

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 455

Representative Stoltzfus

**Cosponsors: Representatives Hall, Bird, Hillyer, Young, T., Click, Holmes, Cross,
Loychik, Riedel, Creech, Gross, Schmidt, Manchester, Kick, John, Dean,
Ferguson, Cutrona, Lampton, Jordan**

A BILL

To amend sections 2923.11, 2923.12, 2923.121, 1
2923.122, 2923.123, 2923.126, and 2923.16 and to 2
enact section 2923.1215 of the Revised Code to 3
provide an opportunity for a concealed handgun 4
licensee or qualified military member to avoid 5
charges for carrying a deadly weapon into a 6
prohibited place if the person leaves upon 7
request and to penalize failure to leave upon 8
request or returning with a firearm. 9

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

Section 1. That sections 2923.11, 2923.12, 2923.121, 10
2923.122, 2923.123, 2923.126, and 2923.16 be amended and section 11
2923.1215 of the Revised Code be enacted to read as follows: 12

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 13
the Revised Code: 14

(A) "Deadly weapon" means any instrument, device, or thing 15
capable of inflicting death, and designed or specially adapted 16

for use as a weapon, or possessed, carried, or used as a weapon. 17

(B) (1) "Firearm" means any deadly weapon capable of 18
expelling or propelling one or more projectiles by the action of 19
an explosive or combustibile propellant. "Firearm" includes an 20
unloaded firearm, and any firearm that is inoperable but that 21
can readily be rendered operable. 22

(2) When determining whether a firearm is capable of 23
expelling or propelling one or more projectiles by the action of 24
an explosive or combustibile propellant, the trier of fact may 25
rely upon circumstantial evidence, including, but not limited 26
to, the representations and actions of the individual exercising 27
control over the firearm. 28

(C) "Handgun" means any of the following: 29

(1) Any firearm that has a short stock and is designed to 30
be held and fired by the use of a single hand; 31

(2) Any combination of parts from which a firearm of a 32
type described in division (C) (1) of this section can be 33
assembled. 34

(D) "Semi-automatic firearm" means any firearm designed or 35
specially adapted to fire a single cartridge and automatically 36
chamber a succeeding cartridge ready to fire, with a single 37
function of the trigger. 38

(E) "Automatic firearm" means any firearm designed or 39
specially adapted to fire a succession of cartridges with a 40
single function of the trigger. 41

(F) "Sawed-off firearm" means a shotgun with a barrel less 42
than eighteen inches long, or a rifle with a barrel less than 43
sixteen inches long, or a shotgun or rifle less than twenty-six 44

inches long overall. "Sawed-off firearm" does not include any 45
firearm with an overall length of at least twenty-six inches 46
that is approved for sale by the federal bureau of alcohol, 47
tobacco, firearms, and explosives under the "Gun Control Act of 48
1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by 49
the bureau not to be regulated under the "National Firearms 50
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 51

(G) "Zip-gun" means any of the following: 52

(1) Any firearm of crude and extemporized manufacture; 53

(2) Any device, including without limitation a starter's 54
pistol, that is not designed as a firearm, but that is specially 55
adapted for use as a firearm; 56

(3) Any industrial tool, signalling device, or safety 57
device, that is not designed as a firearm, but that as designed 58
is capable of use as such, when possessed, carried, or used as a 59
firearm. 60

(H) "Explosive device" means any device designed or 61
specially adapted to cause physical harm to persons or property 62
by means of an explosion, and consisting of an explosive 63
substance or agency and a means to detonate it. "Explosive 64
device" includes without limitation any bomb, any explosive 65
demolition device, any blasting cap or detonator containing an 66
explosive charge, and any pressure vessel that has been 67
knowingly tampered with or arranged so as to explode. 68

(I) "Incendiary device" means any firebomb, and any device 69
designed or specially adapted to cause physical harm to persons 70
or property by means of fire, and consisting of an incendiary 71
substance or agency and a means to ignite it. 72

(J) "Ballistic knife" means a knife with a detachable 73

blade that is propelled by a spring-operated mechanism. 74

(K) "Dangerous ordnance" means any of the following, 75
except as provided in division (L) of this section: 76

(1) Any automatic or sawed-off firearm, zip-gun, or 77
ballistic knife; 78

(2) Any explosive device or incendiary device; 79

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 80
cyclonite, TNT, picric acid, and other high explosives; amatol, 81
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 82
high explosive compositions; plastic explosives; dynamite, 83
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 84
liquid-oxygen blasting explosives, blasting powder, and other 85
blasting agents; and any other explosive substance having 86
sufficient brisance or power to be particularly suitable for use 87
as a military explosive, or for use in mining, quarrying, 88
excavating, or demolitions; 89

(4) Any firearm, rocket launcher, mortar, artillery piece, 90
grenade, mine, bomb, torpedo, or similar weapon, designed and 91
manufactured for military purposes, and the ammunition for that 92
weapon; 93

(5) Any firearm muffler or suppressor; 94

(6) Any combination of parts that is intended by the owner 95
for use in converting any firearm or other device into a 96
dangerous ordnance. 97

(L) "Dangerous ordnance" does not include any of the 98
following: 99

(1) Any firearm, including a military weapon and the 100
ammunition for that weapon, and regardless of its actual age, 101

that employs a percussion cap or other obsolete ignition system, 102
or that is designed and safe for use only with black powder; 103

(2) Any pistol, rifle, or shotgun, designed or suitable 104
for sporting purposes, including a military weapon as issued or 105
as modified, and the ammunition for that weapon, unless the 106
firearm is an automatic or sawed-off firearm; 107

(3) Any cannon or other artillery piece that, regardless 108
of its actual age, is of a type in accepted use prior to 1887, 109
has no mechanical, hydraulic, pneumatic, or other system for 110
absorbing recoil and returning the tube into battery without 111
displacing the carriage, and is designed and safe for use only 112
with black powder; 113

(4) Black powder, priming quills, and percussion caps 114
possessed and lawfully used to fire a cannon of a type defined 115
in division (L) (3) of this section during displays, 116
celebrations, organized matches or shoots, and target practice, 117
and smokeless and black powder, primers, and percussion caps 118
possessed and lawfully used as a propellant or ignition device 119
in small-arms or small-arms ammunition; 120

(5) Dangerous ordnance that is inoperable or inert and 121
cannot readily be rendered operable or activated, and that is 122
kept as a trophy, souvenir, curio, or museum piece; 123

(6) Any device that is expressly excepted from the 124
definition of a destructive device pursuant to the "Gun Control 125
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 126
and regulations issued under that act; 127

(7) Any firearm with an overall length of at least twenty- 128
six inches that is approved for sale by the federal bureau of 129
alcohol, tobacco, firearms, and explosives under the "Gun 130

Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but 131
that is found by the bureau not to be regulated under the 132
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 133
5845(a). 134

(M) "Explosive" means any chemical compound, mixture, or 135
device, the primary or common purpose of which is to function by 136
explosion. "Explosive" includes all materials that have been 137
classified as division 1.1, division 1.2, division 1.3, or 138
division 1.4 explosives by the United States department of 139
transportation in its regulations and includes, but is not 140
limited to, dynamite, black powder, pellet powders, initiating 141
explosives, blasting caps, electric blasting caps, safety fuses, 142
fuse igniters, squibs, cordeau detonant fuses, instantaneous 143
fuses, and igniter cords and igniters. "Explosive" does not 144
include "fireworks," as defined in section 3743.01 of the 145
Revised Code, or any substance or material otherwise meeting the 146
definition of explosive set forth in this section that is 147
manufactured, sold, possessed, transported, stored, or used in 148
any activity described in section 3743.80 of the Revised Code, 149
provided the activity is conducted in accordance with all 150
applicable laws, rules, and regulations, including, but not 151
limited to, the provisions of section 3743.80 of the Revised 152
Code and the rules of the fire marshal adopted pursuant to 153
section 3737.82 of the Revised Code. 154

(N) (1) "Concealed handgun license" or "license to carry a 155
concealed handgun" means, subject to division (N) (2) of this 156
section, a license or temporary emergency license to carry a 157
concealed handgun issued under section 2923.125 or 2923.1213 of 158
the Revised Code or a license to carry a concealed handgun 159
issued by another state with which the attorney general has 160
entered into a reciprocity agreement under section 109.69 of the 161

Revised Code. 162

(2) A reference in any provision of the Revised Code to a 163
concealed handgun license issued under section 2923.125 of the 164
Revised Code or a license to carry a concealed handgun issued 165
under section 2923.125 of the Revised Code means only a license 166
of the type that is specified in that section. A reference in 167
any provision of the Revised Code to a concealed handgun license 168
issued under section 2923.1213 of the Revised Code, a license to 169
carry a concealed handgun issued under section 2923.1213 of the 170
Revised Code, or a license to carry a concealed handgun on a 171
temporary emergency basis means only a license of the type that 172
is specified in section 2923.1213 of the Revised Code. A 173
reference in any provision of the Revised Code to a concealed 174
handgun license issued by another state or a license to carry a 175
concealed handgun issued by another state means only a license 176
issued by another state with which the attorney general has 177
entered into a reciprocity agreement under section 109.69 of the 178
Revised Code. 179

(O) "Valid concealed handgun license" or "valid license to 180
carry a concealed handgun" means a concealed handgun license 181
that is currently valid, that is not under a suspension under 182
division (A)(1) of section 2923.128 of the Revised Code, under 183
section 2923.1213 of the Revised Code, or under a suspension 184
provision of the state other than this state in which the 185
license was issued, and that has not been revoked under division 186
(B)(1) of section 2923.128 of the Revised Code, under section 187
2923.1213 of the Revised Code, or under a revocation provision 188
of the state other than this state in which the license was 189
issued. 190

