

**As Reported by the House Government Oversight Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. S. B. No. 215**

**Senator Johnson**

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

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**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  
qualifying adult to carry a concealed handgun in 8  
the same manner as if the person was a licensee. 9

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

**Section 1.** That sections 1547.69, 2923.12, 2923.121, 10  
2923.122, 2923.123, 2923.126, 2923.128, 2923.16, and 2953.37 be 11  
amended and section 2923.111 of the Revised Code be enacted to 12  
read as follows: 13

**Sec. 1547.69.** (A) As used in this section: 14

(1) "Firearm," "concealed handgun license," "handgun," 15  
"valid concealed handgun license," and "active duty" have the 16

same meanings as in section 2923.11 of the Revised Code. 17

(2) "Unloaded" has the same meanings as in divisions (K) 18  
(5) and (6) of section 2923.16 of the Revised Code, except that 19  
all references in the definition in division (K) (5) of that 20  
section to "vehicle" shall be construed for purposes of this 21  
section to be references to "vessel." 22

(B) No person shall knowingly discharge a firearm while in 23  
or on a vessel. 24

(C) No person shall knowingly transport or have a loaded 25  
firearm in a vessel in a manner that the firearm is accessible 26  
to the operator or any passenger. 27

(D) No person shall knowingly transport or have a firearm 28  
in a vessel unless it is unloaded and is carried in one of the 29  
following ways: 30

(1) In a closed package, box, or case; 31

(2) In plain sight with the action opened or the weapon 32  
stripped, or, if the firearm is of a type on which the action 33  
will not stay open or that cannot easily be stripped, in plain 34  
sight. 35

(E) (1) The affirmative defenses authorized in divisions 36  
(D) (1) and (2) of section 2923.12 of the Revised Code are 37  
affirmative defenses to a charge under division (C) or (D) of 38  
this section that involves a firearm other than a handgun. It is 39  
an affirmative defense to a charge under division (C) or (D) of 40  
this section of transporting or having a firearm of any type, 41  
including a handgun, in a vessel that the actor transported or 42  
had the firearm in the vessel for any lawful purpose and while 43  
the vessel was on the actor's own property, provided that this 44  
affirmative defense is not available unless the actor, prior to 45

arriving at the vessel on the actor's own property, did not 46  
transport or possess the firearm in the vessel or in a motor 47  
vehicle in a manner prohibited by this section or division (B) 48  
or (C) of section 2923.16 of the Revised Code while the vessel 49  
was being operated on a waterway that was not on the actor's own 50  
property or while the motor vehicle was being operated on a 51  
street, highway, or other public or private property used by the 52  
public for vehicular traffic. 53

(2) No person who is charged with a violation of division 54  
(C) or (D) of this section shall be required to obtain a license 55  
or temporary emergency license to carry a concealed handgun 56  
under section 2923.125 or 2923.1213 of the Revised Code as a 57  
condition for the dismissal of the charge. 58

(F) Divisions (B), (C), and (D) of this section do not 59  
apply to the possession or discharge of a United States coast 60  
guard approved signaling device required to be carried aboard a 61  
vessel under section 1547.251 of the Revised Code when the 62  
signaling device is possessed or used for the purpose of giving 63  
a visual distress signal. No person shall knowingly transport or 64  
possess any signaling device of that nature in or on a vessel in 65  
a loaded condition at any time other than immediately prior to 66  
the discharge of the signaling device for the purpose of giving 67  
a visual distress signal. 68

(G) No person shall operate or permit to be operated any 69  
vessel on the waters in this state in violation of this section. 70

(H) (1) This section does not apply to any of the 71  
following: 72

(a) An officer, agent, or employee of this or any other 73  
state or of the United States, or to a law enforcement officer, 74

when authorized to carry or have loaded or accessible firearms 75  
in a vessel and acting within the scope of the officer's, 76  
agent's, or employee's duties; 77

(b) Any person who is employed in this state, who is 78  
authorized to carry or have loaded or accessible firearms in a 79  
vessel, and who is subject to and in compliance with the 80  
requirements of section 109.801 of the Revised Code, unless the 81  
appointing authority of the person has expressly specified that 82  
the exemption provided in division (H) (1) (b) of this section 83  
does not apply to the person; 84

