

**As Introduced**

**134th General Assembly**

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**H. B. No. 89**

**Representative Wiggam**

**Cosponsors: Representatives Edwards, Lipps, Merrin, Manchester, Seitz, Vitale,  
Kick, Stoltzfus, Pavliga, Powell, Fowler Arthur, Schmidt**

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**A BILL**

To amend sections 2923.12, 2923.126, 2923.128, and 1  
2923.16 of the Revised Code to modify the 2  
requirement that a concealed handgun licensee 3  
must notify a law enforcement officer that the 4  
licensee is authorized to carry a concealed 5  
handgun and is carrying a concealed handgun when 6  
stopped. 7

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

**Section 1.** That sections 2923.12, 2923.126, 2923.128, and 8  
2923.16 of the Revised Code be amended to read as follows: 9

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

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

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

(3) A dangerous ordnance. 15

(B) No person who has been issued a concealed handgun 16

license shall do any of the following: 17

(1) If the person is stopped for a law enforcement purpose 18  
and is carrying a concealed handgun, before or at the time a law 19  
enforcement officer requests the person's concealed handgun 20  
license or asks if the person is carrying a concealed handgun, 21  
fail to ~~promptly do~~ both of the following: 22

(a) Display the person's concealed handgun license or 23  
orally inform any the law enforcement officer ~~who approaches the~~ 24  
~~person after the person has been stopped~~ that the person has 25  
been issued a concealed handgun license ~~and;~~ 26

(b) Disclose that the person then is carrying a concealed 27  
handgun ~~and.~~ 28

(2) If the person is stopped for a law enforcement purpose 29  
and is carrying a concealed handgun, knowingly fail to keep the 30  
person's hands in plain sight at any time after any law 31  
enforcement officer begins approaching the person while stopped 32  
and before the law enforcement officer leaves, unless the 33  
failure is pursuant to and in accordance with directions given 34  
by a law enforcement officer; 35

(3) If the person is stopped for a law enforcement 36  
purpose, if the person is carrying a concealed handgun, and if 37  
the person is approached by any law enforcement officer while 38  
stopped, knowingly remove or attempt to remove the loaded 39  
handgun from the holster, pocket, or other place in which the 40  
person is carrying it, knowingly grasp or hold the loaded 41  
handgun, or knowingly have contact with the loaded handgun by 42  
touching it with the person's hands or fingers at any time after 43  
the law enforcement officer begins approaching and before the 44  
law enforcement officer leaves, unless the person removes, 45

attempts to remove, grasps, holds, or has contact with the 46  
loaded handgun pursuant to and in accordance with directions 47  
given by the law enforcement officer; 48

(4) If the person is stopped for a law enforcement purpose 49  
and is carrying a concealed handgun, knowingly disregard or fail 50  
to comply with any lawful order of any law enforcement officer 51  
given while the person is stopped, including, but not limited 52  
to, a specific order to the person to keep the person's hands in 53  
plain sight. 54

(C) (1) This section does not apply to any of the 55  
following: 56

(a) An officer, agent, or employee of this or any other 57  
state or the United States, or to a law enforcement officer, who 58  
is authorized to carry concealed weapons or dangerous ordnance 59  
or is authorized to carry handguns and is acting within the 60  
scope of the officer's, agent's, or employee's duties; 61

(b) Any person who is employed in this state, who is 62  
authorized to carry concealed weapons or dangerous ordnance or 63  
is authorized to carry handguns, and who is subject to and in 64  
compliance with the requirements of section 109.801 of the 65  
Revised Code, unless the appointing authority of the person has 66  
expressly specified that the exemption provided in division (C) 67  
(1) (b) of this section does not apply to the person; 68

(c) A person's transportation or storage of a firearm, 69  
other than a firearm described in divisions (G) to (M) of 70  
section 2923.11 of the Revised Code, in a motor vehicle for any 71  
lawful purpose if the firearm is not on the actor's person; 72

(d) A person's storage or possession of a firearm, other 73  
than a firearm described in divisions (G) to (M) of section 74

2923.11 of the Revised Code, in the actor's own home for any 75  
lawful purpose. 76

(2) Division (A) (2) of this section does not apply to any 77  
person who, at the time of the alleged carrying or possession of 78  
a handgun, either is carrying a valid concealed handgun license 79  
or is an active duty member of the armed forces of the United 80  
States and is carrying a valid military identification card and 81  
documentation of successful completion of firearms training that 82  
meets or exceeds the training requirements described in division 83  
(G) (1) of section 2923.125 of the Revised Code, unless the 84  
person knowingly is in a place described in division (B) of 85  
section 2923.126 of the Revised Code. 86

(D) It is an affirmative defense to a charge under 87  
division (A) (1) of this section of carrying or having control of 88  
a weapon other than a handgun and other than a dangerous 89  
ordnance that the actor was not otherwise prohibited by law from 90  
having the weapon and that any of the following applies: 91

(1) The weapon was carried or kept ready at hand by the 92  
actor for defensive purposes while the actor was engaged in or 93  
was going to or from the actor's lawful business or occupation, 94  
which business or occupation was of a character or was 95  
necessarily carried on in a manner or at a time or place as to 96  
render the actor particularly susceptible to criminal attack, 97  
such as would justify a prudent person in going armed. 98

(2) The weapon was carried or kept ready at hand by the 99  
actor for defensive purposes while the actor was engaged in a 100  
lawful activity and had reasonable cause to fear a criminal 101  
attack upon the actor, a member of the actor's family, or the 102  
actor's home, such as would justify a prudent person in going 103  
armed. 104

(3) The weapon was carried or kept ready at hand by the 105  
actor for any lawful purpose and while in the actor's own home. 106

(E) No person who is charged with a violation of this 107  
section shall be required to obtain a concealed handgun license 108  
as a condition for the dismissal of the charge. 109

(F) (1) Whoever violates this section is guilty of carrying 110  
concealed weapons. Except as otherwise provided in this division 111  
or divisions (F) (2), (5), and (6), ~~and (7)~~ of this section, 112  
carrying concealed weapons in violation of division (A) of this 113  
section is a misdemeanor of the first degree. Except as 114  
otherwise provided in this division or divisions (F) (2), (5), 115  
and (6), ~~and (7)~~ of this section, if the offender previously has 116  
been convicted of a violation of this section or of any offense 117  
of violence, if the weapon involved is a firearm that is either 118  
loaded or for which the offender has ammunition ready at hand, 119  
or if the weapon involved is dangerous ordnance, carrying 120  
concealed weapons in violation of division (A) of this section 121  
is a felony of the fourth degree. Except as otherwise provided 122  
in divisions (F) (2) and ~~(6)~~ (5) of this section, if the offense 123  
is committed aboard an aircraft, or with purpose to carry a 124  
concealed weapon aboard an aircraft, regardless of the weapon 125  
involved, carrying concealed weapons in violation of division 126  
(A) of this section is a felony of the third degree. 127

(2) Except as provided in division ~~(F) (6)~~ (F) (5) of this 128  
section, if a person being arrested for a violation of division 129  
(A) (2) of this section promptly produces a valid concealed 130  
handgun license, and if at the time of the violation the person 131  
was not knowingly in a place described in division (B) of 132  
section 2923.126 of the Revised Code, the officer shall not 133  
arrest the person for a violation of that division. If the 134

person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:

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

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

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

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

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

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

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

(c) If divisions (F) (2) (a) and (b) and ~~(F) (6)~~ (F) (5) of 163  
this section do not apply, the offender shall be punished under 164  
division (F) (1) or ~~(7)~~ (6) of this section. 165