(P) "Misdemeanor punishable by imprisonment for a term 191

exceeding one year" does not include any of the following:	192
(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;	193 194 195 196
(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.	197 198
(Q) "Alien registration number" means the number issued by the United States citizenship and immigration services agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number."	199 200 201 202 203
(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.	204 205
<u>(S) "Qualified military member" means an active duty member of the armed forces of the United States who 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.</u>	206 207 208 209 210 211
Sec. 2923.12. (A) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:	212 213 214
(1) A deadly weapon other than a handgun;	215
(2) A handgun other than a dangerous ordnance;	216
(3) A dangerous ordnance.	217
(B) No person who has been issued a concealed handgun	218

license shall do any of the following:	219
(1) If the person is stopped for a law enforcement purpose	220
and is carrying a concealed handgun, fail to promptly inform any	221
law enforcement officer who approaches the person after the	222
person has been stopped that the person has been issued a	223
concealed handgun license and that the person then is carrying a	224
concealed handgun;	225
(2) If the person is stopped for a law enforcement purpose	226
and is carrying a concealed handgun, knowingly fail to keep the	227
person's hands in plain sight at any time after any law	228
enforcement officer begins approaching the person while stopped	229
and before the law enforcement officer leaves, unless the	230
failure is pursuant to and in accordance with directions given	231
by a law enforcement officer;	232
(3) If the person is stopped for a law enforcement	233
purpose, if the person is carrying a concealed handgun, and if	234
the person is approached by any law enforcement officer while	235
stopped, knowingly remove or attempt to remove the loaded	236
handgun from the holster, pocket, or other place in which the	237
person is carrying it, knowingly grasp or hold the loaded	238
handgun, or knowingly have contact with the loaded handgun by	239
touching it with the person's hands or fingers at any time after	240
the law enforcement officer begins approaching and before the	241
law enforcement officer leaves, unless the person removes,	242
attempts to remove, grasps, holds, or has contact with the	243
loaded handgun pursuant to and in accordance with directions	244
given by the law enforcement officer;	245
(4) If the person is stopped for a law enforcement purpose	246
and is carrying a concealed handgun, knowingly disregard or fail	247
to comply with any lawful order of any law enforcement officer	248

given while the person is stopped, including, but not limited 249
to, a specific order to the person to keep the person's hands in 250
plain sight. 251

(C) (1) This section does not apply to any of the 252
following: 253

(a) An officer, agent, or employee of this or any other 254
state or the United States, or to a law enforcement officer, who 255
is authorized to carry concealed weapons or dangerous ordnance 256
or is authorized to carry handguns and is acting within the 257
scope of the officer's, agent's, or employee's duties; 258

(b) Any person who is employed in this state, who is 259
authorized to carry concealed weapons or dangerous ordnance or 260
is authorized to carry handguns, and who is subject to and in 261
compliance with the requirements of section 109.801 of the 262
Revised Code, unless the appointing authority of the person has 263
expressly specified that the exemption provided in division (C) 264
(1) (b) of this section does not apply to the person; 265

(c) A person's transportation or storage of a firearm, 266
other than a firearm described in divisions (G) to (M) of 267
section 2923.11 of the Revised Code, in a motor vehicle for any 268
lawful purpose if the firearm is not on the actor's person; 269

(d) A person's storage or possession of a firearm, other 270
than a firearm described in divisions (G) to (M) of section 271
2923.11 of the Revised Code, in the actor's own home for any 272
lawful purpose. 273

(2) Division (A) (2) of this section does not apply to any 274
person who, at the time of the alleged carrying or possession of 275
a handgun, either is carrying a valid concealed handgun license 276
or is ~~an active duty~~ a qualified military member of the armed 277

~~forces of the United States and is carrying a valid military- 278~~
~~identification card and documentation of successful completion- 279~~
~~of firearms training that meets or exceeds the training- 280~~
~~requirements described in division (G) (1) of section 2923.125 of- 281~~
~~the Revised Code, unless the person knowingly is in a place 282~~
~~described in division (B) of section 2923.126 of the Revised 283~~
~~Code. 284~~

(D) It is an affirmative defense to a charge under 285
division (A) (1) of this section of carrying or having control of 286
a weapon other than a handgun and other than a dangerous 287
ordnance that the actor was not otherwise prohibited by law from 288
having the weapon and that any of the following applies: 289

(1) The weapon was carried or kept ready at hand by the 290
actor for defensive purposes while the actor was engaged in or 291
was going to or from the actor's lawful business or occupation, 292
which business or occupation was of a character or was 293
necessarily carried on in a manner or at a time or place as to 294
render the actor particularly susceptible to criminal attack, 295
such as would justify a prudent person in going armed. 296

(2) The weapon was carried or kept ready at hand by the 297
actor for defensive purposes while the actor was engaged in a 298
lawful activity and had reasonable cause to fear a criminal 299
attack upon the actor, a member of the actor's family, or the 300
actor's home, such as would justify a prudent person in going 301
armed. 302

(3) The weapon was carried or kept ready at hand by the 303
actor for any lawful purpose and while in the actor's own home. 304

(E) No person who is charged with a violation of this 305
section shall be required to obtain a concealed handgun license 306

as a condition for the dismissal of the charge. 307

(F) (1) ~~Whoever~~ Except as provided in division (F) (4) of 308
this section, whoever violates this section is guilty of 309
carrying concealed weapons. Except as otherwise provided in this 310
division or divisions (F) (2), ~~(6) (7)~~, and ~~(7) (8)~~ of this 311
section, carrying concealed weapons in violation of division (A) 312
of this section is a misdemeanor of the first degree. Except as 313
otherwise provided in this division or divisions (F) (2), ~~(6) (7)~~, 314
and ~~(7) (8)~~ of this section, if the offender previously has been 315
convicted of a violation of this section or of any offense of 316
violence, if the weapon involved is a firearm that is either 317
loaded or for which the offender has ammunition ready at hand, 318
or if the weapon involved is dangerous ordnance, carrying 319
concealed weapons in violation of division (A) of this section 320
is a felony of the fourth degree. Except as otherwise provided 321
in divisions (F) (2) and ~~(6) (7)~~ of this section, if the offense 322
is committed aboard an aircraft, or with purpose to carry a 323
concealed weapon aboard an aircraft, regardless of the weapon 324
involved, carrying concealed weapons in violation of division 325
(A) of this section is a felony of the third degree. 326

(2) Except as provided in division ~~(F) (6)~~ (F) (7) of this 327
section, if a person being arrested for a violation of division 328
(A) (2) of this section promptly produces a valid concealed 329
handgun license, and if at the time of the violation the person 330
was not knowingly in a place described in division (B) of 331
section 2923.126 of the Revised Code, the officer shall not 332
arrest the person for a violation of that division. If the 333
person is not able to promptly produce any concealed handgun 334
license and if the person is not in a place described in that 335
section, the officer may arrest the person for a violation of 336
that division, and the offender shall be punished as follows: 337

(a) The offender shall be guilty of a minor misdemeanor if 338
both of the following apply: 339

(i) Within ten days after the arrest, the offender 340
presents a concealed handgun license, which license was valid at 341
the time of the arrest to the law enforcement agency that 342
employs the arresting officer. 343

(ii) At the time of the arrest, the offender was not 344
knowingly in a place described in division (B) of section 345
2923.126 of the Revised Code. 346

(b) The offender shall be guilty of a misdemeanor and 347
shall be fined five hundred dollars if all of the following 348
apply: 349

(i) The offender previously had been issued a concealed 350
handgun license, and that license expired within the two years 351
immediately preceding the arrest. 352

(ii) Within forty-five days after the arrest, the offender 353
presents a concealed handgun license to the law enforcement 354
agency that employed the arresting officer, and the offender 355
waives in writing the offender's right to a speedy trial on the 356
charge of the violation that is provided in section 2945.71 of 357
the Revised Code. 358

(iii) At the time of the commission of the offense, the 359
offender was not knowingly in a place described in division (B) 360
of section 2923.126 of the Revised Code. 361

(c) If divisions (F) (2) (a) and (b) and ~~(F) (6)~~ (F) (7) of 362
this section do not apply, the offender shall be punished under 363
division (F) (1) or ~~(7)~~ (8) of this section. 364

(3) Except as otherwise provided in this division, 365

carrying concealed weapons in violation of division (B) (1) of 366
this section is a misdemeanor of the first degree, and, in 367
addition to any other penalty or sanction imposed for a 368
violation of division (B) (1) of this section, the offender's 369
concealed handgun license shall be suspended pursuant to 370
division (A) (2) of section 2923.128 of the Revised Code. If, at 371
the time of the stop of the offender for a law enforcement 372
purpose that was the basis of the violation, any law enforcement 373
officer involved with the stop had actual knowledge that the 374
offender has been issued a concealed handgun license, carrying 375
concealed weapons in violation of division (B) (1) of this 376
section is a minor misdemeanor, and the offender's concealed 377
handgun license shall not be suspended pursuant to division (A) 378
(2) of section 2923.128 of the Revised Code. 379

(4) A person who has a valid concealed handgun license or 380
who is a qualified military member and who is discovered 381
carrying a concealed deadly weapon onto land or premises in 382
violation of division (A) of this section is subject to removal 383
from the premises but is not guilty of carrying concealed 384
weapons. If the person refuses or fails to leave the premises 385
upon being requested to do so by the individual in control of 386
the premises or by that individual's agent or employee, or 387
returns within thirty days to the same land or premises while 388
knowingly in possession of a deadly weapon in violation of this 389
section, the person is guilty of criminal trespass with a deadly 390
weapon, as described in section 2923.1215 of the Revised Code. 391

(5) Carrying concealed weapons in violation of division 392
(B) (2) or (4) of this section is a misdemeanor of the first 393
degree or, if the offender previously has been convicted of or 394
pleaded guilty to a violation of division (B) (2) or (4) of this 395
section, a felony of the fifth degree. In addition to any other 396

penalty or sanction imposed for a misdemeanor violation of 397
division (B) (2) or (4) of this section, the offender's concealed 398
handgun license shall be suspended pursuant to division (A) (2) 399
of section 2923.128 of the Revised Code. 400

~~(5)~~ (6) Carrying concealed weapons in violation of 401
division (B) (3) of this section is a felony of the fifth degree. 402

