | 978 979 |
| (c) The person is not prohibited by federal law from receiving firearms. | 980 981 |
| (2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer. | 982 983 984 |
| (3) "Government facility of this state or a political subdivision of this state" means any of the following: | 985 986 |
| (a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision; | 987 988 989 990 991 992 |
| (b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy | 993 994 |

registrar functions. 995

Sec. 2923.16. (A) No person shall knowingly discharge a 996
firearm while in or on a motor vehicle. 997

(B) No person shall knowingly transport or have a loaded 998
firearm in a motor vehicle in such a manner that the firearm is 999
accessible to the operator or any passenger without leaving the 1000
vehicle. 1001

(C) No person shall knowingly transport or have a firearm 1002
in a motor vehicle, unless the person may lawfully possess that 1003
firearm under applicable law of this state or the United States, 1004
the firearm is unloaded, and the firearm is carried in one of 1005
the following ways: 1006

(1) In a closed package, box, or case; 1007

(2) In a compartment that can be reached only by leaving 1008
the vehicle; 1009

(3) In plain sight and secured in a rack or holder made 1010
for the purpose; 1011

(4) If the firearm is at least twenty-four inches in 1012
overall length as measured from the muzzle to the part of the 1013
stock furthest from the muzzle and if the barrel is at least 1014
eighteen inches in length, either in plain sight with the action 1015
open or the weapon stripped, or, if the firearm is of a type on 1016
which the action will not stay open or which cannot easily be 1017
stripped, in plain sight. 1018

(D) No person shall knowingly transport or have a loaded 1019
handgun in a motor vehicle if, at the time of that 1020
transportation or possession, any of the following applies: 1021

(1) The person is under the influence of alcohol, a drug 1022

of abuse, or a combination of them. 1023

(2) The person's whole blood, blood serum or plasma, 1024
breath, or urine contains a concentration of alcohol, a listed 1025
controlled substance, or a listed metabolite of a controlled 1026
substance prohibited for persons operating a vehicle, as 1027
specified in division (A) of section 4511.19 of the Revised 1028
Code, regardless of whether the person at the time of the 1029
transportation or possession as described in this division is 1030
the operator of or a passenger in the motor vehicle. 1031

(E) No person who has been issued a concealed handgun 1032
license or who is an active member of the armed forces of the 1033
United States and is carrying a valid military identification 1034
card and a certificate issued by the person's applicable service 1035
branch indicating that the person has successfully completed 1036
small arms qualification, who is the driver or an occupant of a 1037
motor vehicle that is stopped as a result of a traffic stop or a 1038
stop for another law enforcement purpose or is the driver or an 1039
occupant of a commercial motor vehicle that is stopped by an 1040
employee of the motor carrier enforcement unit for the purposes 1041
defined in section 5503.34 of the Revised Code, and who is 1042
transporting or has a loaded handgun in the motor vehicle or 1043
commercial motor vehicle in any manner, shall do any of the 1044
following: 1045

(1) Fail to promptly inform any law enforcement officer 1046
who approaches the vehicle while stopped that the person has 1047
been issued a concealed handgun license and that the person then 1048
possesses or has a loaded handgun in the motor vehicle; 1049

(2) Fail to promptly inform the employee of the unit who 1050
approaches the vehicle while stopped that the person has been 1051
issued a concealed handgun license and that the person then 1052

possesses or has a loaded handgun in the commercial motor 1053
vehicle; 1054

(3) Knowingly fail to remain in the motor vehicle while 1055
stopped or knowingly fail to keep the person's hands in plain 1056
sight at any time after any law enforcement officer begins 1057
approaching the person while stopped and before the law 1058
enforcement officer leaves, unless the failure is pursuant to 1059
and in accordance with directions given by a law enforcement 1060
officer; 1061

(4) Knowingly have contact with the loaded handgun by 1062
touching it with the person's hands or fingers in the motor 1063
vehicle at any time after the law enforcement officer begins 1064
approaching and before the law enforcement officer leaves, 1065
unless the person has contact with the loaded handgun pursuant 1066
to and in accordance with directions given by the law 1067
enforcement officer; 1068