(c) Any person legally engaged in hunting. 85

(2) Divisions (C) and (D) of this section do not apply to 86  
a person who transports or possesses a handgun in a vessel and 87  
who has been issued a concealed handgun license that is valid at 88  
the time of that transportation or possession or who, at the 89  
time of that transportation or possession, ~~either is carrying a~~ 90  
~~valid concealed handgun license or~~ is an active duty member of 91  
the armed forces of the United States and is carrying a valid 92  
military identification card and documentation of successful 93  
completion of firearms training that meets or exceeds the 94  
training requirements described in division (G) (1) of section 95  
2923.125 of the Revised Code, unless the person knowingly is in 96  
a place on the vessel described in division (B) of section 97  
2923.126 of the Revised Code. 98

(I) If a law enforcement officer stops a vessel for a 99  
violation of this section or any other law enforcement purpose, 100  
if any person on the vessel surrenders a firearm to the officer, 101  
either voluntarily or pursuant to a request or demand of the 102  
officer, and if the officer does not charge the person with a 103  
violation of this section or arrest the person for any offense, 104

the person is not otherwise prohibited by law from possessing 105  
the firearm, and the firearm is not contraband, the officer 106  
shall return the firearm to the person at the termination of the 107  
stop. 108

(J) Division (L) of section 2923.16 of the Revised Code 109  
applies with respect to division (A) (2) of this section, except 110  
that all references in division (L) of section 2923.16 of the 111  
Revised Code to "vehicle," to "this chapter," or to "division 112  
(K) (5) (a) or (b) of this section" shall be construed for 113  
purposes of this section to be, respectively, references to 114  
"vessel," to "section 1547.69 of the Revised Code," and to 115  
divisions (K) (5) (a) and (b) of section 2923.16 of the Revised 116  
Code as incorporated under the definition of firearm adopted 117  
under division (A) (2) of this section. 118

**Sec. 2923.111.** (A) As used in this section: 119

(1) "Restricted firearm" means a firearm that is dangerous 120  
ordnance or that is a firearm that any law of this state 121  
prohibits the subject person from possessing, having, or 122  
carrying. 123

(2) "Qualifying adult" means a person who is all of the 124  
following: 125

(a) Twenty-one years of age or older; 126

(b) Not legally prohibited from possessing or receiving a 127  
firearm under 18 U.S.C. 922(g) (1) to (9) or under section 128  
2923.13 of the Revised Code or any other Revised Code provision; 129

(c) Satisfies all of the criteria listed in divisions (D) 130  
(1) (a) to (j), (m), (p), (q), and (s) of section 2923.125 of the 131  
Revised Code. 132

(B) Notwithstanding any other Revised Code section to the 133  
contrary: 134

(1) A person who is a qualifying adult shall not be 135  
required to obtain a concealed handgun license in order to carry 136  
in this state, under authority of division (B)(2) of this 137  
section, a concealed handgun that is not a restricted firearm. 138

(2) Regardless of whether the person has been issued a 139  
concealed handgun license, subject to the limitations specified 140  
in divisions (B)(3) and (C)(2) of this section, a person who is 141  
a qualifying adult may carry a concealed handgun that is not a 142  
restricted firearm anywhere in this state in which a person who 143  
has been issued a concealed handgun license may carry a 144  
concealed handgun. 145

(3) The right of a person who is a qualifying adult to 146  
carry a concealed handgun that is not a restricted firearm that 147  
is granted under divisions (B)(1) and (2) of this section is the 148  
same right as is granted to a person who has been issued a 149  
concealed handgun license, and a qualifying adult who is granted 150  
the right is subject to the same restrictions as apply to a 151  
person who has been issued a concealed handgun license. 152

(C)(1) For purposes of any provision of section 1547.69, 153  
2923.12, or 2923.124 to 2923.1213 of the Revised Code, or of any 154  
other section of the Revised Code, that refers to a concealed 155  
handgun license or a concealed handgun licensee, except when the 156  
context clearly indicates otherwise, all of the following apply: 157

(a) A person who is a qualifying adult and is carrying or 158  
has, concealed on the person's person or ready at hand, a 159  
handgun that is not a restricted firearm shall be deemed to have 160  
been issued a valid concealed handgun license. 161