~~(6)~~ (7) If a person being arrested for a violation of 403
division (A) (2) of this section is ~~an active duty a qualified~~ 404
~~military member of the armed forces of the United States and is~~ 405
~~carrying a valid military identification card and documentation~~ 406
~~of successful completion of firearms training that meets or~~ 407
~~exceeds the training requirements described in division (G) (1)~~ 408
~~of section 2923.125 of the Revised Code, and if at the time of~~ 409
the violation the person was not knowingly in a place described 410
in division (B) of section 2923.126 of the Revised Code, the 411
officer shall not arrest the person for a violation of that 412
division. If the person is not able to promptly produce a valid 413
military identification card and documentation of successful 414
completion of firearms training that meets or exceeds the 415
training requirements described in division (G) (1) of section 416
2923.125 of the Revised Code and if the person is not in a place 417
described in division (B) of section 2923.126 of the Revised 418
Code, the officer shall issue a citation and the offender shall 419
be assessed a civil penalty of not more than five hundred 420
dollars. The citation shall be automatically dismissed and the 421
civil penalty shall not be assessed if both of the following 422
apply: 423

(a) Within ten days after the issuance of the citation, 424
the offender presents a valid military identification card and 425
documentation of successful completion of firearms training that 426

meets or exceeds the training requirements described in division 427
(G) (1) of section 2923.125 of the Revised Code, which were both 428
valid at the time of the issuance of the citation to the law 429
enforcement agency that employs the citing officer. 430

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

~~(7)~~ (8) If a person being arrested for a violation of 434
division (A) (2) of this section is knowingly in a place 435
described in division (B) (5) of section 2923.126 of the Revised 436
Code and is not authorized to carry a handgun or have a handgun 437
concealed on the person's person or concealed ready at hand 438
under that division, the penalty shall be as follows: 439

(a) Except as otherwise provided in this division, if the 440
person produces a valid concealed handgun license within ten 441
days after the arrest and has not previously been convicted or 442
pleaded guilty to a violation of division (A) (2) of this 443
section, the person is guilty of a minor misdemeanor; 444

(b) Except as otherwise provided in this division, if the 445
person has previously been convicted of or pleaded guilty to a 446
violation of division (A) (2) of this section, the person is 447
guilty of a misdemeanor of the fourth degree; 448

(c) Except as otherwise provided in this division, if the 449
person has previously been convicted of or pleaded guilty to two 450
violations of division (A) (2) of this section, the person is 451
guilty of a misdemeanor of the third degree; 452

(d) Except as otherwise provided in this division, if the 453
person has previously been convicted of or pleaded guilty to 454
three or more violations of division (A) (2) of this section, or 455

convicted of or pleaded guilty to any offense of violence, if 456
the weapon involved is a firearm that is either loaded or for 457
which the offender has ammunition ready at hand, or if the 458
weapon involved is a dangerous ordnance, the person is guilty of 459
a misdemeanor of the second degree. 460

(G) If a law enforcement officer stops a person to 461
question the person regarding a possible violation of this 462
section, for a traffic stop, or for any other law enforcement 463
purpose, if the person surrenders a firearm to the officer, 464
either voluntarily or pursuant to a request or demand of the 465
officer, and if the officer does not charge the person with a 466
violation of this section or arrest the person for any offense, 467
the person is not otherwise prohibited by law from possessing 468
the firearm, and the firearm is not contraband, the officer 469
shall return the firearm to the person at the termination of the 470
stop. If a court orders a law enforcement officer to return a 471
firearm to a person pursuant to the requirement set forth in 472
this division, division (B) of section 2923.163 of the Revised 473
Code applies. 474

(H) For purposes of this section, "deadly weapon" or 475
"weapon" does not include any knife, razor, or cutting 476
instrument if the instrument was not used as a weapon. 477

Sec. 2923.121. (A) No person shall possess a firearm in 478
any room in which any person is consuming beer or intoxicating 479
liquor in a premises for which a D permit has been issued under 480
Chapter 4303. of the Revised Code or in an open air arena for 481
which a permit of that nature has been issued. 482

(B) (1) This section does not apply to any of the 483
following: 484

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

(b) A law enforcement officer or investigator who is authorized to carry firearms but is not acting within the scope of the officer's or investigator's duties, as long as all of the following apply:

(i) The officer or investigator is carrying validating identification.

(ii) If the firearm the officer or investigator possesses is a firearm issued or approved by the law enforcement agency served by the officer or by the bureau of criminal identification and investigation with respect to an investigator, the agency or bureau does not have a restrictive firearms carrying policy.

(iii) The officer or investigator is not consuming beer or intoxicating liquor and is not under the influence of alcohol or a drug of abuse.

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

(d) The principal holder of a D permit issued for a premises or an open air arena under Chapter 4303. of the Revised Code while in the premises or open air arena for which the permit was issued if the principal holder of the D permit also possesses a valid concealed handgun license and as long as the principal holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse, or any agent or employee of that holder who also is a peace officer, as

defined in section 2151.3515 of the Revised Code, who is off 514
duty, and who otherwise is authorized to carry firearms while in 515
the course of the officer's official duties and while in the 516
premises or open air arena for which the permit was issued and 517
as long as the agent or employee of that holder is not consuming 518
beer or intoxicating liquor or under the influence of alcohol or 519
a drug of abuse. 520

(e) Any person who is carrying a valid concealed handgun 521
license or any person who is ~~an active duty a qualified military~~ 522
~~member of the armed forces of the United States and is carrying~~ 523
~~a valid military identification card and documentation of~~ 524
~~successful completion of firearms training that meets or exceeds~~ 525
~~the training requirements described in division (G) (1) of~~ 526
~~section 2923.125 of the Revised Code,~~ as long as the person is 527
not consuming beer or intoxicating liquor or under the influence 528
of alcohol or a drug of abuse. 529

(2) This section does not prohibit any person who is a 530
member of a veteran's organization, as defined in section 531
2915.01 of the Revised Code, from possessing a rifle in any room 532
in any premises owned, leased, or otherwise under the control of 533
the veteran's organization, if the rifle is not loaded with live 534
ammunition and if the person otherwise is not prohibited by law 535
from having the rifle. 536

(3) This section does not apply to any person possessing 537
or displaying firearms in any room used to exhibit unloaded 538
firearms for sale or trade in a soldiers' memorial established 539
pursuant to Chapter 345. of the Revised Code, in a convention 540
center, or in any other public meeting place, if the person is 541
an exhibitor, trader, purchaser, or seller of firearms and is 542
not otherwise prohibited by law from possessing, trading, 543

purchasing, or selling the firearms. 544

(C) It is an affirmative defense to a charge under this 545
section of illegal possession of a firearm in a liquor permit 546
premises that involves the possession of a firearm other than a 547
handgun, that the actor was not otherwise prohibited by law from 548
having the firearm, and that any of the following apply: 549

(1) The firearm was carried or kept ready at hand by the 550
actor for defensive purposes, while the actor was engaged in or 551
was going to or from the actor's lawful business or occupation, 552
which business or occupation was of such character or was 553
necessarily carried on in such manner or at such a time or place 554
as to render the actor particularly susceptible to criminal 555
attack, such as would justify a prudent person in going armed. 556

(2) The firearm was carried or kept ready at hand by the 557
actor for defensive purposes, while the actor was engaged in a 558
lawful activity, and had reasonable cause to fear a criminal 559
attack upon the actor or a member of the actor's family, or upon 560
the actor's home, such as would justify a prudent person in 561
going armed. 562

(D) No person who is charged with a violation of this 563
section shall be required to obtain a concealed handgun license 564
as a condition for the dismissal of the charge. 565

(E) Whoever violates this section is guilty of illegal 566
possession of a firearm in a liquor permit premises. Except as 567
otherwise provided in this division, illegal possession of a 568
firearm in a liquor permit premises is a felony of the fifth 569
degree. If the offender commits the violation of this section by 570
knowingly carrying or having the firearm concealed on the 571
offender's person or concealed ready at hand, illegal possession 572

of a firearm in a liquor permit premises is a felony of the	573
third degree.	574
(F) As used in this section:	575
(1) "Beer" and "intoxicating liquor" have the same	576
meanings as in section 4301.01 of the Revised Code.	577
(2) "Investigator" has the same meaning as in section	578
109.541 of the Revised Code.	579
(3) "Restrictive firearms carrying policy" means a	580
specific policy of a law enforcement agency or the bureau of	581
criminal identification and investigation that prohibits all	582
officers of the agency or all investigators of the bureau, while	583
not acting within the scope of the officer's or investigator's	584
duties, from doing either of the following:	585
(a) Carrying a firearm issued or approved by the agency or	586
bureau in any room, premises, or arena described in division (A)	587
of this section;	588
(b) Carrying a firearm issued or approved by the agency or	589
bureau in premises described in division (A) of section	590
2923.1214 of the Revised Code.	591
(4) "Law enforcement officer" has the same meaning as in	592
section 9.69 of the Revised Code.	593
(5) "Validating identification" means one of the	594
following:	595
(a) Photographic identification issued by the law	596
enforcement agency for which an individual serves as a law	597
enforcement officer that identifies the individual as a law	598
enforcement officer of the agency;	599

(b) Photographic identification issued by the bureau of 600
criminal identification and investigation that identifies an 601
individual as an investigator of the bureau. 602

Sec. 2923.122. (A) No person shall knowingly convey, or 603
attempt to convey, a deadly weapon or dangerous ordnance into a 604
school safety zone. 605

(B) No person shall knowingly possess a deadly weapon or 606
dangerous ordnance in a school safety zone. 607

(C) No person shall knowingly possess an object in a 608
school safety zone if both of the following apply: 609

(1) The object is indistinguishable from a firearm, 610
whether or not the object is capable of being fired. 611

(2) The person indicates that the person possesses the 612
object and that it is a firearm, or the person knowingly 613
displays or brandishes the object and indicates that it is a 614
firearm. 615

(D) (1) This section does not apply to any of the 616
following: 617

(a) An officer, agent, or employee of this or any other 618
state or the United States who is authorized to carry deadly 619
weapons or dangerous ordnance and is acting within the scope of 620
the officer's, agent's, or employee's duties, a law enforcement 621
officer who is authorized to carry deadly weapons or dangerous 622
ordnance, a security officer employed by a board of education or 623
governing body of a school during the time that the security 624
officer is on duty pursuant to that contract of employment, or 625
any other person who has written authorization from the board of 626
education or governing body of a school to convey deadly weapons 627
or dangerous ordnance into a school safety zone or to possess a 628

deadly weapon or dangerous ordnance in a school safety zone and 629
who conveys or possesses the deadly weapon or dangerous ordnance 630
in accordance with that authorization; 631

