

As Reported by the House Criminal Justice Committee

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S. B. No. 140

Senator Uecker

**Cosponsors: Senators Roegner, Huffman, M., Obhof, Hoagland, Coley, Brenner,
Burke, Eklund, Hackett, Huffman, S., McColley, Schaffer, Thomas Representatives
Lang, Plummer**

A BILL

To amend sections 2923.12, 2923.18, and 2923.20 of 1
the Revised Code to exempt knives not used as 2
weapons from the prohibition against carrying 3
concealed weapons and to eliminate the 4
prohibition against manufacturing, possessing 5
for sale, selling, or furnishing certain weapons 6
other than firearms or dangerous ordnance. 7

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

Section 1. That sections 2923.12, 2923.18, and 2923.20 of 8
the Revised Code be amended to read as follows: 9

Sec. 2923.12. (A) No person shall knowingly carry or have, 10
concealed on the person's person or concealed ready at hand, any 11
of the following: 12

(1) A deadly weapon other than a handgun; 13

(2) A handgun other than a dangerous ordnance; 14

(3) A dangerous ordnance. 15

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

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

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

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

(4) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail

to comply with any lawful order of any law enforcement officer 46
given while the person is stopped, including, but not limited 47
to, a specific order to the person to keep the person's hands in 48
plain sight. 49

(C) (1) This section does not apply to any of the 50
following: 51

(a) An officer, agent, or employee of this or any other 52
state or the United States, or to a law enforcement officer, who 53
is authorized to carry concealed weapons or dangerous ordnance 54
or is authorized to carry handguns and is acting within the 55
scope of the officer's, agent's, or employee's duties; 56

(b) Any person who is employed in this state, who is 57
authorized to carry concealed weapons or dangerous ordnance or 58
is authorized to carry handguns, and who is subject to and in 59
compliance with the requirements of section 109.801 of the 60
Revised Code, unless the appointing authority of the person has 61
expressly specified that the exemption provided in division (C) 62
(1) (b) of this section does not apply to the person; 63

(c) A person's transportation or storage of a firearm, 64
other than a firearm described in divisions (G) to (M) of 65
section 2923.11 of the Revised Code, in a motor vehicle for any 66
lawful purpose if the firearm is not on the actor's person; 67

(d) A person's storage or possession of a firearm, other 68
than a firearm described in divisions (G) to (M) of section 69
2923.11 of the Revised Code, in the actor's own home for any 70
lawful purpose. 71

(2) Division (A) (2) of this section does not apply to any 72
person who, at the time of the alleged carrying or possession of 73
a handgun, either is carrying a valid concealed handgun license 74

or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code, unless the person knowingly is in a place described in division (B) of section 2923.126 of the Revised Code.

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

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

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

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

(E) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license

as a condition for the dismissal of the charge. 104

(F) (1) Whoever violates this section is guilty of carrying 105
concealed weapons. Except as otherwise provided in this division 106
or divisions (F) (2), (6), and (7) of this section, carrying 107
concealed weapons in violation of division (A) of this section 108
is a misdemeanor of the first degree. Except as otherwise 109
provided in this division or divisions (F) (2), (6), and (7) of 110
this section, if the offender previously has been convicted of a 111
violation of this section or of any offense of violence, if the 112
weapon involved is a firearm that is either loaded or for which 113
the offender has ammunition ready at hand, or if the weapon 114
involved is dangerous ordnance, carrying concealed weapons in 115
violation of division (A) of this section is a felony of the 116
fourth degree. Except as otherwise provided in divisions (F) (2) 117
and (6) of this section, if the offense is committed aboard an 118
aircraft, or with purpose to carry a concealed weapon aboard an 119
aircraft, regardless of the weapon involved, carrying concealed 120
weapons in violation of division (A) of this section is a felony 121
of the third degree. 122

(2) Except as provided in division (F) (6) of this section, 123
if a person being arrested for a violation of division (A) (2) of 124
this section promptly produces a valid concealed handgun 125
license, and if at the time of the violation the person was not 126
knowingly in a place described in division (B) of section 127
2923.126 of the Revised Code, the officer shall not arrest the 128
person for a violation of that division. If the person is not 129
able to promptly produce any concealed handgun license and if 130
the person is not in a place described in that section, the 131
officer may arrest the person for a violation of that division, 132
and the offender shall be punished as follows: 133

(a) The offender shall be guilty of a minor misdemeanor if 134
both of the following apply: 135