(b) If the provision refers to a person having been issued a concealed handgun license or having been issued a concealed handgun license that is valid at a particular point in time, the provision shall be construed as automatically including a person who is a qualifying adult and who is carrying or has, concealed on the person's person or ready at hand, a handgun that is not a restricted firearm, as if the person had been issued a concealed handgun license or had been issued a concealed handgun license that is valid at the particular point in time. 162  
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(c) If the provision in specified circumstances requires a concealed handgun licensee to engage in specified conduct, or prohibits a concealed handgun licensee from engaging in specified conduct, the provision shall be construed as applying in the same circumstances to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee. 171  
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(d) If the application of the provision to a person depends on whether the person is or is not a concealed handgun licensee, the provision shall be applied to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee. 178  
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(e) If the provision pertains to the imposition of a penalty or sanction for specified conduct and the penalty or sanction applicable to a person who engages in the conduct depends on whether the person is or is not a concealed handgun licensee, the provision shall be applied to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee. 183  
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(2) The concealed handgun license expiration provisions of sections 2923.125 and 2923.1213 of the Revised Code, and the 190  
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concealed handgun license suspension and revocation provisions 192  
of section 2923.128 of the Revised Code, do not apply with 193  
respect to a person who is a qualifying adult unless the person 194  
has been issued a concealed handgun license. If a person is a 195  
qualifying adult and the person thereafter comes within any 196  
category of persons specified in 18 U.S.C. 922(g)(1) to (9) or 197  
in section 2923.13 of the Revised Code or any other Revised Code 198  
provision so that the person as a result is legally prohibited 199  
under the applicable provision from possessing or receiving a 200  
firearm, both of the following apply automatically and 201  
immediately upon the person coming within that category: 202

(a) Division (B) of this section and the authority and 203  
right to carry a concealed handgun that are described in that 204  
division do not apply to the person. 205

(b) The person no longer is deemed to have been issued a 206  
concealed handgun license as described in division (C)(1)(a) of 207  
this section, and the provisions of divisions (C)(1)(a) to (e) 208  
of this section no longer apply to the person in the same manner 209  
as if the person had been issued, possessed, or produced a valid 210  
concealed handgun license or was a concealed handgun licensee. 211

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 212  
concealed on the person's person or concealed ready at hand, any 213  
of the following: 214

- (1) A deadly weapon other than a handgun; 215
- (2) A handgun other than a dangerous ordnance; 216
- (3) A dangerous ordnance. 217

(B) No person who has been issued a concealed handgun 218  
license shall do any of the following: 219

(1) If the person is stopped for a law enforcement purpose 220  
and is carrying a concealed handgun, before or at the time a law 221  
enforcement officer asks if the person is carrying a concealed 222  
handgun, knowingly fail to promptly inform any law enforcement 223  
officer who approaches the person after the person has been 224  
stopped that the person has been issued a concealed handgun 225  
license and that disclose that the person then is carrying a 226  
concealed handgun, provided that it is not a violation of this 227  
division if the person fails to disclose that fact to an officer 228  
during the stop and the person already has notified another 229  
officer of that fact during the same stop; 230

(2) If the person is stopped for a law enforcement purpose 231  
and is carrying a concealed handgun, knowingly fail to keep the 232  
person's hands in plain sight at any time after any law 233  
enforcement officer begins approaching the person while stopped 234  
and before the law enforcement officer leaves, unless the 235  
failure is pursuant to and in accordance with directions given 236  
by a law enforcement officer; 237

(3) If the person is stopped for a law enforcement 238  
purpose, if the person is carrying a concealed handgun, and if 239  
the person is approached by any law enforcement officer while 240  
stopped, knowingly remove or attempt to remove the loaded 241  
handgun from the holster, pocket, or other place in which the 242  
person is carrying it, knowingly grasp or hold the loaded 243  
handgun, or knowingly have contact with the loaded handgun by 244  
touching it with the person's hands or fingers at any time after 245  
the law enforcement officer begins approaching and before the 246  
law enforcement officer leaves, unless the person removes, 247  
attempts to remove, grasps, holds, or has contact with the 248  
loaded handgun pursuant to and in accordance with directions 249  
given by the law enforcement officer; 250

(4) If the person is stopped for a law enforcement purpose 251  
and is carrying a concealed handgun, knowingly disregard or fail 252  
to comply with any lawful order of any law enforcement officer 253  
given while the person is stopped, including, but not limited 254  
to, a specific order to the person to keep the person's hands in 255  
plain sight. 256

