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Sub. S. B. No. 215

Senator Johnson

**Cosponsors: Senators Hoagland, Rulli, Huffman, S., Schaffer, Blessing, McColley,
Romanchuk, Lang, Antani, Brenner, Gavarone, O'Brien, Roegner**

A BILL

To amend sections 1547.69, 2923.12, 2923.121, 1
2923.122, 2923.123, 2923.126, 2923.128, 2923.16, 2
and 2953.37 and to enact section 2923.111 of the 3
Revised Code regarding a concealed handgun 4
licensee's duty to carry the license and notify 5
a law enforcement officer if the licensee is 6
carrying a concealed handgun, and a right of a 7
person age twenty-one or older and not legally 8
prohibited from firearm possession to carry a 9
concealed handgun in the same manner as if the 10
person was a licensee. 11

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

Section 1. That sections 1547.69, 2923.12, 2923.121, 12
2923.122, 2923.123, 2923.126, 2923.128, 2923.16, and 2953.37 be 13
amended and section 2923.111 of the Revised Code be enacted to 14
read as follows: 15

Sec. 1547.69. (A) As used in this section: 16

(1) "Firearm," "concealed handgun license," "handgun," 17

"valid concealed handgun license," and "active duty" have the 18
same meanings as in section 2923.11 of the Revised Code. 19

(2) "Unloaded" has the same meanings as in divisions (K) 20
(5) and (6) of section 2923.16 of the Revised Code, except that 21
all references in the definition in division (K) (5) of that 22
section to "vehicle" shall be construed for purposes of this 23
section to be references to "vessel." 24

(B) No person shall knowingly discharge a firearm while in 25
or on a vessel. 26

(C) No person shall knowingly transport or have a loaded 27
firearm in a vessel in a manner that the firearm is accessible 28
to the operator or any passenger. 29

(D) No person shall knowingly transport or have a firearm 30
in a vessel unless it is unloaded and is carried in one of the 31
following ways: 32

(1) In a closed package, box, or case; 33

(2) In plain sight with the action opened or the weapon 34
stripped, or, if the firearm is of a type on which the action 35
will not stay open or that cannot easily be stripped, in plain 36
sight. 37

(E) (1) The affirmative defenses authorized in divisions 38
(D) (1) and (2) of section 2923.12 of the Revised Code are 39
affirmative defenses to a charge under division (C) or (D) of 40
this section that involves a firearm other than a handgun. It is 41
an affirmative defense to a charge under division (C) or (D) of 42
this section of transporting or having a firearm of any type, 43
including a handgun, in a vessel that the actor transported or 44
had the firearm in the vessel for any lawful purpose and while 45
the vessel was on the actor's own property, provided that this 46

affirmative defense is not available unless the actor, prior to 47
arriving at the vessel on the actor's own property, did not 48
transport or possess the firearm in the vessel or in a motor 49
vehicle in a manner prohibited by this section or division (B) 50
or (C) of section 2923.16 of the Revised Code while the vessel 51
was being operated on a waterway that was not on the actor's own 52
property or while the motor vehicle was being operated on a 53
street, highway, or other public or private property used by the 54
public for vehicular traffic. 55

(2) No person who is charged with a violation of division 56
(C) or (D) of this section shall be required to obtain a license 57
or temporary emergency license to carry a concealed handgun 58
under section 2923.125 or 2923.1213 of the Revised Code as a 59
condition for the dismissal of the charge. 60

(F) Divisions (B), (C), and (D) of this section do not 61
apply to the possession or discharge of a United States coast 62
guard approved signaling device required to be carried aboard a 63
vessel under section 1547.251 of the Revised Code when the 64
signaling device is possessed or used for the purpose of giving 65
a visual distress signal. No person shall knowingly transport or 66
possess any signaling device of that nature in or on a vessel in 67
a loaded condition at any time other than immediately prior to 68
the discharge of the signaling device for the purpose of giving 69
a visual distress signal. 70

(G) No person shall operate or permit to be operated any 71
vessel on the waters in this state in violation of this section. 72

(H) (1) This section does not apply to any of the 73
following: 74

(a) An officer, agent, or employee of this or any other 75

state or of the United States, or to a law enforcement officer, 76
when authorized to carry or have loaded or accessible firearms 77
in a vessel and acting within the scope of the officer's, 78
agent's, or employee's duties; 79

(b) Any person who is employed in this state, who is 80
authorized to carry or have loaded or accessible firearms in a 81
vessel, and who is subject to and in compliance with the 82
requirements of section 109.801 of the Revised Code, unless the 83
appointing authority of the person has expressly specified that 84
the exemption provided in division (H) (1) (b) of this section 85
does not apply to the person; 86

(c) Any person legally engaged in hunting. 87

(2) Divisions (C) and (D) of this section do not apply to 88
a person who transports or possesses a handgun in a vessel and 89
who has been issued a concealed handgun license that is valid at 90
the time of that transportation or possession or who, at the 91
time of that transportation or possession, ~~either is carrying a~~ 92
~~valid concealed handgun license or is~~ an active duty member of 93
the armed forces of the United States and is carrying a valid 94
military identification card and documentation of successful 95
completion of firearms training that meets or exceeds the 96
training requirements described in division (G) (1) of section 97
2923.125 of the Revised Code, unless the person knowingly is in 98
a place on the vessel described in division (B) of section 99
2923.126 of the Revised Code. 100

(I) If a law enforcement officer stops a vessel for a 101
violation of this section or any other law enforcement purpose, 102
if any person on the vessel surrenders a firearm to the officer, 103
either voluntarily or pursuant to a request or demand of the 104
officer, and if the officer does not charge the person with a 105

violation of this section or arrest the person for any offense, 106
the person is not otherwise prohibited by law from possessing 107
the firearm, and the firearm is not contraband, the officer 108
shall return the firearm to the person at the termination of the 109
stop. 110

(J) Division (L) of section 2923.16 of the Revised Code 111
applies with respect to division (A) (2) of this section, except 112
that all references in division (L) of section 2923.16 of the 113
Revised Code to "vehicle," to "this chapter," or to "division 114
(K) (5) (a) or (b) of this section" shall be construed for 115
purposes of this section to be, respectively, references to 116
"vessel," to "section 1547.69 of the Revised Code," and to 117
divisions (K) (5) (a) and (b) of section 2923.16 of the Revised 118
Code as incorporated under the definition of firearm adopted 119
under division (A) (2) of this section. 120

Sec. 2923.111. (A) As used in this section: 121

(1) "Restricted firearm" means a firearm that is dangerous 122
ordnance or that is a firearm that any law of this state 123
prohibits the subject person from possessing, having, or 124
carrying. 125

(2) "Qualifying adult" means a person who is twenty-one 126
years of age or older and who is not legally prohibited from 127
possessing or receiving a firearm under 18 U.S.C. 922(g) (1) to 128
(9) or under section 2923.13 of the Revised Code or any other 129
Revised Code provision. 130

(B) Notwithstanding any other Revised Code section to the 131
contrary: 132

(1) A person who is a qualifying adult shall not be 133
required to obtain a concealed handgun license in order to carry 134

in this state, under authority of division (B)(2) of this 135
section, a concealed handgun that is not a restricted firearm. 136

(2) Regardless of whether the person has been issued a 137
concealed handgun license, subject to the limitations specified 138
in divisions (B)(3) and (D)(2) of this section, a person who is 139
a qualifying adult may carry a concealed handgun that is not a 140
restricted firearm anywhere in this state in which a person who 141
has been issued a concealed handgun license may carry a 142
concealed handgun. 143

(3) The right of a person who is a qualifying adult to 144
carry a concealed handgun that is not a restricted firearm that 145
is granted under divisions (B)(1) and (2) of this section is the 146
same right as is granted to a person who has been issued a 147
concealed handgun license, and a qualifying adult who is granted 148
the right is subject to the same restrictions as apply to a 149
person who has been issued a concealed handgun license. 150

(C) The mere carrying or possession of a handgun that is 151
not a restricted firearm pursuant to the right described in 152
divisions (B)(1) and (2) of this section, with or without a 153
concealed handgun license, does not constitute grounds for any 154
law enforcement officer or any agent of the state, a county, a 155
municipal corporation, or a township to conduct any search, 156
seizure, or detention, no matter how temporary in duration, of 157
an otherwise law-abiding person. 158

(D)(1) For purposes of any provision of section 1547.69, 159
2923.12, or 2923.124 to 2923.1213 of the Revised Code, or of any 160
other section of the Revised Code, that refers to a concealed 161
handgun license or a concealed handgun licensee, except when the 162
context clearly indicates otherwise, all of the following apply: 163

(a) A person who is a qualifying adult and is carrying or 164
has, concealed on the person's person or ready at hand, a 165
handgun that is not a restricted firearm shall be deemed to have 166
been issued a valid concealed handgun license. 167

(b) If the provision refers to a person having been issued 168
a concealed handgun license or having been issued a concealed 169
handgun license that is valid at a particular point in time, the 170
provision shall be construed as automatically including a person 171
who is a qualifying adult and who is carrying or has, concealed 172
on the person's person or ready at hand, a handgun that is not a 173
restricted firearm, as if the person had been issued a concealed 174
handgun license or had been issued a concealed handgun license 175
that is valid at the particular point in time. 176

(c) If the provision in specified circumstances requires a 177
concealed handgun licensee to engage in specified conduct, or 178
prohibits a concealed handgun licensee from engaging in 179
specified conduct, the provision shall be construed as applying 180
in the same circumstances to a person who is a qualifying adult 181
in the same manner as if the person was a concealed handgun 182
licensee. 183

(d) If the application of the provision to a person 184
depends on whether the person is or is not a concealed handgun 185
licensee, the provision shall be applied to a person who is a 186
qualifying adult in the same manner as if the person was a 187
concealed handgun licensee. 188

(e) If the provision pertains to the imposition of a 189
penalty or sanction for specified conduct and the penalty or 190
sanction applicable to a person who engages in the conduct 191
depends on whether the person is or is not a concealed handgun 192
licensee, the provision shall be applied to a person who is a 193

qualifying adult in the same manner as if the person was a 194
concealed handgun licensee. 195

(2) The concealed handgun license expiration provisions of 196
sections 2923.125 and 2923.1213 of the Revised Code, and the 197
concealed handgun license suspension and revocation provisions 198
of section 2923.128 of the Revised Code, do not apply with 199
respect to a person who is a qualifying adult unless the person 200
has been issued a concealed handgun license. If a person is a 201
qualifying adult and the person thereafter comes within any 202
category of persons specified in 18 U.S.C. 922(g)(1) to (9) or 203
in section 2923.13 of the Revised Code or any other Revised Code 204
provision so that the person as a result is legally prohibited 205
under the applicable provision from possessing or receiving a 206
firearm, both of the following apply automatically and 207
immediately upon the person coming within that category: 208

(a) Division (B) of this section and the authority and 209
right to carry a concealed handgun that are described in that 210
division do not apply to the person. 211

(b) The person no longer is deemed to have been issued a 212
concealed handgun license as described in division (D)(1)(a) of 213
this section, and the provisions of divisions (D)(1)(a) to (e) 214
of this section no longer apply to the person in the same manner 215
as if the person had been issued, possessed, or produced a valid 216
concealed handgun license or was a concealed handgun licensee. 217

Sec. 2923.12. (A) No person shall knowingly carry or have, 218
concealed on the person's person or concealed ready at hand, any 219
of the following: 220

(1) A deadly weapon other than a handgun; 221

(2) A handgun other than a dangerous ordnance; 222

law enforcement officer leaves, unless the person removes, 253
attempts to remove, grasps, holds, or has contact with the 254
loaded handgun pursuant to and in accordance with directions 255
given by the law enforcement officer; 256

(4) If the person is stopped for a law enforcement purpose 257
and is carrying a concealed handgun, knowingly disregard or fail 258
to comply with any lawful order of any law enforcement officer 259
given while the person is stopped, including, but not limited 260
to, a specific order to the person to keep the person's hands in 261
plain sight. 262

