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Representative Becker

Cosponsors: Representatives Antani, Arndt, Blessing, Brenner, Brinkman, Butler, Carfagna, Dean, Dever, Duffey, Faber, Gavarone, Ginter, Goodman, Greenspan, Hagan, Hambley, Henne, Hill, Hood, Householder, Huffman, Keller, Kick, Koehler, Landis, LaTourette, Lipps, McColley, Merrin, Patton, Pelanda, Perales, Rezabek, Riedel, Roegner, Romanchuk, Speaker Rosenberger, Representatives Schaffer, Scherer, Schuring, Seitz, Slaby, Smith, R., Sprague, Stein, Thompson, Vitale, Wiggam, Young, Zeltwanger

A BILL

To amend sections 2917.11, 2923.11, 2923.12, 1
2923.121, 2923.122, 2923.123, 2923.126, and 2
2923.1212 of the Revised Code to enact the 3
"Decriminalization Effort For Ending Notorious 4
Deaths (DEFEND)" to provide an opportunity for a 5
concealed handgun licensee or qualified military 6
member to avoid guilt for carrying a concealed 7
handgun into a prohibited place if the person 8
leaves upon request, and to penalize as 9
disorderly conduct failing to leave upon request 10
or returning with a firearm. 11

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

Section 1. That sections 2917.11, 2923.11, 2923.12, 12
2923.121, 2923.122, 2923.123, 2923.126, and 2923.1212 of the 13
Revised Code be amended to read as follows: 14

Sec. 2917.11. (A) No person shall recklessly cause 15
inconvenience, annoyance, or alarm to another by doing any of 16
the following: 17

(1) Engaging in fighting, in threatening harm to persons 18
or property, or in violent or turbulent behavior; 19

(2) Making unreasonable noise or an offensively coarse 20
utterance, gesture, or display or communicating unwarranted and 21
grossly abusive language to any person; 22

(3) Insulting, taunting, or challenging another, under 23
circumstances in which that conduct is likely to provoke a 24
violent response; 25

(4) Hindering or preventing the movement of persons on a 26
public street, road, highway, or right-of-way, or to, from, 27
within, or upon public or private property, so as to interfere 28
with the rights of others, and by any act that serves no lawful 29
and reasonable purpose of the offender; 30

(5) Creating a condition that is physically offensive to 31
persons or that presents a risk of physical harm to persons or 32
property, by any act that serves no lawful and reasonable 33
purpose of the offender. 34

(B) No person, while voluntarily intoxicated, shall do 35
either of the following: 36

(1) In a public place or in the presence of two or more 37
persons, engage in conduct likely to be offensive or to cause 38
inconvenience, annoyance, or alarm to persons of ordinary 39
sensibilities, which conduct the offender, if the offender were 40
not intoxicated, should know is likely to have that effect on 41
others; 42

(2) Engage in conduct or create a condition that presents a risk of physical harm to the offender or another, or to the property of another.

(C) (1) No person who has a valid license to carry a concealed handgun or who is a qualified military member and is discovered carrying a concealed handgun onto land or premises in violation of a sign posted pursuant to division (C) (3) (a) of section 2923.126 of the Revised Code or in violation of section 2923.12, 2923.121, 2923.122, or 2923.123 of the Revised Code shall do either of the following:

(a) Refuse or fail to leave the land or premises upon being requested to do so by the owner, lessee, or person in control of the land or premises or by the individual's agent or employee;

(b) Return within thirty days to the same land or premises while knowingly in possession of a firearm in violation of a sign posted pursuant to division (C) (3) (a) of section 2923.126 of the Revised Code or in violation of section 2923.12, 2923.121, 2923.122, or 2923.123 of the Revised Code.

(2) A law enforcement officer or security officer may record any violation of division (C) (1) of this section to determine whether the person has entered the same land or premises more than once within thirty days while knowingly in possession of a firearm in violation of a sign posted pursuant to division (C) (3) (a) of section 2923.126 of the Revised Code or in violation of section 2923.12, 2923.121, 2923.122, or 2923.123 of the Revised Code.

(D) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft,

aircraft, or other vehicle while under the influence of alcohol 72
or any drug of abuse, is not a violation of division (B) of this 73
section. 74

~~(D)~~(E) If a person appears to an ordinary observer to be 75
intoxicated, it is probable cause to believe that person is 76
voluntarily intoxicated for purposes of division (B) of this 77
section. 78

~~(E)~~(F) (1) Whoever violates this section is guilty of 79
disorderly conduct. 80

(2) Except as otherwise provided in division ~~(E)~~(F) (3) of 81
this section, disorderly conduct in violation of division (A) or 82
(B) of this section is a minor misdemeanor. 83

(3) Disorderly conduct in violation of division (A) or (B) 84
of this section is a misdemeanor of the fourth degree if any of 85
the following applies: 86

(a) The offender persists in disorderly conduct after 87
reasonable warning or request to desist. 88

(b) The offense is committed in the vicinity of a school 89
or in a school safety zone. 90

(c) The offense is committed in the presence of any law 91
enforcement officer, firefighter, rescuer, medical person, 92
emergency medical services person, or other authorized person 93
who is engaged in the person's duties at the scene of a fire, 94
accident, disaster, riot, or emergency of any kind. 95

(d) The offense is committed in the presence of any 96
emergency facility person who is engaged in the person's duties 97
in an emergency facility. 98

~~(F)~~(4) Disorderly conduct in violation of division (C) (1) 99

<u>of this section is a misdemeanor of the fourth degree.</u>	100
<u>(G) As used in this section:</u>	101
(1) "Emergency medical services person" is the singular of	102
"emergency medical services personnel" as defined in section	103
2133.21 of the Revised Code.	104
(2) "Emergency facility person" is the singular of	105
"emergency facility personnel" as defined in section 2909.04 of	106
the Revised Code.	107
(3) "Emergency facility" has the same meaning as in	108
section 2909.04 of the Revised Code.	109
(4) "Committed in the vicinity of a school" has the same	110
meaning as in section 2925.01 of the Revised Code.	111
<u>(5) "Qualified military member" has the same meaning as in</u>	112
<u>section 2923.11 of the Revised Code.</u>	113
Sec. 2923.11. As used in sections 2923.11 to 2923.24 of	114
the Revised Code:	115
(A) "Deadly weapon" means any instrument, device, or thing	116
capable of inflicting death, and designed or specially adapted	117
for use as a weapon, or possessed, carried, or used as a weapon.	118
(B) (1) "Firearm" means any deadly weapon capable of	119
expelling or propelling one or more projectiles by the action of	120
an explosive or combustible propellant. "Firearm" includes an	121
unloaded firearm, and any firearm that is inoperable but that	122
can readily be rendered operable.	123
(2) When determining whether a firearm is capable of	124
expelling or propelling one or more projectiles by the action of	125
an explosive or combustible propellant, the trier of fact may	126

rely upon circumstantial evidence, including, but not limited 127
to, the representations and actions of the individual exercising 128
control over the firearm. 129

(C) "Handgun" means any of the following: 130

(1) Any firearm that has a short stock and is designed to 131
be held and fired by the use of a single hand; 132

(2) Any combination of parts from which a firearm of a 133
type described in division (C) (1) of this section can be 134
assembled. 135

(D) "Semi-automatic firearm" means any firearm designed or 136
specially adapted to fire a single cartridge and automatically 137
chamber a succeeding cartridge ready to fire, with a single 138
function of the trigger. 139

(E) "Automatic firearm" means any firearm designed or 140
specially adapted to fire a succession of cartridges with a 141
single function of the trigger. 142

(F) "Sawed-off firearm" means a shotgun with a barrel less 143
than eighteen inches long, or a rifle with a barrel less than 144
sixteen inches long, or a shotgun or rifle less than twenty-six 145
inches long overall. 146

(G) "Zip-gun" means any of the following: 147

(1) Any firearm of crude and extemporized manufacture; 148

(2) Any device, including without limitation a starter's 149
pistol, that is not designed as a firearm, but that is specially 150
adapted for use as a firearm; 151

(3) Any industrial tool, signalling device, or safety 152
device, that is not designed as a firearm, but that as designed 153

is capable of use as such, when possessed, carried, or used as a 154
firearm. 155

(H) "Explosive device" means any device designed or 156
specially adapted to cause physical harm to persons or property 157
by means of an explosion, and consisting of an explosive 158
substance or agency and a means to detonate it. "Explosive 159
device" includes without limitation any bomb, any explosive 160
demolition device, any blasting cap or detonator containing an 161
explosive charge, and any pressure vessel that has been 162
knowingly tampered with or arranged so as to explode. 163