(C) (1) This section does not apply to any of the 257  
following: 258

(a) An officer, agent, or employee of this or any other 259  
state or the United States, or to a law enforcement officer, who 260  
is authorized to carry concealed weapons or dangerous ordnance 261  
or is authorized to carry handguns and is acting within the 262  
scope of the officer's, agent's, or employee's duties; 263

(b) Any person who is employed in this state, who is 264  
authorized to carry concealed weapons or dangerous ordnance or 265  
is authorized to carry handguns, and who is subject to and in 266  
compliance with the requirements of section 109.801 of the 267  
Revised Code, unless the appointing authority of the person has 268  
expressly specified that the exemption provided in division (C) 269  
(1) (b) of this section does not apply to the person; 270

(c) A person's transportation or storage of a firearm, 271  
other than a firearm described in divisions (G) to (M) of 272  
section 2923.11 of the Revised Code, in a motor vehicle for any 273  
lawful purpose if the firearm is not on the actor's person; 274

(d) A person's storage or possession of a firearm, other 275  
than a firearm described in divisions (G) to (M) of section 276  
2923.11 of the Revised Code, in the actor's own home for any 277  
lawful purpose. 278

(2) Division (A) (2) of this section does not apply to any 279

person who has been issued a concealed handgun license that is 280  
valid at the time of the alleged carrying or possession of a 281  
handgun or who, at the time of the alleged carrying or 282  
possession of a handgun, ~~either is carrying a valid concealed~~ 283  
~~handgun license or~~ is an active duty member of the armed forces 284  
of the United States and is carrying a valid military 285  
identification card and documentation of successful completion 286  
of firearms training that meets or exceeds the training 287  
requirements described in division (G) (1) of section 2923.125 of 288  
the Revised Code, unless the person knowingly is in a place 289  
described in division (B) of section 2923.126 of the Revised 290  
Code. 291

(D) It is an affirmative defense to a charge under 292  
division (A) (1) of this section of carrying or having control of 293  
a weapon other than a handgun and other than a dangerous 294  
ordnance that the actor was not otherwise prohibited by law from 295  
having the weapon and that any of the following applies: 296

(1) The weapon was carried or kept ready at hand by the 297  
actor for defensive purposes while the actor was engaged in or 298  
was going to or from the actor's lawful business or occupation, 299  
which business or occupation was of a character or was 300  
necessarily carried on in a manner or at a time or place as to 301  
render the actor particularly susceptible to criminal attack, 302  
such as would justify a prudent person in going armed. 303

(2) The weapon was carried or kept ready at hand by the 304  
actor for defensive purposes while the actor was engaged in a 305  
lawful activity and had reasonable cause to fear a criminal 306  
attack upon the actor, a member of the actor's family, or the 307  
actor's home, such as would justify a prudent person in going 308  
armed. 309

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

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

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

(F) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or divisions (F) (2), (6), and (7) of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or divisions (F) (2), (6), and (7) of this section, if the offender previously has been convicted of a violation of this section or of 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 dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony of the fourth degree. Except as otherwise provided in divisions (F) (2) and (6) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (A) of this section is a felony of the third degree.

~~(2) Except as provided in division (F) (6) of this section,~~

~~if a~~ A person being shall not be arrested for a violation of 340  
division (A) (2) of this section solely because the person does 341  
not promptly produces produce a valid concealed handgun license, ~~and~~ 342  
~~and if at the time of the violation the person was not knowingly~~ 343  
~~in a place described in division (B) of section 2923.126 of the~~ 344  
~~Revised Code, the officer shall not arrest the person for a~~ 345  
~~violation of that division. If the person is not able to~~ 346  
~~promptly produce any concealed handgun license and if the person~~ 347  
~~is not in a place described in that section, the officer may~~ 348  
~~arrest the person for a violation of that division, .~~ If a person 349  
is arrested for a violation of division (A) (2) of this section 350  
and is convicted of or pleads guilty to the violation, the 351  
offender shall be punished as follows: 352

(a) The offender shall be guilty of a minor misdemeanor if 353  
both of the following apply: 354

(i) Within ten days after the arrest, the offender 355  
presents a concealed handgun license, which license was valid at 356  
the time of the arrest, to the law enforcement agency that 357  
employs the arresting officer. 358

