

**As Reported by the House Civil Justice Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. S. B. No. 175**

**Senator Schaffer**

**Cosponsors: Senators Eklund, Fedor, O'Brien, Manning, Antonio, Blessing, Brenner, Coley, Craig, Hackett, Hoagland, Huffman, M., Huffman, S., Johnson, McColley, Obhof, Peterson, Roegner, Rulli, Schuring, Sykes, Thomas, Williams, Wilson, Yuko Representative Hambley**

**A BILL**

To amend section 2923.126 of the Revised Code to 1  
grant civil immunity to nonprofit corporations 2  
for certain injuries, deaths, or losses 3  
resulting from the carrying of handguns. 4

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

**Section 1.** That section 2923.126 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 2923.126.** (A) A concealed handgun license that is 7  
issued under section 2923.125 of the Revised Code shall expire 8  
five years after the date of issuance. A licensee who has been 9  
issued a license under that section shall be granted a grace 10  
period of thirty days after the licensee's license expires 11  
during which the licensee's license remains valid. Except as 12  
provided in divisions (B) and (C) of this section, a licensee 13  
who has been issued a concealed handgun license under section 14  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 15  
handgun anywhere in this state if the licensee also carries a 16  
valid license when the licensee is in actual possession of a 17

concealed handgun. The licensee shall give notice of any change 18  
in the licensee's residence address to the sheriff who issued 19  
the license within forty-five days after that change. 20

If a licensee is the driver or an occupant of a motor 21  
vehicle that is stopped as the result of a traffic stop or a 22  
stop for another law enforcement purpose and if the licensee is 23  
transporting or has a loaded handgun in the motor vehicle at 24  
that time, the licensee shall promptly inform any law 25  
enforcement officer who approaches the vehicle while stopped 26  
that the licensee has been issued a concealed handgun license 27  
and that the licensee currently possesses or has a loaded 28  
handgun; the licensee shall not knowingly disregard or fail to 29  
comply with lawful orders of a law enforcement officer given 30  
while the motor vehicle is stopped, knowingly fail to remain in 31  
the motor vehicle while stopped, or knowingly fail to keep the 32  
licensee's hands in plain sight after any law enforcement 33  
officer begins approaching the licensee while stopped and before 34  
the officer leaves, unless directed otherwise by a law 35  
enforcement officer; and the licensee shall not knowingly have 36  
contact with the loaded handgun by touching it with the 37  
licensee's hands or fingers, in any manner in violation of 38  
division (E) of section 2923.16 of the Revised Code, after any 39  
law enforcement officer begins approaching the licensee while 40  
stopped and before the officer leaves. Additionally, if a 41  
licensee is the driver or an occupant of a commercial motor 42  
vehicle that is stopped by an employee of the motor carrier 43  
enforcement unit for the purposes defined in section 5503.34 of 44  
the Revised Code and the licensee is transporting or has a 45  
loaded handgun in the commercial motor vehicle at that time, the 46  
licensee shall promptly inform the employee of the unit who 47  
approaches the vehicle while stopped that the licensee has been 48

issued a concealed handgun license and that the licensee 49  
currently possesses or has a loaded handgun. 50

If a licensee is stopped for a law enforcement purpose and 51  
if the licensee is carrying a concealed handgun at the time the 52  
officer approaches, the licensee shall promptly inform any law 53  
enforcement officer who approaches the licensee while stopped 54  
that the licensee has been issued a concealed handgun license 55  
and that the licensee currently is carrying a concealed handgun; 56  
the licensee shall not knowingly disregard or fail to comply 57  
with lawful orders of a law enforcement officer given while the 58  
licensee is stopped, or knowingly fail to keep the licensee's 59  
hands in plain sight after any law enforcement officer begins 60  
approaching the licensee while stopped and before the officer 61  
leaves, unless directed otherwise by a law enforcement officer; 62  
and the licensee shall not knowingly remove, attempt to remove, 63  
grasp, or hold the loaded handgun or knowingly have contact with 64  
the loaded handgun by touching it with the licensee's hands or 65  
fingers, in any manner in violation of division (B) of section 66  
2923.12 of the Revised Code, after any law enforcement officer 67  
begins approaching the licensee while stopped and before the 68  
officer leaves. 69