(C) (1) This section does not apply to any of the 263
following: 264

(a) An officer, agent, or employee of this or any other 265
state or the United States, or to a law enforcement officer, who 266
is authorized to carry concealed weapons or dangerous ordnance 267
or is authorized to carry handguns and is acting within the 268
scope of the officer's, agent's, or employee's duties; 269

(b) Any person who is employed in this state, who is 270
authorized to carry concealed weapons or dangerous ordnance or 271
is authorized to carry handguns, and who is subject to and in 272
compliance with the requirements of section 109.801 of the 273
Revised Code, unless the appointing authority of the person has 274
expressly specified that the exemption provided in division (C) 275
(1) (b) of this section does not apply to the person; 276

(c) A person's transportation or storage of a firearm, 277
other than a firearm described in divisions (G) to (M) of 278
section 2923.11 of the Revised Code, in a motor vehicle for any 279
lawful purpose if the firearm is not on the actor's person; 280

(d) A person's storage or possession of a firearm, other 281

than a firearm described in divisions (G) to (M) of section 282
2923.11 of the Revised Code, in the actor's own home for any 283
lawful purpose. 284

(2) Division (A)(2) of this section does not apply to any 285
person who has been issued a concealed handgun license that is 286
valid at the time of the alleged carrying or possession of a 287
handgun or who, at the time of the alleged carrying or 288
possession of a handgun, ~~either is carrying a valid concealed~~ 289
~~handgun license or~~ is an active duty member of the armed forces 290
of the United States and is carrying a valid military 291
identification card and documentation of successful completion 292
of firearms training that meets or exceeds the training 293
requirements described in division (G)(1) of section 2923.125 of 294
the Revised Code, unless the person knowingly is in a place 295
described in division (B) of section 2923.126 of the Revised 296
Code. 297

(D) It is an affirmative defense to a charge under 298
division (A)(1) of this section of carrying or having control of 299
a weapon other than a handgun and other than a dangerous 300
ordnance that the actor was not otherwise prohibited by law from 301
having the weapon and that any of the following applies: 302

(1) The weapon was carried or kept ready at hand by the 303
actor for defensive purposes while the actor was engaged in or 304
was going to or from the actor's lawful business or occupation, 305
which business or occupation was of a character or was 306
necessarily carried on in a manner or at a time or place as to 307
render the actor particularly susceptible to criminal attack, 308
such as would justify a prudent person in going armed. 309

(2) The weapon was carried or kept ready at hand by the 310
actor for defensive purposes while the actor was engaged in a 311

lawful activity and had reasonable cause to fear a criminal 312
attack upon the actor, a member of the actor's family, or the 313
actor's home, such as would justify a prudent person in going 314
armed. 315

(3) The weapon was carried or kept ready at hand by the 316
actor for any lawful purpose and while in the actor's own home. 317

(E) (1) No person who is charged with a violation of this 318
section shall be required to obtain a concealed handgun license 319
as a condition for the dismissal of the charge. 320

(2) If a person is convicted of, was convicted of, pleads 321
guilty to, or has pleaded guilty to a violation of division (B) 322
(1) of this section as it existed prior to the effective date of 323
this amendment, the person may file an application under section 324
2953.37 of the Revised Code requesting the expungement of the 325
record of conviction. 326

(F) (1) Whoever violates this section is guilty of carrying 327
concealed weapons. Except as otherwise provided in this division 328
or divisions (F) (2), (6), and (7) of this section, carrying 329
concealed weapons in violation of division (A) of this section 330
is a misdemeanor of the first degree. Except as otherwise 331
provided in this division or divisions (F) (2), (6), and (7) of 332
this section, if the offender previously has been convicted of a 333
violation of this section or of any offense of violence, if the 334
weapon involved is a firearm that is either loaded or for which 335
the offender has ammunition ready at hand, or if the weapon 336
involved is dangerous ordnance, carrying concealed weapons in 337
violation of division (A) of this section is a felony of the 338
fourth degree. Except as otherwise provided in divisions (F) (2) 339
and (6) of this section, if the offense is committed aboard an 340
aircraft, or with purpose to carry a concealed weapon aboard an 341

aircraft, regardless of the weapon involved, carrying concealed 342
weapons in violation of division (A) of this section is a felony 343
of the third degree. 344

~~(2) Except as provided in division (F)(6) of this section,~~ 345
~~if a~~ A person being shall not be arrested for a violation of 346
division (A)(2) of this section solely because the person does 347
not promptly produces produce a valid concealed handgun license,~~—~~ 348
~~and if at the time of the violation the person was not knowingly~~ 349
~~in a place described in division (B) of section 2923.126 of the~~ 350
~~Revised Code, the officer shall not arrest the person for a~~ 351
~~violation of that division. If the person is not able to~~ 352
~~promptly produce any concealed handgun license and if the person~~ 353
~~is not in a place described in that section, the officer may~~ 354
~~arrest the person for a violation of that division, .~~ If a person 355
is arrested for a violation of division (A)(2) of this section 356
and is convicted of or pleads guilty to the violation, the 357
offender shall be punished as follows: 358

(a) The offender shall be guilty of a minor misdemeanor if 359
both of the following apply: 360

(i) Within ten days after the arrest, the offender 361
presents a concealed handgun license, which license was valid at 362
the time of the arrest, to the law enforcement agency that 363
employs the arresting officer. 364

(ii) At the time of the arrest, the offender was not 365
knowingly in a place described in division (B) of section 366
2923.126 of the Revised Code. 367

(b) The offender shall be guilty of a misdemeanor and 368
shall be fined five hundred dollars if all of the following 369
apply: 370

(i) The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest. 371
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(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. 374
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(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. 380
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(c) If divisions (F) (2) (a) and (b) and (F) (6) of this section do not apply, the offender shall be punished under division (F) (1) or (7) of this section. 383
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(3) ~~Except as otherwise provided in this division,~~ 386
~~carrying~~ Carrying concealed weapons in violation of division (B) (1) of this section is a misdemeanor of the ~~first~~ second degree, 387
~~and, in addition to any other penalty or sanction imposed for a violation of division (B) (1) of this section, the offender's concealed handgun license shall be suspended pursuant to division (A) (2) of section 2923.128 of the Revised Code. If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (B) (1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A) (2) of section 2923.128 of the Revised Code.~~ 388
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(4) Carrying concealed weapons in violation of division 401
(B) (2) or (4) of this section is a misdemeanor of the first 402
degree or, if the offender previously has been convicted of or 403
pleaded guilty to a violation of division (B) (2) or (4) of this 404
section, a felony of the fifth degree. In addition to any other 405
penalty or sanction imposed for a misdemeanor violation of 406
division (B) (2) or (4) of this section, the offender's concealed 407
handgun license shall be suspended pursuant to division (A) (2) 408
of section 2923.128 of the Revised Code. 409

(5) Carrying concealed weapons in violation of division 410
(B) (3) of this section is a felony of the fifth degree. 411

(6) If a person being arrested for a violation of division 412
(A) (2) of this section is an active duty member of the armed 413
forces of the United States and is carrying a valid military 414
identification card and documentation of successful completion 415
of firearms training that meets or exceeds the training 416
requirements described in division (G) (1) of section 2923.125 of 417
the Revised Code, and if at the time of the violation the person 418
was not knowingly in a place described in division (B) of 419
section 2923.126 of the Revised Code, the officer shall not 420
arrest the person for a violation of that division. If the 421
person is not able to promptly produce a valid military 422
identification card and documentation of successful completion 423
of firearms training that meets or exceeds the training 424
requirements described in division (G) (1) of section 2923.125 of 425
the Revised Code and if the person is not in a place described 426
in division (B) of section 2923.126 of the Revised Code, the 427
officer shall issue a citation and the offender shall be 428
assessed a civil penalty of not more than five hundred dollars. 429
The citation shall be automatically dismissed and the civil 430
penalty shall not be assessed if both of the following apply: 431

(a) Within ten days after the issuance of the citation, 432
the offender presents a valid military identification card and 433
documentation of successful completion of firearms training that 434
meets or exceeds the training requirements described in division 435
(G) (1) of section 2923.125 of the Revised Code, which were both 436
valid at the time of the issuance of the citation to the law 437
enforcement agency that employs the citing officer. 438

(b) At the time of the citation, the offender was not 439
knowingly in a place described in division (B) of section 440
2923.126 of the Revised Code. 441

(7) If a person being arrested for a violation of division 442
(A) (2) of this section is knowingly in a place described in 443
division (B) (5) of section 2923.126 of the Revised Code and is 444
not authorized to carry a handgun or have a handgun concealed on 445
the person's person or concealed ready at hand under that 446
division, the penalty shall be as follows: 447

(a) Except as otherwise provided in this division, if the 448
person produces a valid concealed handgun license within ten 449
days after the arrest and has not previously been convicted or 450
pleaded guilty to a violation of division (A) (2) of this 451
section, the person is guilty of a minor misdemeanor; 452

(b) Except as otherwise provided in this division, if the 453
person has previously been convicted of or pleaded guilty to a 454
violation of division (A) (2) of this section, the person is 455
guilty of a misdemeanor of the fourth degree; 456

(c) Except as otherwise provided in this division, if the 457
person has previously been convicted of or pleaded guilty to two 458
violations of division (A) (2) of this section, the person is 459
guilty of a misdemeanor of the third degree; 460

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

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

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

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

(B) (1) This section does not apply to any of the 491
following: 492

(a) An officer, agent, or employee of this or any other 493
state or the United States, or a law enforcement officer, who is 494
authorized to carry firearms and is acting within the scope of 495
the officer's, agent's, or employee's duties; 496

(b) A law enforcement officer or investigator who is 497
authorized to carry firearms but is not acting within the scope 498
of the officer's or investigator's duties, as long as all of the 499
following apply: 500

(i) The officer or investigator is carrying validating 501
identification. 502

(ii) If the firearm the officer or investigator possesses 503
is a firearm issued or approved by the law enforcement agency 504
served by the officer or by the bureau of criminal 505
identification and investigation with respect to an 506
investigator, the agency or bureau does not have a restrictive 507
firearms carrying policy. 508

(iii) The officer or investigator is not consuming beer or 509
intoxicating liquor and is not under the influence of alcohol or 510
a drug of abuse. 511

(c) Any room used for the accommodation of guests of a 512
hotel, as defined in section 4301.01 of the Revised Code; 513

(d) The principal holder of a D permit issued for a 514
premises or an open air arena under Chapter 4303. of the Revised 515
Code while in the premises or open air arena for which the 516
permit was issued if the principal holder of the D permit also 517
~~possesses~~ has been issued a valid ~~concealed~~ handgun license that 518
is valid at the time in question and as long as the principal 519

holder is not consuming beer or intoxicating liquor or under the 520
influence of alcohol or a drug of abuse, or any agent or 521
employee of that holder who also is a peace officer, as defined 522
in section 2151.3515 of the Revised Code, who is off duty, and 523
who otherwise is authorized to carry firearms while in the 524
course of the officer's official duties and while in the 525
premises or open air arena for which the permit was issued and 526
as long as the agent or employee of that holder is not consuming 527
beer or intoxicating liquor or under the influence of alcohol or 528
a drug of abuse. 529

(e) Any person who ~~is carrying a valid concealed handgun~~ 530
~~license~~ has been issued a concealed handgun license that is 531
valid at the time in question or any person who is an active 532
duty member of the armed forces of the United States and is 533
carrying a valid military identification card and documentation 534
of successful completion of firearms training that meets or 535
exceeds the training requirements described in division (G) (1) 536
of section 2923.125 of the Revised Code, as long as the person 537
is not consuming beer or intoxicating liquor or under the 538
influence of alcohol or a drug of abuse. 539

(2) This section does not prohibit any person who is a 540
member of a veteran's organization, as defined in section 541
2915.01 of the Revised Code, from possessing a rifle in any room 542
in any premises owned, leased, or otherwise under the control of 543
the veteran's organization, if the rifle is not loaded with live 544
ammunition and if the person otherwise is not prohibited by law 545
from having the rifle. 546