~~(3) Except as otherwise provided in this division, 166  
carrying concealed weapons in violation of division (B) (1) of 167  
this section is a misdemeanor of the first degree, and, in 168  
addition to any other penalty or sanction imposed for a 169  
violation of division (B) (1) of this section, the offender's 170  
concealed handgun license shall be suspended pursuant to 171  
division (A) (2) of section 2923.128 of the Revised Code. If, at 172  
the time of the stop of the offender for a law enforcement 173  
purpose that was the basis of the violation, any law enforcement 174  
officer involved with the stop had actual knowledge that the 175  
offender has been issued a concealed handgun license, carrying 176  
concealed weapons in violation of division (B) (1) of this 177  
section is a minor misdemeanor, and the offender's concealed 178  
handgun license shall not be suspended pursuant to division (A) 179  
(2) of section 2923.128 of the Revised Code. 180~~

~~(4) Carrying concealed weapons in violation of division 181  
(B) (2) or (4) of this section is a misdemeanor of the first 182  
degree or, if the offender previously has been convicted of or 183  
pleaded guilty to a violation of division (B) (2) or (4) of this 184  
section, a felony of the fifth degree. In addition to any other 185  
penalty or sanction imposed for a misdemeanor violation of 186  
division (B) (2) or (4) of this section, the offender's concealed 187  
handgun license shall be suspended pursuant to division (A) (2) 188  
of section 2923.128 of the Revised Code. 189~~

~~(5)~~ (4) Carrying concealed weapons in violation of 190  
division (B) (3) of this section is a felony of the fifth degree. 191

~~(6)~~ (5) If a person being arrested for a violation of 192

division (A) (2) of this section is an active duty member of the 193  
armed forces of the United States and is carrying a valid 194  
military identification card and documentation of successful 195  
completion of firearms training that meets or exceeds the 196  
training requirements described in division (G) (1) of section 197  
2923.125 of the Revised Code, and if at the time of the 198  
violation the person was not knowingly in a place described in 199  
division (B) of section 2923.126 of the Revised Code, the 200  
officer shall not arrest the person for a violation of that 201  
division. If the person is not able to promptly produce a valid 202  
military identification card and documentation of successful 203  
completion of firearms training that meets or exceeds the 204  
training requirements described in division (G) (1) of section 205  
2923.125 of the Revised Code and if the person is not in a place 206  
described in division (B) of section 2923.126 of the Revised 207  
Code, the officer shall issue a citation and the offender shall 208  
be assessed a civil penalty of not more than five hundred 209  
dollars. The citation shall be automatically dismissed and the 210  
civil penalty shall not be assessed if both of the following 211  
apply: 212

(a) Within ten days after the issuance of the citation, 213  
the offender presents a valid military identification card and 214  
documentation of successful completion of firearms training that 215  
meets or exceeds the training requirements described in division 216  
(G) (1) of section 2923.125 of the Revised Code, which were both 217  
valid at the time of the issuance of the citation to the law 218  
enforcement agency that employs the citing officer. 219

(b) At the time of the citation, the offender was not 220  
knowingly in a place described in division (B) of section 221  
2923.126 of the Revised Code. 222

<del>(7)</del> (6) If a person being arrested for a violation of	223
division (A) (2) of this section is knowingly in a place	224
described in division (B) (5) of section 2923.126 of the Revised	225
Code and is not authorized to carry a handgun or have a handgun	226
concealed on the person's person or concealed ready at hand	227
under that division, the penalty shall be as follows:	228
(a) Except as otherwise provided in this division, if the	229
person produces a valid concealed handgun license within ten	230
days after the arrest and has not previously been convicted or	231
pleaded guilty to a violation of division (A) (2) of this	232
section, the person is guilty of a minor misdemeanor;	233
(b) Except as otherwise provided in this division, if the	234
person has previously been convicted of or pleaded guilty to a	235
violation of division (A) (2) of this section, the person is	236
guilty of a misdemeanor of the fourth degree;	237
(c) Except as otherwise provided in this division, if the	238
person has previously been convicted of or pleaded guilty to two	239
violations of division (A) (2) of this section, the person is	240
guilty of a misdemeanor of the third degree;	241
(d) Except as otherwise provided in this division, if the	242
person has previously been convicted of or pleaded guilty to	243
three or more violations of division (A) (2) of this section, or	244
convicted of or pleaded guilty to any offense of violence, if	245
the weapon involved is a firearm that is either loaded or for	246
which the offender has ammunition ready at hand, or if the	247
weapon involved is a dangerous ordnance, the person is guilty of	248
a misdemeanor of the second degree.	249
(G) If a law enforcement officer stops a person to	250
question the person regarding a possible violation of this	251

section, for a traffic stop, or for any other law enforcement 252  
purpose, if the person surrenders a firearm to the officer, 253  
either voluntarily or pursuant to a request or demand of the 254  
officer, and if the officer does not charge the person with a 255  
violation of this section or arrest the person for any offense, 256  
the person is not otherwise prohibited by law from possessing 257  
the firearm, and the firearm is not contraband, the officer 258  
shall return the firearm to the person at the termination of the 259  
stop. If a court orders a law enforcement officer to return a 260  
firearm to a person pursuant to the requirement set forth in 261  
this division, division (B) of section 2923.163 of the Revised 262  
Code applies. 263

(H) For purposes of this section, "deadly weapon" or 264  
"weapon" does not include any knife, razor, or cutting 265  
instrument if the instrument was not used as a weapon. 266

**Sec. 2923.126.** (A) (1) A concealed handgun license that is 267  
issued under section 2923.125 of the Revised Code shall expire 268  
five years after the date of issuance. A licensee who has been 269  
issued a license under that section shall be granted a grace 270  
period of thirty days after the licensee's license expires 271  
during which the licensee's license remains valid. Except as 272  
provided in divisions (B) and (C) of this section, a licensee 273  
who has been issued a concealed handgun license under section 274  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 275  
handgun anywhere in this state if the licensee also carries a 276  
valid license when the licensee is in actual possession of a 277  
concealed handgun. The licensee shall give notice of any change 278  
in the licensee's residence address to the sheriff who issued 279  
the license within forty-five days after that change. 280

(2) If a licensee is the driver or an occupant of a motor 281

vehicle that is stopped as the result of a traffic stop or a 282  
stop for another law enforcement purpose and if the licensee is 283  
transporting or has a loaded handgun in the motor vehicle at 284  
that time, before or at the time a law enforcement officer 285  
requests the licensee's concealed handgun license or asks if the 286  
person is carrying a concealed handgun the licensee shall 287  
~~promptly display the licensee's concealed handgun license or~~ 288  
~~orally inform any the law enforcement officer who approaches the~~ 289  
~~vehicle while stopped~~ that the licensee has been issued a 290  
concealed handgun license, and disclose that the licensee 291  
currently possesses or has a loaded handgun; the licensee shall 292  
not knowingly disregard or fail to comply with lawful orders of 293  
a law enforcement officer given while the motor vehicle is 294  
stopped, knowingly fail to remain in the motor vehicle while 295  
stopped, or knowingly fail to keep the licensee's hands in plain 296  
sight after any law enforcement officer begins approaching the 297  
licensee while stopped and before the officer leaves, unless 298  
directed otherwise by a law enforcement officer; and the 299  
licensee shall not knowingly have contact with the loaded 300  
handgun by touching it with the licensee's hands or fingers, in 301  
any manner in violation of division (E) of section 2923.16 of 302  
the Revised Code, after any law enforcement officer begins 303  
approaching the licensee while stopped and before the officer 304  
leaves. ~~Additionally, if~~ 305