(B) A valid concealed handgun license does not authorize 70  
the licensee to carry a concealed handgun in any manner 71  
prohibited under division (B) of section 2923.12 of the Revised 72  
Code or in any manner prohibited under section 2923.16 of the 73  
Revised Code. A valid license does not authorize the licensee to 74  
carry a concealed handgun into any of the following places: 75

(1) A police station, sheriff's office, or state highway 76  
patrol station, premises controlled by the bureau of criminal 77  
identification and investigation; a state correctional 78

institution, jail, workhouse, or other detention facility; any 79  
area of an airport passenger terminal that is beyond a passenger 80  
or property screening checkpoint or to which access is 81  
restricted through security measures by the airport authority or 82  
a public agency; or an institution that is maintained, operated, 83  
managed, and governed pursuant to division (A) of section 84  
5119.14 of the Revised Code or division (A) (1) of section 85  
5123.03 of the Revised Code; 86

(2) A school safety zone if the licensee's carrying the 87  
concealed handgun is in violation of section 2923.122 of the 88  
Revised Code; 89

(3) A courthouse or another building or structure in which 90  
a courtroom is located if the licensee's carrying the concealed 91  
handgun is in violation of section 2923.123 of the Revised Code; 92

(4) Any premises or open air arena for which a D permit 93  
has been issued under Chapter 4303. of the Revised Code if the 94  
licensee's carrying the concealed handgun is in violation of 95  
section 2923.121 of the Revised Code; 96

(5) Any premises owned or leased by any public or private 97  
college, university, or other institution of higher education, 98  
unless the handgun is in a locked motor vehicle or the licensee 99  
is in the immediate process of placing the handgun in a locked 100  
motor vehicle or unless the licensee is carrying the concealed 101  
handgun pursuant to a written policy, rule, or other 102  
authorization that is adopted by the institution's board of 103  
trustees or other governing body and that authorizes specific 104  
individuals or classes of individuals to carry a concealed 105  
handgun on the premises; 106

(6) Any church, synagogue, mosque, or other place of 107

worship, unless the church, synagogue, mosque, or other place of 108  
worship posts or permits otherwise; 109

(7) Any building that is a government facility of this 110  
state or a political subdivision of this state and that is not a 111  
building that is used primarily as a shelter, restroom, parking 112  
facility for motor vehicles, or rest facility and is not a 113  
courthouse or other building or structure in which a courtroom 114  
is located that is subject to division (B) (3) of this section, 115  
unless the governing body with authority over the building has 116  
enacted a statute, ordinance, or policy that permits a licensee 117  
to carry a concealed handgun into the building; 118

(8) A place in which federal law prohibits the carrying of 119  
handguns. 120

(C) (1) Nothing in this section shall negate or restrict a 121  
rule, policy, or practice of a private employer that is not a 122  
private college, university, or other institution of higher 123  
education concerning or prohibiting the presence of firearms on 124  
the private employer's premises or property, including motor 125  
vehicles owned by the private employer. Nothing in this section 126  
shall require a private employer of that nature to adopt a rule, 127  
policy, or practice concerning or prohibiting the presence of 128  
firearms on the private employer's premises or property, 129  
including motor vehicles owned by the private employer. 130

(2) (a) A private employer shall be immune from liability 131  
in a civil action for any injury, death, or loss to person or 132  
property that allegedly was caused by or related to a licensee 133  
bringing a handgun onto the premises or property of the private 134  
employer, including motor vehicles owned by the private 135  
employer, unless the private employer acted with malicious 136  
purpose. A private employer is immune from liability in a civil 137

action for any injury, death, or loss to person or property that 138  
allegedly was caused by or related to the private employer's 139  
decision to permit a licensee to bring, or prohibit a licensee 140  
from bringing, a handgun onto the premises or property of the 141  
private employer. 142