(3) This section does not apply to any person possessing 547
or displaying firearms in any room used to exhibit unloaded 548
firearms for sale or trade in a soldiers' memorial established 549

pursuant to Chapter 345. of the Revised Code, in a convention 550
center, or in any other public meeting place, if the person is 551
an exhibitor, trader, purchaser, or seller of firearms and is 552
not otherwise prohibited by law from possessing, trading, 553
purchasing, or selling the firearms. 554

(C) It is an affirmative defense to a charge under this 555
section of illegal possession of a firearm in a liquor permit 556
premises that involves the possession of a firearm other than a 557
handgun, that the actor was not otherwise prohibited by law from 558
having the firearm, and that any of the following apply: 559

(1) The firearm was carried or kept ready at hand by the 560
actor for defensive purposes, while the actor was engaged in or 561
was going to or from the actor's lawful business or occupation, 562
which business or occupation was of such character or was 563
necessarily carried on in such manner or at such a time or place 564
as to render the actor particularly susceptible to criminal 565
attack, such as would justify a prudent person in going armed. 566

(2) The firearm was carried or kept ready at hand by the 567
actor for defensive purposes, while the actor was engaged in a 568
lawful activity, and had reasonable cause to fear a criminal 569
attack upon the actor or a member of the actor's family, or upon 570
the actor's home, such as would justify a prudent person in 571
going armed. 572

(D) No person who is charged with a violation of this 573
section shall be required to obtain a concealed handgun license 574
as a condition for the dismissal of the charge. 575

(E) Whoever violates this section is guilty of illegal 576
possession of a firearm in a liquor permit premises. Except as 577
otherwise provided in this division, illegal possession of a 578

firearm in a liquor permit premises is a felony of the fifth 579
degree. If the offender commits the violation of this section by 580
knowingly carrying or having the firearm concealed on the 581
offender's person or concealed ready at hand, illegal possession 582
of a firearm in a liquor permit premises is a felony of the 583
third degree. 584

(F) As used in this section: 585

(1) "Beer" and "intoxicating liquor" have the same 586
meanings as in section 4301.01 of the Revised Code. 587

(2) "Investigator" has the same meaning as in section 588
109.541 of the Revised Code. 589

(3) "Restrictive firearms carrying policy" means a 590
specific policy of a law enforcement agency or the bureau of 591
criminal identification and investigation that prohibits all 592
officers of the agency or all investigators of the bureau, while 593
not acting within the scope of the officer's or investigator's 594
duties, from doing either of the following: 595

(a) Carrying a firearm issued or approved by the agency or 596
bureau in any room, premises, or arena described in division (A) 597
of this section; 598

(b) Carrying a firearm issued or approved by the agency or 599
bureau in premises described in division (A) of section 600
2923.1214 of the Revised Code. 601

(4) "Law enforcement officer" has the same meaning as in 602
section 9.69 of the Revised Code. 603

(5) "Validating identification" means one of the 604
following: 605

(a) Photographic identification issued by the law 606

enforcement agency for which an individual serves as a law 607
enforcement officer that identifies the individual as a law 608
enforcement officer of the agency; 609

(b) Photographic identification issued by the bureau of 610
criminal identification and investigation that identifies an 611
individual as an investigator of the bureau. 612

Sec. 2923.122. (A) No person shall knowingly convey, or 613
attempt to convey, a deadly weapon or dangerous ordnance into a 614
school safety zone. 615

(B) No person shall knowingly possess a deadly weapon or 616
dangerous ordnance in a school safety zone. 617

(C) No person shall knowingly possess an object in a 618
school safety zone if both of the following apply: 619

(1) The object is indistinguishable from a firearm, 620
whether or not the object is capable of being fired. 621

(2) The person indicates that the person possesses the 622
object and that it is a firearm, or the person knowingly 623
displays or brandishes the object and indicates that it is a 624
firearm. 625

(D) (1) This section does not apply to any of the 626
following: 627

(a) An officer, agent, or employee of this or any other 628
state or the United States who is authorized to carry deadly 629
weapons or dangerous ordnance and is acting within the scope of 630
the officer's, agent's, or employee's duties, a law enforcement 631
officer who is authorized to carry deadly weapons or dangerous 632
ordnance, a security officer employed by a board of education or 633
governing body of a school during the time that the security 634

officer is on duty pursuant to that contract of employment, or 635
any other person who has written authorization from the board of 636
education or governing body of a school to convey deadly weapons 637
or dangerous ordnance into a school safety zone or to possess a 638
deadly weapon or dangerous ordnance in a school safety zone and 639
who conveys or possesses the deadly weapon or dangerous ordnance 640
in accordance with that authorization; 641

(b) Any person who is employed in this state, who is 642
authorized to carry deadly weapons or dangerous ordnance, and 643
who is subject to and in compliance with the requirements of 644
section 109.801 of the Revised Code, unless the appointing 645
authority of the person has expressly specified that the 646
exemption provided in division (D)(1)(b) of this section does 647
not apply to the person. 648

(2) Division (C) of this section does not apply to 649
premises upon which home schooling is conducted. Division (C) of 650
this section also does not apply to a school administrator, 651
teacher, or employee who possesses an object that is 652
indistinguishable from a firearm for legitimate school purposes 653
during the course of employment, a student who uses an object 654
that is indistinguishable from a firearm under the direction of 655
a school administrator, teacher, or employee, or any other 656
person who with the express prior approval of a school 657
administrator possesses an object that is indistinguishable from 658
a firearm for a legitimate purpose, including the use of the 659
object in a ceremonial activity, a play, reenactment, or other 660
dramatic presentation, school safety training, or a ROTC 661
activity or another similar use of the object. 662

(3) This section does not apply to a person who conveys or 663
attempts to convey a handgun into, or possesses a handgun in, a 664

school safety zone if, at the time of that conveyance, attempted 665
conveyance, or possession of the handgun, all of the following 666
apply: 667

(a) The person does not enter into a school building or 668
onto school premises and is not at a school activity. 669

(b) The person ~~is carrying~~ has been issued a valid 670
concealed handgun license that is valid at the time of the 671
conveyance, attempted conveyance, or possession or the person is 672
an active duty member of the armed forces of the United States 673
and is carrying a valid military identification card and 674
documentation of successful completion of firearms training that 675
meets or exceeds the training requirements described in division 676
(G) (1) of section 2923.125 of the Revised Code. 677

(c) The person is in the school safety zone in accordance 678
with 18 U.S.C. 922(q) (2) (B). 679

(d) The person is not knowingly in a place described in 680
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 681
Revised Code. 682

(4) This section does not apply to a person who conveys or 683
attempts to convey a handgun into, or possesses a handgun in, a 684
school safety zone if at the time of that conveyance, attempted 685
conveyance, or possession of the handgun all of the following 686
apply: 687

(a) The person ~~is carrying~~ has been issued a valid 688
concealed handgun license that is valid at the time of the 689
conveyance, attempted conveyance, or possession or the person is 690
an active duty member of the armed forces of the United States 691
and is carrying a valid military identification card and 692
documentation of successful completion of firearms training that 693

meets or exceeds the training requirements described in division	694
(G) (1) of section 2923.125 of the Revised Code.	695
(b) The person leaves the handgun in a motor vehicle.	696
(c) The handgun does not leave the motor vehicle.	697
(d) If the person exits the motor vehicle, the person	698
locks the motor vehicle.	699
(E) (1) Whoever violates division (A) or (B) of this	700
section is guilty of illegal conveyance or possession of a	701
deadly weapon or dangerous ordnance in a school safety zone.	702
Except as otherwise provided in this division, illegal	703
conveyance or possession of a deadly weapon or dangerous	704
ordnance in a school safety zone is a felony of the fifth	705
degree. If the offender previously has been convicted of a	706
violation of this section, illegal conveyance or possession of a	707
deadly weapon or dangerous ordnance in a school safety zone is a	708
felony of the fourth degree.	709
(2) Whoever violates division (C) of this section is	710
guilty of illegal possession of an object indistinguishable from	711
a firearm in a school safety zone. Except as otherwise provided	712
in this division, illegal possession of an object	713
indistinguishable from a firearm in a school safety zone is a	714
misdemeanor of the first degree. If the offender previously has	715
been convicted of a violation of this section, illegal	716
possession of an object indistinguishable from a firearm in a	717
school safety zone is a felony of the fifth degree.	718
(F) (1) In addition to any other penalty imposed upon a	719
person who is convicted of or pleads guilty to a violation of	720
this section and subject to division (F) (2) of this section, if	721
the offender has not attained nineteen years of age, regardless	722

of whether the offender is attending or is enrolled in a school 723
operated by a board of education or for which the state board of 724
education prescribes minimum standards under section 3301.07 of 725
the Revised Code, the court shall impose upon the offender a 726
class four suspension of the offender's probationary driver's 727
license, restricted license, driver's license, commercial 728
driver's license, temporary instruction permit, or probationary 729
commercial driver's license that then is in effect from the 730
range specified in division (A)(4) of section 4510.02 of the 731
Revised Code and shall deny the offender the issuance of any 732
permit or license of that type during the period of the 733
suspension. 734

If the offender is not a resident of this state, the court 735
shall impose a class four suspension of the nonresident 736
operating privilege of the offender from the range specified in 737
division (A)(4) of section 4510.02 of the Revised Code. 738

(2) If the offender shows good cause why the court should 739
not suspend one of the types of licenses, permits, or privileges 740
specified in division (F)(1) of this section or deny the 741
issuance of one of the temporary instruction permits specified 742
in that division, the court in its discretion may choose not to 743
impose the suspension, revocation, or denial required in that 744
division, but the court, in its discretion, instead may require 745
the offender to perform community service for a number of hours 746
determined by the court. 747

(G) As used in this section, "object that is 748
indistinguishable from a firearm" means an object made, 749
constructed, or altered so that, to a reasonable person without 750
specialized training in firearms, the object appears to be a 751
firearm. 752

Sec. 2923.123. (A) No person shall knowingly convey or	753
attempt to convey a deadly weapon or dangerous ordnance into a	754
courthouse or into another building or structure in which a	755
courtroom is located.	756
(B) No person shall knowingly possess or have under the	757
person's control a deadly weapon or dangerous ordnance in a	758
courthouse or in another building or structure in which a	759
courtroom is located.	760
(C) This section does not apply to any of the following:	761
(1) Except as provided in division (E) of this section, a	762
judge of a court of record of this state or a magistrate;	763
(2) A peace officer, officer of a law enforcement agency,	764
or person who is in either of the following categories:	765
(a) Except as provided in division (E) of this section, a	766
peace officer, or an officer of a law enforcement agency of	767
another state, a political subdivision of another state, or the	768
United States, who is authorized to carry a deadly weapon or	769
dangerous ordnance, who possesses or has under that individual's	770
control a deadly weapon or dangerous ordnance as a requirement	771
of that individual's duties, and who is acting within the scope	772
of that individual's duties at the time of that possession or	773
control;	774
(b) Except as provided in division (E) of this section, a	775
person who is employed in this state, who is authorized to carry	776
a deadly weapon or dangerous ordnance, who possesses or has	777
under that individual's control a deadly weapon or dangerous	778
ordnance as a requirement of that person's duties, and who is	779
subject to and in compliance with the requirements of section	780
109.801 of the Revised Code, unless the appointing authority of	781

the person has expressly specified that the exemption provided 782
in division (C) (2) (b) of this section does not apply to the 783
person. 784

(3) A person who conveys, attempts to convey, possesses, 785
or has under the person's control a deadly weapon or dangerous 786
ordnance that is to be used as evidence in a pending criminal or 787
civil action or proceeding; 788

