As Introduced

133rd General Assembly
Regular Session
2019-2020

H. B. No. 793

Representative Sheehy

A BILL

To amend Section 11 of H.B. 197 of the 133rd General Assembly, as subsequently amended, to extend license deadlines and allow licenses to remain valid until December 1, 2021, and to declare an emergency.

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

Section 1. That Section 11 of H.B. 197 of the 133rd General Assembly (as amended by H.B. 614 of the 133rd Assembly) be amended to read as follows:

Sec. 11. (A) As used in this section:

(1) "License" means any license, permit, certificate, commission, charter, registration, card, or other similar authority that is issued or conferred by a state agency, a political subdivision of this state, or an official of a political subdivision of this state.

(2) "Person" has the same meaning as in section 1.59 of the Revised Code.

(3) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of
any function of state government. "State agency" includes all of
the following:

(a) The nonprofit corporation formed under section 187.01
of the Revised Code;

(b) The Public Employees Retirement Board, Board of
Trustees of the Ohio Police and Fire Pension Fund, State
Teachers Retirement Board, School Employees Retirement Board,
and State Highway Patrol Retirement Board;

(c) A state institution of higher education as defined in
section 3345.011 of the Revised Code.

(B) If a state agency is required by law to take action
during the period of the emergency declared by Executive Order
2020-01D, issued March 9, 2020, but not beyond December 1, 2020,
if the period of the emergency continues beyond that date,
notwithstanding the date by which action is required to be taken
in accordance with that law, the state agency shall take that
action not later than the earlier of either ninety days after
the date the emergency ends or December 1, 2020.

(C)(1) Except as provided in division (E) of this section,
if a person is required by law to take action to maintain the
validity of a license during the period of the emergency
declared by Executive Order 2020-01D, issued on or after March
9, 2020, but not beyond December 1, 2020, if the period of the
emergency continues beyond that date 2021, notwithstanding the
date by which action with respect to that license is required to
be taken in accordance with that law, the person shall take that
action not later than 2021.

(2) Except as provided in division (E) of this section, a
license otherwise expiring pursuant to law during the period of the emergency declared by Executive Order 2020-01D, issued on or after March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date, notwithstanding the date on which the license expires in accordance with that law, remains valid until the earlier of either ninety days after the date the emergency ends or December 1, 2021, unless revoked, suspended, or otherwise subject to discipline or limitation under the applicable law for reasons other than delaying taking action to maintain the validity of the license in accordance with division (C)(1) of this section.

(D) Nothing in division (C) of this section limits the authority of a state agency, political subdivision, or official that issues a license to take disciplinary action under the applicable law against a person with respect to a license, provided that a state agency, political subdivision, or official shall not take disciplinary action against a person who delays in taking action to maintain the validity of the license in accordance with division (C)(1) of this section.

(E)(1) If a concealed handgun license has been issued to a person under section 2923.125 of the Revised Code and if the date on which that license was, or is, scheduled to expire falls on or after March 9, 2020, but not beyond June 30, 2021, notwithstanding that date of scheduled expiration or any other provision of law to the contrary, the date on which that license was, or is, scheduled to expire is hereby extended to the later of either ninety days or June 30, 2021, with the ninety-day extension period commencing on that date of scheduled expiration.

(2) Division (E)(1) of this section applies with respect
to a concealed handgun license that is described in that
division even if the date of scheduled expiration of that
license occurred prior to the effective date of this section, as
amended.

(F) If division (E)(1) of this section applies with
respect to a concealed handgun license, during the extension
period described in that division that is applicable to that
license and during the thirty-day grace period provided
subsequent to the license's expiration under division (A) of
section 2923.126 of the Revised Code, both of the following
apply:

(1) The license shall be valid for all purposes under the
law of this state.

(2) The person to whom the license was issued shall be
considered for all purposes under the law of this state to be a
holder of a valid license to carry a concealed handgun.

(G) If division (E) of this section applies with respect
to a concealed handgun license:

(1) The application of that division does not affect the
operation of section 2923.128 of the Revised Code, during the
applicable extension period described in that division or at any
other time.

(2) The provisions of section 2923.128 of the Revised Code
requiring the suspension or revocation of a concealed handgun
license for specified conduct, or for a specified activity or
factor, apply to the license with respect to which division (E)
of this section applies and to the person to whom the license
was issued, during the applicable extension period described in
that division or at any other time.
(H) This section does not apply to any of the following:

(1) An offender who has violent offender database duties as defined in section 2903.41 of the Revised Code;

(2) An offender who has a duty to register under section 2909.15 of the Revised Code;

(3) An offender who has a duty to register under section 2950.04 or 2950.041 of the Revised Code.

(I) No cause of action accrues due to the delay of an action taken under division (B), (C), or (E) of this section.

(J) The General Assembly encourages any person to whom the extension of time described in division (C)(1) or (E) of this section applies to make all reasonable efforts, taking into consideration the detrimental risks of COVID-19 to the health and safety of the person and other individuals, to take action with respect to a license within the extension granted under that division before the extension elapses.

Section 2. That existing Section 11 of H.B. 197 of the 133rd General Assembly (as amended by H.B. 614 of the 133rd Assembly) is hereby repealed.

Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to continue essential operation of various facets of state government and respond to the declared pandemic and global health emergency related to COVID-19. Therefore, this act shall go into immediate effect.