(b) A political subdivision shall be immune from liability 143  
in a civil action, to the extent and in the manner provided in 144  
Chapter 2744. of the Revised Code, for any injury, death, or 145  
loss to person or property that allegedly was caused by or 146  
related to a licensee bringing a handgun onto any premises or 147  
property owned, leased, or otherwise under the control of the 148  
political subdivision. As used in this division, "political 149  
subdivision" has the same meaning as in section 2744.01 of the 150  
Revised Code. 151

(c) An institution of higher education shall be immune 152  
from liability in a civil action for any injury, death, or loss 153  
to person or property that allegedly was caused by or related to 154  
a licensee bringing a handgun onto the premises of the 155  
institution, including motor vehicles owned by the institution, 156  
unless the institution acted with malicious purpose. An 157  
institution of higher education is immune from liability in a 158  
civil action for any injury, death, or loss to person or 159  
property that allegedly was caused by or related to the 160  
institution's decision to permit a licensee or class of 161  
licensees to bring a handgun onto the premises of the 162  
institution. 163

(d) A nonprofit corporation shall be immune from liability 164  
in a civil action for any injury, death, or loss to person or 165  
property that allegedly was caused by or related to a licensee 166  
bringing a handgun onto the premises of the nonprofit 167

corporation, including any motor vehicle owned by the nonprofit 168  
corporation, or to any event organized by the nonprofit 169  
corporation, unless the nonprofit corporation acted with 170  
malicious purpose. A nonprofit corporation is immune from 171  
liability in a civil action for any injury, death, or loss to 172  
person or property that allegedly was caused by or related to 173  
the nonprofit corporation's decision to permit a licensee to 174  
bring a handgun onto the premises of the nonprofit corporation 175  
or to any event organized by the nonprofit corporation. 176

(3) (a) Except as provided in division (C) (3) (b) of this 177  
section and section 2923.1214 of the Revised Code, the owner or 178  
person in control of private land or premises, and a private 179  
person or entity leasing land or premises owned by the state, 180  
the United States, or a political subdivision of the state or 181  
the United States, may post a sign in a conspicuous location on 182  
that land or on those premises prohibiting persons from carrying 183  
firearms or concealed firearms on or onto that land or those 184  
premises. Except as otherwise provided in this division, a 185  
person who knowingly violates a posted prohibition of that 186  
nature is guilty of criminal trespass in violation of division 187  
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 188  
misdemeanor of the fourth degree. If a person knowingly violates 189  
a posted prohibition of that nature and the posted land or 190  
premises primarily was a parking lot or other parking facility, 191  
the person is not guilty of criminal trespass under section 192  
2911.21 of the Revised Code or under any other criminal law of 193  
this state or criminal law, ordinance, or resolution of a 194  
political subdivision of this state, and instead is subject only 195  
to a civil cause of action for trespass based on the violation. 196

If a person knowingly violates a posted prohibition of the 197  
nature described in this division and the posted land or 198

premises is a child day-care center, type A family day-care 199  
home, or type B family day-care home, unless the person is a 200  
licensee who resides in a type A family day-care home or type B 201  
family day-care home, the person is guilty of aggravated 202  
trespass in violation of section 2911.211 of the Revised Code. 203  
Except as otherwise provided in this division, the offender is 204  
guilty of a misdemeanor of the first degree. If the person 205  
previously has been convicted of a violation of this division or 206  
of any offense of violence, if the weapon involved is a firearm 207  
that is either loaded or for which the offender has ammunition 208  
ready at hand, or if the weapon involved is dangerous ordnance, 209  
the offender is guilty of a felony of the fourth degree. 210

(b) A landlord may not prohibit or restrict a tenant who 211  
is a licensee and who on or after September 9, 2008, enters into 212  
a rental agreement with the landlord for the use of residential 213  
premises, and the tenant's guest while the tenant is present, 214  
from lawfully carrying or possessing a handgun on those 215  
residential premises. 216