(I) "Incendiary device" means any firebomb, and any device 164
designed or specially adapted to cause physical harm to persons 165
or property by means of fire, and consisting of an incendiary 166
substance or agency and a means to ignite it. 167

(J) "Ballistic knife" means a knife with a detachable 168
blade that is propelled by a spring-operated mechanism. 169

(K) "Dangerous ordnance" means any of the following, 170
except as provided in division (L) of this section: 171

(1) Any automatic or sawed-off firearm, zip-gun, or 172
ballistic knife; 173

(2) Any explosive device or incendiary device; 174

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 175
cyclonite, TNT, picric acid, and other high explosives; amatol, 176
tritonite, tetrytol, pentolite, pecretol, cyclitol, and other 177
high explosive compositions; plastic explosives; dynamite, 178
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 179
liquid-oxygen blasting explosives, blasting powder, and other 180
blasting agents; and any other explosive substance having 181
sufficient brisance or power to be particularly suitable for use 182

as a military explosive, or for use in mining, quarrying,	183
excavating, or demolitions;	184
(4) Any firearm, rocket launcher, mortar, artillery piece,	185
grenade, mine, bomb, torpedo, or similar weapon, designed and	186
manufactured for military purposes, and the ammunition for that	187
weapon;	188
(5) Any firearm muffler or suppressor;	189
(6) Any combination of parts that is intended by the owner	190
for use in converting any firearm or other device into a	191
dangerous ordnance.	192
(L) "Dangerous ordnance" does not include any of the	193
following:	194
(1) Any firearm, including a military weapon and the	195
ammunition for that weapon, and regardless of its actual age,	196
that employs a percussion cap or other obsolete ignition system,	197
or that is designed and safe for use only with black powder;	198
(2) Any pistol, rifle, or shotgun, designed or suitable	199
for sporting purposes, including a military weapon as issued or	200
as modified, and the ammunition for that weapon, unless the	201
firearm is an automatic or sawed-off firearm;	202
(3) Any cannon or other artillery piece that, regardless	203
of its actual age, is of a type in accepted use prior to 1887,	204
has no mechanical, hydraulic, pneumatic, or other system for	205
absorbing recoil and returning the tube into battery without	206
displacing the carriage, and is designed and safe for use only	207
with black powder;	208
(4) Black powder, priming quills, and percussion caps	209
possessed and lawfully used to fire a cannon of a type defined	210

in division (L) (3) of this section during displays, 211
celebrations, organized matches or shoots, and target practice, 212
and smokeless and black powder, primers, and percussion caps 213
possessed and lawfully used as a propellant or ignition device 214
in small-arms or small-arms ammunition; 215

(5) Dangerous ordnance that is inoperable or inert and 216
cannot readily be rendered operable or activated, and that is 217
kept as a trophy, souvenir, curio, or museum piece. 218

(6) Any device that is expressly excepted from the 219
definition of a destructive device pursuant to the "Gun Control 220
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 221
and regulations issued under that act. 222

(M) "Explosive" means any chemical compound, mixture, or 223
device, the primary or common purpose of which is to function by 224
explosion. "Explosive" includes all materials that have been 225
classified as division 1.1, division 1.2, division 1.3, or 226
division 1.4 explosives by the United States department of 227
transportation in its regulations and includes, but is not 228
limited to, dynamite, black powder, pellet powders, initiating 229
explosives, blasting caps, electric blasting caps, safety fuses, 230
fuse igniters, squibs, cordeau detonant fuses, instantaneous 231
fuses, and igniter cords and igniters. "Explosive" does not 232
include "fireworks," as defined in section 3743.01 of the 233
Revised Code, or any substance or material otherwise meeting the 234
definition of explosive set forth in this section that is 235
manufactured, sold, possessed, transported, stored, or used in 236
any activity described in section 3743.80 of the Revised Code, 237
provided the activity is conducted in accordance with all 238
applicable laws, rules, and regulations, including, but not 239
limited to, the provisions of section 3743.80 of the Revised 240

Code and the rules of the fire marshal adopted pursuant to	241
section 3737.82 of the Revised Code.	242
(N) (1) "Concealed handgun license" or "license to carry a	243
concealed handgun" means, subject to division (N) (2) of this	244
section, a license or temporary emergency license to carry a	245
concealed handgun issued under section 2923.125 or 2923.1213 of	246
the Revised Code or a license to carry a concealed handgun	247
issued by another state with which the attorney general has	248
entered into a reciprocity agreement under section 109.69 of the	249
Revised Code.	250
(2) A reference in any provision of the Revised Code to a	251
concealed handgun license issued under section 2923.125 of the	252
Revised Code or a license to carry a concealed handgun issued	253
under section 2923.125 of the Revised Code means only a license	254
of the type that is specified in that section. A reference in	255
any provision of the Revised Code to a concealed handgun license	256
issued under section 2923.1213 of the Revised Code, a license to	257
carry a concealed handgun issued under section 2923.1213 of the	258
Revised Code, or a license to carry a concealed handgun on a	259
temporary emergency basis means only a license of the type that	260
is specified in section 2923.1213 of the Revised Code. A	261
reference in any provision of the Revised Code to a concealed	262
handgun license issued by another state or a license to carry a	263
concealed handgun issued by another state means only a license	264
issued by another state with which the attorney general has	265
entered into a reciprocity agreement under section 109.69 of the	266
Revised Code.	267
(O) "Valid concealed handgun license" or "valid license to	268
carry a concealed handgun" means a concealed handgun license	269
that is currently valid, that is not under a suspension under	270

division (A) (1) of section 2923.128 of the Revised Code, under 271
section 2923.1213 of the Revised Code, or under a suspension 272
provision of the state other than this state in which the 273
license was issued, and that has not been revoked under division 274
(B) (1) of section 2923.128 of the Revised Code, under section 275
2923.1213 of the Revised Code, or under a revocation provision 276
of the state other than this state in which the license was 277
issued. 278

(P) "Misdemeanor punishable by imprisonment for a term 279
exceeding one year" does not include any of the following: 280

(1) Any federal or state offense pertaining to antitrust 281
violations, unfair trade practices, restraints of trade, or 282
other similar offenses relating to the regulation of business 283
practices; 284

(2) Any misdemeanor offense punishable by a term of 285
imprisonment of two years or less. 286

(Q) "Alien registration number" means the number issued by 287
the United States citizenship and immigration services agency 288
that is located on the alien's permanent resident card and may 289
also be commonly referred to as the "USCIS number" or the "alien 290
number." 291

(R) "Active duty" has the same meaning as defined in 10 292
U.S.C. 101. 293

(S) "Qualified military member" means an active duty 294
member of the armed forces of the United States who is carrying 295
a valid military identification card and documentation of 296
successful completion of firearms training that meets or exceeds 297
the training requirements described in division (G) (1) of 298
section 2923.125 of the Revised Code. 299

Sec. 2923.12. (A) No person shall knowingly carry or have,	300
concealed on the person's person or concealed ready at hand, any	301
of the following:	302
(1) A deadly weapon other than a handgun;	303
(2) A handgun other than a dangerous ordnance;	304
(3) A dangerous ordnance.	305
(B) No person who has been issued a concealed handgun	306
license shall do any of the following:	307
(1) If the person is stopped for a law enforcement purpose	308
and is carrying a concealed handgun, fail to promptly inform any	309
law enforcement officer who approaches the person after the	310
person has been stopped that the person has been issued a	311
concealed handgun license and that the person then is carrying a	312
concealed handgun;	313
(2) If the person is stopped for a law enforcement purpose	314
and is carrying a concealed handgun, knowingly fail to keep the	315
person's hands in plain sight at any time after any law	316
enforcement officer begins approaching the person while stopped	317
and before the law enforcement officer leaves, unless the	318
failure is pursuant to and in accordance with directions given	319
by a law enforcement officer;	320
(3) If the person is stopped for a law enforcement	321
purpose, if the person is carrying a concealed handgun, and if	322
the person is approached by any law enforcement officer while	323
stopped, knowingly remove or attempt to remove the loaded	324
handgun from the holster, pocket, or other place in which the	325
person is carrying it, knowingly grasp or hold the loaded	326
handgun, or knowingly have contact with the loaded handgun by	327
touching it with the person's hands or fingers at any time after	328

the law enforcement officer begins approaching and before the 329
law enforcement officer leaves, unless the person removes, 330
attempts to remove, grasps, holds, or has contact with the 331
loaded handgun pursuant to and in accordance with directions 332
given by the law enforcement officer; 333