(4) Except as provided in division (E) of this section, a 789
bailiff or deputy bailiff of a court of record of this state who 790
is authorized to carry a firearm pursuant to section 109.77 of 791
the Revised Code, who possesses or has under that individual's 792
control a firearm as a requirement of that individual's duties, 793
and who is acting within the scope of that individual's duties 794
at the time of that possession or control; 795

(5) Except as provided in division (E) of this section, a 796
prosecutor, or a secret service officer appointed by a county 797
prosecuting attorney, who is authorized to carry a deadly weapon 798
or dangerous ordnance in the performance of the individual's 799
duties, who possesses or has under that individual's control a 800
deadly weapon or dangerous ordnance as a requirement of that 801
individual's duties, and who is acting within the scope of that 802
individual's duties at the time of that possession or control; 803

(6) Except as provided in division (E) of this section, a 804
person who conveys or attempts to convey a handgun into a 805
courthouse or into another building or structure in which a 806
courtroom is located, who if the person has been issued a 807
concealed handgun license that is valid at the time of the 808
conveyance or attempt or, at the time of the conveyance or 809
attempt, ~~either is carrying a valid concealed handgun license or~~ 810
the person is an active duty member of the armed forces of the 811

United States and is carrying a valid military identification 812
card and documentation of successful completion of firearms 813
training that meets or exceeds the training requirements 814
described in division (G) (1) of section 2923.125 of the Revised 815
Code, and ~~who~~ if in either case the person transfers possession 816
of the handgun to the officer or officer's designee who has 817
charge of the courthouse or building. The officer shall secure 818
the handgun until the licensee is prepared to leave the 819
premises. The exemption described in this division applies only 820
if the officer who has charge of the courthouse or building 821
provides services of the nature described in this division. An 822
officer who has charge of the courthouse or building is not 823
required to offer services of the nature described in this 824
division. 825

(D) (1) Whoever violates division (A) of this section is 826
guilty of illegal conveyance of a deadly weapon or dangerous 827
ordnance into a courthouse. Except as otherwise provided in this 828
division, illegal conveyance of a deadly weapon or dangerous 829
ordnance into a courthouse is a felony of the fifth degree. If 830
the offender previously has been convicted of a violation of 831
division (A) or (B) of this section, illegal conveyance of a 832
deadly weapon or dangerous ordnance into a courthouse is a 833
felony of the fourth degree. 834

(2) Whoever violates division (B) of this section is 835
guilty of illegal possession or control of a deadly weapon or 836
dangerous ordnance in a courthouse. Except as otherwise provided 837
in this division, illegal possession or control of a deadly 838
weapon or dangerous ordnance in a courthouse is a felony of the 839
fifth degree. If the offender previously has been convicted of a 840
violation of division (A) or (B) of this section, illegal 841
possession or control of a deadly weapon or dangerous ordnance 842

in a courthouse is a felony of the fourth degree. 843

(E) The exemptions described in divisions (C) (1), (2) (a), 844
(2) (b), (4), (5), and (6) of this section do not apply to any 845
judge, magistrate, peace officer, officer of a law enforcement 846
agency, bailiff, deputy bailiff, prosecutor, secret service 847
officer, or other person described in any of those divisions if 848
a rule of superintendence or another type of rule adopted by the 849
supreme court pursuant to Article IV, Ohio Constitution, or an 850
applicable local rule of court prohibits all persons from 851
conveying or attempting to convey a deadly weapon or dangerous 852
ordnance into a courthouse or into another building or structure 853
in which a courtroom is located or from possessing or having 854
under one's control a deadly weapon or dangerous ordnance in a 855
courthouse or in another building or structure in which a 856
courtroom is located. 857

(F) As used in this section: 858

(1) "Magistrate" means an individual who is appointed by a 859
court of record of this state and who has the powers and may 860
perform the functions specified in Civil Rule 53, Criminal Rule 861
19, or Juvenile Rule 40. 862

(2) "Peace officer" and "prosecutor" have the same 863
meanings as in section 2935.01 of the Revised Code. 864

Sec. 2923.126. (A) A concealed handgun license that is 865
issued under section 2923.125 of the Revised Code shall expire 866
five years after the date of issuance. A licensee who has been 867
issued a license under that section shall be granted a grace 868
period of thirty days after the licensee's license expires 869
during which the licensee's license remains valid. Except as 870
provided in divisions (B) and (C) of this section, a licensee 871

who has been issued a concealed handgun license under section 872
2923.125 or 2923.1213 of the Revised Code may carry a concealed 873
handgun anywhere in this state if the ~~licensee also carries a~~ 874
license is valid license when the licensee is in actual 875
possession of a concealed handgun. The licensee shall give 876
notice of any change in the licensee's residence address to the 877
sheriff who issued the license within forty-five days after that 878
change. 879

~~If a licensee is the driver or an occupant of a motor 880
vehicle that is stopped as the result of a traffic stop or a 881
stop for another law enforcement purpose and if the licensee is 882
transporting or has a loaded handgun in the motor vehicle at 883
that time, the licensee shall promptly inform any law 884
enforcement officer who approaches the vehicle while stopped 885
that the licensee has been issued a concealed handgun license 886
and that the licensee currently possesses or has a loaded 887
handgun; the licensee shall not knowingly disregard or fail to 888
comply with lawful orders of a law enforcement officer given 889
while the motor vehicle is stopped, knowingly fail to remain in 890
the motor vehicle while stopped, or knowingly fail to keep the 891
licensee's hands in plain sight after any law enforcement 892
officer begins approaching the licensee while stopped and before 893
the officer leaves, unless directed otherwise by a law 894
enforcement officer; and the licensee shall not knowingly have 895
contact with the loaded handgun by touching it with the 896
licensee's hands or fingers, in any manner in violation of 897
division (E) of section 2923.16 of the Revised Code, after any 898
law enforcement officer begins approaching the licensee while 899
stopped and before the officer leaves. Additionally, if a 900
licensee is the driver or an occupant of a commercial motor 901
vehicle that is stopped by an employee of the motor carrier 902~~

~~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.~~ 903
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~~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.~~ 910
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(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 929
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carry a concealed handgun into any of the following places:	934
(1) A police station, sheriff's office, or state highway	935
patrol station, premises controlled by the bureau of criminal	936
identification and investigation; a state correctional	937
institution, jail, workhouse, or other detention facility; any	938
area of an airport passenger terminal that is beyond a passenger	939
or property screening checkpoint or to which access is	940
restricted through security measures by the airport authority or	941
a public agency; or an institution that is maintained, operated,	942
managed, and governed pursuant to division (A) of section	943
5119.14 of the Revised Code or division (A) (1) of section	944
5123.03 of the Revised Code;	945
(2) A school safety zone if the licensee's carrying the	946
concealed handgun is in violation of section 2923.122 of the	947
Revised Code;	948
(3) A courthouse or another building or structure in which	949
a courtroom is located if the licensee's carrying the concealed	950
handgun is in violation of section 2923.123 of the Revised Code;	951
(4) Any premises or open air arena for which a D permit	952
has been issued under Chapter 4303. of the Revised Code if the	953
licensee's carrying the concealed handgun is in violation of	954
section 2923.121 of the Revised Code;	955
(5) Any premises owned or leased by any public or private	956
college, university, or other institution of higher education,	957
unless the handgun is in a locked motor vehicle or the licensee	958
is in the immediate process of placing the handgun in a locked	959
motor vehicle or unless the licensee is carrying the concealed	960
handgun pursuant to a written policy, rule, or other	961
authorization that is adopted by the institution's board of	962

trustees or other governing body and that authorizes specific 963
individuals or classes of individuals to carry a concealed 964
handgun on the premises; 965

(6) Any church, synagogue, mosque, or other place of 966
worship, unless the church, synagogue, mosque, or other place of 967
worship posts or permits otherwise; 968

(7) Any building that is a government facility of this 969
state or a political subdivision of this state and that is not a 970
building that is used primarily as a shelter, restroom, parking 971
facility for motor vehicles, or rest facility and is not a 972
courthouse or other building or structure in which a courtroom 973
is located that is subject to division (B) (3) of this section, 974
unless the governing body with authority over the building has 975
enacted a statute, ordinance, or policy that permits a licensee 976
to carry a concealed handgun into the building; 977

(8) A place in which federal law prohibits the carrying of 978
handguns. 979

(C) (1) Nothing in this section shall negate or restrict a 980
rule, policy, or practice of a private employer that is not a 981
private college, university, or other institution of higher 982
education concerning or prohibiting the presence of firearms on 983
the private employer's premises or property, including motor 984
vehicles owned by the private employer. Nothing in this section 985
shall require a private employer of that nature to adopt a rule, 986
policy, or practice concerning or prohibiting the presence of 987
firearms on the private employer's premises or property, 988
including motor vehicles owned by the private employer. 989

(2) (a) A private employer shall be immune from liability 990
in a civil action for any injury, death, or loss to person or 991

property that allegedly was caused by or related to a licensee 992
bringing a handgun onto the premises or property of the private 993
employer, including motor vehicles owned by the private 994
employer, unless the private employer acted with malicious 995
purpose. A private employer is immune from liability in a civil 996
action for any injury, death, or loss to person or property that 997
allegedly was caused by or related to the private employer's 998
decision to permit a licensee to bring, or prohibit a licensee 999
from bringing, a handgun onto the premises or property of the 1000
private employer. 1001

(b) A political subdivision shall be immune from liability 1002
in a civil action, to the extent and in the manner provided in 1003
Chapter 2744. of the Revised Code, for any injury, death, or 1004
loss to person or property that allegedly was caused by or 1005
related to a licensee bringing a handgun onto any premises or 1006
property owned, leased, or otherwise under the control of the 1007
political subdivision. As used in this division, "political 1008
subdivision" has the same meaning as in section 2744.01 of the 1009
Revised Code. 1010

(c) An institution of higher education shall be immune 1011
from liability in a civil action for any injury, death, or loss 1012
to person or property that allegedly was caused by or related to 1013
a licensee bringing a handgun onto the premises of the 1014
institution, including motor vehicles owned by the institution, 1015
unless the institution acted with malicious purpose. An 1016
institution of higher education is immune from liability in a 1017
civil action for any injury, death, or loss to person or 1018
property that allegedly was caused by or related to the 1019
institution's decision to permit a licensee or class of 1020
licensees to bring a handgun onto the premises of the 1021
institution. 1022

(d) A nonprofit corporation shall be immune from liability 1023
in a civil action for any injury, death, or loss to person or 1024
property that allegedly was caused by or related to a licensee 1025
bringing a handgun onto the premises of the nonprofit 1026
corporation, including any motor vehicle owned by the nonprofit 1027
corporation, or to any event organized by the nonprofit 1028
corporation, unless the nonprofit corporation acted with 1029
malicious purpose. A nonprofit corporation is immune from 1030
liability in a civil action for any injury, death, or loss to 1031
person or property that allegedly was caused by or related to 1032
the nonprofit corporation's decision to permit a licensee to 1033
bring a handgun onto the premises of the nonprofit corporation 1034
or to any event organized by the nonprofit corporation. 1035

(3) (a) Except as provided in division (C) (3) (b) of this 1036
section and section 2923.1214 of the Revised Code, the owner or 1037
person in control of private land or premises, and a private 1038
person or entity leasing land or premises owned by the state, 1039
the United States, or a political subdivision of the state or 1040
the United States, may post a sign in a conspicuous location on 1041
that land or on those premises prohibiting persons from carrying 1042
firearms or concealed firearms on or onto that land or those 1043
premises. Except as otherwise provided in this division, a 1044
person who knowingly violates a posted prohibition of that 1045
nature is guilty of criminal trespass in violation of division 1046
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 1047
misdemeanor of the fourth degree. If a person knowingly violates 1048
a posted prohibition of that nature and the posted land or 1049
premises primarily was a parking lot or other parking facility, 1050
the person is not guilty of criminal trespass under section 1051
2911.21 of the Revised Code or under any other criminal law of 1052
this state or criminal law, ordinance, or resolution of a 1053

political subdivision of this state, and instead is subject only 1054
to a civil cause of action for trespass based on the violation. 1055