(5) Knowingly disregard or fail to comply with any lawful 1069
order of any law enforcement officer given while the motor 1070
vehicle is stopped, including, but not limited to, a specific 1071
order to the person to keep the person's hands in plain sight. 1072

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1073
not apply to any of the following: 1074

(a) An officer, agent, or employee of this or any other 1075
state or the United States, or a law enforcement officer, when 1076
authorized to carry or have loaded or accessible firearms in 1077
motor vehicles and acting within the scope of the officer's, 1078
agent's, or employee's duties; 1079

(b) Any person who is employed in this state, who is 1080
authorized to carry or have loaded or accessible firearms in 1081

motor vehicles, 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 (F) (1) (b) of this section does not apply to the person.

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

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

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

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

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

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

(ii) In the direction of a street, highway, or other public or private property used by the public for vehicular

traffic or parking; 1111

(iii) At or into an occupied structure that is a permanent 1112
or temporary habitation; 1113

(iv) In the commission of any violation of law, including, 1114
but not limited to, a felony that includes, as an essential 1115
element, purposely or knowingly causing or attempting to cause 1116
the death of or physical harm to another and that was committed 1117
by discharging a firearm from a motor vehicle. 1118

(3) Division (A) of this section does not apply to a 1119
person if all of the following apply: 1120

(a) The person possesses a valid electric-powered all- 1121
purpose vehicle permit issued under section 1533.103 of the 1122
Revised Code by the chief of the division of wildlife. 1123

(b) The person discharges a firearm at a wild quadruped or 1124
game bird as defined in section 1531.01 of the Revised Code 1125
during the open hunting season for the applicable wild quadruped 1126
or game bird. 1127

(c) The person discharges a firearm from a stationary 1128
electric-powered all-purpose vehicle as defined in section 1129
1531.01 of the Revised Code or a motor vehicle that is parked on 1130
a road that is owned or administered by the division of 1131
wildlife, provided that the road is identified by an electric- 1132
powered all-purpose vehicle sign. 1133

(d) The person does not discharge the firearm in any of 1134
the following manners: 1135

(i) While under the influence of alcohol, a drug of abuse, 1136
or alcohol and a drug of abuse; 1137

(ii) In the direction of a street, a highway, or other 1138

public or private property that is used by the public for 1139
vehicular traffic or parking; 1140

(iii) At or into an occupied structure that is a permanent 1141
or temporary habitation; 1142

(iv) In the commission of any violation of law, including, 1143
but not limited to, a felony that includes, as an essential 1144
element, purposely or knowingly causing or attempting to cause 1145
the death of or physical harm to another and that was committed 1146
by discharging a firearm from a motor vehicle. 1147

(4) Divisions (B) and (C) of this section do not apply to 1148
a person if all of the following circumstances apply: 1149

(a) At the time of the alleged violation of either of 1150
those divisions, the person is the operator of or a passenger in 1151
a motor vehicle. 1152

(b) The motor vehicle is on real property that is located 1153
in an unincorporated area of a township and that either is zoned 1154
for agriculture or is used for agriculture. 1155

(c) The person owns the real property described in 1156
division (D) (4) (b) of this section, is the spouse or a child of 1157
another person who owns that real property, is a tenant of 1158
another person who owns that real property, or is the spouse or 1159
a child of a tenant of another person who owns that real 1160
property. 1161

(d) The person, prior to arriving at the real property 1162
described in division (D) (4) (b) of this section, did not 1163
transport or possess a firearm in the motor vehicle in a manner 1164
prohibited by division (B) or (C) of this section while the 1165
motor vehicle was being operated on a street, highway, or other 1166
public or private property used by the public for vehicular 1167

traffic or parking. 1168

(5) Divisions (B) and (C) of this section do not apply to 1169
a person who transports or possesses a handgun in a motor 1170
vehicle if, at the time of that transportation or possession, 1171
both of the following apply: 1172