(3) If a licensee is the driver or an occupant of a 306  
commercial motor vehicle that is stopped by an employee of the 307  
motor carrier enforcement unit for the purposes defined in 308  
section 5503.34 of the Revised Code and the licensee is 309  
transporting or has a loaded handgun in the commercial motor 310  
vehicle at that time, before or at the time an employee of the 311  
motor carrier enforcement unit requests the licensee's concealed 312

handgun license or asks if the person is carrying a concealed 313  
handgun, the licensee shall ~~promptly display the licensee's~~ 314  
concealed handgun license or orally inform the employee of the 315  
unit ~~who approaches the vehicle while stopped~~ that the licensee 316  
has been issued a concealed handgun license and disclose that 317  
the licensee currently possesses or has a loaded handgun. 318

(4) If a licensee is stopped for a law enforcement purpose 319  
and if the licensee is carrying a concealed handgun at the time 320  
the officer approaches, before or at the time a law enforcement 321  
officer requests the licensee's concealed handgun license or 322  
asks if the person is carrying a concealed handgun, the licensee 323  
shall ~~promptly display the licensee's concealed handgun license~~ 324  
or orally inform ~~any the~~ law enforcement officer ~~who approaches~~ 325  
~~the licensee while stopped~~ that the licensee has been issued a 326  
concealed handgun license and disclose that the licensee 327  
currently is carrying a concealed handgun; the licensee shall 328  
not knowingly disregard or fail to comply with lawful orders of 329  
a law enforcement officer given while the licensee is stopped, 330  
or knowingly fail to keep the licensee's hands in plain sight 331  
after any law enforcement officer begins approaching the 332  
licensee while stopped and before the officer leaves, unless 333  
directed otherwise by a law enforcement officer; and the 334  
licensee shall not knowingly remove, attempt to remove, grasp, 335  
or hold the loaded handgun or knowingly have contact with the 336  
loaded handgun by touching it with the licensee's hands or 337  
fingers, in any manner in violation of division (B) of section 338  
2923.12 of the Revised Code, after any law enforcement officer 339  
begins approaching the licensee while stopped and before the 340  
officer leaves. 341

(B) A valid concealed handgun license does not authorize 342  
the licensee to carry a concealed handgun in any manner 343

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, managed, and governed pursuant to division (A) of section 5119.14 of the Revised Code or division (A) (1) of section 5123.03 of the Revised Code;

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

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

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

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked

motor vehicle or unless the licensee is carrying the concealed 373  
handgun pursuant to a written policy, rule, or other 374  
authorization that is adopted by the institution's board of 375  
trustees or other governing body and that authorizes specific 376  
individuals or classes of individuals to carry a concealed 377  
handgun on the premises; 378

(6) Any church, synagogue, mosque, or other place of 379  
worship, unless the church, synagogue, mosque, or other place of 380  
worship posts or permits otherwise; 381

(7) Any building that is a government facility of this 382  
state or a political subdivision of this state and that is not a 383  
building that is used primarily as a shelter, restroom, parking 384  
facility for motor vehicles, or rest facility and is not a 385  
courthouse or other building or structure in which a courtroom 386  
is located that is subject to division (B)(3) of this section, 387  
unless the governing body with authority over the building has 388  
enacted a statute, ordinance, or policy that permits a licensee 389  
to carry a concealed handgun into the building; 390

(8) A place in which federal law prohibits the carrying of 391  
handguns. 392

(C)(1) Nothing in this section shall negate or restrict a 393  
rule, policy, or practice of a private employer that is not a 394  
private college, university, or other institution of higher 395  
education concerning or prohibiting the presence of firearms on 396  
the private employer's premises or property, including motor 397  
vehicles owned by the private employer. Nothing in this section 398  
shall require a private employer of that nature to adopt a rule, 399  
policy, or practice concerning or prohibiting the presence of 400  
firearms on the private employer's premises or property, 401  
including motor vehicles owned by the private employer. 402

(2) (a) A private employer shall be immune from liability 403  
in a civil action for any injury, death, or loss to person or 404  
property that allegedly was caused by or related to a licensee 405  
bringing a handgun onto the premises or property of the private 406  
employer, including motor vehicles owned by the private 407  
employer, unless the private employer acted with malicious 408  
purpose. A private employer is immune from liability in a civil 409  
action for any injury, death, or loss to person or property that 410  
allegedly was caused by or related to the private employer's 411  
decision to permit a licensee to bring, or prohibit a licensee 412  
from bringing, a handgun onto the premises or property of the 413  
private employer. 414

(b) A political subdivision shall be immune from liability 415  
in a civil action, to the extent and in the manner provided in 416  
Chapter 2744. of the Revised Code, for any injury, death, or 417  
loss to person or property that allegedly was caused by or 418  
related to a licensee bringing a handgun onto any premises or 419  
property owned, leased, or otherwise under the control of the 420  
political subdivision. As used in this division, "political 421  
subdivision" has the same meaning as in section 2744.01 of the 422  
Revised Code. 423

(c) An institution of higher education shall be immune 424  
from liability in a civil action for any injury, death, or loss 425  
to person or property that allegedly was caused by or related to 426  
a licensee bringing a handgun onto the premises of the 427  
institution, including motor vehicles owned by the institution, 428  
unless the institution acted with malicious purpose. An 429  
institution of higher education is immune from liability in a 430  
civil action for any injury, death, or loss to person or 431  
property that allegedly was caused by or related to the 432  
institution's decision to permit a licensee or class of 433

licensees to bring a handgun onto the premises of the 434  
institution. 435

(d) A nonprofit corporation shall be immune from liability 436  
in a civil action for any injury, death, or loss to person or 437  
property that allegedly was caused by or related to a licensee 438  
bringing a handgun onto the premises of the nonprofit 439  
corporation, including any motor vehicle owned by the nonprofit 440  
corporation, or to any event organized by the nonprofit 441  
corporation, unless the nonprofit corporation acted with 442  
malicious purpose. A nonprofit corporation is immune from 443  
liability in a civil action for any injury, death, or loss to 444  
person or property that allegedly was caused by or related to 445  
the nonprofit corporation's decision to permit a licensee to 446  
bring a handgun onto the premises of the nonprofit corporation 447  
or to any event organized by the nonprofit corporation. 448

(3) (a) Except as provided in division (C) (3) (b) of this 449  
section and section 2923.1214 of the Revised Code, the owner or 450  
person in control of private land or premises, and a private 451  
person or entity leasing land or premises owned by the state, 452  
the United States, or a political subdivision of the state or 453  
the United States, may post a sign in a conspicuous location on 454  
that land or on those premises prohibiting persons from carrying 455  
firearms or concealed firearms on or onto that land or those 456  
premises. Except as otherwise provided in this division, a 457  
person who knowingly violates a posted prohibition of that 458  
nature is guilty of criminal trespass in violation of division 459  
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 460  
misdemeanor of the fourth degree. If a person knowingly violates 461  
a posted prohibition of that nature and the posted land or 462  
premises primarily was a parking lot or other parking facility, 463  
the person is not guilty of criminal trespass under section 464

2911.21 of the Revised Code or under any other criminal law of 465  
this state or criminal law, ordinance, or resolution of a 466  
political subdivision of this state, and instead is subject only 467  
to a civil cause of action for trespass based on the violation. 468