If a person knowingly violates a posted prohibition of the 1056
nature described in this division and the posted land or 1057
premises is a child day-care center, type A family day-care 1058
home, or type B family day-care home, unless the person is a 1059
licensee who resides in a type A family day-care home or type B 1060
family day-care home, the person is guilty of aggravated 1061
trespass in violation of section 2911.211 of the Revised Code. 1062
Except as otherwise provided in this division, the offender is 1063
guilty of a misdemeanor of the first degree. If the person 1064
previously has been convicted of a violation of this division or 1065
of any offense of violence, if the weapon involved is a firearm 1066
that is either loaded or for which the offender has ammunition 1067
ready at hand, or if the weapon involved is dangerous ordnance, 1068
the offender is guilty of a felony of the fourth degree. 1069

(b) A landlord may not prohibit or restrict a tenant who 1070
is a licensee and who on or after September 9, 2008, enters into 1071
a rental agreement with the landlord for the use of residential 1072
premises, and the tenant's guest while the tenant is present, 1073
from lawfully carrying or possessing a handgun on those 1074
residential premises. 1075

(c) As used in division (C) (3) of this section: 1076

(i) "Residential premises" has the same meaning as in 1077
section 5321.01 of the Revised Code, except "residential 1078
premises" does not include a dwelling unit that is owned or 1079
operated by a college or university. 1080

(ii) "Landlord," "tenant," and "rental agreement" have the 1081
same meanings as in section 5321.01 of the Revised Code. 1082

(D) A person who holds a valid concealed handgun license 1083
issued by another state that is recognized by the attorney 1084
general pursuant to a reciprocity agreement entered into 1085
pursuant to section 109.69 of the Revised Code or a person who 1086
holds a valid concealed handgun license under the circumstances 1087
described in division (B) of section 109.69 of the Revised Code 1088
has the same right to carry a concealed handgun in this state as 1089
a person who was issued a concealed handgun license under 1090
section 2923.125 of the Revised Code and is subject to the same 1091
restrictions that apply to a person who ~~carries~~ has been issued 1092
a license ~~issued~~ under that section that is valid at the time in 1093
question. 1094

(E) (1) A peace officer has the same right to carry a 1095
concealed handgun in this state as a person who was issued a 1096
concealed handgun license under section 2923.125 of the Revised 1097
Code, provided that the officer when carrying a concealed 1098
handgun under authority of this division is carrying validating 1099
identification. For purposes of reciprocity with other states, a 1100
peace officer shall be considered to be a licensee in this 1101
state. 1102

(2) An active duty member of the armed forces of the 1103
United States who is carrying a valid military identification 1104
card and documentation of successful completion of firearms 1105
training that meets or exceeds the training requirements 1106
described in division (G) (1) of section 2923.125 of the Revised 1107
Code has the same right to carry a concealed handgun in this 1108
state as a person who was issued a concealed handgun license 1109
under section 2923.125 of the Revised Code and is subject to the 1110
same restrictions as specified in this section. 1111

(3) A tactical medical professional who is qualified to 1112

carry firearms while on duty under section 109.771 of the 1113
Revised Code has the same right to carry a concealed handgun in 1114
this state as a person who was issued a concealed handgun 1115
license under section 2923.125 of the Revised Code. 1116

(F) (1) A qualified retired peace officer who possesses a 1117
retired peace officer identification card issued pursuant to 1118
division (F) (2) of this section and a valid firearms 1119
requalification certification issued pursuant to division (F) (3) 1120
of this section has the same right to carry a concealed handgun 1121
in this state as a person who was issued a concealed handgun 1122
license under section 2923.125 of the Revised Code and is 1123
subject to the same restrictions that apply to a person who 1124
~~carries~~ has been issued a license issued under that section that 1125
is valid at the time in question. For purposes of reciprocity 1126
with other states, a qualified retired peace officer who 1127
possesses a retired peace officer identification card issued 1128
pursuant to division (F) (2) of this section and a valid firearms 1129
requalification certification issued pursuant to division (F) (3) 1130
of this section shall be considered to be a licensee in this 1131
state. 1132

(2) (a) Each public agency of this state or of a political 1133
subdivision of this state that is served by one or more peace 1134
officers shall issue a retired peace officer identification card 1135
to any person who retired from service as a peace officer with 1136
that agency, if the issuance is in accordance with the agency's 1137
policies and procedures and if the person, with respect to the 1138
person's service with that agency, satisfies all of the 1139
following: 1140

(i) The person retired in good standing from service as a 1141
peace officer with the public agency, and the retirement was not 1142

for reasons of mental instability. 1143

(ii) Before retiring from service as a peace officer with 1144
that agency, the person was authorized to engage in or supervise 1145
the prevention, detection, investigation, or prosecution of, or 1146
the incarceration of any person for, any violation of law and 1147
the person had statutory powers of arrest. 1148

(iii) At the time of the person's retirement as a peace 1149
officer with that agency, the person was trained and qualified 1150
to carry firearms in the performance of the peace officer's 1151
duties. 1152

(iv) Before retiring from service as a peace officer with 1153
that agency, the person was regularly employed as a peace 1154
officer for an aggregate of fifteen years or more, or, in the 1155
alternative, the person retired from service as a peace officer 1156
with that agency, after completing any applicable probationary 1157
period of that service, due to a service-connected disability, 1158
as determined by the agency. 1159

(b) A retired peace officer identification card issued to 1160
a person under division (F) (2) (a) of this section shall identify 1161
the person by name, contain a photograph of the person, identify 1162
the public agency of this state or of the political subdivision 1163
of this state from which the person retired as a peace officer 1164
and that is issuing the identification card, and specify that 1165
the person retired in good standing from service as a peace 1166
officer with the issuing public agency and satisfies the 1167
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1168
section. In addition to the required content specified in this 1169
division, a retired peace officer identification card issued to 1170
a person under division (F) (2) (a) of this section may include 1171
the firearms requalification certification described in division 1172

(F) (3) of this section, and if the identification card includes 1173
that certification, the identification card shall serve as the 1174
firearms requalification certification for the retired peace 1175
officer. If the issuing public agency issues credentials to 1176
active law enforcement officers who serve the agency, the agency 1177
may comply with division (F) (2) (a) of this section by issuing 1178
the same credentials to persons who retired from service as a 1179
peace officer with the agency and who satisfy the criteria set 1180
forth in divisions (F) (2) (a) (i) to (iv) of this section, 1181
provided that the credentials so issued to retired peace 1182
officers are stamped with the word "RETIRED." 1183

(c) A public agency of this state or of a political 1184
subdivision of this state may charge persons who retired from 1185
service as a peace officer with the agency a reasonable fee for 1186
issuing to the person a retired peace officer identification 1187
card pursuant to division (F) (2) (a) of this section. 1188

(3) If a person retired from service as a peace officer 1189
with a public agency of this state or of a political subdivision 1190
of this state and the person satisfies the criteria set forth in 1191
divisions (F) (2) (a) (i) to (iv) of this section, the public 1192
agency may provide the retired peace officer with the 1193
opportunity to attend a firearms requalification program that is 1194
approved for purposes of firearms requalification required under 1195
section 109.801 of the Revised Code. The retired peace officer 1196
may be required to pay the cost of the course. 1197

If a retired peace officer who satisfies the criteria set 1198
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 1199
a firearms requalification program that is approved for purposes 1200
of firearms requalification required under section 109.801 of 1201
the Revised Code, the retired peace officer's successful 1202

completion of the firearms requalification program requalifies 1203
the retired peace officer for purposes of division (F) of this 1204
section for five years from the date on which the program was 1205
successfully completed, and the requalification is valid during 1206
that five-year period. If a retired peace officer who satisfies 1207
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1208
section satisfactorily completes such a firearms requalification 1209
program, the retired peace officer shall be issued a firearms 1210
requalification certification that identifies the retired peace 1211
officer by name, identifies the entity that taught the program, 1212
specifies that the retired peace officer successfully completed 1213
the program, specifies the date on which the course was 1214
successfully completed, and specifies that the requalification 1215
is valid for five years from that date of successful completion. 1216
The firearms requalification certification for a retired peace 1217
officer may be included in the retired peace officer 1218
identification card issued to the retired peace officer under 1219
division (F) (2) of this section. 1220

A retired peace officer who attends a firearms 1221
requalification program that is approved for purposes of 1222
firearms requalification required under section 109.801 of the 1223
Revised Code may be required to pay the cost of the program. 1224

(G) As used in this section: 1225

(1) "Qualified retired peace officer" means a person who 1226
satisfies all of the following: 1227

(a) The person satisfies the criteria set forth in 1228
divisions (F) (2) (a) (i) to (v) of this section. 1229

(b) The person is not under the influence of alcohol or 1230
another intoxicating or hallucinatory drug or substance. 1231

(c) The person is not prohibited by federal law from receiving firearms. 1232
1233

(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. 1234
1235
1236

(3) "Government facility of this state or a political subdivision of this state" means any of the following: 1237
1238

(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; 1239
1240
1241
1242
1243
1244

(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions. 1245
1246
1247

(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code. 1248
1249

(5) "Tactical medical professional" has the same meaning as in section 109.71 of the Revised Code. 1250
1251

(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. 1252
1253
1254
1255

(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. 1256
1257
1258
1259

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1260
concealed handgun license is arrested for or otherwise charged 1261
with an offense described in division (D) (1) (d) of section 1262
2923.125 of the Revised Code or with a violation of section 1263
2923.15 of the Revised Code or becomes subject to a temporary 1264
protection order or to a protection order issued by a court of 1265
another state that is substantially equivalent to a temporary 1266
protection order, the sheriff who issued the license shall 1267
suspend it and shall comply with division (A) (3) of this section 1268
upon becoming aware of the arrest, charge, or protection order. 1269
Upon suspending the license, the sheriff also shall comply with 1270
division (H) of section 2923.125 of the Revised Code. 1271

(b) A suspension under division (A) (1) (a) of this section 1272
shall be considered as beginning on the date that the licensee 1273
is arrested for or otherwise charged with an offense described 1274
in that division or on the date the appropriate court issued the 1275
protection order described in that division, irrespective of 1276
when the sheriff notifies the licensee under division (A) (3) of 1277
this section. The suspension shall end on the date on which the 1278
charges are dismissed or the licensee is found not guilty of the 1279
offense described in division (A) (1) (a) of this section or, 1280
subject to division (B) of this section, on the date the 1281
appropriate court terminates the protection order described in 1282
that division. If the suspension so ends, the sheriff shall 1283
return the license or temporary emergency license to the 1284
licensee. 1285

(2) (a) If a licensee holding a valid concealed handgun 1286
license is convicted of or pleads guilty to a misdemeanor 1287
violation of division ~~(B) (1), (2), (B) (2)~~ or (4) of section 1288
2923.12 of the Revised Code or of division ~~(E) (1), (2), (3), (E)~~ 1289
(3) or (5) of section 2923.16 of the Revised Code, ~~except as~~ 1290

~~provided in division (A) (2) (c) of this section and subject to~~ 1291
division (C) of this section, the sheriff who issued the license 1292
shall suspend it and shall comply with division (A) (3) of this 1293
section upon becoming aware of the conviction or guilty plea. 1294
Upon suspending the license, the sheriff also shall comply with 1295
division (H) of section 2923.125 of the Revised Code. 1296