(4) If the person is stopped for a law enforcement purpose 334
and is carrying a concealed handgun, knowingly disregard or fail 335
to comply with any lawful order of any law enforcement officer 336
given while the person is stopped, including, but not limited 337
to, a specific order to the person to keep the person's hands in 338
plain sight. 339

(C) (1) This section does not apply to any of the 340
following: 341

(a) An officer, agent, or employee of this or any other 342
state or the United States, or to a law enforcement officer, who 343
is authorized to carry concealed weapons or dangerous ordnance 344
or is authorized to carry handguns and is acting within the 345
scope of the officer's, agent's, or employee's duties; 346

(b) Any person who is employed in this state, who is 347
authorized to carry concealed weapons or dangerous ordnance or 348
is authorized to carry handguns, and who is subject to and in 349
compliance with the requirements of section 109.801 of the 350
Revised Code, unless the appointing authority of the person has 351
expressly specified that the exemption provided in division (C) 352
(1) (b) of this section does not apply to the person; 353

(c) A person's transportation or storage of a firearm, 354
other than a firearm described in divisions (G) to (M) of 355
section 2923.11 of the Revised Code, in a motor vehicle for any 356
lawful purpose if the firearm is not on the actor's person; 357

(d) A person's storage or possession of a firearm, other 358
than a firearm described in divisions (G) to (M) of section 359
2923.11 of the Revised Code, in the actor's own home for any 360
lawful purpose. 361

(2) Division (A)(2) of this section does not apply to any 362
person who, at the time of the alleged carrying or possession of 363
a handgun, either is carrying a valid concealed handgun license 364
or is an active duty member of the armed forces of the United 365
States and is carrying a valid military identification card and 366
documentation of successful completion of firearms training that 367
meets or exceeds the training requirements described in division 368
(G)(1) of section 2923.125 of the Revised Code, unless the 369
person knowingly is in a place described in division (B) of 370
section 2923.126 of the Revised Code. 371

(D) It is an affirmative defense to a charge under 372
division (A)(1) of this section of carrying or having control of 373
a weapon other than a handgun and other than a dangerous 374
ordnance that the actor was not otherwise prohibited by law from 375
having the weapon and that any of the following applies: 376

(1) The weapon was carried or kept ready at hand by the 377
actor for defensive purposes while the actor was engaged in or 378
was going to or from the actor's lawful business or occupation, 379
which business or occupation was of a character or was 380
necessarily carried on in a manner or at a time or place as to 381
render the actor particularly susceptible to criminal attack, 382
such as would justify a prudent person in going armed. 383

(2) The weapon was carried or kept ready at hand by the 384
actor for defensive purposes while the actor was engaged in a 385
lawful activity and had reasonable cause to fear a criminal 386
attack upon the actor, a member of the actor's family, or the 387

actor's home, such as would justify a prudent person in going 388
armed. 389

(3) The weapon was carried or kept ready at hand by the 390
actor for any lawful purpose and while in the actor's own home. 391

(E) No person who is charged with a violation of this 392
section shall be required to obtain a concealed handgun license 393
as a condition for the dismissal of the charge. 394

(F) (1) ~~Whoever~~ Except as provided in division (F) (4) of 395
this section, whoever violates this section is guilty of 396
carrying concealed weapons. Except as otherwise provided in this 397
division or divisions (F) (2), ~~(6) (7)~~, and ~~(7) (8)~~ of this 398
section, carrying concealed weapons in violation of division (A) 399
of this section is a misdemeanor of the first degree. Except as 400
otherwise provided in this division or divisions (F) (2), ~~(6) (7)~~, 401
and ~~(7) (8)~~ of this section, if the offender previously has been 402
convicted of a violation of this section or of any offense of 403
violence, if the weapon involved is a firearm that is either 404
loaded or for which the offender has ammunition ready at hand, 405
or if the weapon involved is dangerous ordnance, carrying 406
concealed weapons in violation of division (A) of this section 407
is a felony of the fourth degree. Except as otherwise provided 408
in divisions (F) (2) and ~~(6) (7)~~ of this section, if the offense 409
is committed aboard an aircraft, or with purpose to carry a 410
concealed weapon aboard an aircraft, regardless of the weapon 411
involved, carrying concealed weapons in violation of division 412
(A) of this section is a felony of the third degree. 413

(2) Except as provided in division (F) ~~(6) (7)~~ of this 414
section, if a person being arrested for a violation of division 415
(A) (2) of this section promptly produces a valid concealed 416
handgun license, and if at the time of the violation the person 417

was not knowingly in a place described in division (B) of 418
section 2923.126 of the Revised Code, the officer shall not 419
arrest the person for a violation of that division. If the 420
person is not able to promptly produce any concealed handgun 421
license and if the person is not in a place described in that 422
section, the officer may arrest the person for a violation of 423
that division, and the offender shall be punished as follows: 424

(a) The offender shall be guilty of a minor misdemeanor if 425
both of the following apply: 426

(i) Within ten days after the arrest, the offender 427
presents a concealed handgun license, which license was valid at 428
the time of the arrest to the law enforcement agency that 429
employs the arresting officer. 430

(ii) At the time of the arrest, the offender was not 431
knowingly in a place described in division (B) of section 432
2923.126 of the Revised Code. 433

(b) The offender shall be guilty of a misdemeanor and 434
shall be fined five hundred dollars if all of the following 435
apply: 436

(i) The offender previously had been issued a concealed 437
handgun license, and that license expired within the two years 438
immediately preceding the arrest. 439

(ii) Within forty-five days after the arrest, the offender 440
presents a concealed handgun license to the law enforcement 441
agency that employed the arresting officer, and the offender 442
waives in writing the offender's right to a speedy trial on the 443
charge of the violation that is provided in section 2945.71 of 444
the Revised Code. 445

(iii) At the time of the commission of the offense, the 446

offender was not knowingly in a place described in division (B) 447
of section 2923.126 of the Revised Code. 448

(c) If divisions (F) (2) (a) and (b) and (F) ~~(6)~~ (7) of this 449
section do not apply, the offender shall be punished under 450
division (F) (1) or ~~(7)~~ (8) of this section. 451

(3) Except as otherwise provided in this division, 452
carrying concealed weapons in violation of division (B) (1) of 453
this section is a misdemeanor of the first degree, and, in 454
addition to any other penalty or sanction imposed for a 455
violation of division (B) (1) of this section, the offender's 456
concealed handgun license shall be suspended pursuant to 457
division (A) (2) of section 2923.128 of the Revised Code. If, at 458
the time of the stop of the offender for a law enforcement 459
purpose that was the basis of the violation, any law enforcement 460
officer involved with the stop had actual knowledge that the 461
offender has been issued a concealed handgun license, carrying 462
concealed weapons in violation of division (B) (1) of this 463
section is a minor misdemeanor, and the offender's concealed 464
handgun license shall not be suspended pursuant to division (A) 465
(2) of section 2923.128 of the Revised Code. 466

(4) A person who has a valid concealed handgun license or 467
who is a qualified military member and who is discovered 468
carrying a concealed handgun onto land or premises in violation 469
of division (A) (2) of this section is subject to removal from 470
the premises but is not guilty of carrying concealed weapons, 471
and no law enforcement officer shall seize or authorize the 472
seizure of the person's handgun, ammunition, or accessories, 473
except as permitted under division (G) of this section. If the 474
person refuses or fails to leave the premises upon being 475
requested to do so by the individual in control of the premises 476

or by that individual's agent or employee, or returns within 477
thirty days to the same land or premises while knowingly in 478
possession of a firearm in violation of this section, the person 479
is guilty of disorderly conduct, as described in division (C) of 480
section 2917.11 of the Revised Code. 481

(5) Carrying concealed weapons in violation of division 482
(B) (2) or (4) of this section is a misdemeanor of the first 483
degree or, if the offender previously has been convicted of or 484
pleaded guilty to a violation of division (B) (2) or (4) of this 485
section, a felony of the fifth degree. In addition to any other 486
penalty or sanction imposed for a misdemeanor violation of 487
division (B) (2) or (4) of this section, the offender's concealed 488
handgun license shall be suspended pursuant to division (A) (2) 489
of section 2923.128 of the Revised Code. 490

~~(5)~~ (6) Carrying concealed weapons in violation of 491
division (B) (3) of this section is a felony of the fifth degree. 492