(a) The person transporting or possessing the handgun is 1173
either carrying a valid concealed handgun license or is an 1174
active member of the armed forces of the United States and is 1175
carrying a valid military identification card and a certificate 1176
issued by the person's applicable service branch indicating that 1177
the person has successfully completed small arms qualification. 1178

(b) The person transporting or possessing the handgun is 1179
not knowingly in a place described in division (B) of section 1180
2923.126 of the Revised Code. 1181

(6) Divisions (B) and (C) of this section do not apply to 1182
a person if all of the following apply: 1183

(a) The person possesses a valid electric-powered all- 1184
purpose vehicle permit issued under section 1533.103 of the 1185
Revised Code by the chief of the division of wildlife. 1186

(b) The person is on or in an electric-powered all-purpose 1187
vehicle as defined in section 1531.01 of the Revised Code or a 1188
motor vehicle during the open hunting season for a wild 1189
quadruped or game bird. 1190

(c) The person is on or in an electric-powered all-purpose 1191
vehicle as defined in section 1531.01 of the Revised Code or a 1192
motor vehicle that is parked on a road that is owned or 1193
administered by the division of wildlife, provided that the road 1194
is identified by an electric-powered all-purpose vehicle sign. 1195

(7) Nothing in this section prohibits or restricts a 1196
person from possessing, storing, or leaving a firearm in a 1197
locked motor vehicle that is parked in the state underground 1198
parking garage at the state capitol building or in the parking 1199
garage at the Riffe center for government and the arts in 1200
Columbus, if the person's transportation and possession of the 1201
firearm in the motor vehicle while traveling to the premises or 1202
facility was not in violation of division (A), (B), (C), (D), or 1203
(E) of this section or any other provision of the Revised Code. 1204

(G) (1) The affirmative defenses authorized in divisions 1205
(D) (1) and (2) of section 2923.12 of the Revised Code are 1206
affirmative defenses to a charge under division (B) or (C) of 1207
this section that involves a firearm other than a handgun. 1208

(2) It is an affirmative defense to a charge under 1209
division (B) or (C) of this section of improperly handling 1210
firearms in a motor vehicle that the actor transported or had 1211
the firearm in the motor vehicle for any lawful purpose and 1212
while the motor vehicle was on the actor's own property, 1213
provided that this affirmative defense is not available unless 1214
the person, immediately prior to arriving at the actor's own 1215
property, did not transport or possess the firearm in a motor 1216
vehicle in a manner prohibited by division (B) or (C) of this 1217
section while the motor vehicle was being operated on a street, 1218
highway, or other public or private property used by the public 1219
for vehicular traffic. 1220

(H) (1) No person who is charged with a violation of 1221
division (B), (C), or (D) of this section shall be required to 1222
obtain a concealed handgun license as a condition for the 1223
dismissal of the charge. 1224

(2) (a) If a person is convicted of, was convicted of, 1225

pleads guilty to, or has pleaded guilty to a violation of 1226
division (E) of this section as it existed prior to September 1227
30, 2011, and if the conduct that was the basis of the violation 1228
no longer would be a violation of division (E) of this section 1229
on or after September 30, 2011, the person may file an 1230
application under section 2953.37 of the Revised Code requesting 1231
the expungement of the record of conviction. 1232

If a person is convicted of, was convicted of, pleads 1233
guilty to, or has pleaded guilty to a violation of division (B) 1234
or (C) of this section as the division existed prior to 1235
September 30, 2011, and if the conduct that was the basis of the 1236
violation no longer would be a violation of division (B) or (C) 1237
of this section on or after September 30, 2011, due to the 1238
application of division (F) (5) of this section as it exists on 1239
and after September 30, 2011, the person may file an application 1240
under section 2953.37 of the Revised Code requesting the 1241
expungement of the record of conviction. 1242

(b) The attorney general shall develop a public media 1243
advisory that summarizes the expungement procedure established 1244
under section 2953.37 of the Revised Code and the offenders 1245
identified in division (H) (2) (a) of this section who are 1246
authorized to apply for the expungement. Within thirty days 1247
after September 30, 2011, the attorney general shall provide a 1248
copy of the advisory to each daily newspaper published in this 1249
state and each television station that broadcasts in this state. 1250
The attorney general may provide the advisory in a tangible 1251
form, an electronic form, or in both tangible and electronic 1252
forms. 1253