(b) Any person who is employed in this state, who is 632
authorized to carry deadly weapons or dangerous ordnance, and 633
who is subject to and in compliance with the requirements of 634
section 109.801 of the Revised Code, unless the appointing 635
authority of the person has expressly specified that the 636
exemption provided in division (D) (1) (b) of this section does 637
not apply to the person. 638

(2) Division (C) of this section does not apply to 639
premises upon which home schooling is conducted. Division (C) of 640
this section also does not apply to a school administrator, 641
teacher, or employee who possesses an object that is 642
indistinguishable from a firearm for legitimate school purposes 643
during the course of employment, a student who uses an object 644
that is indistinguishable from a firearm under the direction of 645
a school administrator, teacher, or employee, or any other 646
person who with the express prior approval of a school 647
administrator possesses an object that is indistinguishable from 648
a firearm for a legitimate purpose, including the use of the 649
object in a ceremonial activity, a play, reenactment, or other 650
dramatic presentation, school safety training, or a ROTC 651
activity or another similar use of the object. 652

(3) This section does not apply to a person who conveys or 653
attempts to convey a handgun into, or possesses a handgun in, a 654
school safety zone if, at the time of that conveyance, attempted 655
conveyance, or possession of the handgun, all of the following 656
apply: 657

(a) The person does not enter into a school building or 658

onto school premises and is not at a school activity. 659

(b) The person is carrying a valid concealed handgun 660
license or the person is an active duty a qualified military 661
~~member of the armed forces of the United States and is carrying~~ 662
~~a valid military identification card and documentation of~~ 663
~~successful completion of firearms training that meets or exceeds~~ 664
~~the training requirements described in division (G) (1) of~~ 665
~~section 2923.125 of the Revised Code.~~ 666

(c) The person is in the school safety zone in accordance 667
with 18 U.S.C. 922(q) (2) (B). 668

(d) The person is not knowingly in a place described in 669
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 670
Revised Code. 671

(4) This section does not apply to a person who conveys or 672
attempts to convey a handgun into, or possesses a handgun in, a 673
school safety zone if at the time of that conveyance, attempted 674
conveyance, or possession of the handgun all of the following 675
apply: 676

(a) The person is carrying a valid concealed handgun 677
license or the person is an active duty a qualified military 678
~~member of the armed forces of the United States and is carrying~~ 679
~~a valid military identification card and documentation of~~ 680
~~successful completion of firearms training that meets or exceeds~~ 681
~~the training requirements described in division (G) (1) of~~ 682
~~section 2923.125 of the Revised Code.~~ 683

(b) The person leaves the handgun in a motor vehicle. 684

(c) The handgun does not leave the motor vehicle. 685

(d) If the person exits the motor vehicle, the person 686

locks the motor vehicle. 687

~~(E) (1) Whoever~~ (E) (1) (a) Except as provided in division 688
(E) (1) (b) of this section, whoever violates division (A) or (B) 689
of this section is guilty of illegal conveyance or possession of 690
a deadly weapon or dangerous ordnance in a school safety zone. 691
Except as otherwise provided in this division, illegal 692
conveyance or possession of a deadly weapon or dangerous 693
ordnance in a school safety zone is a felony of the fifth 694
degree. If the offender previously has been convicted of a 695
violation of this section, illegal conveyance or possession of a 696
deadly weapon or dangerous ordnance in a school safety zone is a 697
felony of the fourth degree. 698

(b) A person who has a valid concealed handgun license or 699
who is a qualified military member and who is discovered 700
carrying a deadly weapon in a school safety zone in violation of 701
division (A) or (B) of this section is subject to removal from 702
the school safety zone but is not guilty of illegal conveyance 703
or possession of a deadly weapon or dangerous ordnance in a 704
school safety zone. If the person refuses or fails to leave the 705
school safety zone upon being requested to do so by the 706
individual in control of the premises or by that individual's 707
agent or employee, or returns within thirty days to the same 708
school safety zone while knowingly in possession of a deadly 709
weapon in violation of this section, the person is guilty of 710
criminal trespass with a deadly weapon, as described in section 711
2923.1215 of the Revised Code. 712

(2) Whoever violates division (C) of this section is 713
guilty of illegal possession of an object indistinguishable from 714
a firearm in a school safety zone. Except as otherwise provided 715
in this division, illegal possession of an object 716

indistinguishable from a firearm in a school safety zone is a 717
misdemeanor of the first degree. If the offender previously has 718
been convicted of a violation of this section, illegal 719
possession of an object indistinguishable from a firearm in a 720
school safety zone is a felony of the fifth degree. 721

(F) (1) In addition to any other penalty imposed upon a 722
person who is convicted of or pleads guilty to a violation of 723
this section and subject to division (F) (2) of this section, if 724
the offender has not attained nineteen years of age, regardless 725
of whether the offender is attending or is enrolled in a school 726
operated by a board of education or for which the state board of 727
education prescribes minimum standards under section 3301.07 of 728
the Revised Code, the court shall impose upon the offender a 729
class four suspension of the offender's probationary driver's 730
license, restricted license, driver's license, commercial 731
driver's license, temporary instruction permit, or probationary 732
commercial driver's license that then is in effect from the 733
range specified in division (A) (4) of section 4510.02 of the 734
Revised Code and shall deny the offender the issuance of any 735
permit or license of that type during the period of the 736
suspension. 737

If the offender is not a resident of this state, the court 738
shall impose a class four suspension of the nonresident 739
operating privilege of the offender from the range specified in 740
division (A) (4) of section 4510.02 of the Revised Code. 741

(2) If the offender shows good cause why the court should 742
not suspend one of the types of licenses, permits, or privileges 743
specified in division (F) (1) of this section or deny the 744
issuance of one of the temporary instruction permits specified 745
in that division, the court in its discretion may choose not to 746

impose the suspension, revocation, or denial required in that 747
division, but the court, in its discretion, instead may require 748
the offender to perform community service for a number of hours 749
determined by the court. 750

(G) As used in this section, "object that is 751
indistinguishable from a firearm" means an object made, 752
constructed, or altered so that, to a reasonable person without 753
specialized training in firearms, the object appears to be a 754
firearm. 755

Sec. 2923.123. (A) No person shall knowingly convey or 756
attempt to convey a deadly weapon or dangerous ordnance into a 757
courthouse or into another building or structure in which a 758
courtroom is located. 759

(B) No person shall knowingly possess or have under the 760
person's control a deadly weapon or dangerous ordnance in a 761
courthouse or in another building or structure in which a 762
courtroom is located. 763

(C) This section does not apply to any of the following: 764

(1) Except as provided in division (E) of this section, a 765
judge of a court of record of this state or a magistrate; 766

(2) A peace officer, officer of a law enforcement agency, 767
or person who is in either of the following categories: 768

(a) Except as provided in division (E) of this section, a 769
peace officer, or an officer of a law enforcement agency of 770
another state, a political subdivision of another state, or the 771
United States, who is authorized to carry a deadly weapon or 772
dangerous ordnance, who possesses or has under that individual's 773
control a deadly weapon or dangerous ordnance as a requirement 774
of that individual's duties, and who is acting within the scope 775

of that individual's duties at the time of that possession or 776
control; 777

(b) Except as provided in division (E) of this section, a 778
person who is employed in this state, who is authorized to carry 779
a deadly weapon or dangerous ordnance, who possesses or has 780
under that individual's control a deadly weapon or dangerous 781
ordnance as a requirement of that person's duties, and who is 782
subject to and in compliance with the requirements of section 783
109.801 of the Revised Code, unless the appointing authority of 784
the person has expressly specified that the exemption provided 785
in division (C) (2) (b) of this section does not apply to the 786
person. 787

(3) A person who conveys, attempts to convey, possesses, 788
or has under the person's control a deadly weapon or dangerous 789
ordnance that is to be used as evidence in a pending criminal or 790
civil action or proceeding; 791

(4) Except as provided in division (E) of this section, a 792
bailiff or deputy bailiff of a court of record of this state who 793
is authorized to carry a firearm pursuant to section 109.77 of 794
the Revised Code, who possesses or has under that individual's 795
control a firearm as a requirement of that individual's duties, 796
and who is acting within the scope of that individual's duties 797
at the time of that possession or control; 798

(5) Except as provided in division (E) of this section, a 799
prosecutor, or a secret service officer appointed by a county 800
prosecuting attorney, who is authorized to carry a deadly weapon 801
or dangerous ordnance in the performance of the individual's 802
duties, who possesses or has under that individual's control a 803
deadly weapon or dangerous ordnance as a requirement of that 804
individual's duties, and who is acting within the scope of that 805

individual's duties at the time of that possession or control; 806

(6) Except as provided in division (E) of this section, a 807
person who conveys or attempts to convey a handgun into a 808
courthouse or into another building or structure in which a 809
courtroom is located, who, at the time of the conveyance or 810
attempt, either is carrying a valid concealed handgun license or 811
is ~~an active duty~~ a qualified military member of the armed 812
~~forces of the United States and is carrying a valid military~~ 813
~~identification card and documentation of successful completion~~ 814
~~of firearms training that meets or exceeds the training~~ 815
~~requirements described in division (C) (1) of section 2923.125 of~~ 816
~~the Revised Code~~, and who transfers possession of the handgun to 817
the officer or officer's designee who has charge of the 818
courthouse or building. The officer shall secure the handgun 819
until the licensee or qualified military member is prepared to 820
leave the premises. The exemption described in this division 821
applies only if the officer who has charge of the courthouse or 822
building provides services of the nature described in this 823
division. An officer who has charge of the courthouse or 824
building is not required to offer services of the nature 825
described in this division. 826