(i) Within ten days after the arrest, the offender 136
presents a concealed handgun license, which license was valid at 137
the time of the arrest to the law enforcement agency that 138
employs the arresting officer. 139

(ii) At the time of the arrest, the offender was not 140
knowingly in a place described in division (B) of section 141
2923.126 of the Revised Code. 142

(b) The offender shall be guilty of a misdemeanor and 143
shall be fined five hundred dollars if all of the following 144
apply: 145

(i) The offender previously had been issued a concealed 146
handgun license, and that license expired within the two years 147
immediately preceding the arrest. 148

(ii) Within forty-five days after the arrest, the offender 149
presents a concealed handgun license to the law enforcement 150
agency that employed the arresting officer, and the offender 151
waives in writing the offender's right to a speedy trial on the 152
charge of the violation that is provided in section 2945.71 of 153
the Revised Code. 154

(iii) At the time of the commission of the offense, the 155
offender was not knowingly in a place described in division (B) 156
of section 2923.126 of the Revised Code. 157

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 158
section do not apply, the offender shall be punished under 159
division (F) (1) or (7) of this section. 160

(3) Except as otherwise provided in this division, 161

carrying concealed weapons in violation of division (B) (1) of 162
this section is a misdemeanor of the first degree, and, in 163
addition to any other penalty or sanction imposed for a 164
violation of division (B) (1) of this section, the offender's 165
concealed handgun license shall be suspended pursuant to 166
division (A) (2) of section 2923.128 of the Revised Code. If, at 167
the time of the stop of the offender for a law enforcement 168
purpose that was the basis of the violation, any law enforcement 169
officer involved with the stop had actual knowledge that the 170
offender has been issued a concealed handgun license, carrying 171
concealed weapons in violation of division (B) (1) of this 172
section is a minor misdemeanor, and the offender's concealed 173
handgun license shall not be suspended pursuant to division (A) 174
(2) of section 2923.128 of the Revised Code. 175

(4) Carrying concealed weapons in violation of division 176
(B) (2) or (4) of this section is a misdemeanor of the first 177
degree or, if the offender previously has been convicted of or 178
pleaded guilty to a violation of division (B) (2) or (4) of this 179
section, a felony of the fifth degree. In addition to any other 180
penalty or sanction imposed for a misdemeanor violation of 181
division (B) (2) or (4) of this section, the offender's concealed 182
handgun license shall be suspended pursuant to division (A) (2) 183
of section 2923.128 of the Revised Code. 184

(5) Carrying concealed weapons in violation of division 185
(B) (3) of this section is a felony of the fifth degree. 186

(6) If a person being arrested for a violation of division 187
(A) (2) of this section is an active duty member of the armed 188
forces of the United States and is carrying a valid military 189
identification card and documentation of successful completion 190
of firearms training that meets or exceeds the training 191

requirements described in division (G) (1) of section 2923.125 of 192
the Revised Code, and if at the time of the violation the person 193
was not knowingly in a place described in division (B) of 194
section 2923.126 of the Revised Code, the officer shall not 195
arrest the person for a violation of that division. If the 196
person is not able to promptly produce a valid military 197
identification card and documentation of successful completion 198
of firearms training that meets or exceeds the training 199
requirements described in division (G) (1) of section 2923.125 of 200
the Revised Code and if the person is not in a place described 201
in division (B) of section 2923.126 of the Revised Code, the 202
officer shall issue a citation and the offender shall be 203
assessed a civil penalty of not more than five hundred dollars. 204
The citation shall be automatically dismissed and the civil 205
penalty shall not be assessed if both of the following apply: 206

(a) Within ten days after the issuance of the citation, 207
the offender presents a valid military identification card and 208
documentation of successful completion of firearms training that 209
meets or exceeds the training requirements described in division 210
(G) (1) of section 2923.125 of the Revised Code, which were both 211
valid at the time of the issuance of the citation to the law 212
enforcement agency that employs the citing officer. 213

(b) At the time of the citation, the offender was not 214
knowingly in a place described in division (B) of section 215
2923.126 of the Revised Code. 216

(7) If a person being arrested for a violation of division 217
(A) (2) of this section is knowingly in a place described in 218
division (B) (5) of section 2923.126 of the Revised Code and is 219
not authorized to carry a handgun or have a handgun concealed on 220
the person's person or concealed ready at hand under that 221

division, the penalty shall be as follows: 222

(a) Except as otherwise provided in this division, if the 223
person produces a valid concealed handgun license within ten 224
days after the arrest and has not previously been convicted or 225
pleaded guilty to a violation of division (A) (2) of this 226
section, the person is guilty of a minor misdemeanor; 227