(I) Whoever violates this section is guilty of improperly 1254
handling firearms in a motor vehicle. Violation of division (A) 1255

of this section is a felony of the fourth degree. Violation of 1256
division (C) of this section is a misdemeanor of the fourth 1257
degree. A violation of division (D) of this section is a felony 1258
of the fifth degree or, if the loaded handgun is concealed on 1259
the person's person, a felony of the fourth degree. Except as 1260
otherwise provided in this division, a violation of division (E) 1261
(1) or (2) of this section is a misdemeanor of the first degree, 1262
and, in addition to any other penalty or sanction imposed for 1263
the violation, the offender's concealed handgun license shall be 1264
suspended pursuant to division (A) (2) of section 2923.128 of the 1265
Revised Code. If at the time of the stop of the offender for a 1266
traffic stop, for another law enforcement purpose, or for a 1267
purpose defined in section 5503.34 of the Revised Code that was 1268
the basis of the violation any law enforcement officer involved 1269
with the stop or the employee of the motor carrier enforcement 1270
unit who made the stop had actual knowledge of the offender's 1271
status as a licensee, a violation of division (E) (1) or (2) of 1272
this section is a minor misdemeanor, and the offender's 1273
concealed handgun license shall not be suspended pursuant to 1274
division (A) (2) of section 2923.128 of the Revised Code. A 1275
violation of division (E) (4) of this section is a felony of the 1276
fifth degree. A violation of division (E) (3) or (5) of this 1277
section is a misdemeanor of the first degree or, if the offender 1278
previously has been convicted of or pleaded guilty to a 1279
violation of division (E) (3) or (5) of this section, a felony of 1280
the fifth degree. In addition to any other penalty or sanction 1281
imposed for a misdemeanor violation of division (E) (3) or (5) of 1282
this section, the offender's concealed handgun license shall be 1283
suspended pursuant to division (A) (2) of section 2923.128 of the 1284
Revised Code. A violation of division (B) of this section is a 1285
felony of the fourth degree. 1286

(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle 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 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.

(K) As used in this section:

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

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

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

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

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

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

(ii) Any magazine or speed loader that contains ammunition 1316
and that may be used with the firearm in question is stored in a 1317
compartment within the vehicle in question that cannot be 1318
accessed without leaving the vehicle or is stored in a container 1319
that provides complete and separate enclosure. 1320

(b) For the purposes of division (K) (5) (a) (ii) of this 1321
section, a "container that provides complete and separate 1322
enclosure" includes, but is not limited to, any of the 1323
following: 1324

(i) A package, box, or case with multiple compartments, as 1325
long as the loaded magazine or speed loader and the firearm in 1326
question either are in separate compartments within the package, 1327
box, or case, or, if they are in the same compartment, the 1328
magazine or speed loader is contained within a separate 1329
enclosure in that compartment that does not contain the firearm 1330
and that closes using a snap, button, buckle, zipper, hook and 1331
loop closing mechanism, or other fastener that must be opened to 1332
access the contents or the firearm is contained within a 1333
separate enclosure of that nature in that compartment that does 1334
not contain the magazine or speed loader; 1335

(ii) A pocket or other enclosure on the person of the 1336
person in question that closes using a snap, button, buckle, 1337
zipper, hook and loop closing mechanism, or other fastener that 1338
must be opened to access the contents. 1339

(c) For the purposes of divisions (K) (5) (a) and (b) of 1340
this section, ammunition held in stripper-clips or in en-bloc 1341
clips is not considered ammunition that is loaded into a 1342
magazine or speed loader. 1343

(6) "Unloaded" means, with respect to a firearm employing 1344

a percussion cap, flintlock, or other obsolete ignition system, 1345
when the weapon is uncapped or when the priming charge is 1346
removed from the pan. 1347

(7) "Commercial motor vehicle" has the same meaning as in 1348
division (A) of section 4506.25 of the Revised Code. 1349