(D) (1) ~~Whoever~~ Except as provided in division (D) (3) of 827
this section, whoever violates division (A) of this section is 828
guilty of illegal conveyance of a deadly weapon or dangerous 829
ordnance into a courthouse. Except as otherwise provided in this 830
division, illegal conveyance of a deadly weapon or dangerous 831
ordnance into a courthouse is a felony of the fifth degree. If 832
the offender previously has been convicted of a violation of 833
division (A) or (B) of this section, illegal conveyance of a 834
deadly weapon or dangerous ordnance into a courthouse is a 835
felony of the fourth degree. 836

(2) ~~Whoever~~ Except as provided in division (D) (3) of this 837
section, whoever violates division (B) of this section is guilty 838
of illegal possession or control of a deadly weapon or dangerous 839
ordnance in a courthouse. Except as otherwise provided in this 840
division, illegal possession or control of a deadly weapon or 841
dangerous ordnance in a courthouse is a felony of the fifth 842
degree. If the offender previously has been convicted of a 843
violation of division (A) or (B) of this section, illegal 844
possession or control of a deadly weapon or dangerous ordnance 845
in a courthouse is a felony of the fourth degree. 846

(3) A person who has a valid concealed handgun license or 847
who is a qualified military member and who is discovered 848
conveying, possessing, or controlling a deadly weapon in 849
violation of division (A) or (B) of this section is subject to 850
removal from the premises but is not guilty of illegal 851
conveyance of a deadly weapon or dangerous ordnance into a 852
courthouse or of illegal possession or control of a deadly 853
weapon or dangerous ordnance in a courthouse, as applicable. If 854
the person refuses or fails to leave the premises upon being 855
requested to do so by the individual in control of the premises 856
or by that individual's agent or employee, or returns within 857
thirty days to the same premises while knowingly in possession 858
of a deadly weapon in violation of this section, the person is 859
guilty of criminal trespass with a deadly weapon, as described 860
in section 2923.1215 of the Revised Code. 861

(E) The exemptions described in divisions (C) (1), (2) (a), 862
(2) (b), (4), (5), and (6) of this section do not apply to any 863
judge, magistrate, peace officer, officer of a law enforcement 864
agency, bailiff, deputy bailiff, prosecutor, secret service 865
officer, or other person described in any of those divisions if 866
a rule of superintendence or another type of rule adopted by the 867

supreme court pursuant to Article IV, Ohio Constitution, or an 868
applicable local rule of court prohibits all persons from 869
conveying or attempting to convey a deadly weapon or dangerous 870
ordnance into a courthouse or into another building or structure 871
in which a courtroom is located or from possessing or having 872
under one's control a deadly weapon or dangerous ordnance in a 873
courthouse or in another building or structure in which a 874
courtroom is located. 875

(F) As used in this section: 876

(1) "Magistrate" means an individual who is appointed by a 877
court of record of this state and who has the powers and may 878
perform the functions specified in Civil Rule 53, Criminal Rule 879
19, or Juvenile Rule 40. 880

(2) "Peace officer" and "prosecutor" have the same 881
meanings as in section 2935.01 of the Revised Code. 882

Sec. 2923.126. (A) A concealed handgun license that is 883
issued under section 2923.125 of the Revised Code shall expire 884
five years after the date of issuance. A licensee who has been 885
issued a license under that section shall be granted a grace 886
period of thirty days after the licensee's license expires 887
during which the licensee's license remains valid. Except as 888
provided in divisions (B) and (C) of this section, a licensee 889
who has been issued a concealed handgun license under section 890
2923.125 or 2923.1213 of the Revised Code may carry a concealed 891
handgun anywhere in this state if the licensee also carries a 892
valid license when the licensee is in actual possession of a 893
concealed handgun. The licensee shall give notice of any change 894
in the licensee's residence address to the sheriff who issued 895
the license within forty-five days after that change. 896

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 while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of division (E) of section 2923.16 of the Revised Code, after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves. Additionally, if a licensee is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in section 5503.34 of the Revised Code and the licensee is transporting or has a loaded handgun in the commercial motor vehicle at that time, the licensee shall promptly inform the employee of the unit 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.

If a licensee is stopped for a law enforcement purpose and

if the licensee is carrying a concealed handgun at the time the officer approaches, the licensee shall promptly inform any law enforcement officer who approaches the licensee while stopped that the licensee has been issued a concealed handgun license and that the licensee currently is carrying a concealed handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the licensee is stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of division (B) of section 2923.12 of the Revised Code, after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves.

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

(1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or

a public agency; or an institution that is maintained, operated,	959
managed, and governed pursuant to division (A) of section	960
5119.14 of the Revised Code or division (A) (1) of section	961
5123.03 of the Revised Code;	962
(2) A school safety zone if the licensee's carrying the	963
concealed handgun is in violation of section 2923.122 of the	964
Revised Code;	965
(3) A courthouse or another building or structure in which	966
a courtroom is located if the licensee's carrying the concealed	967
handgun is in violation of section 2923.123 of the Revised Code;	968
(4) Any premises or open air arena for which a D permit	969
has been issued under Chapter 4303. of the Revised Code if the	970
licensee's carrying the concealed handgun is in violation of	971
section 2923.121 of the Revised Code;	972
(5) Any premises owned or leased by any public or private	973
college, university, or other institution of higher education,	974
unless the handgun is in a locked motor vehicle or the licensee	975
is in the immediate process of placing the handgun in a locked	976
motor vehicle or unless the licensee is carrying the concealed	977
handgun pursuant to a written policy, rule, or other	978
authorization that is adopted by the institution's board of	979
trustees or other governing body and that authorizes specific	980
individuals or classes of individuals to carry a concealed	981
handgun on the premises;	982
(6) Any church, synagogue, mosque, or other place of	983
worship, unless the church, synagogue, mosque, or other place of	984
worship posts or permits otherwise;	985
(7) Any building that is a government facility of this	986
state or a political subdivision of this state and that is not a	987

building that is used primarily as a shelter, restroom, parking 988
facility for motor vehicles, or rest facility and is not a 989
courthouse or other building or structure in which a courtroom 990
is located that is subject to division (B)(3) of this section, 991
unless the governing body with authority over the building has 992
enacted a statute, ordinance, or policy that permits ~~a licensee~~ 993
all or certain specific licensees to carry a concealed handgun 994
into the building or any portion of the building; 995

(8) A place in which federal law prohibits the carrying of 996
handguns. 997

(C)(1) Nothing in this section shall negate or restrict a 998
rule, policy, or practice of a private employer that is not a 999
private college, university, or other institution of higher 1000
education concerning or prohibiting the presence of firearms on 1001
the private employer's premises or property, including motor 1002
vehicles owned by the private employer. Nothing in this section 1003
shall require a private employer of that nature to adopt a rule, 1004
policy, or practice concerning or prohibiting the presence of 1005
firearms on the private employer's premises or property, 1006
including motor vehicles owned by the private employer. 1007

(2)(a) A private employer shall be immune from liability 1008
in a civil action for any injury, death, or loss to person or 1009
property that allegedly was caused by or related to a licensee 1010
bringing a handgun onto the premises or property of the private 1011
employer, including motor vehicles owned by the private 1012
employer, unless the private employer acted with malicious 1013
purpose. A private employer is immune from liability in a civil 1014
action for any injury, death, or loss to person or property that 1015
allegedly was caused by or related to the private employer's 1016
decision to permit a licensee to bring, or prohibit a licensee 1017

from bringing, a handgun onto the premises or property of the 1018
private employer. 1019

(b) A political subdivision shall be immune from liability 1020
in a civil action, to the extent and in the manner provided in 1021
Chapter 2744. of the Revised Code, for any injury, death, or 1022
loss to person or property that allegedly was caused by or 1023
related to a licensee bringing a handgun onto any premises or 1024
property owned, leased, or otherwise under the control of the 1025
political subdivision. As used in this division, "political 1026
subdivision" has the same meaning as in section 2744.01 of the 1027
Revised Code. 1028

(c) An institution of higher education shall be immune 1029
from liability in a civil action for any injury, death, or loss 1030
to person or property that allegedly was caused by or related to 1031
a licensee bringing a handgun onto the premises of the 1032
institution, including motor vehicles owned by the institution, 1033
unless the institution acted with malicious purpose. An 1034
institution of higher education is immune from liability in a 1035
civil action for any injury, death, or loss to person or 1036
property that allegedly was caused by or related to the 1037
institution's decision to permit a licensee or class of 1038
licensees to bring a handgun onto the premises of the 1039
institution. 1040

(d) A nonprofit corporation shall be immune from liability 1041
in a civil action for any injury, death, or loss to person or 1042
property that allegedly was caused by or related to a licensee 1043
bringing a handgun onto the premises of the nonprofit 1044
corporation, including any motor vehicle owned by the nonprofit 1045
corporation, or to any event organized by the nonprofit 1046
corporation, unless the nonprofit corporation acted with 1047

malicious purpose. A nonprofit corporation is immune from 1048
liability in a civil action for any injury, death, or loss to 1049
person or property that allegedly was caused by or related to 1050
the nonprofit corporation's decision to permit a licensee to 1051
bring a handgun onto the premises of the nonprofit corporation 1052
or to any event organized by the nonprofit corporation. 1053

(3) (a) Except as provided in division ~~(C) (3) (b)~~ (C) (3) (c) 1054
of this section and section 2923.1214 of the Revised Code, the 1055
owner or person in control of private land or premises, and a 1056
private person or entity leasing land or premises owned by the 1057
state, the United States, or a political subdivision of the 1058
state or the United States, may post a sign in a conspicuous 1059
location on that land or on those premises prohibiting persons 1060
from carrying firearms or concealed firearms on or onto that 1061
land or those premises. Except as otherwise provided in this 1062
division or division (C) (3) (b) of this section, a person who 1063
knowingly violates a posted prohibition of that nature is guilty 1064
of criminal trespass in violation of division (A) (4) of section 1065
2911.21 of the Revised Code and is guilty of a misdemeanor of 1066
the fourth degree. ~~If Except as provided in division (C) (3) (b)~~ 1067
of this section, if a person knowingly violates a posted 1068
prohibition of that nature and the posted land or premises 1069
primarily was a parking lot or other parking facility, the 1070
person is not guilty of criminal trespass under section 2911.21 1071
of the Revised Code or under any other criminal law of this 1072
state or criminal law, ordinance, or resolution of a political 1073
subdivision of this state, and instead is subject only to a 1074
civil cause of action for trespass based on the violation. 1075