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

(b) The offender shall be guilty of a misdemeanor and 362  
shall be fined five hundred dollars if all of the following 363  
apply: 364

(i) The offender previously had been issued a concealed 365  
handgun license, and that license expired within the two years 366  
immediately preceding the arrest. 367

(ii) Within forty-five days after the arrest, the offender 368

presents a concealed handgun license to the law enforcement 369  
agency that employed the arresting officer, and the offender 370  
waives in writing the offender's right to a speedy trial on the 371  
charge of the violation that is provided in section 2945.71 of 372  
the Revised Code. 373

(iii) At the time of the commission of the offense, the 374  
offender was not knowingly in a place described in division (B) 375  
of section 2923.126 of the Revised Code. 376

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 377  
section do not apply, the offender shall be punished under 378  
division (F) (1) or (7) of this section. 379

(3) ~~Except as otherwise provided in this division,~~ 380  
~~carrying~~ Carrying concealed weapons in violation of division (B) 381  
(1) of this section is a misdemeanor of the ~~first~~ second degree, 382  
~~and, in addition to any other penalty or sanction imposed for a~~ 383  
~~violation of division (B) (1) of this section, the offender's~~ 384  
~~concealed handgun license shall be suspended pursuant to~~ 385  
~~division (A) (2) of section 2923.128 of the Revised Code. If, at~~ 386  
~~the time of the stop of the offender for a law enforcement~~ 387  
~~purpose that was the basis of the violation, any law enforcement~~ 388  
~~officer involved with the stop had actual knowledge that the~~ 389  
~~offender has been issued a concealed handgun license, carrying~~ 390  
~~concealed weapons in violation of division (B) (1) of this~~ 391  
~~section is a minor misdemeanor, and the offender's concealed~~ 392  
~~handgun license shall not be suspended pursuant to division (A)~~ 393  
~~(2) of section 2923.128 of the Revised Code.~~ 394

(4) Carrying concealed weapons in violation of division 395  
(B) (2) or (4) of this section is a misdemeanor of the first 396  
degree or, if the offender previously has been convicted of or 397  
pleaded guilty to a violation of division (B) (2) or (4) of this 398

section, a felony of the fifth degree. In addition to any other 399  
penalty or sanction imposed for a misdemeanor violation of 400  
division (B) (2) or (4) of this section, the offender's concealed 401  
handgun license shall be suspended pursuant to division (A) (2) 402  
of section 2923.128 of the Revised Code. 403

(5) Carrying concealed weapons in violation of division 404  
(B) (3) of this section is a felony of the fifth degree. 405

(6) If a person being arrested for a violation of division 406  
(A) (2) of this section is an active duty member of the armed 407  
forces of the United States and is carrying a valid military 408  
identification card and documentation of successful completion 409  
of firearms training that meets or exceeds the training 410  
requirements described in division (G) (1) of section 2923.125 of 411  
the Revised Code, and if at the time of the violation the person 412  
was not knowingly in a place described in division (B) of 413  
section 2923.126 of the Revised Code, the officer shall not 414  
arrest the person for a violation of that division. If the 415  
person is not able to promptly produce a valid military 416  
identification card and documentation of successful completion 417  
of firearms training that meets or exceeds the training 418  
requirements described in division (G) (1) of section 2923.125 of 419  
the Revised Code and if the person is not in a place described 420  
in division (B) of section 2923.126 of the Revised Code, the 421  
officer shall issue a citation and the offender shall be 422  
assessed a civil penalty of not more than five hundred dollars. 423  
The citation shall be automatically dismissed and the civil 424  
penalty shall not be assessed if both of the following apply: 425

(a) Within ten days after the issuance of the citation, 426  
the offender presents a valid military identification card and 427  
documentation of successful completion of firearms training that 428

meets or exceeds the training requirements described in division 429  
(G) (1) of section 2923.125 of the Revised Code, which were both 430  
valid at the time of the issuance of the citation to the law 431  
enforcement agency that employs the citing officer. 432

(b) At the time of the citation, the offender was not 433  
knowingly in a place described in division (B) of section 434  
2923.126 of the Revised Code. 435

(7) If a person being arrested for a violation of division 436  
(A) (2) of this section is knowingly in a place described in 437  
division (B) (5) of section 2923.126 of the Revised Code and is 438  
not authorized to carry a handgun or have a handgun concealed on 439  
the person's person or concealed ready at hand under that 440  
division, the penalty shall be as follows: 441