~~(6)~~ (7) If a person being arrested for a violation of 493
division (A) (2) of this section is an active duty member of the 494
armed forces of the United States and is carrying a valid 495
military identification card and documentation of successful 496
completion of firearms training that meets or exceeds the 497
training requirements described in division (G) (1) of section 498
2923.125 of the Revised Code, and if at the time of the 499
violation the person was not knowingly in a place described in 500
division (B) of section 2923.126 of the Revised Code, the 501
officer shall not arrest the person for a violation of that 502
division. If the person is not able to promptly produce a valid 503
military identification card and documentation of successful 504
completion of firearms training that meets or exceeds the 505
training requirements described in division (G) (1) of section 506

2923.125 of the Revised Code and if the person is not in a place 507
described in division (B) of section 2923.126 of the Revised 508
Code, the officer shall issue a citation and the offender shall 509
be assessed a civil penalty of not more than five hundred 510
dollars. The citation shall be automatically dismissed and the 511
civil penalty shall not be assessed if both of the following 512
apply: 513

(a) Within ten days after the issuance of the citation, 514
the offender presents a valid military identification card and 515
documentation of successful completion of firearms training that 516
meets or exceeds the training requirements described in division 517
(G) (1) of section 2923.125 of the Revised Code, which were both 518
valid at the time of the issuance of the citation to the law 519
enforcement agency that employs the citing officer. 520

(b) At the time of the citation, the offender was not 521
knowingly in a place described in division (B) of section 522
2923.126 of the Revised Code. 523

~~(7)~~(8) If a person being arrested for a violation of 524
division (A) (2) of this section is knowingly in a place 525
described in division (B) (5) of section 2923.126 of the Revised 526
Code and is not authorized to carry a handgun or have a handgun 527
concealed on the person's person or concealed ready at hand 528
under that division, the penalty shall be as follows: 529

(a) Except as otherwise provided in this division, if the 530
person produces a valid concealed handgun license within ten 531
days after the arrest and has not previously been convicted or 532
pleaded guilty to a violation of division (A) (2) of this 533
section, the person is guilty of a minor misdemeanor; 534

(b) Except as otherwise provided in this division, if the 535

person has previously been convicted of or pleaded guilty to a 536
violation of division (A) (2) of this section, the person is 537
guilty of a misdemeanor of the fourth degree; 538

(c) Except as otherwise provided in this division, if the 539
person has previously been convicted of or pleaded guilty to two 540
violations of division (A) (2) of this section, the person is 541
guilty of a misdemeanor of the third degree; 542

(d) Except as otherwise provided in this division, if the 543
person has previously been convicted of or pleaded guilty to 544
three or more violations of division (A) (2) of this section, or 545
convicted of or pleaded guilty to any offense of violence, if 546
the weapon involved is a firearm that is either loaded or for 547
which the offender has ammunition ready at hand, or if the 548
weapon involved is a dangerous ordnance, the person is guilty of 549
a misdemeanor of the second degree. 550

(G) If a law enforcement officer stops a person to 551
question the person regarding a possible violation of this 552
section, for a traffic stop, or for any other law enforcement 553
purpose, if the person surrenders a firearm to the officer, 554
either voluntarily or pursuant to a request or demand of the 555
officer, and if the officer does not charge the person with a 556
violation of this section or arrest the person for any offense, 557
the person is not otherwise prohibited by law from possessing 558
the firearm, and the firearm is not contraband, the officer 559
shall return the firearm to the person at the termination of the 560
stop. If a court orders a law enforcement officer to return a 561
firearm to a person pursuant to the requirement set forth in 562
this division, division (B) of section 2923.163 of the Revised 563
Code applies. 564

Sec. 2923.121. (A) No person shall possess a firearm in 565

any room in which any person is consuming beer or intoxicating 566
liquor in a premises for which a D permit has been issued under 567
Chapter 4303. of the Revised Code or in an open air arena for 568
which a permit of that nature has been issued. 569

(B) (1) This section does not apply to any of the 570
following: 571

(a) An officer, agent, or employee of this or any other 572
state or the United States, or to a law enforcement officer, who 573
is authorized to carry firearms and is acting within the scope 574
of the officer's, agent's, or employee's duties; 575

(b) Any person who is employed in this state, who is 576
authorized to carry firearms, and who is subject to and in 577
compliance with the requirements of section 109.801 of the 578
Revised Code, unless the appointing authority of the person has 579
expressly specified that the exemption provided in division (B) 580
(1) (b) of this section does not apply to the person; 581

(c) Any room used for the accommodation of guests of a 582
hotel, as defined in section 4301.01 of the Revised Code; 583

(d) The principal holder of a D permit issued for a 584
premises or an open air arena under Chapter 4303. of the Revised 585
Code while in the premises or open air arena for which the 586
permit was issued if the principal holder of the D permit also 587
possesses a valid concealed handgun license and as long as the 588
principal holder is not consuming beer or intoxicating liquor or 589
under the influence of alcohol or a drug of abuse, or any agent 590
or employee of that holder who also is a peace officer, as 591
defined in section 2151.3515 of the Revised Code, who is off 592
duty, and who otherwise is authorized to carry firearms while in 593
the course of the officer's official duties and while in the 594

premises or open air arena for which the permit was issued and 595
as long as the agent or employee of that holder is not consuming 596
beer or intoxicating liquor or under the influence of alcohol or 597
a drug of abuse. 598

(e) Any person who is carrying a valid concealed handgun 599
license or any person who is an active duty member of the armed 600
forces of the United States and is carrying a valid military 601
identification card and documentation of successful completion 602
of firearms training that meets or exceeds the training 603
requirements described in division (G) (1) of section 2923.125 of 604
the Revised Code, as long as the person is not consuming beer or 605
intoxicating liquor or under the influence of alcohol or a drug 606
of abuse. 607

(2) This section does not prohibit any person who is a 608
member of a veteran's organization, as defined in section 609
2915.01 of the Revised Code, from possessing a rifle in any room 610
in any premises owned, leased, or otherwise under the control of 611
the veteran's organization, if the rifle is not loaded with live 612
ammunition and if the person otherwise is not prohibited by law 613
from having the rifle. 614

(3) This section does not apply to any person possessing 615
or displaying firearms in any room used to exhibit unloaded 616
firearms for sale or trade in a soldiers' memorial established 617
pursuant to Chapter 345. of the Revised Code, in a convention 618
center, or in any other public meeting place, if the person is 619
an exhibitor, trader, purchaser, or seller of firearms and is 620
not otherwise prohibited by law from possessing, trading, 621
purchasing, or selling the firearms. 622

(C) It is an affirmative defense to a charge under this 623
section of illegal possession of a firearm in a liquor permit 624

premises that involves the possession of a firearm other than a handgun, that the actor was not otherwise prohibited by law from having the firearm, and that any of the following apply:

(1) The firearm 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 such character or was necessarily carried on in such manner or at such 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 firearm 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 or a member of the actor's family, or upon the actor's home, such as would justify a prudent person in going armed.

(D) 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.

~~(E) Whoever~~ (1) Except as provided in division (E) (2) of this section, 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.

(2) A person who has a valid concealed handgun license or 654
who is a qualified military member and who is discovered 655
carrying a concealed handgun onto premises in violation of this 656
section is subject to removal from the premises but is not 657
guilty of illegal possession of a firearm in a liquor permit 658
premises, and no law enforcement officer shall seize or 659
authorize the seizure of the person's handgun, ammunition, or 660
accessories, except as permitted under division (G) of section 661
2923.12 of the Revised Code. If the person refuses or fails to 662
leave the premises upon being requested to do so by the owner, 663
lessee, or person in control of the premises or by that 664
individual's agent or employee, or returns within thirty days to 665
the same premises while knowingly in possession of a firearm in 666
violation of this section, the person is guilty of disorderly 667
conduct, as described in division (C) of section 2917.11 of the 668
Revised Code. 669

(F) As used in this section, "beer" and "intoxicating 670
liquor" have the same meanings as in section 4301.01 of the 671
Revised Code. 672

Sec. 2923.122. (A) No person shall knowingly convey, or 673
attempt to convey, a deadly weapon or dangerous ordnance into a 674
school safety zone. 675

(B) No person shall knowingly possess a deadly weapon or 676
dangerous ordnance in a school safety zone. 677

(C) No person shall knowingly possess an object in a 678
school safety zone if both of the following apply: 679

(1) The object is indistinguishable from a firearm, 680
whether or not the object is capable of being fired. 681