~~If Except as provided in division (C) (3) (b) of this~~ 1076
section, if a person knowingly violates a posted prohibition of 1077
the nature described in this division and the posted land or 1078

premises is a child day-care center, type A family day-care 1079
home, or type B family day-care home, unless the person is a 1080
licensee who resides in a type A family day-care home or type B 1081
family day-care home, the person is guilty of aggravated 1082
trespass in violation of section 2911.211 of the Revised Code. 1083
Except as otherwise provided in this division, the offender is 1084
guilty of a misdemeanor of the first degree. If the person 1085
previously has been convicted of a violation of this division or 1086
of any offense of violence, if the weapon involved is a firearm 1087
that is either loaded or for which the offender has ammunition 1088
ready at hand, or if the weapon involved is dangerous ordnance, 1089
the offender is guilty of a felony of the fourth degree. 1090

(b) A person who has a valid concealed handgun license or 1091
who is a qualified military member who is discovered carrying a 1092
deadly weapon onto land or premises in violation of a sign 1093
posted under division (C) (3) (a) of this section is subject to 1094
removal from the land or premises but is not guilty of criminal 1095
trespass or aggravated trespass based on the violation and is 1096
not subject to a civil cause of action for trespass based on the 1097
violation. If the person refuses or fails to leave the land or 1098
premises upon being requested to do so by the owner, lessee, or 1099
person in control of the land or premises or by the individual's 1100
agent or employee, or the person returns within thirty days to 1101
the same land or premises while knowingly in possession of a 1102
deadly weapon in violation of a sign posted under division (C) 1103
(3) (a) of this section, the person is guilty of criminal 1104
trespass with a deadly weapon, as described in section 2923.1215 1105
of the Revised Code. 1106

(c) A landlord may not prohibit or restrict a tenant who 1107
is a licensee and who on or after September 9, 2008, enters into 1108
a rental agreement with the landlord for the use of residential 1109

premises, and the tenant's guest while the tenant is present, 1110
from lawfully carrying or possessing a handgun on those 1111
residential premises. 1112

~~(e)~~ (d) As used in division (C) (3) of this section: 1113

(i) "Residential premises" has the same meaning as in 1114
section 5321.01 of the Revised Code, except "residential 1115
premises" does not include a dwelling unit that is owned or 1116
operated by a college or university. 1117

(ii) "Landlord," "tenant," and "rental agreement" have the 1118
same meanings as in section 5321.01 of the Revised Code. 1119

(D) A person who holds a valid concealed handgun license 1120
issued by another state that is recognized by the attorney 1121
general pursuant to a reciprocity agreement entered into 1122
pursuant to section 109.69 of the Revised Code or a person who 1123
holds a valid concealed handgun license under the circumstances 1124
described in division (B) of section 109.69 of the Revised Code 1125
has the same right to carry a concealed handgun in this state as 1126
a person who was issued a concealed handgun license under 1127
section 2923.125 of the Revised Code and is subject to the same 1128
restrictions that apply to a person who carries a license issued 1129
under that section. 1130

(E) (1) A peace officer has the same right to carry a 1131
concealed handgun in this state as a person who was issued a 1132
concealed handgun license under section 2923.125 of the Revised 1133
Code, provided that the officer when carrying a concealed 1134
handgun under authority of this division is carrying validating 1135
identification. For purposes of reciprocity with other states, a 1136
peace officer shall be considered to be a licensee in this 1137
state. 1138

~~(2) An active duty A qualified military member of the~~ 1139
~~armed forces of the United States who is carrying a valid~~ 1140
~~military identification card and documentation of successful~~ 1141
~~completion of firearms training that meets or exceeds the~~ 1142
~~training requirements described in division (G) (1) of section~~ 1143
~~2923.125 of the Revised Code~~ has the same right to carry a 1144
concealed handgun in this state as a person who was issued a 1145
concealed handgun license under section 2923.125 of the Revised 1146
Code and is subject to the same restrictions as specified in 1147
this section. 1148

(3) A tactical medical professional who is qualified to 1149
carry firearms while on duty under section 109.771 of the 1150
Revised Code has the same right to carry a concealed handgun in 1151
this state as a person who was issued a concealed handgun 1152
license under section 2923.125 of the Revised Code. 1153

(F) (1) A qualified retired peace officer who possesses a 1154
retired peace officer identification card issued pursuant to 1155
division (F) (2) of this section and a valid firearms 1156
requalification certification issued pursuant to division (F) (3) 1157
of this section has the same right to carry a concealed handgun 1158
in this state as a person who was issued a concealed handgun 1159
license under section 2923.125 of the Revised Code and is 1160
subject to the same restrictions that apply to a person who 1161
carries a license issued under that section. For purposes of 1162
reciprocity with other states, a qualified retired peace officer 1163
who possesses a retired peace officer identification card issued 1164
pursuant to division (F) (2) of this section and a valid firearms 1165
requalification certification issued pursuant to division (F) (3) 1166
of this section shall be considered to be a licensee in this 1167
state. 1168

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

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

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

(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 1198
the public agency of this state or of the political subdivision 1199
of this state from which the person retired as a peace officer 1200
and that is issuing the identification card, and specify that 1201
the person retired in good standing from service as a peace 1202
officer with the issuing public agency and satisfies the 1203
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1204
section. In addition to the required content specified in this 1205
division, a retired peace officer identification card issued to 1206
a person under division (F) (2) (a) of this section may include 1207
the firearms requalification certification described in division 1208
(F) (3) of this section, and if the identification card includes 1209
that certification, the identification card shall serve as the 1210
firearms requalification certification for the retired peace 1211
officer. If the issuing public agency issues credentials to 1212
active law enforcement officers who serve the agency, the agency 1213
may comply with division (F) (2) (a) of this section by issuing 1214
the same credentials to persons who retired from service as a 1215
peace officer with the agency and who satisfy the criteria set 1216
forth in divisions (F) (2) (a) (i) to (iv) of this section, 1217
provided that the credentials so issued to retired peace 1218
officers are stamped with the word "RETIRED." 1219

(c) A public agency of this state or of a political 1220
subdivision of this state may charge persons who retired from 1221
service as a peace officer with the agency a reasonable fee for 1222
issuing to the person a retired peace officer identification 1223
card pursuant to division (F) (2) (a) of this section. 1224

(3) If a person retired from service as a peace officer 1225
with a public agency of this state or of a political subdivision 1226
of this state and the person satisfies the criteria set forth in 1227
divisions (F) (2) (a) (i) to (iv) of this section, the public 1228

agency may provide the retired peace officer with the 1229
opportunity to attend a firearms requalification program that is 1230
approved for purposes of firearms requalification required under 1231
section 109.801 of the Revised Code. The retired peace officer 1232
may be required to pay the cost of the course. 1233

If a retired peace officer who satisfies the criteria set 1234
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 1235
a firearms requalification program that is approved for purposes 1236
of firearms requalification required under section 109.801 of 1237
the Revised Code, the retired peace officer's successful 1238
completion of the firearms requalification program requalifies 1239
the retired peace officer for purposes of division (F) of this 1240
section for five years from the date on which the program was 1241
successfully completed, and the requalification is valid during 1242
that five-year period. If a retired peace officer who satisfies 1243
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1244
section satisfactorily completes such a firearms requalification 1245
program, the retired peace officer shall be issued a firearms 1246
requalification certification that identifies the retired peace 1247
officer by name, identifies the entity that taught the program, 1248
specifies that the retired peace officer successfully completed 1249
the program, specifies the date on which the course was 1250
successfully completed, and specifies that the requalification 1251
is valid for five years from that date of successful completion. 1252
The firearms requalification certification for a retired peace 1253
officer may be included in the retired peace officer 1254
identification card issued to the retired peace officer under 1255
division (F) (2) of this section. 1256

A retired peace officer who attends a firearms 1257
requalification program that is approved for purposes of 1258
firearms requalification required under section 109.801 of the 1259

Revised Code may be required to pay the cost of the program.	1260
(G) As used in this section:	1261
(1) "Qualified retired peace officer" means a person who satisfies all of the following:	1262 1263
(a) The person satisfies the criteria set forth in divisions (F) (2) (a) (i) to (v) of this section.	1264 1265
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	1266 1267
(c) The person is not prohibited by federal law from receiving firearms.	1268 1269
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer.	1270 1271 1272
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	1273 1274
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	1275 1276 1277 1278 1279 1280
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	1281 1282 1283
(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.	1284 1285
(5) "Tactical medical professional" has the same meaning	1286

as in section 109.71 of the Revised Code. 1287

(6) "Validating identification" means photographic 1288
identification issued by the agency for which an individual 1289
serves as a peace officer that identifies the individual as a 1290
peace officer of the agency. 1291

(7) "Nonprofit corporation" means any private organization 1292
that is exempt from federal income taxation pursuant to 1293
subsection 501(a) and described in subsection 501(c) of the 1294
Internal Revenue Code. 1295

Sec. 2923.1215. (A) No concealed handgun licensee or 1296
qualified military member shall knowingly convey or attempt to 1297
convey a deadly weapon into any place listed in division (B) of 1298
section 2923.126 of the Revised Code or in violation of a sign 1299
posted pursuant to division (C) (3) (a) of that section, unless 1300
otherwise permitted under that section or section 2923.12, 1301
2923.122, or 2923.123 of the Revised Code, and do either of the 1302
following: 1303

(1) Refuse or fail to leave upon being discovered and 1304
being requested to leave by the owner, lessee, or person in 1305
control of the premises or by that individual's agent or 1306
employee; 1307

(2) Return within thirty days to the same premises while 1308
knowingly in possession of a deadly weapon without privilege to 1309
do so. 1310

(B) Whoever violates division (A) of this section is 1311
guilty of criminal trespass with a deadly weapon, a misdemeanor 1312
of the fourth degree. 1313

(C) A law enforcement officer or security officer may 1314
record any violation of division (A) of this section to 1315

determine whether the person has entered the same land or 1316
premises more than once within thirty days while knowingly in 1317
possession of a deadly weapon. 1318