(b) A suspension under division (A) (2) (a) of this section 1297
shall be considered as beginning on the date that the licensee 1298
is convicted of or pleads guilty to the offense described in 1299
that division, irrespective of when the sheriff notifies the 1300
licensee under division (A) (3) of this section. If the 1301
suspension is imposed for a misdemeanor violation of division 1302
~~(B) (1) or (2)~~ (B) (2) of section 2923.12 of the Revised Code or 1303
of division ~~(E) (1), (2), or (3)~~ (E) (3) of section 2923.16 of the 1304
Revised Code, it shall end on the date that is one year after 1305
the date that the licensee is convicted of or pleads guilty to 1306
that violation. If the suspension is imposed for a misdemeanor 1307
violation of division (B) (4) of section 2923.12 of the Revised 1308
Code or of division (E) (5) of section 2923.16 of the Revised 1309
Code, it shall end on the date that is two years after the date 1310
that the licensee is convicted of or pleads guilty to that 1311
violation. If the licensee's license was issued under section 1312
2923.125 of the Revised Code and the license remains valid after 1313
the suspension ends as described in this division, when the 1314
suspension ends, the sheriff shall return the license to the 1315
licensee. If the licensee's license was issued under section 1316
2923.125 of the Revised Code and the license expires before the 1317
suspension ends as described in this division, or if the 1318
licensee's license was issued under section 2923.1213 of the 1319
Revised Code, the licensee is not eligible to apply for a new 1320
license under section 2923.125 or 2923.1213 of the Revised Code 1321

or to renew the license under section 2923.125 of the Revised 1322
Code until after the suspension ends as described in this 1323
division. 1324

~~(c) The license of a licensee who is convicted of or 1325
pleads guilty to a violation of division (B) (1) of section 1326
2923.12 or division (E) (1) or (2) of section 2923.16 of the 1327
Revised Code shall not be suspended pursuant to division (A) (2) 1328
(a) of this section if, at the time of the stop of the licensee 1329
for a law enforcement purpose, for a traffic stop, or for a 1330
purpose defined in section 5503.34 of the Revised Code that was 1331
the basis of the violation, any law enforcement officer involved 1332
with the stop or the employee of the motor carrier enforcement 1333
unit who made the stop had actual knowledge of the licensee's 1334
status as a licensee. 1335~~

(3) Upon becoming aware of an arrest, charge, or 1336
protection order described in division (A) (1) (a) of this section 1337
with respect to a licensee who was issued a concealed handgun 1338
license, or a conviction of or plea of guilty to a misdemeanor 1339
offense described in division (A) (2) (a) of this section with 1340
respect to a licensee who was issued a concealed handgun license 1341
~~and with respect to which division (A) (2) (c) of this section 1342
does not apply,~~ subject to division (C) of this section, the 1343
sheriff who issued the licensee's license shall notify the 1344
licensee, by certified mail, return receipt requested, at the 1345
licensee's last known residence address that the license has 1346
been suspended and that the licensee is required to surrender 1347
the license at the sheriff's office within ten days of the date 1348
on which the notice was mailed. If the suspension is pursuant to 1349
division (A) (2) of this section, the notice shall identify the 1350
date on which the suspension ends. 1351

(B) (1) A sheriff who issues a concealed handgun license to 1352
a licensee shall revoke the license in accordance with division 1353
(B) (2) of this section upon becoming aware that the licensee 1354
satisfies any of the following: 1355

(a) The licensee is under twenty-one years of age. 1356

(b) Subject to division (C) of this section, at the time 1357
of the issuance of the license, the licensee did not satisfy the 1358
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1359
(g), or (h) of section 2923.125 of the Revised Code. 1360

(c) Subject to division (C) of this section, on or after 1361
the date on which the license was issued, the licensee is 1362
convicted of or pleads guilty to a violation of section 2923.15 1363
of the Revised Code or an offense described in division (D) (1) 1364
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1365

(d) On or after the date on which the license was issued, 1366
the licensee becomes subject to a civil protection order or to a 1367
protection order issued by a court of another state that is 1368
substantially equivalent to a civil protection order. 1369

(e) The licensee knowingly carries a concealed handgun 1370
into a place that the licensee knows is an unauthorized place 1371
specified in division (B) of section 2923.126 of the Revised 1372
Code. 1373

(f) On or after the date on which the license was issued, 1374
the licensee is adjudicated as a mental defective or is 1375
committed to a mental institution. 1376

(g) At the time of the issuance of the license, the 1377
licensee did not meet the residency requirements described in 1378
division (D) (1) of section 2923.125 of the Revised Code and 1379
currently does not meet the residency requirements described in 1380

that division. 1381

(h) Regarding a license issued under section 2923.125 of 1382
the Revised Code, the competency certificate the licensee 1383
submitted was forged or otherwise was fraudulent. 1384

(2) Upon becoming aware of any circumstance listed in 1385
division (B)(1) of this section that applies to a particular 1386
licensee who was issued a concealed handgun license, subject to 1387
division (C) of this section, the sheriff who issued the license 1388
to the licensee shall notify the licensee, by certified mail, 1389
return receipt requested, at the licensee's last known residence 1390
address that the license is subject to revocation and that the 1391
licensee may come to the sheriff's office and contest the 1392
sheriff's proposed revocation within fourteen days of the date 1393
on which the notice was mailed. After the fourteen-day period 1394
and after consideration of any information that the licensee 1395
provides during that period, if the sheriff determines on the 1396
basis of the information of which the sheriff is aware that the 1397
licensee is described in division (B)(1) of this section and no 1398
longer satisfies the requirements described in division (D)(1) 1399
of section 2923.125 of the Revised Code that are applicable to 1400
the licensee's type of license, the sheriff shall revoke the 1401
license, notify the licensee of that fact, and require the 1402
licensee to surrender the license. Upon revoking the license, 1403
the sheriff also shall comply with division (H) of section 1404
2923.125 of the Revised Code. 1405

(C) If a sheriff who issues a concealed handgun license to 1406
a licensee becomes aware that at the time of the issuance of the 1407
license the licensee had been convicted of or pleaded guilty to 1408
an offense identified in division (D)(1)(e), (f), or (h) of 1409
section 2923.125 of the Revised Code or had been adjudicated a 1410

delinquent child for committing an act or violation identified 1411
in any of those divisions or becomes aware that on or after the 1412
date on which the license was issued the licensee has been 1413
convicted of or pleaded guilty to an offense identified in 1414
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 1415
shall not consider that conviction, guilty plea, or adjudication 1416
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 1417
(1), and (B) (2) of this section if a court has ordered the 1418
sealing or expungement of the records of that conviction, guilty 1419
plea, or adjudication pursuant to sections 2151.355 to 2151.358 1420
or sections 2953.31 to 2953.36 of the Revised Code or the 1421
licensee has been relieved under operation of law or legal 1422
process from the disability imposed pursuant to section 2923.13 1423
of the Revised Code relative to that conviction, guilty plea, or 1424
adjudication. 1425

(D) As used in this section, "motor carrier enforcement 1426
unit" has the same meaning as in section 2923.16 of the Revised 1427
Code. 1428

Sec. 2923.16. (A) No person shall knowingly discharge a 1429
firearm while in or on a motor vehicle. 1430

(B) No person shall knowingly transport or have a loaded 1431
firearm in a motor vehicle in such a manner that the firearm is 1432
accessible to the operator or any passenger without leaving the 1433
vehicle. 1434

(C) No person shall knowingly transport or have a firearm 1435
in a motor vehicle, unless the person may lawfully possess that 1436
firearm under applicable law of this state or the United States, 1437
the firearm is unloaded, and the firearm is carried in one of 1438
the following ways: 1439

- (1) In a closed package, box, or case; 1440
- (2) In a compartment that can be reached only by leaving
the vehicle; 1441
1442
- (3) In plain sight and secured in a rack or holder made
for the purpose; 1443
1444
- (4) If the firearm is at least twenty-four inches in 1445
overall length as measured from the muzzle to the part of the 1446
stock furthest from the muzzle and if the barrel is at least 1447
eighteen inches in length, either in plain sight with the action 1448
open or the weapon stripped, or, if the firearm is of a type on 1449
which the action will not stay open or which cannot easily be 1450
stripped, in plain sight. 1451
- (D) No person shall knowingly transport or have a loaded 1452
handgun in a motor vehicle if, at the time of that 1453
transportation or possession, any of the following applies: 1454
- (1) The person is under the influence of alcohol, a drug 1455
of abuse, or a combination of them. 1456
- (2) The person's whole blood, blood serum or plasma, 1457
breath, or urine contains a concentration of alcohol, a listed 1458
controlled substance, or a listed metabolite of a controlled 1459
substance prohibited for persons operating a vehicle, as 1460
specified in division (A) of section 4511.19 of the Revised 1461
Code, regardless of whether the person at the time of the 1462
transportation or possession as described in this division is 1463
the operator of or a passenger in the motor vehicle. 1464
- (E) No person who has been issued a concealed handgun 1465
license or who is an active duty member of the armed forces of 1466
the United States and is carrying a valid military 1467
identification card and documentation of successful completion 1468

of firearms training that meets or exceeds the training 1469
requirements described in division (G) (1) of section 2923.125 of 1470
the Revised Code, who is the driver or an occupant of a motor 1471
vehicle that is stopped as a result of a traffic stop or a stop 1472
for another law enforcement purpose or is the driver or an 1473
occupant of a commercial motor vehicle that is stopped by an 1474
employee of the motor carrier enforcement unit for the purposes 1475
defined in section 5503.34 of the Revised Code, and who is 1476
transporting or has a loaded handgun in the motor vehicle or 1477
commercial motor vehicle in any manner, shall do any of the 1478
following: 1479

(1) ~~Fail to promptly inform any law enforcement officer~~ 1480
~~who approaches the vehicle while stopped that the person has~~ 1481
~~been issued a concealed handgun license or is authorized to~~ 1482
~~carry a concealed handgun as an active duty member of the armed~~ 1483
~~forces of the United States and~~ Before or at the time a law 1484
enforcement officer asks if the person is carrying a concealed 1485
handgun, knowingly fail to disclose that the person then 1486
possesses or has a loaded handgun in the motor vehicle, provided 1487
that it is not a violation of this division if the person fails 1488
to disclose that fact to an officer during the stop and the 1489
person already has notified another officer of that fact during 1490
the same stop; 1491

(2) ~~Fail to promptly inform the employee of the unit who~~ 1492
~~approaches the vehicle while stopped that the person has been~~ 1493
~~issued a concealed handgun license or is authorized to carry a~~ 1494
~~concealed handgun as an active duty member of the armed forces~~ 1495
~~of the United States and~~ Before or at the time an employee of 1496
the motor carrier enforcement unit asks if the person is 1497
carrying a concealed handgun, knowingly fail to disclose that 1498
the person then possesses or has a loaded handgun in the 1499

commercial motor vehicle, provided that it is not a violation of 1500
this division if the person fails to disclose that fact to an 1501
employee of the unit during the stop and the person already has 1502
notified another employee of the unit of that fact during the 1503
same stop; 1504

(3) Knowingly fail to remain in the motor vehicle while 1505
stopped or knowingly fail to keep the person's hands in plain 1506
sight at any time after any law enforcement officer begins 1507
approaching the person while stopped and before the law 1508
enforcement officer leaves, unless the failure is pursuant to 1509
and in accordance with directions given by a law enforcement 1510
officer; 1511

(4) Knowingly have contact with the loaded handgun by 1512
touching it with the person's hands or fingers in the motor 1513
vehicle at any time after the law enforcement officer begins 1514
approaching and before the law enforcement officer leaves, 1515
unless the person has contact with the loaded handgun pursuant 1516
to and in accordance with directions given by the law 1517
enforcement officer; 1518

(5) Knowingly disregard or fail to comply with any lawful 1519
order of any law enforcement officer given while the motor 1520
vehicle is stopped, including, but not limited to, a specific 1521
order to the person to keep the person's hands in plain sight. 1522

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1523
not apply to any of the following: 1524

(a) An officer, agent, or employee of this or any other 1525
state or the United States, or a law enforcement officer, when 1526
authorized to carry or have loaded or accessible firearms in 1527
motor vehicles and acting within the scope of the officer's, 1528

agent's, or employee's duties; 1529

(b) Any person who is employed in this state, who is 1530
authorized to carry or have loaded or accessible firearms in 1531
motor vehicles, and who is subject to and in compliance with the 1532
requirements of section 109.801 of the Revised Code, unless the 1533
appointing authority of the person has expressly specified that 1534
the exemption provided in division (F) (1) (b) of this section 1535
does not apply to the person. 1536