(8) "Motor carrier enforcement unit" means the motor 1350
carrier enforcement unit in the department of public safety, 1351
division of state highway patrol, that is created by section 1352
5503.34 of the Revised Code. 1353

(L) Divisions (K) (5) (a) and (b) of this section do not 1354
affect the authority of a person who is carrying a valid 1355
concealed handgun license to have one or more magazines or speed 1356
loaders containing ammunition anywhere in a vehicle, without 1357
being transported as described in those divisions, as long as no 1358
ammunition is in a firearm, other than a handgun, in the vehicle 1359
other than as permitted under any other provision of this 1360
chapter. A person who is carrying a valid concealed handgun 1361
license may have one or more magazines or speed loaders 1362
containing ammunition anywhere in a vehicle without further 1363
restriction, as long as no ammunition is in a firearm, other 1364
than a handgun, in the vehicle other than as permitted under any 1365
provision of this chapter. 1366

Sec. 2923.21. (A) No person shall do any of the following: 1367

(1) Sell any firearm to a person who is under eighteen 1368
years of age; 1369

(2) Subject to division (B) of this section, sell any 1370
handgun to a person who is under twenty-one years of age; 1371

(3) Furnish any firearm to a person who is under eighteen 1372
years of age or, subject to division (B) of this section, 1373

furnish any handgun to a person who is under twenty-one years of age, except for lawful hunting, sporting, or educational purposes, including, but not limited to, instruction in firearms or handgun safety, care, handling, or marksmanship under the supervision or control of a responsible adult;

(4) Sell or furnish a firearm to a person who is eighteen years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the firearm for the purpose of selling the firearm in violation of division (A) (1) of this section to a person who is under eighteen years of age or for the purpose of furnishing the firearm in violation of division (A) (3) of this section to a person who is under eighteen years of age;

(5) Sell or furnish a handgun to a person who is twenty-one years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the handgun for the purpose of selling the handgun in violation of division (A) (2) of this section to a person who is under twenty-one years of age or for the purpose of furnishing the handgun in violation of division (A) (3) of this section to a person who is under twenty-one years of age;

(6) Purchase or attempt to purchase any firearm with the intent to sell the firearm in violation of division (A) (1) of this section to a person who is under eighteen years of age or with the intent to furnish the firearm in violation of division (A) (3) of this section to a person who is under eighteen years of age;

(7) Purchase or attempt to purchase any handgun with the intent to sell the handgun in violation of division (A) (2) of this section to a person who is under twenty-one years of age or

with the intent to furnish the handgun in violation of division 1404
(A) (3) of this section to a person who is under twenty-one years 1405
of age. 1406

(B) Divisions (A) (1) and (2) of this section do not apply 1407
to the sale or furnishing of a handgun to a person eighteen 1408
years of age or older and under twenty-one years of age if the 1409
person eighteen years of age or older and under twenty-one years 1410
of age is a law enforcement officer who is properly appointed or 1411
employed as a law enforcement officer and has received firearms 1412
training approved by the Ohio peace officer training council or 1413
equivalent firearms training. Divisions (A) (1) and (2) of this 1414
section do not apply to an active member of the armed forces of 1415
the United States who has received small arms training from the 1416
armed forces or the equivalent small arms training. 1417

(C) Whoever violates this section is guilty of improperly 1418
furnishing firearms to a minor, a felony of the fifth degree. 1419

Section 2. That existing sections 1547.69, 2923.12, 1420
2923.121, 2923.122, 2923.123, 2923.126, 2923.16, and 2923.21 of 1421
the Revised Code are hereby repealed. 1422

Section 3. Section 2923.122 of the Revised Code is 1423
presented in this act as a composite of the section as amended 1424
by both Am. Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th 1425
General Assembly. The General Assembly, applying the principle 1426
stated in division (B) of section 1.52 of the Revised Code that 1427
amendments are to be harmonized if reasonably capable of 1428
simultaneous operation, finds that the composite is the 1429
resulting version of the section in effect prior to the 1430
effective date of the section as presented in this act. 1431