(D) Except as permitted under division (G) of section 1319
2923.12 of the Revised Code, no law enforcement officer shall 1320
seize or authorize the seizure of the person's deadly weapon, 1321
ammunition, or accessories upon discovering a person conveying 1322
or attempting to convey a deadly weapon into a place where the 1323
weapon is prohibited, unless the person also violates division 1324
(A) of this section. 1325

Sec. 2923.16. (A) No person shall knowingly discharge a 1326
firearm while in or on a motor vehicle. 1327

(B) No person shall knowingly transport or have a loaded 1328
firearm in a motor vehicle in such a manner that the firearm is 1329
accessible to the operator or any passenger without leaving the 1330
vehicle. 1331

(C) No person shall knowingly transport or have a firearm 1332
in a motor vehicle, unless the person may lawfully possess that 1333
firearm under applicable law of this state or the United States, 1334
the firearm is unloaded, and the firearm is carried in one of 1335
the following ways: 1336

(1) In a closed package, box, or case; 1337

(2) In a compartment that can be reached only by leaving 1338
the vehicle; 1339

(3) In plain sight and secured in a rack or holder made 1340
for the purpose; 1341

(4) If the firearm is at least twenty-four inches in 1342
overall length as measured from the muzzle to the part of the 1343

stock furthest from the muzzle and if the barrel is at least 1344
eighteen inches in length, either in plain sight with the action 1345
open or the weapon stripped, or, if the firearm is of a type on 1346
which the action will not stay open or which cannot easily be 1347
stripped, in plain sight. 1348

(D) No person shall knowingly transport or have a loaded 1349
handgun in a motor vehicle if, at the time of that 1350
transportation or possession, any of the following applies: 1351

(1) The person is under the influence of alcohol, a drug 1352
of abuse, or a combination of them. 1353

(2) The person's whole blood, blood serum or plasma, 1354
breath, or urine contains a concentration of alcohol, a listed 1355
controlled substance, or a listed metabolite of a controlled 1356
substance prohibited for persons operating a vehicle, as 1357
specified in division (A) of section 4511.19 of the Revised 1358
Code, regardless of whether the person at the time of the 1359
transportation or possession as described in this division is 1360
the operator of or a passenger in the motor vehicle. 1361

(E) No person who has been issued a concealed handgun 1362
license or who is ~~an active duty a qualified military member of~~ 1363
~~the armed forces of the United States and is carrying a valid~~ 1364
~~military identification card and documentation of successful~~ 1365
~~completion of firearms training that meets or exceeds the~~ 1366
~~training requirements described in division (G) (1) of section~~ 1367
~~2923.125 of the Revised Code~~, who is the driver or an occupant 1368
of a motor vehicle that is stopped as a result of a traffic stop 1369
or a stop for another law enforcement purpose or is the driver 1370
or an occupant of a commercial motor vehicle that is stopped by 1371
an employee of the motor carrier enforcement unit for the 1372
purposes defined in section 5503.34 of the Revised Code, and who 1373

is transporting or has a loaded handgun in the motor vehicle or 1374
commercial motor vehicle in any manner, shall do any of the 1375
following: 1376

(1) Fail to promptly inform any law enforcement officer 1377
who approaches the vehicle while stopped that the person has 1378
been issued a concealed handgun license or is authorized to 1379
carry a concealed handgun as ~~an active duty~~ a qualified military 1380
~~member of the armed forces of the United States~~ and that the 1381
person then possesses or has a loaded handgun in the motor 1382
vehicle; 1383

(2) Fail to promptly inform the employee of the unit who 1384
approaches the vehicle while stopped that the person has been 1385
issued a concealed handgun license or is authorized to carry a 1386
concealed handgun as ~~an active duty~~ a qualified military member 1387
~~of the armed forces of the United States~~ and that the person 1388
then possesses or has a loaded handgun in the commercial motor 1389
vehicle; 1390

(3) Knowingly fail to remain in the motor vehicle while 1391
stopped or knowingly fail to keep the person's hands in plain 1392
sight at any time after any law enforcement officer begins 1393
approaching the person while stopped and before the law 1394
enforcement officer leaves, unless the failure is pursuant to 1395
and in accordance with directions given by a law enforcement 1396
officer; 1397

(4) Knowingly have contact with the loaded handgun by 1398
touching it with the person's hands or fingers in the motor 1399
vehicle at any time after the law enforcement officer begins 1400
approaching and before the law enforcement officer leaves, 1401
unless the person has contact with the loaded handgun pursuant 1402
to and in accordance with directions given by the law 1403

enforcement officer; 1404

(5) Knowingly disregard or fail to comply with any lawful 1405
order of any law enforcement officer given while the motor 1406
vehicle is stopped, including, but not limited to, a specific 1407
order to the person to keep the person's hands in plain sight. 1408

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1409
not apply to any of the following: 1410

(a) An officer, agent, or employee of this or any other 1411
state or the United States, or a law enforcement officer, when 1412
authorized to carry or have loaded or accessible firearms in 1413
motor vehicles and acting within the scope of the officer's, 1414
agent's, or employee's duties; 1415

(b) Any person who is employed in this state, who is 1416
authorized to carry or have loaded or accessible firearms in 1417
motor vehicles, and who is subject to and in compliance with the 1418
requirements of section 109.801 of the Revised Code, unless the 1419
appointing authority of the person has expressly specified that 1420
the exemption provided in division (F) (1) (b) of this section 1421
does not apply to the person. 1422

(2) Division (A) of this section does not apply to a 1423
person if all of the following circumstances apply: 1424

(a) The person discharges a firearm from a motor vehicle 1425
at a coyote or groundhog, the discharge is not during the deer 1426
gun hunting season as set by the chief of the division of 1427
wildlife of the department of natural resources, and the 1428
discharge at the coyote or groundhog, but for the operation of 1429
this section, is lawful. 1430

(b) The motor vehicle from which the person discharges the 1431
firearm is on real property that is located in an unincorporated 1432

area of a township and that either is zoned for agriculture or 1433
is used for agriculture. 1434

(c) The person owns the real property described in 1435
division (F) (2) (b) of this section, is the spouse or a child of 1436
another person who owns that real property, is a tenant of 1437
another person who owns that real property, or is the spouse or 1438
a child of a tenant of another person who owns that real 1439
property. 1440

(d) The person does not discharge the firearm in any of 1441
the following manners: 1442

(i) While under the influence of alcohol, a drug of abuse, 1443
or alcohol and a drug of abuse; 1444

(ii) In the direction of a street, highway, or other 1445
public or private property used by the public for vehicular 1446
traffic or parking; 1447

(iii) At or into an occupied structure that is a permanent 1448
or temporary habitation; 1449

(iv) In the commission of any violation of law, including, 1450
but not limited to, a felony that includes, as an essential 1451
element, purposely or knowingly causing or attempting to cause 1452
the death of or physical harm to another and that was committed 1453
by discharging a firearm from a motor vehicle. 1454

(3) Division (A) of this section does not apply to a 1455
person if all of the following apply: 1456

(a) The person possesses a valid all-purpose vehicle 1457
permit issued under section 1533.103 of the Revised Code by the 1458
chief of the division of wildlife. 1459

(b) The person discharges a firearm at a wild quadruped or 1460

game bird as defined in section 1531.01 of the Revised Code 1461
during the open hunting season for the applicable wild quadruped 1462
or game bird. 1463

(c) The person discharges a firearm from a stationary all- 1464
purpose vehicle as defined in section 1531.01 of the Revised 1465
Code from private or publicly owned lands or from a motor 1466
vehicle that is parked on a road that is owned or administered 1467
by the division of wildlife. 1468

(d) The person does not discharge the firearm in any of 1469
the following manners: 1470

(i) While under the influence of alcohol, a drug of abuse, 1471
or alcohol and a drug of abuse; 1472

(ii) In the direction of a street, a highway, or other 1473
public or private property that is used by the public for 1474
vehicular traffic or parking; 1475

(iii) At or into an occupied structure that is a permanent 1476
or temporary habitation; 1477

(iv) In the commission of any violation of law, including, 1478
but not limited to, a felony that includes, as an essential 1479
element, purposely or knowingly causing or attempting to cause 1480
the death of or physical harm to another and that was committed 1481
by discharging a firearm from a motor vehicle. 1482

(4) Divisions (B) and (C) of this section do not apply to 1483
a person if all of the following circumstances apply: 1484

(a) At the time of the alleged violation of either of 1485
those divisions, the person is the operator of or a passenger in 1486
a motor vehicle. 1487

(b) The motor vehicle is on real property that is located 1488

in an unincorporated area of a township and that either is zoned 1489
for agriculture or is used for agriculture. 1490

(c) The person owns the real property described in 1491
division (D) (4) (b) of this section, is the spouse or a child of 1492
another person who owns that real property, is a tenant of 1493
another person who owns that real property, or is the spouse or 1494
a child of a tenant of another person who owns that real 1495
property. 1496

(d) The person, prior to arriving at the real property 1497
described in division (D) (4) (b) of this section, did not 1498
transport or possess a firearm in the motor vehicle in a manner 1499
prohibited by division (B) or (C) of this section while the 1500
motor vehicle was being operated on a street, highway, or other 1501
public or private property used by the public for vehicular 1502
traffic or parking. 1503

(5) Divisions (B) and (C) of this section do not apply to 1504
a person who transports or possesses a handgun in a motor 1505
vehicle if, at the time of that transportation or possession, 1506
both of the following apply: 1507

(a) The person transporting or possessing the handgun is 1508
either carrying a valid concealed handgun license or is ~~an~~ 1509
~~active duty a qualified military member of the armed forces of~~ 1510
~~the United States and is carrying a valid military~~ 1511
~~identification card and documentation of successful completion~~ 1512
~~of firearms training that meets or exceeds the training~~ 1513
~~requirements described in division (C) (1) of section 2923.125 of~~ 1514
~~the Revised Code.~~ 1515

(b) The person transporting or possessing the handgun is 1516
not knowingly in a place described in division (B) of section 1517

2923.126 of the Revised Code. 1518

(6) Divisions (B) and (C) of this section do not apply to 1519
a person if all of the following apply: 1520