(2) Division (A) of this section does not apply to a 1537
person if all of the following circumstances apply: 1538

(a) The person discharges a firearm from a motor vehicle 1539
at a coyote or groundhog, the discharge is not during the deer 1540
gun hunting season as set by the chief of the division of 1541
wildlife of the department of natural resources, and the 1542
discharge at the coyote or groundhog, but for the operation of 1543
this section, is lawful. 1544

(b) The motor vehicle from which the person discharges the 1545
firearm is on real property that is located in an unincorporated 1546
area of a township and that either is zoned for agriculture or 1547
is used for agriculture. 1548

(c) The person owns the real property described in 1549
division (F) (2) (b) of this section, is the spouse or a child of 1550
another person who owns that real property, is a tenant of 1551
another person who owns that real property, or is the spouse or 1552
a child of a tenant of another person who owns that real 1553
property. 1554

(d) The person does not discharge the firearm in any of 1555
the following manners: 1556

(i) While under the influence of alcohol, a drug of abuse, 1557

or alcohol and a drug of abuse; 1558

(ii) In the direction of a street, highway, or other 1559
public or private property used by the public for vehicular 1560
traffic or parking; 1561

(iii) At or into an occupied structure that is a permanent 1562
or temporary habitation; 1563

(iv) In the commission of any violation of law, including, 1564
but not limited to, a felony that includes, as an essential 1565
element, purposely or knowingly causing or attempting to cause 1566
the death of or physical harm to another and that was committed 1567
by discharging a firearm from a motor vehicle. 1568

(3) Division (A) of this section does not apply to a 1569
person if all of the following apply: 1570

(a) The person possesses a valid all-purpose vehicle 1571
permit issued under section 1533.103 of the Revised Code by the 1572
chief of the division of wildlife. 1573

(b) The person discharges a firearm at a wild quadruped or 1574
game bird as defined in section 1531.01 of the Revised Code 1575
during the open hunting season for the applicable wild quadruped 1576
or game bird. 1577

(c) The person discharges a firearm from a stationary all- 1578
purpose vehicle as defined in section 1531.01 of the Revised 1579
Code from private or publicly owned lands or from a motor 1580
vehicle that is parked on a road that is owned or administered 1581
by the division of wildlife. 1582

(d) The person does not discharge the firearm in any of 1583
the following manners: 1584

(i) While under the influence of alcohol, a drug of abuse, 1585

or alcohol and a drug of abuse; 1586

(ii) In the direction of a street, a highway, or other 1587
public or private property that is used by the public for 1588
vehicular traffic or parking; 1589

(iii) At or into an occupied structure that is a permanent 1590
or temporary habitation; 1591

(iv) In the commission of any violation of law, including, 1592
but not limited to, a felony that includes, as an essential 1593
element, purposely or knowingly causing or attempting to cause 1594
the death of or physical harm to another and that was committed 1595
by discharging a firearm from a motor vehicle. 1596

(4) Divisions (B) and (C) of this section do not apply to 1597
a person if all of the following circumstances apply: 1598

(a) At the time of the alleged violation of either of 1599
those divisions, the person is the operator of or a passenger in 1600
a motor vehicle. 1601

(b) The motor vehicle is on real property that is located 1602
in an unincorporated area of a township and that either is zoned 1603
for agriculture or is used for agriculture. 1604

(c) The person owns the real property described in 1605
division ~~(D) (4) (b)~~ (F) (4) (b) of this section, is the spouse or a 1606
child of another person who owns that real property, is a tenant 1607
of another person who owns that real property, or is the spouse 1608
or a child of a tenant of another person who owns that real 1609
property. 1610

(d) The person, prior to arriving at the real property 1611
described in division ~~(D) (4) (b)~~ (F) (4) (b) of this section, did 1612
not transport or possess a firearm in the motor vehicle in a 1613

manner prohibited by division (B) or (C) of this section while 1614
the motor vehicle was being operated on a street, highway, or 1615
other public or private property used by the public for 1616
vehicular traffic or parking. 1617

(5) Divisions (B) and (C) of this section do not apply to 1618
a person who transports or possesses a handgun in a motor 1619
vehicle if, at the time of that transportation or possession, 1620
both of the following apply: 1621

(a) The person transporting or possessing the handgun ~~is~~ 1622
~~either carrying a valid~~ has been issued a concealed handgun 1623
license that is valid at the time in question or the person is 1624
an active duty member of the armed forces of the United States 1625
and is carrying a valid military identification card and 1626
documentation of successful completion of firearms training that 1627
meets or exceeds the training requirements described in division 1628
(G) (1) of section 2923.125 of the Revised Code. 1629

(b) The person transporting or possessing the handgun is 1630
not knowingly in a place described in division (B) of section 1631
2923.126 of the Revised Code. 1632

(6) Divisions (B) and (C) of this section do not apply to 1633
a person if all of the following apply: 1634

(a) The person possesses a valid all-purpose vehicle 1635
permit issued under section 1533.103 of the Revised Code by the 1636
chief of the division of wildlife. 1637

(b) The person is on or in an all-purpose vehicle as 1638
defined in section 1531.01 of the Revised Code or a motor 1639
vehicle during the open hunting season for a wild quadruped or 1640
game bird. 1641

(c) The person is on or in an all-purpose vehicle as 1642

defined in section 1531.01 of the Revised Code on private or 1643
publicly owned lands or on or in a motor vehicle that is parked 1644
on a road that is owned or administered by the division of 1645
wildlife. 1646

(7) Nothing in this section prohibits or restricts a 1647
person from possessing, storing, or leaving a firearm in a 1648
locked motor vehicle that is parked in the state underground 1649
parking garage at the state capitol building or in the parking 1650
garage at the Riffe center for government and the arts in 1651
Columbus, if the person's transportation and possession of the 1652
firearm in the motor vehicle while traveling to the premises or 1653
facility was not in violation of division (A), (B), (C), (D), or 1654
(E) of this section or any other provision of the Revised Code. 1655

(G) (1) The affirmative defenses authorized in divisions 1656
(D) (1) and (2) of section 2923.12 of the Revised Code are 1657
affirmative defenses to a charge under division (B) or (C) of 1658
this section that involves a firearm other than a handgun. 1659

(2) It is an affirmative defense to a charge under 1660
division (B) or (C) of this section of improperly handling 1661
firearms in a motor vehicle that the actor transported or had 1662
the firearm in the motor vehicle for any lawful purpose and 1663
while the motor vehicle was on the actor's own property, 1664
provided that this affirmative defense is not available unless 1665
the person, immediately prior to arriving at the actor's own 1666
property, did not transport or possess the firearm in a motor 1667
vehicle in a manner prohibited by division (B) or (C) of this 1668
section while the motor vehicle was being operated on a street, 1669
highway, or other public or private property used by the public 1670
for vehicular traffic. 1671

(H) (1) No person who is charged with a violation of 1672

division (B), (C), or (D) of this section shall be required to 1673
obtain a concealed handgun license as a condition for the 1674
dismissal of the charge. 1675

(2) (a) If a person is convicted of, was convicted of, 1676
pleads guilty to, or has pleaded guilty to a violation of 1677
division (E) of this section as it existed prior to September 1678
30, 2011, and ~~if~~ the conduct that was the basis of the violation 1679
no longer would be a violation of division (E) of this section 1680
on or after September 30, 2011, or if a person is convicted of, 1681
was convicted of, pleads guilty to, or has pleaded guilty to a 1682
violation of division (E) (1) or (2) of this section as it 1683
existed prior to the effective date of this amendment, the 1684
person may file an application under section 2953.37 of the 1685
Revised Code requesting the expungement of the record of 1686
conviction. 1687

If a person is convicted of, was convicted of, pleads 1688
guilty to, or has pleaded guilty to a violation of division (B) 1689
or (C) of this section as the division existed prior to 1690
September 30, 2011, and if the conduct that was the basis of the 1691
violation no longer would be a violation of division (B) or (C) 1692
of this section on or after September 30, 2011, due to the 1693
application of division (F) (5) of this section as it exists on 1694
and after September 30, 2011, the person may file an application 1695
under section 2953.37 of the Revised Code requesting the 1696
expungement of the record of conviction. 1697

(b) The attorney general shall develop a public media 1698
advisory that summarizes the expungement procedure established 1699
under section 2953.37 of the Revised Code and the offenders 1700
identified in division (H) (2) (a) of this section and those 1701
identified in division (E) (2) of section 2923.12 of the Revised 1702

Code who are authorized to apply for the expungement. Within 1703
thirty days after September 30, 2011, with respect to violations 1704
of division (B), (C), or (E) of this section as they existed 1705
prior to that date, and within thirty days after the effective 1706
date of this amendment with respect to a violation of division 1707
(E)(1) or (2) of this section or division (B)(1) of section 1708
2923.12 of the Revised Code as they existed prior to the 1709
effective date of this amendment, the attorney general shall 1710
provide a copy of the advisory to each daily newspaper published 1711
in this state and each television station that broadcasts in 1712
this state. The attorney general may provide the advisory in a 1713
tangible form, an electronic form, or in both tangible and 1714
electronic forms. 1715

(I) Whoever violates this section is guilty of improperly 1716
handling firearms in a motor vehicle. ~~Violation~~ A violation of 1717
division (A) of this section is a felony of the fourth degree. 1718
~~Violation~~ A violation of division (C) of this section is a 1719
misdemeanor of the fourth degree. A violation of division (D) of 1720
this section is a felony of the fifth degree or, if the loaded 1721
handgun is concealed on the person's person, a felony of the 1722
fourth degree. ~~Except as otherwise provided in this division, a~~ 1723
A violation of division (E)(1) or (2) of this section is a 1724
misdemeanor of the ~~first~~ second degree, ~~and, in addition to any~~ 1725
~~other penalty or sanction imposed for the violation, the~~ 1726
~~offender's concealed handgun license shall be suspended pursuant~~ 1727
~~to division (A)(2) of section 2923.128 of the Revised Code. If~~ 1728
~~at the time of the stop of the offender for a traffic stop, for~~ 1729
~~another law enforcement purpose, or for a purpose defined in~~ 1730
~~section 5503.34 of the Revised Code that was the basis of the~~ 1731
~~violation any law enforcement officer involved with the stop or~~ 1732
~~the employee of the motor carrier enforcement unit who made the~~ 1733

~~stop had actual knowledge of the offender's status as a~~ 1734
~~licensee, a violation of division (E) (1) or (2) of this section~~ 1735
~~is a minor misdemeanor, and the offender's concealed handgun~~ 1736
~~license shall not be suspended pursuant to division (A) (2) of~~ 1737
~~section 2923.128 of the Revised Code. A violation of division~~ 1738
(E) (4) of this section is a felony of the fifth degree. A 1739
violation of division (E) (3) or (5) of this section is a 1740
misdemeanor of the first degree or, if the offender previously 1741
has been convicted of or pleaded guilty to a violation of 1742
division (E) (3) or (5) of this section, a felony of the fifth 1743
degree. In addition to any other penalty or sanction imposed for 1744
a misdemeanor violation of division (E) (3) or (5) of this 1745
section, the offender's concealed handgun license shall be 1746
suspended pursuant to division (A) (2) of section 2923.128 of the 1747
Revised Code. A violation of division (B) of this section is a 1748
felony of the fourth degree. 1749

(J) If a law enforcement officer stops a motor vehicle for 1750
a traffic stop or any other purpose, if any person in the motor 1751
vehicle surrenders a firearm to the officer, either voluntarily 1752
or pursuant to a request or demand of the officer, and if the 1753
officer does not charge the person with a violation of this 1754
section or arrest the person for any offense, the person is not 1755
otherwise prohibited by law from possessing the firearm, and the 1756
firearm is not contraband, the officer shall return the firearm 1757
to the person at the termination of the stop. If a court orders 1758
a law enforcement officer to return a firearm to a person 1759
pursuant to the requirement set forth in this division, division 1760
(B) of section 2923.163 of the Revised Code applies. 1761