If a person knowingly violates a posted prohibition of the 469  
nature described in this division and the posted land or 470  
premises is a child day-care center, type A family day-care 471  
home, or type B family day-care home, unless the person is a 472  
licensee who resides in a type A family day-care home or type B 473  
family day-care home, the person is guilty of aggravated 474  
trespass in violation of section 2911.211 of the Revised Code. 475  
Except as otherwise provided in this division, the offender is 476  
guilty of a misdemeanor of the first degree. If the person 477  
previously has been convicted of a violation of this division or 478  
of any offense of violence, if the weapon involved is a firearm 479  
that is either loaded or for which the offender has ammunition 480  
ready at hand, or if the weapon involved is dangerous ordnance, 481  
the offender is guilty of a felony of the fourth degree. 482

(b) A landlord may not prohibit or restrict a tenant who 483  
is a licensee and who on or after September 9, 2008, enters into 484  
a rental agreement with the landlord for the use of residential 485  
premises, and the tenant's guest while the tenant is present, 486  
from lawfully carrying or possessing a handgun on those 487  
residential premises. 488

(c) As used in division (C) (3) of this section: 489

(i) "Residential premises" has the same meaning as in 490  
section 5321.01 of the Revised Code, except "residential 491  
premises" does not include a dwelling unit that is owned or 492  
operated by a college or university. 493

(ii) "Landlord," "tenant," and "rental agreement" have the 494  
same meanings as in section 5321.01 of the Revised Code. 495

(D) A person who holds a valid concealed handgun license 496  
issued by another state that is recognized by the attorney 497  
general pursuant to a reciprocity agreement entered into 498  
pursuant to section 109.69 of the Revised Code or a person who 499  
holds a valid concealed handgun license under the circumstances 500  
described in division (B) of section 109.69 of the Revised Code 501  
has the same right to carry a concealed handgun in this state as 502  
a person who was issued a concealed handgun license under 503  
section 2923.125 of the Revised Code and is subject to the same 504  
restrictions that apply to a person who carries a license issued 505  
under that section. 506

(E) (1) A peace officer has the same right to carry a 507  
concealed handgun in this state as a person who was issued a 508  
concealed handgun license under section 2923.125 of the Revised 509  
Code, provided that the officer when carrying a concealed 510  
handgun under authority of this division is carrying validating 511  
identification. For purposes of reciprocity with other states, a 512  
peace officer shall be considered to be a licensee in this 513  
state. 514

(2) An active duty member of the armed forces of the 515  
United States who is carrying a valid military identification 516  
card and documentation of successful completion of firearms 517  
training that meets or exceeds the training requirements 518  
described in division (G) (1) of section 2923.125 of the Revised 519  
Code has the same right to carry a concealed handgun in this 520  
state as a person who was issued a concealed handgun license 521  
under section 2923.125 of the Revised Code and is subject to the 522  
same restrictions as specified in this section. 523

(3) A tactical medical professional who is qualified to 524  
carry firearms while on duty under section 109.771 of the 525  
Revised Code has the same right to carry a concealed handgun in 526  
this state as a person who was issued a concealed handgun 527  
license under section 2923.125 of the Revised Code. 528

(F) (1) A qualified retired peace officer who possesses a 529  
retired peace officer identification card issued pursuant to 530  
division (F) (2) of this section and a valid firearms 531  
requalification certification issued pursuant to division (F) (3) 532  
of this section has the same right to carry a concealed handgun 533  
in this state as a person who was issued a concealed handgun 534  
license under section 2923.125 of the Revised Code and is 535  
subject to the same restrictions that apply to a person who 536  
carries a license issued under that section. For purposes of 537  
reciprocity with other states, a qualified retired peace officer 538  
who possesses a retired peace officer identification card issued 539  
pursuant to division (F) (2) of this section and a valid firearms 540  
requalification certification issued pursuant to division (F) (3) 541  
of this section shall be considered to be a licensee in this 542  
state. 543

(2) (a) Each public agency of this state or of a political 544  
subdivision of this state that is served by one or more peace 545  
officers shall issue a retired peace officer identification card 546  
to any person who retired from service as a peace officer with 547  
that agency, if the issuance is in accordance with the agency's 548  
policies and procedures and if the person, with respect to the 549  
person's service with that agency, satisfies all of the 550  
following: 551

(i) The person retired in good standing from service as a 552  
peace officer with the public agency, and the retirement was not 553

for reasons of mental instability. 554

(ii) Before retiring from service as a peace officer with 555  
that agency, the person was authorized to engage in or supervise 556  
the prevention, detection, investigation, or prosecution of, or 557  
the incarceration of any person for, any violation of law and 558  
the person had statutory powers of arrest. 559

(iii) At the time of the person's retirement as a peace 560  
officer with that agency, the person was trained and qualified 561  
to carry firearms in the performance of the peace officer's 562  
duties. 563

(iv) Before retiring from service as a peace officer with 564  
that agency, the person was regularly employed as a peace 565  
officer for an aggregate of fifteen years or more, or, in the 566  
alternative, the person retired from service as a peace officer 567  
with that agency, after completing any applicable probationary 568  
period of that service, due to a service-connected disability, 569  
as determined by the agency. 570

(b) A retired peace officer identification card issued to 571  
a person under division (F) (2) (a) of this section shall identify 572  
the person by name, contain a photograph of the person, identify 573  
the public agency of this state or of the political subdivision 574  
of this state from which the person retired as a peace officer 575  
and that is issuing the identification card, and specify that 576  
the person retired in good standing from service as a peace 577  
officer with the issuing public agency and satisfies the 578  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 579  
section. In addition to the required content specified in this 580  
division, a retired peace officer identification card issued to 581  
a person under division (F) (2) (a) of this section may include 582  
the firearms requalification certification described in division 583

(F) (3) of this section, and if the identification card includes 584  
that certification, the identification card shall serve as the 585  
firearms requalification certification for the retired peace 586  
officer. If the issuing public agency issues credentials to 587  
active law enforcement officers who serve the agency, the agency 588  
may comply with division (F) (2) (a) of this section by issuing 589  
the same credentials to persons who retired from service as a 590  
peace officer with the agency and who satisfy the criteria set 591  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 592  
provided that the credentials so issued to retired peace 593  
officers are stamped with the word "RETIRED." 594

(c) A public agency of this state or of a political 595  
subdivision of this state may charge persons who retired from 596  
service as a peace officer with the agency a reasonable fee for 597  
issuing to the person a retired peace officer identification 598  
card pursuant to division (F) (2) (a) of this section. 599

(3) If a person retired from service as a peace officer 600  
with a public agency of this state or of a political subdivision 601  
of this state and the person satisfies the criteria set forth in 602  
divisions (F) (2) (a) (i) to (iv) of this section, the public 603  
agency may provide the retired peace officer with the 604  
opportunity to attend a firearms requalification program that is 605  
approved for purposes of firearms requalification required under 606  
section 109.801 of the Revised Code. The retired peace officer 607  
may be required to pay the cost of the course. 608

If a retired peace officer who satisfies the criteria set 609  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 610  
a firearms requalification program that is approved for purposes 611  
of firearms requalification required under section 109.801 of 612  
the Revised Code, the retired peace officer's successful 613

completion of the firearms requalification program requalifies 614  
the retired peace officer for purposes of division (F) of this 615  
section for five years from the date on which the program was 616  
successfully completed, and the requalification is valid during 617  
that five-year period. If a retired peace officer who satisfies 618  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 619  
section satisfactorily completes such a firearms requalification 620  
program, the retired peace officer shall be issued a firearms 621  
requalification certification that identifies the retired peace 622  
officer by name, identifies the entity that taught the program, 623  
specifies that the retired peace officer successfully completed 624  
the program, specifies the date on which the course was 625  
successfully completed, and specifies that the requalification 626  
is valid for five years from that date of successful completion. 627  
The firearms requalification certification for a retired peace 628  
officer may be included in the retired peace officer 629  
identification card issued to the retired peace officer under 630  
division (F) (2) of this section. 631