(b) Except as otherwise provided in this division, if the 228
person has previously been convicted of or pleaded guilty to a 229
violation of division (A) (2) of this section, the person is 230
guilty of a misdemeanor of the fourth degree; 231

(c) Except as otherwise provided in this division, if the 232
person has previously been convicted of or pleaded guilty to two 233
violations of division (A) (2) of this section, the person is 234
guilty of a misdemeanor of the third degree; 235

(d) Except as otherwise provided in this division, if the 236
person has previously been convicted of or pleaded guilty to 237
three or more violations of division (A) (2) of this section, or 238
convicted of or pleaded guilty to any offense of violence, if 239
the weapon involved is a firearm that is either loaded or for 240
which the offender has ammunition ready at hand, or if the 241
weapon involved is a dangerous ordnance, the person is guilty of 242
a misdemeanor of the second degree. 243

(G) If a law enforcement officer stops a person to 244
question the person regarding a possible violation of this 245
section, for a traffic stop, or for any other law enforcement 246
purpose, if the person surrenders a firearm to the officer, 247
either voluntarily or pursuant to a request or demand of the 248
officer, and if the officer does not charge the person with a 249
violation of this section or arrest the person for any offense, 250

the person is not otherwise prohibited by law from possessing 251
the firearm, and the firearm is not contraband, the officer 252
shall return the firearm to the person at the termination of the 253
stop. If a court orders a law enforcement officer to return a 254
firearm to a person pursuant to the requirement set forth in 255
this division, division (B) of section 2923.163 of the Revised 256
Code applies. 257

(H) For purposes of this section, "deadly weapon" or 258
"weapon" does not include any knife, razor, or cutting 259
instrument if the instrument was not used as a weapon. 260

Sec. 2923.18. (A) Upon application to the sheriff of the 261
county or safety director or police chief of the municipality 262
where the applicant resides or has the applicant's principal 263
place of business, and upon payment of the fee specified in 264
division (B) of this section, a license or temporary permit 265
shall be issued to qualified applicants to acquire, possess, 266
carry, or use dangerous ordnance, for the following purposes: 267

(1) Contractors, wreckers, quarriers, mine operators, and 268
other persons regularly employing explosives in the course of a 269
legitimate business, with respect to explosives and explosive 270
devices acquired, possessed, carried, or used in the course of 271
such business; 272

(2) Farmers, with respect to explosives and explosive 273
devices acquired, possessed, carried, or used for agricultural 274
purposes on lands farmed by them; 275

(3) Scientists, engineers, and instructors, with respect 276
to dangerous ordnance acquired, possessed, carried, or used in 277
the course of bona fide research or instruction; 278

(4) Financial institution and armored car company guards, 279

with respect to automatic firearms lawfully acquired, possessed, 280
carried, or used by any such person while acting within the 281
scope of the person's duties; 282

(5) In the discretion of the issuing authority, any 283
responsible person, with respect to dangerous ordnance lawfully 284
acquired, possessed, carried, or used for a legitimate research, 285
scientific, educational, industrial, or other proper purpose. 286

(B) Application for a license or temporary permit under 287
this section shall be in writing under oath to the sheriff of 288
the county or safety director or police chief of the 289
municipality where the applicant resides or has the applicant's 290
principal place of business. The application shall be 291
accompanied by an application fee of fifty dollars when the 292
application is for a license, and an application fee of five 293
dollars when the application is for a temporary permit. The fees 294
shall be paid into the general revenue fund of the county or 295
municipality. The application shall contain the following 296
information: 297

(1) The name, age, address, occupation, and business 298
address of the applicant, if the applicant is a natural person, 299
or the name, address, and principal place of business of the 300
applicant, if the applicant is a corporation; 301

(2) A description of the dangerous ordnance for which a 302
permit is requested; 303

(3) A description of the place or places where and the 304
manner in which the dangerous ordnance is to be kept, carried, 305
and used; 306

(4) A statement of the purposes for which the dangerous 307
ordnance is to be acquired, possessed, carried, or used; 308