(2) The person indicates that the person possesses the 682

object and that it is a firearm, or the person knowingly 683
displays or brandishes the object and indicates that it is a 684
firearm. 685

(D) (1) This section does not apply to any of the 686
following: 687

(a) An officer, agent, or employee of this or any other 688
state or the United States who is authorized to carry deadly 689
weapons or dangerous ordnance and is acting within the scope of 690
the officer's, agent's, or employee's duties, a law enforcement 691
officer who is authorized to carry deadly weapons or dangerous 692
ordnance, a security officer employed by a board of education or 693
governing body of a school during the time that the security 694
officer is on duty pursuant to that contract of employment, or 695
any other person who has written authorization from the board of 696
education or governing body of a school to convey deadly weapons 697
or dangerous ordnance into a school safety zone or to possess a 698
deadly weapon or dangerous ordnance in a school safety zone and 699
who conveys or possesses the deadly weapon or dangerous ordnance 700
in accordance with that authorization; 701

(b) Any person who is employed in this state, who is 702
authorized to carry deadly weapons or dangerous ordnance, and 703
who is subject to and in compliance with the requirements of 704
section 109.801 of the Revised Code, unless the appointing 705
authority of the person has expressly specified that the 706
exemption provided in division (D) (1) (b) of this section does 707
not apply to the person. 708

(2) Division (C) of this section does not apply to 709
premises upon which home schooling is conducted. Division (C) of 710
this section also does not apply to a school administrator, 711
teacher, or employee who possesses an object that is 712

indistinguishable from a firearm for legitimate school purposes 713
during the course of employment, a student who uses an object 714
that is indistinguishable from a firearm under the direction of 715
a school administrator, teacher, or employee, or any other 716
person who with the express prior approval of a school 717
administrator possesses an object that is indistinguishable from 718
a firearm for a legitimate purpose, including the use of the 719
object in a ceremonial activity, a play, reenactment, or other 720
dramatic presentation, school safety training, or a ROTC 721
activity or another similar use of the object. 722

(3) This section does not apply to a person who conveys or 723
attempts to convey a handgun into, or possesses a handgun in, a 724
school safety zone if, at the time of that conveyance, attempted 725
conveyance, or possession of the handgun, all of the following 726
apply: 727

(a) The person does not enter into a school building or 728
onto school premises and is not at a school activity. 729

(b) The person is carrying a valid concealed handgun 730
license or the person is an active duty member of the armed 731
forces of the United States and is carrying a valid military 732
identification card and documentation of successful completion 733
of firearms training that meets or exceeds the training 734
requirements described in division (G) (1) of section 2923.125 of 735
the Revised Code. 736

(c) The person is in the school safety zone in accordance 737
with 18 U.S.C. 922(q) (2) (B). 738

(d) The person is not knowingly in a place described in 739
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 740
Revised Code. 741

(4) This section does not apply to a person who conveys or 742
attempts to convey a handgun into, or possesses a handgun in, a 743
school safety zone if at the time of that conveyance, attempted 744
conveyance, or possession of the handgun all of the following 745
apply: 746

(a) The person is carrying a valid concealed handgun 747
license or the person is an active duty member of the armed 748
forces of the United States and is carrying a valid military 749
identification card and documentation of successful completion 750
of firearms training that meets or exceeds the training 751
requirements described in division (G) (1) of section 2923.125 of 752
the Revised Code. 753

(b) The person leaves the handgun in a motor vehicle. 754

(c) The handgun does not leave the motor vehicle. 755

(d) If the person exits the motor vehicle, the person 756
locks the motor vehicle. 757

(E) (1) ~~Whoever~~ (a) Except as provided in division (E) (1) 758
(b) of this section, whoever violates division (A) or (B) of 759
this section is guilty of illegal conveyance or possession of a 760
deadly weapon or dangerous ordnance in a school safety zone. 761
Except as otherwise provided in this division, illegal 762
conveyance or possession of a deadly weapon or dangerous 763
ordnance in a school safety zone is a felony of the fifth 764
degree. If the offender previously has been convicted of a 765
violation of this section, illegal conveyance or possession of a 766
deadly weapon or dangerous ordnance in a school safety zone is a 767
felony of the fourth degree. 768

(b) A person who has a valid concealed handgun license or 769
who is a qualified military member and who is discovered 770

carrying a concealed handgun in a school safety zone in 771
violation of division (A) or (B) of this section is subject to 772
removal from the school safety zone but is not guilty of illegal 773
conveyance or possession of a deadly weapon or dangerous 774
ordnance in a school safety zone, and no law enforcement officer 775
shall seize or authorize the seizure of the person's handgun, 776
ammunition, or accessories, except as permitted under division 777
(G) of section 2923.12 of the Revised Code. If the person 778
refuses or fails to leave the school safety zone upon being 779
requested to do so by the individual in control of the premises 780
or by that individual's agent or employee, or returns within 781
thirty days to the same school safety zone while knowingly in 782
possession of a firearm in violation of this section, the person 783
is guilty of disorderly conduct, as described in division (C) of 784
section 2917.11 of the Revised Code. 785

(2) Whoever violates division (C) of this section is 786
guilty of illegal possession of an object indistinguishable from 787
a firearm in a school safety zone. Except as otherwise provided 788
in this division, illegal possession of an object 789
indistinguishable from a firearm in a school safety zone is a 790
misdemeanor of the first degree. If the offender previously has 791
been convicted of a violation of this section, illegal 792
possession of an object indistinguishable from a firearm in a 793
school safety zone is a felony of the fifth degree. 794

(F) (1) In addition to any other penalty imposed upon a 795
person who is convicted of or pleads guilty to a violation of 796
this section and subject to division (F) (2) of this section, if 797
the offender has not attained nineteen years of age, regardless 798
of whether the offender is attending or is enrolled in a school 799
operated by a board of education or for which the state board of 800
education prescribes minimum standards under section 3301.07 of 801

the Revised Code, the court shall impose upon the offender a 802
class four suspension of the offender's probationary driver's 803
license, restricted license, driver's license, commercial 804
driver's license, temporary instruction permit, or probationary 805
commercial driver's license that then is in effect from the 806
range specified in division (A)(4) of section 4510.02 of the 807
Revised Code and shall deny the offender the issuance of any 808
permit or license of that type during the period of the 809
suspension. 810

If the offender is not a resident of this state, the court 811
shall impose a class four suspension of the nonresident 812
operating privilege of the offender from the range specified in 813
division (A)(4) of section 4510.02 of the Revised Code. 814

(2) If the offender shows good cause why the court should 815
not suspend one of the types of licenses, permits, or privileges 816
specified in division (F)(1) of this section or deny the 817
issuance of one of the temporary instruction permits specified 818
in that division, the court in its discretion may choose not to 819
impose the suspension, revocation, or denial required in that 820
division, but the court, in its discretion, instead may require 821
the offender to perform community service for a number of hours 822
determined by the court. 823

(G) As used in this section, "object that is 824
indistinguishable from a firearm" means an object made, 825
constructed, or altered so that, to a reasonable person without 826
specialized training in firearms, the object appears to be a 827
firearm. 828

Sec. 2923.123. (A) No person shall knowingly convey or 829
attempt to convey a deadly weapon or dangerous ordnance into a 830
courthouse or into another building or structure in which a 831

courtroom is located. 832

(B) No person shall knowingly possess or have under the 833
person's control a deadly weapon or dangerous ordnance in a 834
courthouse or in another building or structure in which a 835
courtroom is located. 836

(C) This section does not apply to any of the following: 837

(1) Except as provided in division (E) of this section, a 838
judge of a court of record of this state or a magistrate; 839

(2) A peace officer, officer of a law enforcement agency, 840
or person who is in either of the following categories: 841

(a) Except as provided in division (E) of this section, a 842
peace officer, or an officer of a law enforcement agency of 843
another state, a political subdivision of another state, or the 844
United States, who is authorized to carry a deadly weapon or 845
dangerous ordnance, who possesses or has under that individual's 846
control a deadly weapon or dangerous ordnance as a requirement 847
of that individual's duties, and who is acting within the scope 848
of that individual's duties at the time of that possession or 849
control; 850

(b) Except as provided in division (E) of this section, a 851
person who is employed in this state, who is authorized to carry 852
a deadly weapon or dangerous ordnance, who possesses or has 853
under that individual's control a deadly weapon or dangerous 854
ordnance as a requirement of that person's duties, and who is 855
subject to and in compliance with the requirements of section 856
109.801 of the Revised Code, unless the appointing authority of 857
the person has expressly specified that the exemption provided 858
in division (C) (2) (b) of this section does not apply to the 859
person. 860