A retired peace officer who attends a firearms 632  
requalification program that is approved for purposes of 633  
firearms requalification required under section 109.801 of the 634  
Revised Code may be required to pay the cost of the program. 635

(G) As used in this section: 636

(1) "Qualified retired peace officer" means a person who 637  
satisfies all of the following: 638

(a) The person satisfies the criteria set forth in 639  
divisions (F) (2) (a) (i) to (v) of this section. 640

(b) The person is not under the influence of alcohol or 641  
another intoxicating or hallucinatory drug or substance. 642

(c) The person is not prohibited by federal law from receiving firearms. 643  
644

(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. 645  
646  
647

(3) "Government facility of this state or a political subdivision of this state" means any of the following: 648  
649

(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; 650  
651  
652  
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655

(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions. 656  
657  
658

(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code. 659  
660

(5) "Tactical medical professional" has the same meaning as in section 109.71 of the Revised Code. 661  
662

(6) "Validating identification" means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency. 663  
664  
665  
666

(7) "Nonprofit corporation" means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code. 667  
668  
669  
670

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 671  
concealed handgun license is arrested for or otherwise charged 672  
with an offense described in division (D) (1) (d) of section 673  
2923.125 of the Revised Code or with a violation of section 674  
2923.15 of the Revised Code or becomes subject to a temporary 675  
protection order or to a protection order issued by a court of 676  
another state that is substantially equivalent to a temporary 677  
protection order, the sheriff who issued the license shall 678  
suspend it and shall comply with division (A) (3) of this section 679  
upon becoming aware of the arrest, charge, or protection order. 680  
Upon suspending the license, the sheriff also shall comply with 681  
division (H) of section 2923.125 of the Revised Code. 682

(b) A suspension under division (A) (1) (a) of this section 683  
shall be considered as beginning on the date that the licensee 684  
is arrested for or otherwise charged with an offense described 685  
in that division or on the date the appropriate court issued the 686  
protection order described in that division, irrespective of 687  
when the sheriff notifies the licensee under division (A) (3) of 688  
this section. The suspension shall end on the date on which the 689  
charges are dismissed or the licensee is found not guilty of the 690  
offense described in division (A) (1) (a) of this section or, 691  
subject to division (B) of this section, on the date the 692  
appropriate court terminates the protection order described in 693  
that division. If the suspension so ends, the sheriff shall 694  
return the license or temporary emergency license to the 695  
licensee. 696

(2) (a) If a licensee holding a valid concealed handgun 697  
license is convicted of or pleads guilty to a misdemeanor 698  
violation of division (B) ~~(1), (2),~~ or (4) of section 2923.12 of 699  
the Revised Code or of division (E) ~~(1), (2), (3),~~ or (5) of 700  
section 2923.16 of the Revised Code, ~~except as provided in~~ 701

~~division (A) (2) (c) of this section and~~ subject to division (C) 702  
of this section, the sheriff who issued the license shall 703  
suspend it and shall comply with division (A) (3) of this section 704  
upon becoming aware of the conviction or guilty plea. Upon 705  
suspending the license, the sheriff also shall comply with 706  
division (H) of section 2923.125 of the Revised Code. 707

(b) A suspension under division (A) (2) (a) of this section 708  
shall be considered as beginning on the date that the licensee 709  
is convicted of or pleads guilty to the offense described in 710  
that division, irrespective of when the sheriff notifies the 711  
licensee under division (A) (3) of this section. If the 712  
suspension is imposed for a misdemeanor violation of division 713  
(B) ~~(1) or~~ (2) of section 2923.12 of the Revised Code or of 714  
division (E) ~~(1), (2), or~~ (3) of section 2923.16 of the Revised 715  
Code, it shall end on the date that is one year after the date 716  
that the licensee is convicted of or pleads guilty to that 717  
violation. If the suspension is imposed for a misdemeanor 718  
violation of division (B) (4) of section 2923.12 of the Revised 719  
Code or of division (E) (5) of section 2923.16 of the Revised 720  
Code, it shall end on the date that is two years after the date 721  
that the licensee is convicted of or pleads guilty to that 722  
violation. If the licensee's license was issued under section 723  
2923.125 of the Revised Code and the license remains valid after 724  
the suspension ends as described in this division, when the 725  
suspension ends, the sheriff shall return the license to the 726  
licensee. If the licensee's license was issued under section 727  
2923.125 of the Revised Code and the license expires before the 728  
suspension ends as described in this division, or if the 729  
licensee's license was issued under section 2923.1213 of the 730  
Revised Code, the licensee is not eligible to apply for a new 731  
license under section 2923.125 or 2923.1213 of the Revised Code 732

or to renew the license under section 2923.125 of the Revised Code until after the suspension ends as described in this division.

~~(c) The license of a licensee who is convicted of or pleads guilty to a violation of division (B) (1) of section 2923.12 or division (E) (1) or (2) of section 2923.16 of the Revised Code shall not be suspended pursuant to division (A) (2) (a) of this section if, at the time of the stop of the licensee for a law enforcement purpose, for a traffic stop, or for a purpose defined in section 5503.34 of the Revised Code that was the basis of the violation, any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the licensee's status as a licensee.~~

(3) Upon becoming aware of an arrest, charge, or protection order described in division (A) (1) (a) of this section with respect to a licensee who was issued a concealed handgun license, or a conviction of or plea of guilty to a misdemeanor offense described in division (A) (2) (a) of this section with respect to a licensee who was issued a concealed handgun license and with respect to which ~~division (A) (2) (c) of this section does not apply~~, subject to division (C) of this section, the sheriff who issued the licensee's license shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license has been suspended and that the licensee is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. If the suspension is pursuant to division (A) (2) of this section, the notice shall identify the date on which the suspension ends.

(B) (1) A sheriff who issues a concealed handgun license to 763  
a licensee shall revoke the license in accordance with division 764  
(B) (2) of this section upon becoming aware that the licensee 765  
satisfies any of the following: 766

(a) The licensee is under twenty-one years of age. 767

(b) Subject to division (C) of this section, at the time 768  
of the issuance of the license, the licensee did not satisfy the 769  
eligibility requirements of division (D) (1) (c), (d), (e), (f), 770  
(g), or (h) of section 2923.125 of the Revised Code. 771

(c) Subject to division (C) of this section, on or after 772  
the date on which the license was issued, the licensee is 773  
convicted of or pleads guilty to a violation of section 2923.15 774  
of the Revised Code or an offense described in division (D) (1) 775  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 776

(d) On or after the date on which the license was issued, 777  
the licensee becomes subject to a civil protection order or to a 778  
protection order issued by a court of another state that is 779  
substantially equivalent to a civil protection order. 780

(e) The licensee knowingly carries a concealed handgun 781  
into a place that the licensee knows is an unauthorized place 782  
specified in division (B) of section 2923.126 of the Revised 783  
Code. 784

(f) On or after the date on which the license was issued, 785  
the licensee is adjudicated as a mental defective or is 786  
committed to a mental institution. 787

(g) At the time of the issuance of the license, the 788  
licensee did not meet the residency requirements described in 789  
division (D) (1) of section 2923.125 of the Revised Code and 790  
currently does not meet the residency requirements described in 791

that division. 792

(h) Regarding a license issued under section 2923.125 of 793  
the Revised Code, the competency certificate the licensee 794  
submitted was forged or otherwise was fraudulent. 795