(5) Such other information, as the issuing authority may	309
require in giving effect to this section.	310
(C) Upon investigation, the issuing authority shall issue	311
a license or temporary permit only if all of the following	312
apply:	313
(1) The applicant is not otherwise prohibited by law from	314
acquiring, having, carrying or using dangerous ordnance;	315
(2) The applicant is age twenty-one or over, if the	316
applicant is a natural person;	317
(3) It appears that the applicant has sufficient	318
competence to safely acquire, possess, carry, or use the	319
dangerous ordnance, and that proper precautions will be taken to	320
protect the security of the dangerous ordnance and ensure the	321
safety of persons and property;	322
(4) It appears that the dangerous ordnance will be	323
lawfully acquired, possessed, carried, and used by the applicant	324
for a legitimate purpose.	325
(D) The license or temporary permit shall identify the	326
person to whom it is issued, identify the dangerous ordnance	327
involved and state the purposes for which the license or	328
temporary permit is issued, state the expiration date, if any,	329
and list such restrictions on the acquisition, possession,	330
carriage, or use of the dangerous ordnance as the issuing	331
authority considers advisable to protect the security of the	332
dangerous ordnance and ensure the safety of persons and	333
property.	334
(E) A temporary permit shall be issued for the casual use	335
of explosives and explosive devices, and other consumable	336
dangerous ordnance, and shall expire within thirty days of its	337

issuance. A license shall be issued for the regular use of 338
consumable dangerous ordnance, or for any nonconsumable 339
dangerous ordnance, which license need not specify an expiration 340
date, but the issuing authority may specify such expiration 341
date, not earlier than one year from the date of issuance, as it 342
considers advisable in view of the nature of the dangerous 343
ordnance and the purposes for which the license is issued. 344

(F) The dangerous ordnance specified in a license or 345
temporary permit may be obtained by the holder anywhere in the 346
state. The holder of a license may use such dangerous ordnance 347
anywhere in the state. The holder of a temporary permit may use 348
such dangerous ordnance only within the territorial jurisdiction 349
of the issuing authority. 350

(G) The issuing authority shall forward to the state fire 351
marshal a copy of each license or temporary permit issued 352
pursuant to this section, and a copy of each record of a 353
transaction in dangerous ordnance and of each report of lost or 354
stolen dangerous ordnance, given to the local law enforcement 355
authority as required by divisions (A) ~~(7)~~ (6) and ~~(8)~~ (7) of 356
section 2923.20 of the Revised Code. The state fire marshal 357
shall keep a permanent file of all licenses and temporary 358
permits issued pursuant to this section, and of all records of 359
transactions in, and losses or thefts of dangerous ordnance 360
forwarded by local law enforcement authorities pursuant to this 361
section. 362

Sec. 2923.20. (A) No person shall do any of the following: 363

(1) Recklessly sell, lend, give, or furnish any firearm to 364
any person prohibited by section 2923.13 or 2923.15 of the 365
Revised Code from acquiring or using any firearm, or recklessly 366
sell, lend, give, or furnish any dangerous ordnance to any 367

person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance; (368-369)

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section; (370-371)

(3) Except as otherwise provided in division (B) of this section, knowingly solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law; (372-376)

(4) Except as otherwise provided in division (B) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller; (377-380)

(5) Except as otherwise provided in division (B) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (A) (3) or (4) of this section; (381-384)

~~(6) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;~~ (385-389)

~~(7) When transferring any dangerous ordnance to another,~~ negligently fail to require the transferee to exhibit such identification, license, or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of that record to the sheriff of the county or safety director (390-396)

or police chief of the municipality where the transaction takes place;	397 398
(8) <u>(7)</u> Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.	399 400 401 402
(B) Divisions (A) (3), (4), and (5) of this section do not apply to any of the following:	403 404
(1) A law enforcement officer who is acting within the scope of the officer's duties;	405 406
(2) A person who is acting in accordance with directions given by a law enforcement officer described in division (B) (1) of this section.	407 408 409
(C) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A) (1) or (2) of this section is a felony of the fourth degree. A violation of division (A) (3), (4), or (5) of this section is a felony of the third degree. A violation of division (A) (6) or (7) of this section is a misdemeanor of the second degree. A violation of division (A) (8) <u>(7)</u> of this section is a misdemeanor of the fourth degree.	410 411 412 413 414 415 416 417
(D) As used in this section:	418
(1) "Ammunition" has the same meaning as in section 2305.401 of the Revised Code.	419 420
(2) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.	421 422
(3) "Materially false information" means information regarding the transfer of a firearm or ammunition that portrays	423 424

an illegal transaction as legal or a legal transaction as	425
illegal.	426
(4) "Private seller" means a person who sells, offers for	427
sale, or transfers a firearm or ammunition and who is not a	428
federally licensed firearms dealer.	429
Section 2. That existing sections 2923.12, 2923.18, and	430
2923.20 of the Revised Code are hereby repealed.	431