(3) A person who conveys, attempts to convey, possesses, 861
or has under the person's control a deadly weapon or dangerous 862
ordnance that is to be used as evidence in a pending criminal or 863
civil action or proceeding; 864

(4) Except as provided in division (E) of this section, a 865
bailiff or deputy bailiff of a court of record of this state who 866
is authorized to carry a firearm pursuant to section 109.77 of 867
the Revised Code, who possesses or has under that individual's 868
control a firearm as a requirement of that individual's duties, 869
and who is acting within the scope of that individual's duties 870
at the time of that possession or control; 871

(5) Except as provided in division (E) of this section, a 872
prosecutor, or a secret service officer appointed by a county 873
prosecuting attorney, who is authorized to carry a deadly weapon 874
or dangerous ordnance in the performance of the individual's 875
duties, who possesses or has under that individual's control a 876
deadly weapon or dangerous ordnance as a requirement of that 877
individual's duties, and who is acting within the scope of that 878
individual's duties at the time of that possession or control; 879

(6) Except as provided in division (E) of this section, a 880
person who conveys or attempts to convey a handgun into a 881
courthouse or into another building or structure in which a 882
courtroom is located, who, at the time of the conveyance or 883
attempt, either is carrying a valid concealed handgun license or 884
is an active duty member of the armed forces of the United 885
States and is carrying a valid military identification card and 886
documentation of successful completion of firearms training that 887
meets or exceeds the training requirements described in division 888
(G) (1) of section 2923.125 of the Revised Code, and who 889
transfers possession of the handgun to the officer or officer's 890

designee who has charge of the courthouse or building. The 891
officer shall secure the handgun until the licensee is prepared 892
to leave the premises. The exemption described in this division 893
applies only if the officer who has charge of the courthouse or 894
building provides services of the nature described in this 895
division. An officer who has charge of the courthouse or 896
building is not required to offer services of the nature 897
described in this division. 898

(D) (1) ~~Whoever~~ Except as provided in division (D) (3) of 899
this section, whoever violates division (A) of this section is 900
guilty of illegal conveyance of a deadly weapon or dangerous 901
ordnance into a courthouse. Except as otherwise provided in this 902
division, illegal conveyance of a deadly weapon or dangerous 903
ordnance into a courthouse is a felony of the fifth degree. If 904
the offender previously has been convicted of a violation of 905
division (A) or (B) of this section, illegal conveyance of a 906
deadly weapon or dangerous ordnance into a courthouse is a 907
felony of the fourth degree. 908

(2) ~~Whoever~~ Except as provided in division (D) (3) of this 909
section, whoever violates division (B) of this section is guilty 910
of illegal possession or control of a deadly weapon or dangerous 911
ordnance in a courthouse. Except as otherwise provided in this 912
division, illegal possession or control of a deadly weapon or 913
dangerous ordnance in a courthouse is a felony of the fifth 914
degree. If the offender previously has been convicted of a 915
violation of division (A) or (B) of this section, illegal 916
possession or control of a deadly weapon or dangerous ordnance 917
in a courthouse is a felony of the fourth degree. 918

(3) A person who has a valid concealed handgun license or 919
who is a qualified military member and who is discovered 920

conveying, possessing, or controlling a concealed handgun in 921
violation of division (A) or (B) of this section is subject to 922
removal from the premises but is not guilty of illegal 923
conveyance of a deadly weapon or dangerous ordnance into a 924
courthouse or of illegal possession or control of a deadly 925
weapon or dangerous ordnance in a courthouse, as applicable, and 926
no law enforcement officer shall seize or authorize the seizure 927
of the person's handgun, ammunition, or accessories, except as 928
permitted under division (G) of section 2923.12 of the Revised 929
Code. If the person refuses or fails to leave the premises upon 930
being requested to do so by the individual in control of the 931
premises or by that individual's agent or employee, or returns 932
within thirty days to the same premises while knowingly in 933
possession of a firearm in violation of this section, the person 934
is guilty of disorderly conduct, as described in division (C) of 935
section 2917.11 of the Revised Code. 936

(E) The exemptions described in divisions (C) (1), (2) (a), 937
(2) (b), (4), (5), and (6) of this section do not apply to any 938
judge, magistrate, peace officer, officer of a law enforcement 939
agency, bailiff, deputy bailiff, prosecutor, secret service 940
officer, or other person described in any of those divisions if 941
a rule of superintendence or another type of rule adopted by the 942
supreme court pursuant to Article IV, Ohio Constitution, or an 943
applicable local rule of court prohibits all persons from 944
conveying or attempting to convey a deadly weapon or dangerous 945
ordnance into a courthouse or into another building or structure 946
in which a courtroom is located or from possessing or having 947
under one's control a deadly weapon or dangerous ordnance in a 948
courthouse or in another building or structure in which a 949
courtroom is located. 950

(F) As used in this section: 951

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

If a licensee is the driver or an occupant of a motor vehicle that is stopped as the result of a traffic stop or a stop for another law enforcement purpose and if the licensee is transporting or has a loaded handgun in the motor vehicle at that time, the licensee shall promptly inform any law enforcement officer who approaches the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun; the licensee shall not knowingly disregard or fail to

comply with lawful orders of a law enforcement officer given 982
while the motor vehicle is stopped, knowingly fail to remain in 983
the motor vehicle while stopped, or knowingly fail to keep the 984
licensee's hands in plain sight after any law enforcement 985
officer begins approaching the licensee while stopped and before 986
the officer leaves, unless directed otherwise by a law 987
enforcement officer; and the licensee shall not knowingly have 988
contact with the loaded handgun by touching it with the 989
licensee's hands or fingers, in any manner in violation of 990
division (E) of section 2923.16 of the Revised Code, after any 991
law enforcement officer begins approaching the licensee while 992
stopped and before the officer leaves. Additionally, if a 993
licensee is the driver or an occupant of a commercial motor 994
vehicle that is stopped by an employee of the motor carrier 995
enforcement unit for the purposes defined in section 5503.34 of 996
the Revised Code and if the licensee is transporting or has a 997
loaded handgun in the commercial motor vehicle at that time, the 998
licensee shall promptly inform the employee of the unit who 999
approaches the vehicle while stopped that the licensee has been 1000
issued a concealed handgun license and that the licensee 1001
currently possesses or has a loaded handgun. 1002

If a licensee is stopped for a law enforcement purpose and 1003
if the licensee is carrying a concealed handgun at the time the 1004
officer approaches, the licensee shall promptly inform any law 1005
enforcement officer who approaches the licensee while stopped 1006
that the licensee has been issued a concealed handgun license 1007
and that the licensee currently is carrying a concealed handgun; 1008
the licensee shall not knowingly disregard or fail to comply 1009
with lawful orders of a law enforcement officer given while the 1010
licensee is stopped or knowingly fail to keep the licensee's 1011
hands in plain sight after any law enforcement officer begins 1012

approaching the licensee while stopped and before the officer 1013
leaves, unless directed otherwise by a law enforcement officer; 1014
and the licensee shall not knowingly remove, attempt to remove, 1015
grasp, or hold the loaded handgun or knowingly have contact with 1016
the loaded handgun by touching it with the licensee's hands or 1017
fingers, in any manner in violation of division (B) of section 1018
2923.12 of the Revised Code, after any law enforcement officer 1019
begins approaching the licensee while stopped and before the 1020
officer leaves. 1021

(B) A valid concealed handgun license does not authorize 1022
the licensee to carry a concealed handgun in any manner 1023
prohibited under division (B) of section 2923.12 of the Revised 1024
Code or in any manner prohibited under section 2923.16 of the 1025
Revised Code. A valid license does not authorize the licensee to 1026
carry a concealed handgun into any of the following places: 1027

(1) A police station, sheriff's office, or state highway 1028
patrol station, premises controlled by the bureau of criminal 1029
identification and investigation; a state correctional 1030
institution, jail, workhouse, or other detention facility; any 1031
area of an airport passenger terminal that is beyond a passenger 1032
or property screening checkpoint or to which access is 1033
restricted through security measures by the airport authority or 1034
a public agency; or an institution that is maintained, operated, 1035
managed, and governed pursuant to division (A) of section 1036
5119.14 of the Revised Code or division (A) (1) of section 1037
5123.03 of the Revised Code; 1038