(2) Upon becoming aware of any circumstance listed in 796  
division (B)(1) of this section that applies to a particular 797  
licensee who was issued a concealed handgun license, subject to 798  
division (C) of this section, the sheriff who issued the license 799  
to the licensee shall notify the licensee, by certified mail, 800  
return receipt requested, at the licensee's last known residence 801  
address that the license is subject to revocation and that the 802  
licensee may come to the sheriff's office and contest the 803  
sheriff's proposed revocation within fourteen days of the date 804  
on which the notice was mailed. After the fourteen-day period 805  
and after consideration of any information that the licensee 806  
provides during that period, if the sheriff determines on the 807  
basis of the information of which the sheriff is aware that the 808  
licensee is described in division (B)(1) of this section and no 809  
longer satisfies the requirements described in division (D)(1) 810  
of section 2923.125 of the Revised Code that are applicable to 811  
the licensee's type of license, the sheriff shall revoke the 812  
license, notify the licensee of that fact, and require the 813  
licensee to surrender the license. Upon revoking the license, 814  
the sheriff also shall comply with division (H) of section 815  
2923.125 of the Revised Code. 816

(C) If a sheriff who issues a concealed handgun license to 817  
a licensee becomes aware that at the time of the issuance of the 818  
license the licensee had been convicted of or pleaded guilty to 819  
an offense identified in division (D)(1)(e), (f), or (h) of 820  
section 2923.125 of the Revised Code or had been adjudicated a 821

delinquent child for committing an act or violation identified 822  
in any of those divisions or becomes aware that on or after the 823  
date on which the license was issued the licensee has been 824  
convicted of or pleaded guilty to an offense identified in 825  
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 826  
shall not consider that conviction, guilty plea, or adjudication 827  
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 828  
(1), and (B) (2) of this section if a court has ordered the 829  
sealing or expungement of the records of that conviction, guilty 830  
plea, or adjudication pursuant to sections 2151.355 to 2151.358 831  
or sections 2953.31 to 2953.36 of the Revised Code or the 832  
licensee has been relieved under operation of law or legal 833  
process from the disability imposed pursuant to section 2923.13 834  
of the Revised Code relative to that conviction, guilty plea, or 835  
adjudication. 836

(D) As used in this section, "motor carrier enforcement 837  
unit" has the same meaning as in section 2923.16 of the Revised 838  
Code. 839

**Sec. 2923.16.** (A) No person shall knowingly discharge a 840  
firearm while in or on a motor vehicle. 841

(B) No person shall knowingly transport or have a loaded 842  
firearm in a motor vehicle in such a manner that the firearm is 843  
accessible to the operator or any passenger without leaving the 844  
vehicle. 845

(C) No person shall knowingly transport or have a firearm 846  
in a motor vehicle, unless the person may lawfully possess that 847  
firearm under applicable law of this state or the United States, 848  
the firearm is unloaded, and the firearm is carried in one of 849  
the following ways: 850

- (1) In a closed package, box, or case; 851
- (2) In a compartment that can be reached only by leaving 852  
the vehicle; 853
- (3) In plain sight and secured in a rack or holder made 854  
for the purpose; 855
- (4) If the firearm is at least twenty-four inches in 856  
overall length as measured from the muzzle to the part of the 857  
stock furthest from the muzzle and if the barrel is at least 858  
eighteen inches in length, either in plain sight with the action 859  
open or the weapon stripped, or, if the firearm is of a type on 860  
which the action will not stay open or which cannot easily be 861  
stripped, in plain sight. 862
- (D) No person shall knowingly transport or have a loaded 863  
handgun in a motor vehicle if, at the time of that 864  
transportation or possession, any of the following applies: 865
- (1) The person is under the influence of alcohol, a drug 866  
of abuse, or a combination of them. 867
- (2) The person's whole blood, blood serum or plasma, 868  
breath, or urine contains a concentration of alcohol, a listed 869  
controlled substance, or a listed metabolite of a controlled 870  
substance prohibited for persons operating a vehicle, as 871  
specified in division (A) of section 4511.19 of the Revised 872  
Code, regardless of whether the person at the time of the 873  
transportation or possession as described in this division is 874  
the operator of or a passenger in the motor vehicle. 875
- (E) No person who has been issued a concealed handgun 876  
license or who is an active duty member of the armed forces of 877  
the United States and is carrying a valid military 878  
identification card and documentation of successful completion 879

of firearms training that meets or exceeds the training 880  
requirements described in division (G) (1) of section 2923.125 of 881  
the Revised Code, who is the driver or an occupant of a motor 882  
vehicle that is stopped as a result of a traffic stop or a stop 883  
for another law enforcement purpose or is the driver or an 884  
occupant of a commercial motor vehicle that is stopped by an 885  
employee of the motor carrier enforcement unit for the purposes 886  
defined in section 5503.34 of the Revised Code, and who is 887  
transporting or has a loaded handgun in the motor vehicle or 888  
commercial motor vehicle in any manner, shall do any of the 889  
following: 890

(1) ~~Fail to promptly~~ Before or at the time a law 891  
enforcement officer requests the person's concealed handgun 892  
license or asks if the person is carrying a concealed handgun, 893  
fail to do both of the following: 894

(a) Display the person's concealed handgun license or 895  
military identification card and documentation of successful 896  
completion of firearms training that meets or exceeds the 897  
training requirements described in division (G) (1) of section 898  
2923.125 of the Revised Code or orally inform any the law 899  
enforcement officer who approaches the vehicle while stopped- 900  
that the person has been issued a concealed handgun license or 901  
is authorized to carry a concealed handgun as an active duty 902  
member of the armed forces of the United States ~~and;~~ 903

(b) Disclose that the person then possesses or has a 904  
loaded handgun in the motor vehicle ~~+~~. 905

(2) ~~Fail to promptly~~ Before or at the time an employee of 906  
the motor carrier enforcement unit requests the person's 907  
concealed handgun license or asks if the person is carrying a 908  
concealed handgun, fail to do both of the following: 909

(a) Display the person's concealed handgun license or 910  
military identification card and documentation of successful 911  
completion of firearms training that meets or exceeds the 912  
training requirements described in division (G)(1) of section 913  
2923.125 of the Revised Code or orally inform the employee of 914  
the unit ~~who approaches the vehicle while stopped~~ that the 915  
person has been issued a concealed handgun license or is 916  
authorized to carry a concealed handgun as an active duty member 917  
of the armed forces of the United States~~and;~~ 918

(b) Disclose that the person then possesses or has a 919  
loaded handgun in the commercial motor vehicle~~;~~ 920

(3) Knowingly fail to remain in the motor vehicle while 921  
stopped or knowingly fail to keep the person's hands in plain 922  
sight at any time after any law enforcement officer begins 923  
approaching the person while stopped and before the law 924  
enforcement officer leaves, unless the failure is pursuant to 925  
and in accordance with directions given by a law enforcement 926  
officer; 927

(4) Knowingly have contact with the loaded handgun by 928  
touching it with the person's hands or fingers in the motor 929  
vehicle at any time after the law enforcement officer begins 930  
approaching and before the law enforcement officer leaves, 931  
unless the person has contact with the loaded handgun pursuant 932  
to and in accordance with directions given by the law 933  
enforcement officer; 934

(5) Knowingly disregard or fail to comply with any lawful 935  
order of any law enforcement officer given while the motor 936  
vehicle is stopped, including, but not limited to, a specific 937  
order to the person to keep the person's hands in plain sight. 938