(a) Except as otherwise provided in this division, if the 442  
person produces a valid concealed handgun license within ten 443  
days after the arrest and has not previously been convicted or 444  
pleaded guilty to a violation of division (A) (2) of this 445  
section, the person is guilty of a minor misdemeanor; 446

(b) Except as otherwise provided in this division, if the 447  
person has previously been convicted of or pleaded guilty to a 448  
violation of division (A) (2) of this section, the person is 449  
guilty of a misdemeanor of the fourth degree; 450

(c) Except as otherwise provided in this division, if the 451  
person has previously been convicted of or pleaded guilty to two 452  
violations of division (A) (2) of this section, the person is 453  
guilty of a misdemeanor of the third degree; 454

(d) Except as otherwise provided in this division, if the 455  
person has previously been convicted of or pleaded guilty to 456  
three or more violations of division (A) (2) of this section, or 457

convicted of or pleaded guilty to any offense of violence, if 458  
the weapon involved is a firearm that is either loaded or for 459  
which the offender has ammunition ready at hand, or if the 460  
weapon involved is a dangerous ordnance, the person is guilty of 461  
a misdemeanor of the second degree. 462

(G) If a law enforcement officer stops a person to 463  
question the person regarding a possible violation of this 464  
section, for a traffic stop, or for any other law enforcement 465  
purpose, if the person surrenders a firearm to the officer, 466  
either voluntarily or pursuant to a request or demand of the 467  
officer, and if the officer does not charge the person with a 468  
violation of this section or arrest the person for any offense, 469  
the person is not otherwise prohibited by law from possessing 470  
the firearm, and the firearm is not contraband, the officer 471  
shall return the firearm to the person at the termination of the 472  
stop. If a court orders a law enforcement officer to return a 473  
firearm to a person pursuant to the requirement set forth in 474  
this division, division (B) of section 2923.163 of the Revised 475  
Code applies. 476

(H) For purposes of this section, "deadly weapon" or 477  
"weapon" does not include any knife, razor, or cutting 478  
instrument if the instrument was not used as a weapon. 479

**Sec. 2923.121.** (A) No person shall possess a firearm in 480  
any room in which any person is consuming beer or intoxicating 481  
liquor in a premises for which a D permit has been issued under 482  
Chapter 4303. of the Revised Code or in an open air arena for 483  
which a permit of that nature has been issued. 484

(B) (1) This section does not apply to any of the 485  
following: 486

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

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

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

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

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

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

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

employee of that holder who also is a peace officer, as defined 516  
in section 2151.3515 of the Revised Code, who is off duty, and 517  
who otherwise is authorized to carry firearms while in the 518  
course of the officer's official duties and while in the 519  
premises or open air arena for which the permit was issued and 520  
as long as the agent or employee of that holder is not consuming 521  
beer or intoxicating liquor or under the influence of alcohol or 522  
a drug of abuse. 523

(e) Any person who ~~is carrying a valid concealed handgun~~ 524  
~~license~~ has been issued a concealed handgun license that is 525  
valid at the time in question or any person who is an active 526  
duty member of the armed forces of the United States and is 527  
carrying a valid military identification card and documentation 528  
of successful completion of firearms training that meets or 529  
exceeds the training requirements described in division (G)(1) 530  
of section 2923.125 of the Revised Code, as long as the person 531  
is not consuming beer or intoxicating liquor or under the 532  
influence of alcohol or a drug of abuse. 533

(2) This section does not prohibit any person who is a 534  
member of a veteran's organization, as defined in section 535  
2915.01 of the Revised Code, from possessing a rifle in any room 536  
in any premises owned, leased, or otherwise under the control of 537  
the veteran's organization, if the rifle is not loaded with live 538  
ammunition and if the person otherwise is not prohibited by law 539  
from having the rifle. 540

(3) This section does not apply to any person possessing 541  
or displaying firearms in any room used to exhibit unloaded 542  
firearms for sale or trade in a soldiers' memorial established 543  
pursuant to Chapter 345. of the Revised Code, in a convention 544  
center, or in any other public meeting place, if the person is 545

an exhibitor, trader, purchaser, or seller of firearms and is 546  
not otherwise prohibited by law from possessing, trading, 547  
purchasing, or selling the firearms. 548