(2) A school safety zone if the licensee's carrying the 1039
concealed handgun is in violation of section 2923.122 of the 1040
Revised Code; 1041

(3) A courthouse or another building or structure in which 1042

a courtroom is located, in violation of section 2923.123 of the Revised Code; 1043
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(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code; 1045
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(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises; 1049
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(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise; 1059
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(7) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building; 1062
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(8) A place in which federal law prohibits the carrying of 1071

handguns. 1072

(C) (1) Nothing in this section shall negate or restrict a 1073
rule, policy, or practice of a private employer that is not a 1074
private college, university, or other institution of higher 1075
education concerning or prohibiting the presence of firearms on 1076
the private employer's premises or property, including motor 1077
vehicles owned by the private employer. Nothing in this section 1078
shall require a private employer of that nature to adopt a rule, 1079
policy, or practice concerning or prohibiting the presence of 1080
firearms on the private employer's premises or property, 1081
including motor vehicles owned by the private employer. 1082

(2) (a) A private employer shall be immune from liability 1083
in a civil action for any injury, death, or loss to person or 1084
property that allegedly was caused by or related to a licensee 1085
bringing a handgun onto the premises or property of the private 1086
employer, including motor vehicles owned by the private 1087
employer, unless the private employer acted with malicious 1088
purpose. A private employer is immune from liability in a civil 1089
action for any injury, death, or loss to person or property that 1090
allegedly was caused by or related to the private employer's 1091
decision to permit a licensee to bring, or prohibit a licensee 1092
from bringing, a handgun onto the premises or property of the 1093
private employer. 1094

(b) A political subdivision shall be immune from liability 1095
in a civil action, to the extent and in the manner provided in 1096
Chapter 2744. of the Revised Code, for any injury, death, or 1097
loss to person or property that allegedly was caused by or 1098
related to a licensee bringing a handgun onto any premises or 1099
property owned, leased, or otherwise under the control of the 1100
political subdivision. As used in this division, "political 1101

subdivision" has the same meaning as in section 2744.01 of the Revised Code.

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

(3) (a) Except as provided in division (C) (3) (b) of this section, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division or division (C) (3) (c) of this section, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of division (A) (4) of section 2911.21 of the Revised Code and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under section 2911.21 of the Revised Code or under any other criminal law of

this state or criminal law, ordinance, or resolution of a 1133
political subdivision of this state, and instead, except as 1134
otherwise provided in division (C) (3) (c) of this section, the 1135
person is subject only to a civil cause of action for trespass 1136
based on the violation. 1137

~~If~~ Except as provided in division (C) (3) (c) of this 1138
section, if a person knowingly violates a posted prohibition of 1139
the nature described in this division and the posted land or 1140
premises is a child day-care center, type A family day-care 1141
home, or type B family day-care home, unless the person is a 1142
licensee who resides in a type A family day-care home or type B 1143
family day-care home, the person is guilty of aggravated 1144
trespass in violation of section 2911.211 of the Revised Code. 1145
Except as otherwise provided in this division, the offender is 1146
guilty of a misdemeanor of the first degree. If the person 1147
previously has been convicted of a violation of this division or 1148
of any offense of violence, if the weapon involved is a firearm 1149
that is either loaded or for which the offender has ammunition 1150
ready at hand, or if the weapon involved is dangerous ordnance, 1151
the offender is guilty of a felony of the fourth degree. 1152

(b) A landlord may not prohibit or restrict a tenant who 1153
is a licensee and who on or after September 9, 2008, enters into 1154
a rental agreement with the landlord for the use of residential 1155
premises, and the tenant's guest while the tenant is present, 1156
from lawfully carrying or possessing a handgun on those 1157
residential premises. 1158

(c) A person who has a valid concealed handgun license or 1159
who is a qualified military member who is discovered carrying a 1160
concealed handgun onto land or premises in violation of a sign 1161
posted under division (C) (3) (a) of this section is subject to 1162

removal from the land or premises but is not guilty of criminal 1163
trespass or aggravated trespass based on the violation, is not 1164
subject to a civil cause of action for trespass based on the 1165
violation, and, except as otherwise provided in this division, 1166
is not guilty of disorderly conduct based on the violation, and 1167
no law enforcement officer shall seize or authorize the seizure 1168
of the person's handgun, ammunition, or accessories based on the 1169
violation, except as permitted under division (G) of section 1170
2923.12 of the Revised Code. If the person refuses or fails to 1171
leave the land or premises upon being requested to do so by the 1172
owner, lessee, or person in control of the land or premises or 1173
by the individual's agent or employee, or the person returns 1174
within thirty days to the same land or premises while knowingly 1175
in possession of a firearm in violation of a sign posted under 1176
division (C) (3) (a) of this section, the person is guilty of 1177
disorderly conduct, as described in division (C) of section 1178
2917.11 of the Revised Code. 1179

(4) As used in division (C) (3) of this section: 1180

~~(i)~~ (a) "Residential premises" has the same meaning as in 1181
section 5321.01 of the Revised Code, except "residential 1182
premises" does not include a dwelling unit that is owned or 1183
operated by a college or university. 1184

~~(ii)~~ (b) "Landlord," "tenant," and "rental agreement" have 1185
the same meanings as in section 5321.01 of the Revised Code. 1186

(D) A person who holds a valid concealed handgun license 1187
issued by another state that is recognized by the attorney 1188
general pursuant to a reciprocity agreement entered into 1189
pursuant to section 109.69 of the Revised Code or a person who 1190
holds a valid concealed handgun license under the circumstances 1191
described in division (B) of section 109.69 of the Revised Code 1192

has the same right to carry a concealed handgun in this state as 1193
a person who was issued a concealed handgun license under 1194
section 2923.125 of the Revised Code and is subject to the same 1195
restrictions that apply to a person who carries a license issued 1196
under that section. 1197

(E) (1) A peace officer has the same right to carry a 1198
concealed handgun in this state as a person who was issued a 1199
concealed handgun license under section 2923.125 of the Revised 1200
Code. For purposes of reciprocity with other states, a peace 1201
officer shall be considered to be a licensee in this state. 1202

(2) An active duty member of the armed forces of the 1203
United States who is carrying a valid military identification 1204
card and documentation of successful completion of firearms 1205
training that meets or exceeds the training requirements 1206
described in division (G) (1) of section 2923.125 of the Revised 1207
Code has the same right to carry a concealed handgun in this 1208
state as a person who was issued a concealed handgun license 1209
under section 2923.125 of the Revised Code and is subject to the 1210
same restrictions as specified in this section. 1211

(F) (1) A qualified retired peace officer who possesses a 1212
retired peace officer identification card issued pursuant to 1213
division (F) (2) of this section and a valid firearms 1214
requalification certification issued pursuant to division (F) (3) 1215
of this section has the same right to carry a concealed handgun 1216
in this state as a person who was issued a concealed handgun 1217
license under section 2923.125 of the Revised Code and is 1218
subject to the same restrictions that apply to a person who 1219
carries a license issued under that section. For purposes of 1220
reciprocity with other states, a qualified retired peace officer 1221
who possesses a retired peace officer identification card issued 1222

pursuant to division (F) (2) of this section and a valid firearms 1223
requalification certification issued pursuant to division (F) (3) 1224
of this section shall be considered to be a licensee in this 1225
state. 1226

(2) (a) Each public agency of this state or of a political 1227
subdivision of this state that is served by one or more peace 1228
officers shall issue a retired peace officer identification card 1229
to any person who retired from service as a peace officer with 1230
that agency, if the issuance is in accordance with the agency's 1231
policies and procedures and if the person, with respect to the 1232
person's service with that agency, satisfies all of the 1233
following: 1234

(i) The person retired in good standing from service as a 1235
peace officer with the public agency, and the retirement was not 1236
for reasons of mental instability. 1237

(ii) Before retiring from service as a peace officer with 1238
that agency, the person was authorized to engage in or supervise 1239
the prevention, detection, investigation, or prosecution of, or 1240
the incarceration of any person for, any violation of law and 1241
the person had statutory powers of arrest. 1242

(iii) At the time of the person's retirement as a peace 1243
officer with that agency, the person was trained and qualified 1244
to carry firearms in the performance of the peace officer's 1245
duties. 1246

(iv) Before retiring from service as a peace officer with 1247
that agency, the person was regularly employed as a peace 1248
officer for an aggregate of fifteen years or more, or, in the 1249
alternative, the person retired from service as a peace officer 1250
with that agency, after completing any applicable probationary 1251

period of that service, due to a service-connected disability, 1252
as determined by the agency. 1253