(F) (1) Divisions (A), (B), (C), and (E) of this section do not apply to any of the following:	939 940
(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;	941 942 943 944 945
(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (F) (1) (b) of this section does not apply to the person.	946 947 948 949 950 951 952
(2) Division (A) of this section does not apply to a person if all of the following circumstances apply:	953 954
(a) The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the chief of the division of wildlife of the department of natural resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.	955 956 957 958 959 960
(b) The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.	961 962 963 964
(c) The person owns the real property described in division (F) (2) (b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of	965 966 967

another person who owns that real property, or is the spouse or 968  
a child of a tenant of another person who owns that real 969  
property. 970

(d) The person does not discharge the firearm in any of 971  
the following manners: 972

(i) While under the influence of alcohol, a drug of abuse, 973  
or alcohol and a drug of abuse; 974

(ii) In the direction of a street, highway, or other 975  
public or private property used by the public for vehicular 976  
traffic or parking; 977

(iii) At or into an occupied structure that is a permanent 978  
or temporary habitation; 979

(iv) In the commission of any violation of law, including, 980  
but not limited to, a felony that includes, as an essential 981  
element, purposely or knowingly causing or attempting to cause 982  
the death of or physical harm to another and that was committed 983  
by discharging a firearm from a motor vehicle. 984

(3) Division (A) of this section does not apply to a 985  
person if all of the following apply: 986

(a) The person possesses a valid all-purpose vehicle 987  
permit issued under section 1533.103 of the Revised Code by the 988  
chief of the division of wildlife. 989

(b) The person discharges a firearm at a wild quadruped or 990  
game bird as defined in section 1531.01 of the Revised Code 991  
during the open hunting season for the applicable wild quadruped 992  
or game bird. 993

(c) The person discharges a firearm from a stationary all- 994  
purpose vehicle as defined in section 1531.01 of the Revised 995

Code from private or publicly owned lands or from a motor 996  
vehicle that is parked on a road that is owned or administered 997  
by the division of wildlife. 998

(d) The person does not discharge the firearm in any of 999  
the following manners: 1000

(i) While under the influence of alcohol, a drug of abuse, 1001  
or alcohol and a drug of abuse; 1002

(ii) In the direction of a street, a highway, or other 1003  
public or private property that is used by the public for 1004  
vehicular traffic or parking; 1005

(iii) At or into an occupied structure that is a permanent 1006  
or temporary habitation; 1007

(iv) In the commission of any violation of law, including, 1008  
but not limited to, a felony that includes, as an essential 1009  
element, purposely or knowingly causing or attempting to cause 1010  
the death of or physical harm to another and that was committed 1011  
by discharging a firearm from a motor vehicle. 1012

(4) Divisions (B) and (C) of this section do not apply to 1013  
a person if all of the following circumstances apply: 1014

(a) At the time of the alleged violation of either of 1015  
those divisions, the person is the operator of or a passenger in 1016  
a motor vehicle. 1017

(b) The motor vehicle is on real property that is located 1018  
in an unincorporated area of a township and that either is zoned 1019  
for agriculture or is used for agriculture. 1020

(c) The person owns the real property described in 1021  
division (D) (4) (b) of this section, is the spouse or a child of 1022  
another person who owns that real property, is a tenant of 1023

another person who owns that real property, or is the spouse or 1024  
a child of a tenant of another person who owns that real 1025  
property. 1026

(d) The person, prior to arriving at the real property 1027  
described in division (D) (4) (b) of this section, did not 1028  
transport or possess a firearm in the motor vehicle in a manner 1029  
prohibited by division (B) or (C) of this section while the 1030  
motor vehicle was being operated on a street, highway, or other 1031  
public or private property used by the public for vehicular 1032  
traffic or parking. 1033

(5) Divisions (B) and (C) of this section do not apply to 1034  
a person who transports or possesses a handgun in a motor 1035  
vehicle if, at the time of that transportation or possession, 1036  
both of the following apply: 1037

(a) The person transporting or possessing the handgun is 1038  
either carrying a valid concealed handgun license or is an 1039  
active duty member of the armed forces of the United States and 1040  
is carrying a valid military identification card and 1041  
documentation of successful completion of firearms training that 1042  
meets or exceeds the training requirements described in division 1043  
(G) (1) of section 2923.125 of the Revised Code. 1044

(b) The person transporting or possessing the handgun is 1045  
not knowingly in a place described in division (B) of section 1046  
2923.126 of the Revised Code. 1047

(6) Divisions (B) and (C) of this section do not apply to 1048  
a person if all of the following apply: 1049

(a) The person possesses a valid all-purpose vehicle 1050  
permit issued under section 1533.103 of the Revised Code by the 1051  
chief of the division of wildlife. 1052

(b) The person is on or in an all-purpose vehicle as 1053  
defined in section 1531.01 of the Revised Code or a motor 1054  
vehicle during the open hunting season for a wild quadruped or 1055  
game bird. 1056

(c) The person is on or in an all-purpose vehicle as 1057  
defined in section 1531.01 of the Revised Code on private or 1058  
publicly owned lands or on or in a motor vehicle that is parked 1059  
on a road that is owned or administered by the division of 1060  
wildlife. 1061

(7) Nothing in this section prohibits or restricts a 1062  
person from possessing, storing, or leaving a firearm in a 1063  
locked motor vehicle that is parked in the state underground 1064  
parking garage at the state capitol building or in the parking 1065  
garage at the Riffe center for government and the arts in 1066  
Columbus, if the person's transportation and possession of the 1067  
firearm in the motor vehicle while traveling to the premises or 1068  
facility was not in violation of division (A), (B), (C), (D), or 1069  
(E) of this section or any other provision of the Revised Code. 1070

(G) (1) The affirmative defenses authorized in divisions 1071  
(D) (1) and (2) of section 2923.12 of the Revised Code are 1072  
affirmative defenses to a charge under division (B) or (C) of 1073  
this section that involves a firearm other than a handgun. 1074

(2) It is an affirmative defense to a charge under 1075  
division (B) or (C) of this section of improperly handling 1076  
firearms in a motor vehicle that the actor transported or had 1077  
the firearm in the motor vehicle for any lawful purpose and 1078  
while the motor vehicle was on the actor's own property, 1079  
provided that this affirmative defense is not available unless 1080  
the person, immediately prior to arriving at the actor's own 1081  
property, did not transport or possess the firearm in a motor 1082

vehicle in a manner prohibited by division (B) or (C) of this 1083  
section while the motor vehicle was being operated on a street, 1084  
highway, or other public or private property used by the public 1085  
for vehicular traffic. 1086

(H) (1) No person who is charged with a violation of 1087  
division (B), (C), or (D) of this section shall be required to 1088  
obtain a concealed handgun license as a condition for the 1089  
dismissal of the charge. 1090

(2) (a) If a person is convicted of, was convicted of, 1091  
pleads guilty to, or has pleaded guilty to a violation of 1092  
division (E) of this section as it existed prior to September 1093  
30, 2011, and if the conduct that was the basis of the violation 1094  
no longer would be a violation of division (E) of this section 1095  
on or after September 30, 2011, the person may file an 1096  
application under section 2953.37 of the Revised Code requesting 1097  
the expungement of the record of conviction. 1098

If a person is convicted of, was convicted of, pleads 1099  
guilty to, or has pleaded guilty to a violation of division (B) 1100  
or (C) of this section as the division existed prior to 1101  
September 30, 2011, and if the conduct that was the basis of the 1102  
violation no longer would be a violation of division (B) or (C) 1103  
of this section on or after September 30, 2011, due to the 1104  
application of division (F) (5) of this section as it exists on 1105  
and after September 30, 2011, the person may file an application 1106  
under section 2953.37 of the Revised Code requesting the 1107  
expungement of the record of conviction. 1108