(a) The person possesses a valid all-purpose vehicle 1521
permit issued under section 1533.103 of the Revised Code by the 1522
chief of the division of wildlife. 1523

(b) The person is on or in an all-purpose vehicle as 1524
defined in section 1531.01 of the Revised Code or a motor 1525
vehicle during the open hunting season for a wild quadruped or 1526
game bird. 1527

(c) The person is on or in an all-purpose vehicle as 1528
defined in section 1531.01 of the Revised Code on private or 1529
publicly owned lands or on or in a motor vehicle that is parked 1530
on a road that is owned or administered by the division of 1531
wildlife. 1532

(7) Nothing in this section prohibits or restricts a 1533
person from possessing, storing, or leaving a firearm in a 1534
locked motor vehicle that is parked in the state underground 1535
parking garage at the state capitol building or in the parking 1536
garage at the Riffe center for government and the arts in 1537
Columbus, if the person's transportation and possession of the 1538
firearm in the motor vehicle while traveling to the premises or 1539
facility was not in violation of division (A), (B), (C), (D), or 1540
(E) of this section or any other provision of the Revised Code. 1541

(G) (1) The affirmative defenses authorized in divisions 1542
(D) (1) and (2) of section 2923.12 of the Revised Code are 1543
affirmative defenses to a charge under division (B) or (C) of 1544
this section that involves a firearm other than a handgun. 1545

(2) It is an affirmative defense to a charge under 1546

division (B) or (C) of this section of improperly handling 1547
firearms in a motor vehicle that the actor transported or had 1548
the firearm in the motor vehicle for any lawful purpose and 1549
while the motor vehicle was on the actor's own property, 1550
provided that this affirmative defense is not available unless 1551
the person, immediately prior to arriving at the actor's own 1552
property, did not transport or possess the firearm in a motor 1553
vehicle in a manner prohibited by division (B) or (C) of this 1554
section while the motor vehicle was being operated on a street, 1555
highway, or other public or private property used by the public 1556
for vehicular traffic. 1557

(H) (1) No person who is charged with a violation of 1558
division (B), (C), or (D) of this section shall be required to 1559
obtain a concealed handgun license as a condition for the 1560
dismissal of the charge. 1561

(2) (a) If a person is convicted of, was convicted of, 1562
pleads guilty to, or has pleaded guilty to a violation of 1563
division (E) of this section as it existed prior to September 1564
30, 2011, and if the conduct that was the basis of the violation 1565
no longer would be a violation of division (E) of this section 1566
on or after September 30, 2011, the person may file an 1567
application under section 2953.37 of the Revised Code requesting 1568
the expungement of the record of conviction. 1569

If a person is convicted of, was convicted of, pleads 1570
guilty to, or has pleaded guilty to a violation of division (B) 1571
or (C) of this section as the division existed prior to 1572
September 30, 2011, and if the conduct that was the basis of the 1573
violation no longer would be a violation of division (B) or (C) 1574
of this section on or after September 30, 2011, due to the 1575
application of division (F) (5) of this section as it exists on 1576

and after September 30, 2011, the person may file an application 1577
under section 2953.37 of the Revised Code requesting the 1578
expungement of the record of conviction. 1579

(b) The attorney general shall develop a public media 1580
advisory that summarizes the expungement procedure established 1581
under section 2953.37 of the Revised Code and the offenders 1582
identified in division (H) (2) (a) of this section who are 1583
authorized to apply for the expungement. Within thirty days 1584
after September 30, 2011, the attorney general shall provide a 1585
copy of the advisory to each daily newspaper published in this 1586
state and each television station that broadcasts in this state. 1587
The attorney general may provide the advisory in a tangible 1588
form, an electronic form, or in both tangible and electronic 1589
forms. 1590

(I) Whoever violates this section is guilty of improperly 1591
handling firearms in a motor vehicle. Violation of division (A) 1592
of this section is a felony of the fourth degree. Violation of 1593
division (C) of this section is a misdemeanor of the fourth 1594
degree. A violation of division (D) of this section is a felony 1595
of the fifth degree or, if the loaded handgun is concealed on 1596
the person's person, a felony of the fourth degree. Except as 1597
otherwise provided in this division, a violation of division (E) 1598
(1) or (2) of this section is a misdemeanor of the first degree, 1599
and, in addition to any other penalty or sanction imposed for 1600
the violation, the offender's concealed handgun license shall be 1601
suspended pursuant to division (A) (2) of section 2923.128 of the 1602
Revised Code. If at the time of the stop of the offender for a 1603
traffic stop, for another law enforcement purpose, or for a 1604
purpose defined in section 5503.34 of the Revised Code that was 1605
the basis of the violation any law enforcement officer involved 1606
with the stop or the employee of the motor carrier enforcement 1607

unit who made the stop had actual knowledge of the offender's 1608
status as a licensee, a violation of division (E) (1) or (2) of 1609
this section is a minor misdemeanor, and the offender's 1610
concealed handgun license shall not be suspended pursuant to 1611
division (A) (2) of section 2923.128 of the Revised Code. A 1612
violation of division (E) (4) of this section is a felony of the 1613
fifth degree. A violation of division (E) (3) or (5) of this 1614
section is a misdemeanor of the first degree or, if the offender 1615
previously has been convicted of or pleaded guilty to a 1616
violation of division (E) (3) or (5) of this section, a felony of 1617
the fifth degree. In addition to any other penalty or sanction 1618
imposed for a misdemeanor violation of division (E) (3) or (5) of 1619
this section, the offender's concealed handgun license shall be 1620
suspended pursuant to division (A) (2) of section 2923.128 of the 1621
Revised Code. A violation of division (B) of this section is a 1622
felony of the fourth degree. 1623

(J) If a law enforcement officer stops a motor vehicle for 1624
a traffic stop or any other purpose, if any person in the motor 1625
vehicle surrenders a firearm to the officer, either voluntarily 1626
or pursuant to a request or demand of the officer, and if the 1627
officer does not charge the person with a violation of this 1628
section or arrest the person for any offense, the person is not 1629
otherwise prohibited by law from possessing the firearm, and the 1630
firearm is not contraband, the officer shall return the firearm 1631
to the person at the termination of the stop. If a court orders 1632
a law enforcement officer to return a firearm to a person 1633
pursuant to the requirement set forth in this division, division 1634
(B) of section 2923.163 of the Revised Code applies. 1635

(K) As used in this section: 1636

(1) "Motor vehicle," "street," and "highway" have the same 1637

meanings as in section 4511.01 of the Revised Code. 1638

(2) "Occupied structure" has the same meaning as in 1639
section 2909.01 of the Revised Code. 1640

(3) "Agriculture" has the same meaning as in section 1641
519.01 of the Revised Code. 1642

(4) "Tenant" has the same meaning as in section 1531.01 of 1643
the Revised Code. 1644

(5) (a) "Unloaded" means, with respect to a firearm other 1645
than a firearm described in division (K) (6) of this section, 1646
that no ammunition is in the firearm in question, no magazine or 1647
speed loader containing ammunition is inserted into the firearm 1648
in question, and one of the following applies: 1649

(i) There is no ammunition in a magazine or speed loader 1650
that is in the vehicle in question and that may be used with the 1651
firearm in question. 1652

(ii) Any magazine or speed loader that contains ammunition 1653
and that may be used with the firearm in question is stored in a 1654
compartment within the vehicle in question that cannot be 1655
accessed without leaving the vehicle or is stored in a container 1656
that provides complete and separate enclosure. 1657

(b) For the purposes of division (K) (5) (a) (ii) of this 1658
section, a "container that provides complete and separate 1659
enclosure" includes, but is not limited to, any of the 1660
following: 1661

(i) A package, box, or case with multiple compartments, as 1662
long as the loaded magazine or speed loader and the firearm in 1663
question either are in separate compartments within the package, 1664
box, or case, or, if they are in the same compartment, the 1665

magazine or speed loader is contained within a separate 1666
enclosure in that compartment that does not contain the firearm 1667
and that closes using a snap, button, buckle, zipper, hook and 1668
loop closing mechanism, or other fastener that must be opened to 1669
access the contents or the firearm is contained within a 1670
separate enclosure of that nature in that compartment that does 1671
not contain the magazine or speed loader; 1672

(ii) A pocket or other enclosure on the person of the 1673
person in question that closes using a snap, button, buckle, 1674
zipper, hook and loop closing mechanism, or other fastener that 1675
must be opened to access the contents. 1676

(c) For the purposes of divisions (K) (5) (a) and (b) of 1677
this section, ammunition held in stripper-clips or in en-bloc 1678
clips is not considered ammunition that is loaded into a 1679
magazine or speed loader. 1680

(6) "Unloaded" means, with respect to a firearm employing 1681
a percussion cap, flintlock, or other obsolete ignition system, 1682
when the weapon is uncapped or when the priming charge is 1683
removed from the pan. 1684

(7) "Commercial motor vehicle" has the same meaning as in 1685
division (A) of section 4506.25 of the Revised Code. 1686

(8) "Motor carrier enforcement unit" means the motor 1687
carrier enforcement unit in the department of public safety, 1688
division of state highway patrol, that is created by section 1689
5503.34 of the Revised Code. 1690

(L) Divisions (K) (5) (a) and (b) of this section do not 1691
affect the authority of a person who is carrying a valid 1692
concealed handgun license to have one or more magazines or speed 1693
loaders containing ammunition anywhere in a vehicle, without 1694

being transported as described in those divisions, as long as no 1695
ammunition is in a firearm, other than a handgun, in the vehicle 1696
other than as permitted under any other provision of this 1697
chapter. A person who is carrying a valid concealed handgun 1698
license may have one or more magazines or speed loaders 1699
containing ammunition anywhere in a vehicle without further 1700
restriction, as long as no ammunition is in a firearm, other 1701
than a handgun, in the vehicle other than as permitted under any 1702
provision of this chapter. 1703

Section 2. That existing sections 2923.11, 2923.12, 1704
2923.121, 2923.122, 2923.123, 2923.126, and 2923.16 of the 1705
Revised Code are hereby repealed. 1706