(c) As used in division (C) (3) of this section: 217

(i) "Residential premises" has the same meaning as in 218  
section 5321.01 of the Revised Code, except "residential 219  
premises" does not include a dwelling unit that is owned or 220  
operated by a college or university. 221

(ii) "Landlord," "tenant," and "rental agreement" have the 222  
same meanings as in section 5321.01 of the Revised Code. 223

(D) A person who holds a valid concealed handgun license 224  
issued by another state that is recognized by the attorney 225  
general pursuant to a reciprocity agreement entered into 226  
pursuant to section 109.69 of the Revised Code or a person who 227

holds a valid concealed handgun license under the circumstances 228  
described in division (B) of section 109.69 of the Revised Code 229  
has the same right to carry a concealed handgun in this state as 230  
a person who was issued a concealed handgun license under 231  
section 2923.125 of the Revised Code and is subject to the same 232  
restrictions that apply to a person who carries a license issued 233  
under that section. 234

(E) (1) A peace officer has the same right to carry a 235  
concealed handgun in this state as a person who was issued a 236  
concealed handgun license under section 2923.125 of the Revised 237  
Code, provided that the officer when carrying a concealed 238  
handgun under authority of this division is carrying validating 239  
identification. For purposes of reciprocity with other states, a 240  
peace officer shall be considered to be a licensee in this 241  
state. 242

(2) An active duty member of the armed forces of the 243  
United States who is carrying a valid military identification 244  
card and documentation of successful completion of firearms 245  
training that meets or exceeds the training requirements 246  
described in division (G) (1) of section 2923.125 of the Revised 247  
Code has the same right to carry a concealed handgun in this 248  
state as a person who was issued a concealed handgun license 249  
under section 2923.125 of the Revised Code and is subject to the 250  
same restrictions as specified in this section. 251

(3) A tactical medical professional who is qualified to 252  
carry firearms while on duty under section 109.771 of the 253  
Revised Code has the same right to carry a concealed handgun in 254  
this state as a person who was issued a concealed handgun 255  
license under section 2923.125 of the Revised Code. 256

(F) (1) A qualified retired peace officer who possesses a 257

retired peace officer identification card issued pursuant to 258  
division (F) (2) of this section and a valid firearms 259  
requalification certification issued pursuant to division (F) (3) 260  
of this section has the same right to carry a concealed handgun 261  
in this state as a person who was issued a concealed handgun 262  
license under section 2923.125 of the Revised Code and is 263  
subject to the same restrictions that apply to a person who 264  
carries a license issued under that section. For purposes of 265  
reciprocity with other states, a qualified retired peace officer 266  
who possesses a retired peace officer identification card issued 267  
pursuant to division (F) (2) of this section and a valid firearms 268  
requalification certification issued pursuant to division (F) (3) 269  
of this section shall be considered to be a licensee in this 270  
state. 271

(2) (a) Each public agency of this state or of a political 272  
subdivision of this state that is served by one or more peace 273  
officers shall issue a retired peace officer identification card 274  
to any person who retired from service as a peace officer with 275  
that agency, if the issuance is in accordance with the agency's 276  
policies and procedures and if the person, with respect to the 277  
person's service with that agency, satisfies all of the 278  
following: 279

(i) The person retired in good standing from service as a 280  
peace officer with the public agency, and the retirement was not 281  
for reasons of mental instability. 282

(ii) Before retiring from service as a peace officer with 283  
that agency, the person was authorized to engage in or supervise 284  
the prevention, detection, investigation, or prosecution of, or 285  
the incarceration of any person for, any violation of law and 286  
the person had statutory powers of arrest. 287

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

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

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a

peace officer with the agency and who satisfy the criteria set 319  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 320  
provided that the credentials so issued to retired peace 321  
officers are stamped with the word "RETIRED." 322

(c) A public agency of this state or of a political 323  
subdivision of this state may charge persons who retired from 324  
service as a peace officer with the agency a reasonable fee for 325  
issuing to the person a retired peace officer identification 326  
card pursuant to division (F) (2) (a) of this section. 327