(b) A retired peace officer identification card issued to 1254
a person under division (F) (2) (a) of this section shall identify 1255
the person by name, contain a photograph of the person, identify 1256
the public agency of this state or of the political subdivision 1257
of this state from which the person retired as a peace officer 1258
and that is issuing the identification card, and specify that 1259
the person retired in good standing from service as a peace 1260
officer with the issuing public agency and satisfies the 1261
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1262
section. In addition to the required content specified in this 1263
division, a retired peace officer identification card issued to 1264
a person under division (F) (2) (a) of this section may include 1265
the firearms requalification certification described in division 1266
(F) (3) of this section, and if the identification card includes 1267
that certification, the identification card shall serve as the 1268
firearms requalification certification for the retired peace 1269
officer. If the issuing public agency issues credentials to 1270
active law enforcement officers who serve the agency, the agency 1271
may comply with division (F) (2) (a) of this section by issuing 1272
the same credentials to persons who retired from service as a 1273
peace officer with the agency and who satisfy the criteria set 1274
forth in divisions (F) (2) (a) (i) to (iv) of this section, 1275
provided that the credentials so issued to retired peace 1276
officers are stamped with the word "RETIRED." 1277

(c) A public agency of this state or of a political 1278
subdivision of this state may charge persons who retired from 1279
service as a peace officer with the agency a reasonable fee for 1280
issuing to the person a retired peace officer identification 1281
card pursuant to division (F) (2) (a) of this section. 1282

(3) If a person retired from service as a peace officer 1283
with a public agency of this state or of a political subdivision 1284
of this state and the person satisfies the criteria set forth in 1285
divisions (F) (2) (a) (i) to (iv) of this section, the public 1286
agency may provide the retired peace officer with the 1287
opportunity to attend a firearms requalification program that is 1288
approved for purposes of firearms requalification required under 1289
section 109.801 of the Revised Code. The retired peace officer 1290
may be required to pay the cost of the course. 1291

If a retired peace officer who satisfies the criteria set 1292
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 1293
a firearms requalification program that is approved for purposes 1294
of firearms requalification required under section 109.801 of 1295
the Revised Code, the retired peace officer's successful 1296
completion of the firearms requalification program requalifies 1297
the retired peace officer for purposes of division (F) of this 1298
section for five years from the date on which the program was 1299
successfully completed, and the requalification is valid during 1300
that five-year period. If a retired peace officer who satisfies 1301
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1302
section satisfactorily completes such a firearms requalification 1303
program, the retired peace officer shall be issued a firearms 1304
requalification certification that identifies the retired peace 1305
officer by name, identifies the entity that taught the program, 1306
specifies that the retired peace officer successfully completed 1307
the program, specifies the date on which the course was 1308
successfully completed, and specifies that the requalification 1309
is valid for five years from that date of successful completion. 1310
The firearms requalification certification for a retired peace 1311
officer may be included in the retired peace officer 1312
identification card issued to the retired peace officer under 1313

division (F) (2) of this section. 1314

A retired peace officer who attends a firearms 1315
requalification program that is approved for purposes of 1316
firearms requalification required under section 109.801 of the 1317
Revised Code may be required to pay the cost of the program. 1318

(G) As used in this section: 1319

(1) "Qualified retired peace officer" means a person who 1320
satisfies all of the following: 1321

(a) The person satisfies the criteria set forth in 1322
divisions (F) (2) (a) (i) to (v) of this section. 1323

(b) The person is not under the influence of alcohol or 1324
another intoxicating or hallucinatory drug or substance. 1325

(c) The person is not prohibited by federal law from 1326
receiving firearms. 1327

(2) "Retired peace officer identification card" means an 1328
identification card that is issued pursuant to division (F) (2) 1329
of this section to a person who is a retired peace officer. 1330

(3) "Government facility of this state or a political 1331
subdivision of this state" means any of the following: 1332

(a) A building or part of a building that is owned or 1333
leased by the government of this state or a political 1334
subdivision of this state and where employees of the government 1335
of this state or the political subdivision regularly are present 1336
for the purpose of performing their official duties as employees 1337
of the state or political subdivision; 1338

(b) The office of a deputy registrar serving pursuant to 1339
Chapter 4503. of the Revised Code that is used to perform deputy 1340

registrar functions. 1341

(4) "Governing body" has the same meaning as in section 1342
154.01 of the Revised Code. 1343

Sec. 2923.1212. (A) The following persons, boards, and 1344
entities, or designees, shall post in the following locations a 1345
sign that contains a statement in substantially the following 1346
form: "Unless otherwise authorized by law, pursuant to the Ohio 1347
Revised Code, no person shall knowingly possess, have under the 1348
person's control, convey, or attempt to convey a deadly weapon 1349
or dangerous ordnance onto these premises.": 1350

(1) The director of public safety or the person or board 1351
charged with the erection, maintenance, or repair of police 1352
stations, municipal jails, and the municipal courthouse and 1353
courtrooms in a conspicuous location at all police stations, 1354
municipal jails, and municipal courthouses and courtrooms; 1355

(2) The sheriff or sheriff's designee who has charge of 1356
the sheriff's office in a conspicuous location in that office; 1357

(3) The superintendent of the state highway patrol or the 1358
superintendent's designee in a conspicuous location at all state 1359
highway patrol stations; 1360

(4) Each sheriff, chief of police, or person in charge of 1361
every county, multicounty, municipal, municipal-county, or 1362
multicounty-municipal jail or workhouse, community-based 1363
correctional facility, halfway house, alternative residential 1364
facility, or other local or state correctional institution or 1365
detention facility within the state, or that person's designee, 1366
in a conspicuous location at that facility under that person's 1367
charge; 1368

(5) The board of trustees of a regional airport authority, 1369

chief administrative officer of an airport facility, or other 1370
person in charge of an airport facility in a conspicuous 1371
location at each ~~airport facility under that person's~~ 1372
~~control,~~ passenger or property screening checkpoint and wherever 1373
access is restricted through security measures by the airport 1374
authority or a public agency; 1375

(6) The officer or officer's designee who has charge of a 1376
courthouse or the building or structure in which a courtroom is 1377
located in a conspicuous location in that building or structure; 1378

(7) The superintendent of the bureau of criminal 1379
identification and investigation or the superintendent's 1380
designee in a conspicuous location in all premises controlled by 1381
that bureau; 1382

~~(8) The owner, administrator, or operator of a child day~~ 1383
~~care center, a type A family day care home, or a type B family~~ 1384
~~day care home;~~ 1385

~~(9)~~ The officer of this state or of a political 1386
subdivision of this state, or the officer's designee, who has 1387
charge of a building that is a government facility of this state 1388
or the political subdivision of this state, as defined in 1389
section 2923.126 of the Revised Code, and that is not a building 1390
that is used primarily as a shelter, restroom, parking facility 1391
for motor vehicles, or rest facility and is not a courthouse or 1392
other building or structure in which a courtroom is located that 1393
is subject to division (B) (3) of that section, unless the 1394
governing body with authority over the building has enacted a 1395
statute, ordinance, or policy that permits a licensee to carry a 1396
concealed handgun into the building. 1397

(B) The following boards, bodies, and persons, or 1398

designees, shall post in the following locations a sign that 1399
contains a statement in substantially the following form: 1400
"Unless otherwise authorized by law, pursuant to Ohio Revised 1401
Code section 2923.122, no person shall knowingly possess, have 1402
under the person's control, convey, or attempt to convey a 1403
deadly weapon or dangerous ordnance into a school safety zone.": 1404

(1) A board of education of a city, local, exempted 1405
village, or joint vocational school district or that board's 1406
designee in a conspicuous location in each building and on each 1407
parcel of real property owned or controlled by the board; 1408

(2) A governing body of a school for which the state board 1409
of education prescribes minimum standards under section 3301.07 1410
of the Revised Code or that body's designee in a conspicuous 1411
location in each building and on each parcel of real property 1412
owned or controlled by the school; 1413

(3) The principal or chief administrative officer of a 1414
nonpublic school in a conspicuous location on property owned or 1415
controlled by that nonpublic school. 1416

Section 2. That existing sections 2917.11, 2923.11, 1417
2923.12, 2923.121, 2923.122, 2923.123, 2923.126, and 2923.1212 1418
of the Revised Code are hereby repealed. 1419

Section 3. This act shall be known as the 1420
"Decriminalization Effort For Ending Notorious Deaths (DEFEND)." 1421