(b) The attorney general shall develop a public media 1109  
advisory that summarizes the expungement procedure established 1110  
under section 2953.37 of the Revised Code and the offenders 1111  
identified in division (H) (2) (a) of this section who are 1112

authorized to apply for the expungement. Within thirty days 1113  
after September 30, 2011, the attorney general shall provide a 1114  
copy of the advisory to each daily newspaper published in this 1115  
state and each television station that broadcasts in this state. 1116  
The attorney general may provide the advisory in a tangible 1117  
form, an electronic form, or in both tangible and electronic 1118  
forms. 1119

(I) Whoever violates this section is guilty of improperly 1120  
handling firearms in a motor vehicle. Violation of division (A) 1121  
of this section is a felony of the fourth degree. Violation of 1122  
division (C) of this section is a misdemeanor of the fourth 1123  
degree. A violation of division (D) of this section is a felony 1124  
of the fifth degree or, if the loaded handgun is concealed on 1125  
the person's person, a felony of the fourth degree. ~~Except as~~ 1126  
~~otherwise provided in this division, a violation of division (E)~~ 1127  
~~(1) or (2) of this section is a misdemeanor of the first degree,~~ 1128  
~~and, in addition to any other penalty or sanction imposed for~~ 1129  
~~the violation, the offender's concealed handgun license shall be~~ 1130  
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1131  
~~Revised Code. If at the time of the stop of the offender for a~~ 1132  
~~traffic stop, for another law enforcement purpose, or for a~~ 1133  
~~purpose defined in section 5503.34 of the Revised Code that was~~ 1134  
~~the basis of the violation any law enforcement officer involved~~ 1135  
~~with the stop or the employee of the motor carrier enforcement~~ 1136  
~~unit who made the stop had actual knowledge of the offender's~~ 1137  
~~status as a licensee, a violation of division (E) (1) or (2) of~~ 1138  
~~this section is a minor misdemeanor, and the offender's~~ 1139  
~~concealed handgun license shall not be suspended pursuant to~~ 1140  
~~division (A) (2) of section 2923.128 of the Revised Code .~~ A 1141  
violation of division (E) (4) of this section is a felony of the 1142  
fifth degree. A violation of division (E) (3) or (5) of this 1143

section is a misdemeanor of the first degree or, if the offender 1144  
previously has been convicted of or pleaded guilty to a 1145  
violation of division (E) (3) or (5) of this section, a felony of 1146  
the fifth degree. In addition to any other penalty or sanction 1147  
imposed for a misdemeanor violation of division (E) (3) or (5) of 1148  
this section, the offender's concealed handgun license shall be 1149  
suspended pursuant to division (A) (2) of section 2923.128 of the 1150  
Revised Code. A violation of division (B) of this section is a 1151  
felony of the fourth degree. 1152

(J) If a law enforcement officer stops a motor vehicle for 1153  
a traffic stop or any other purpose, if any person in the motor 1154  
vehicle surrenders a firearm to the officer, either voluntarily 1155  
or pursuant to a request or demand of the officer, and if the 1156  
officer does not charge the person with a violation of this 1157  
section or arrest the person for any offense, the person is not 1158  
otherwise prohibited by law from possessing the firearm, and the 1159  
firearm is not contraband, the officer shall return the firearm 1160  
to the person at the termination of the stop. If a court orders 1161  
a law enforcement officer to return a firearm to a person 1162  
pursuant to the requirement set forth in this division, division 1163  
(B) of section 2923.163 of the Revised Code applies. 1164

(K) As used in this section: 1165

(1) "Motor vehicle," "street," and "highway" have the same 1166  
meanings as in section 4511.01 of the Revised Code. 1167

(2) "Occupied structure" has the same meaning as in 1168  
section 2909.01 of the Revised Code. 1169

(3) "Agriculture" has the same meaning as in section 1170  
519.01 of the Revised Code. 1171

(4) "Tenant" has the same meaning as in section 1531.01 of 1172

the Revised Code. 1173

(5) (a) "Unloaded" means, with respect to a firearm other 1174  
than a firearm described in division (K) (6) of this section, 1175  
that no ammunition is in the firearm in question, no magazine or 1176  
speed loader containing ammunition is inserted into the firearm 1177  
in question, and one of the following applies: 1178

(i) There is no ammunition in a magazine or speed loader 1179  
that is in the vehicle in question and that may be used with the 1180  
firearm in question. 1181

(ii) Any magazine or speed loader that contains ammunition 1182  
and that may be used with the firearm in question is stored in a 1183  
compartment within the vehicle in question that cannot be 1184  
accessed without leaving the vehicle or is stored in a container 1185  
that provides complete and separate enclosure. 1186

(b) For the purposes of division (K) (5) (a) (ii) of this 1187  
section, a "container that provides complete and separate 1188  
enclosure" includes, but is not limited to, any of the 1189  
following: 1190

(i) A package, box, or case with multiple compartments, as 1191  
long as the loaded magazine or speed loader and the firearm in 1192  
question either are in separate compartments within the package, 1193  
box, or case, or, if they are in the same compartment, the 1194  
magazine or speed loader is contained within a separate 1195  
enclosure in that compartment that does not contain the firearm 1196  
and that closes using a snap, button, buckle, zipper, hook and 1197  
loop closing mechanism, or other fastener that must be opened to 1198  
access the contents or the firearm is contained within a 1199  
separate enclosure of that nature in that compartment that does 1200  
not contain the magazine or speed loader; 1201

(ii) A pocket or other enclosure on the person of the 1202  
person in question that closes using a snap, button, buckle, 1203  
zipper, hook and loop closing mechanism, or other fastener that 1204  
must be opened to access the contents. 1205

(c) For the purposes of divisions (K) (5) (a) and (b) of 1206  
this section, ammunition held in stripper-clips or in en-bloc 1207  
clips is not considered ammunition that is loaded into a 1208  
magazine or speed loader. 1209

(6) "Unloaded" means, with respect to a firearm employing 1210  
a percussion cap, flintlock, or other obsolete ignition system, 1211  
when the weapon is uncapped or when the priming charge is 1212  
removed from the pan. 1213

(7) "Commercial motor vehicle" has the same meaning as in 1214  
division (A) of section 4506.25 of the Revised Code. 1215

(8) "Motor carrier enforcement unit" means the motor 1216  
carrier enforcement unit in the department of public safety, 1217  
division of state highway patrol, that is created by section 1218  
5503.34 of the Revised Code. 1219

(L) Divisions (K) (5) (a) and (b) of this section do not 1220  
affect the authority of a person who is carrying a valid 1221  
concealed handgun license to have one or more magazines or speed 1222  
loaders containing ammunition anywhere in a vehicle, without 1223  
being transported as described in those divisions, as long as no 1224  
ammunition is in a firearm, other than a handgun, in the vehicle 1225  
other than as permitted under any other provision of this 1226  
chapter. A person who is carrying a valid concealed handgun 1227  
license may have one or more magazines or speed loaders 1228  
containing ammunition anywhere in a vehicle without further 1229  
restriction, as long as no ammunition is in a firearm, other 1230

than a handgun, in the vehicle other than as permitted under any	1231
provision of this chapter.	1232
<b>Section 2.</b> That existing sections 2923.12, 2923.126,	1233
2923.128, and 2923.16 of the Revised Code are hereby repealed.	1234