(3) If a person retired from service as a peace officer 328  
with a public agency of this state or of a political subdivision 329  
of this state and the person satisfies the criteria set forth in 330  
divisions (F) (2) (a) (i) to (iv) of this section, the public 331  
agency may provide the retired peace officer with the 332  
opportunity to attend a firearms requalification program that is 333  
approved for purposes of firearms requalification required under 334  
section 109.801 of the Revised Code. The retired peace officer 335  
may be required to pay the cost of the course. 336

If a retired peace officer who satisfies the criteria set 337  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 338  
a firearms requalification program that is approved for purposes 339  
of firearms requalification required under section 109.801 of 340  
the Revised Code, the retired peace officer's successful 341  
completion of the firearms requalification program requalifies 342  
the retired peace officer for purposes of division (F) of this 343  
section for five years from the date on which the program was 344  
successfully completed, and the requalification is valid during 345  
that five-year period. If a retired peace officer who satisfies 346  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 347  
section satisfactorily completes such a firearms requalification 348

program, the retired peace officer shall be issued a firearms 349  
requalification certification that identifies the retired peace 350  
officer by name, identifies the entity that taught the program, 351  
specifies that the retired peace officer successfully completed 352  
the program, specifies the date on which the course was 353  
successfully completed, and specifies that the requalification 354  
is valid for five years from that date of successful completion. 355  
The firearms requalification certification for a retired peace 356  
officer may be included in the retired peace officer 357  
identification card issued to the retired peace officer under 358  
division (F) (2) of this section. 359

A retired peace officer who attends a firearms 360  
requalification program that is approved for purposes of 361  
firearms requalification required under section 109.801 of the 362  
Revised Code may be required to pay the cost of the program. 363

(G) As used in this section: 364

(1) "Qualified retired peace officer" means a person who 365  
satisfies all of the following: 366

(a) The person satisfies the criteria set forth in 367  
divisions (F) (2) (a) (i) to (v) of this section. 368

(b) The person is not under the influence of alcohol or 369  
another intoxicating or hallucinatory drug or substance. 370

(c) The person is not prohibited by federal law from 371  
receiving firearms. 372

(2) "Retired peace officer identification card" means an 373  
identification card that is issued pursuant to division (F) (2) 374  
of this section to a person who is a retired peace officer. 375

(3) "Government facility of this state or a political 376

subdivision of this state" means any of the following:	377
(a) A building or part of a building that is owned or	378
leased by the government of this state or a political	379
subdivision of this state and where employees of the government	380
of this state or the political subdivision regularly are present	381
for the purpose of performing their official duties as employees	382
of the state or political subdivision;	383
(b) The office of a deputy registrar serving pursuant to	384
Chapter 4503. of the Revised Code that is used to perform deputy	385
registrar functions.	386
(4) "Governing body" has the same meaning as in section	387
154.01 of the Revised Code.	388
(5) "Tactical medical professional" has the same meaning	389
as in section 109.71 of the Revised Code.	390
(6) "Validating identification" means photographic	391
identification issued by the agency for which an individual	392
serves as a peace officer that identifies the individual as a	393
peace officer of the agency.	394
<u>(7) "Nonprofit corporation" means any private organization</u>	395
<u>that is exempt from federal income taxation pursuant to</u>	396
<u>subsection 501(a) and described in subsection 501(c) of the</u>	397
<u>Internal Revenue Code.</u>	398
<b>Section 2.</b> That existing section 2923.126 of the Revised	399
Code is hereby repealed.	400
<b>Section 3.</b> Section 2923.126 of the Revised Code is	401
presented in this act as a composite of the section as amended	402
by both Am. Sub. H.B. 79 and Am. Sub. H.B. 228 of the 132nd	403
General Assembly. The General Assembly, applying the principle	404

stated in division (B) of section 1.52 of the Revised Code that 405  
amendments are to be harmonized if reasonably capable of 406  
simultaneous operation, finds that the composite is the 407  
resulting version of the section in effect prior to the 408  
effective date of the section as presented in this act. 409