(K) As used in this section: 1762

(1) "Motor vehicle," "street," and "highway" have the same 1763

meanings as in section 4511.01 of the Revised Code. 1764

(2) "Occupied structure" has the same meaning as in 1765
section 2909.01 of the Revised Code. 1766

(3) "Agriculture" has the same meaning as in section 1767
519.01 of the Revised Code. 1768

(4) "Tenant" has the same meaning as in section 1531.01 of 1769
the Revised Code. 1770

(5) (a) "Unloaded" means, with respect to a firearm other 1771
than a firearm described in division (K) (6) of this section, 1772
that no ammunition is in the firearm in question, no magazine or 1773
speed loader containing ammunition is inserted into the firearm 1774
in question, and one of the following applies: 1775

(i) There is no ammunition in a magazine or speed loader 1776
that is in the vehicle in question and that may be used with the 1777
firearm in question. 1778

(ii) Any magazine or speed loader that contains ammunition 1779
and that may be used with the firearm in question is stored in a 1780
compartment within the vehicle in question that cannot be 1781
accessed without leaving the vehicle or is stored in a container 1782
that provides complete and separate enclosure. 1783

(b) For the purposes of division (K) (5) (a) (ii) of this 1784
section, a "container that provides complete and separate 1785
enclosure" includes, but is not limited to, any of the 1786
following: 1787

(i) A package, box, or case with multiple compartments, as 1788
long as the loaded magazine or speed loader and the firearm in 1789
question either are in separate compartments within the package, 1790
box, or case, or, if they are in the same compartment, the 1791

magazine or speed loader is contained within a separate 1792
enclosure in that compartment that does not contain the firearm 1793
and that closes using a snap, button, buckle, zipper, hook and 1794
loop closing mechanism, or other fastener that must be opened to 1795
access the contents or the firearm is contained within a 1796
separate enclosure of that nature in that compartment that does 1797
not contain the magazine or speed loader; 1798

(ii) A pocket or other enclosure on the person of the 1799
person in question that closes using a snap, button, buckle, 1800
zipper, hook and loop closing mechanism, or other fastener that 1801
must be opened to access the contents. 1802

(c) For the purposes of divisions (K) (5) (a) and (b) of 1803
this section, ammunition held in stripper-clips or in en-bloc 1804
clips is not considered ammunition that is loaded into a 1805
magazine or speed loader. 1806

(6) "Unloaded" means, with respect to a firearm employing 1807
a percussion cap, flintlock, or other obsolete ignition system, 1808
when the weapon is uncapped or when the priming charge is 1809
removed from the pan. 1810

(7) "Commercial motor vehicle" has the same meaning as in 1811
division (A) of section 4506.25 of the Revised Code. 1812

(8) "Motor carrier enforcement unit" means the motor 1813
carrier enforcement unit in the department of public safety, 1814
division of state highway patrol, that is created by section 1815
5503.34 of the Revised Code. 1816

(L) Divisions (K) (5) (a) and (b) of this section do not 1817
affect the authority of a person who ~~is carrying~~ has been issued 1818
a ~~valid~~ concealed handgun license that is valid at the time in 1819
question to have one or more magazines or speed loaders 1820

containing ammunition anywhere in a vehicle, without being 1821
transported as described in those divisions, as long as no 1822
ammunition is in a firearm, other than a handgun, in the vehicle 1823
other than as permitted under any other provision of this 1824
chapter. A person who ~~is carrying~~ has been issued a valid- 1825
concealed handgun license that is valid at the time in question 1826
may have one or more magazines or speed loaders containing 1827
ammunition anywhere in a vehicle without further restriction, as 1828
long as no ammunition is in a firearm, other than a handgun, in 1829
the vehicle other than as permitted under any provision of this 1830
chapter. 1831

Sec. 2953.37. (A) As used in this section: 1832

(1) "Expunge" means to destroy, delete, and erase a record 1833
as appropriate for the record's physical or electronic form or 1834
characteristic so that the record is permanently irretrievable. 1835

(2) "Official records" has the same meaning as in section 1836
2953.51 of the Revised Code. 1837

(3) "Prosecutor" has the same meaning as in section 1838
2953.31 of the Revised Code. 1839

(4) "Record of conviction" means the record related to a 1840
conviction of or plea of guilty to an offense. 1841

(B) Any person who is convicted of, was convicted of, 1842
pleads guilty to, or has pleaded guilty to a violation of 1843
division (B), (C), or (E) of section 2923.16 of the Revised Code 1844
as the division existed prior to September 30, 2011, or a 1845
violation of division (E) (1) or (2) of section 2923.16 of the 1846
Revised Code as the division existed prior to the effective date 1847
of this amendment and who is authorized by division (H) (2) (a) of 1848
that section to file an application under this section for the 1849

expungement of the conviction record may apply to the sentencing 1850
court for the expungement of the record of conviction. Any 1851
person who is convicted of, was convicted of, pleads guilty to, 1852
or has pleaded guilty to a violation of division (B) (1) of 1853
section 2923.12 of the Revised Code as it existed prior to the 1854
effective date of this amendment and who is authorized by 1855
division (E) (2) of that section may apply to the sentencing 1856
court for the expungement of the record of conviction. The 1857
person may file the application at any time on or after 1858
September 30, 2011, with respect to violations of division (B), 1859
(C), or (E) of section 2923.16 of the Revised Code as they 1860
existed prior to that date, or at any time on or after the 1861
effective date of this amendment with respect to a violation of 1862
division (B) (1) of section 2923.12 of the Revised Code or of 1863
division (E) (1) or (2) of section 2923.16 of the Revised Code as 1864
the particular division existed prior to the effective date of 1865
this amendment. The application shall do all of the following: 1866

(1) Identify the applicant, the offense for which the 1867
expungement is sought, the date of the conviction of or plea of 1868
guilty to that offense, and the court in which the conviction 1869
occurred or the plea of guilty was entered; 1870

(2) Include evidence that the offense was a violation of 1871
division (B), (C), or (E) of section 2923.16 of the Revised Code 1872
as the division existed prior to September 30, 2011, or was a 1873
violation of division (B) (1) of section 2923.12 of the Revised 1874
Code or of division (E) (1) or (2) of section 2923.16 of the 1875
Revised Code as the particular division existed prior to the 1876
effective date of this amendment and that the applicant is 1877
authorized by division (H) (2) (a) of ~~that~~ section 2923.16 or 1878
division (E) (2) of section 2923.12 of the Revised Code, 1879
whichever is applicable, to file an application under this 1880

section; 1881

(3) Include a request for expungement of the record of 1882
conviction of that offense under this section. 1883

(C) Upon the filing of an application under division (B) 1884
of this section and the payment of the fee described in division 1885
(D) (3) of this section if applicable, the court shall set a date 1886
for a hearing and shall notify the prosecutor for the case of 1887
the hearing on the application. The prosecutor may object to the 1888
granting of the application by filing an objection with the 1889
court prior to the date set for the hearing. The prosecutor 1890
shall specify in the objection the reasons for believing a 1891
denial of the application is justified. The court shall direct 1892
its regular probation officer, a state probation officer, or the 1893
department of probation of the county in which the applicant 1894
resides to make inquiries and written reports as the court 1895
requires concerning the applicant. The court shall hold the 1896
hearing scheduled under this division. 1897

(D) (1) At the hearing held under division (C) of this 1898
section, the court shall do each of the following: 1899

(a) Determine whether the applicant has been convicted of 1900
or pleaded guilty to a violation of division (E) of section 1901
2923.16 of the Revised Code as the division existed prior to 1902
September 30, 2011, and whether the conduct that was the basis 1903
of the violation no longer would be a violation of that division 1904
on or after September 30, 2011; 1905

(b) Determine whether the applicant has been convicted of 1906
or pleaded guilty to a violation of division (B) or (C) of 1907
section 2923.16 of the Revised Code as the division existed 1908
prior to September 30, 2011, and whether the conduct that was 1909

the basis of the violation no longer would be a violation of 1910
that division on or after September 30, 2011, due to the 1911
application of division (F) (5) of that section as it exists on 1912
and after September 30, 2011; 1913

(c) Determine whether the applicant has been convicted of 1914
or pleaded guilty to a violation of division (B) (1) of section 1915
2923.12 of the Revised Code or of division (E) (1) or (2) of 1916
section 2923.16 of the Revised Code as the particular division 1917
existed prior to the effective date of this amendment; 1918

(d) If the prosecutor has filed an objection in accordance 1919
with division (C) of this section, consider the reasons against 1920
granting the application specified by the prosecutor in the 1921
objection; 1922

~~(d)~~ (e) Weigh the interests of the applicant in having the 1923
records pertaining to the applicant's conviction or guilty plea 1924
expunged against the legitimate needs, if any, of the government 1925
to maintain those records. 1926

(2) (a) The court may order the expungement of all official 1927
records pertaining to the case and the deletion of all index 1928
references to the case and, if it does order the expungement, 1929
shall send notice of the order to each public office or agency 1930
that the court has reason to believe may have an official record 1931
pertaining to the case if the court, after complying with 1932
division (D) (1) of this section, determines both of the 1933
following: 1934

(i) That the applicant has been convicted of or pleaded 1935
guilty to a violation of division (E) of section 2923.16 of the 1936
Revised Code as it existed prior to September 30, 2011, and the 1937
conduct that was the basis of the violation no longer would be a 1938

violation of that division on or after September 30, 2011, ~~or;~~ 1939
that the applicant has been convicted of or pleaded guilty to a 1940
violation of division (B) or (C) of section 2923.16 of the 1941
Revised Code as the division existed prior to September 30, 1942
2011, and the conduct that was the basis of the violation no 1943
longer would be a violation of that division on or after 1944
September 30, 2011, due to the application of division (F) (5) of 1945
that section as it exists on and after September 30, 2011; or 1946
that the applicant has been convicted of or pleaded guilty to a 1947
violation of division (B) (1) of section 2923.12 of the Revised 1948
Code or of division (E) (1) or (2) of section 2923.16 of the 1949
Revised Code as the particular division existed prior to the 1950
effective date of this amendment; 1951

(ii) That the interests of the applicant in having the 1952
records pertaining to the applicant's conviction or guilty plea 1953
expunged are not outweighed by any legitimate needs of the 1954
government to maintain those records. 1955

(b) The proceedings in the case that is the subject of an 1956
order issued under division (D) (2) (a) of this section shall be 1957
considered not to have occurred and the conviction or guilty 1958
plea of the person who is the subject of the proceedings shall 1959
be expunged. The record of the conviction shall not be used for 1960
any purpose, including, but not limited to, a criminal records 1961
check under section 109.572 of the Revised Code or a 1962
determination under section 2923.125 or 2923.1213 of the Revised 1963
Code of eligibility for a concealed handgun license. The 1964
applicant may, and the court shall, reply that no record exists 1965
with respect to the applicant upon any inquiry into the matter. 1966

(3) Upon the filing of an application under this section, 1967
the applicant, unless indigent, shall pay a fee of fifty 1968

dollars. The court shall pay thirty dollars of the fee into the 1969
state treasury and shall pay twenty dollars of the fee into the 1970
county general revenue fund. 1971

Section 2. That existing sections 1547.69, 2923.12, 1972
2923.121, 2923.122, 2923.123, 2923.126, 2923.128, 2923.16, and 1973
2953.37 of the Revised Code are hereby repealed. 1974

Section 3. Section 2953.37 of the Revised Code is 1975
presented in this act as a composite of the section as amended 1976
by both H.B. 228 and H.B. 425 of the 132nd General Assembly. The 1977
General Assembly, applying the principle stated in division (B) 1978
of section 1.52 of the Revised Code that amendments are to be 1979
harmonized if reasonably capable of simultaneous operation, 1980
finds that the composite is the resulting version of the section 1981
in effect prior to the effective date of the section as 1982
presented in this act. 1983