(C) It is an affirmative defense to a charge under this 549  
section of illegal possession of a firearm in a liquor permit 550  
premises that involves the possession of a firearm other than a 551  
handgun, that the actor was not otherwise prohibited by law from 552  
having the firearm, and that any of the following apply: 553

(1) The firearm was carried or kept ready at hand by the 554  
actor for defensive purposes, while the actor was engaged in or 555  
was going to or from the actor's lawful business or occupation, 556  
which business or occupation was of such character or was 557  
necessarily carried on in such manner or at such a time or place 558  
as to render the actor particularly susceptible to criminal 559  
attack, such as would justify a prudent person in going armed. 560

(2) The firearm was carried or kept ready at hand by the 561  
actor for defensive purposes, while the actor was engaged in a 562  
lawful activity, and had reasonable cause to fear a criminal 563  
attack upon the actor or a member of the actor's family, or upon 564  
the actor's home, such as would justify a prudent person in 565  
going armed. 566

(D) No person who is charged with a violation of this 567  
section shall be required to obtain a concealed handgun license 568  
as a condition for the dismissal of the charge. 569

(E) Whoever violates this section is guilty of illegal 570  
possession of a firearm in a liquor permit premises. Except as 571  
otherwise provided in this division, illegal possession of a 572  
firearm in a liquor permit premises is a felony of the fifth 573  
degree. If the offender commits the violation of this section by 574

knowingly carrying or having the firearm concealed on the 575  
offender's person or concealed ready at hand, illegal possession 576  
of a firearm in a liquor permit premises is a felony of the 577  
third degree. 578

(F) As used in this section: 579

(1) "Beer" and "intoxicating liquor" have the same 580  
meanings as in section 4301.01 of the Revised Code. 581

(2) "Investigator" has the same meaning as in section 582  
109.541 of the Revised Code. 583

(3) "Restrictive firearms carrying policy" means a 584  
specific policy of a law enforcement agency or the bureau of 585  
criminal identification and investigation that prohibits all 586  
officers of the agency or all investigators of the bureau, while 587  
not acting within the scope of the officer's or investigator's 588  
duties, from doing either of the following: 589

(a) Carrying a firearm issued or approved by the agency or 590  
bureau in any room, premises, or arena described in division (A) 591  
of this section; 592

(b) Carrying a firearm issued or approved by the agency or 593  
bureau in premises described in division (A) of section 594  
2923.1214 of the Revised Code. 595

(4) "Law enforcement officer" has the same meaning as in 596  
section 9.69 of the Revised Code. 597

(5) "Validating identification" means one of the 598  
following: 599

(a) Photographic identification issued by the law 600  
enforcement agency for which an individual serves as a law 601  
enforcement officer that identifies the individual as a law 602

enforcement officer of the agency; 603

(b) Photographic identification issued by the bureau of 604  
criminal identification and investigation that identifies an 605  
individual as an investigator of the bureau. 606

**Sec. 2923.122.** (A) No person shall knowingly convey, or 607  
attempt to convey, a deadly weapon or dangerous ordnance into a 608  
school safety zone. 609

(B) No person shall knowingly possess a deadly weapon or 610  
dangerous ordnance in a school safety zone. 611

(C) No person shall knowingly possess an object in a 612  
school safety zone if both of the following apply: 613

(1) The object is indistinguishable from a firearm, 614  
whether or not the object is capable of being fired. 615

(2) The person indicates that the person possesses the 616  
object and that it is a firearm, or the person knowingly 617  
displays or brandishes the object and indicates that it is a 618  
firearm. 619

(D) (1) This section does not apply to any of the 620  
following: 621

(a) An officer, agent, or employee of this or any other 622  
state or the United States who is authorized to carry deadly 623  
weapons or dangerous ordnance and is acting within the scope of 624  
the officer's, agent's, or employee's duties, a law enforcement 625  
officer who is authorized to carry deadly weapons or dangerous 626  
ordnance, a security officer employed by a board of education or 627  
governing body of a school during the time that the security 628  
officer is on duty pursuant to that contract of employment, or 629  
any other person who has written authorization from the board of 630

education or governing body of a school to convey deadly weapons 631  
or dangerous ordnance into a school safety zone or to possess a 632  
deadly weapon or dangerous ordnance in a school safety zone and 633  
who conveys or possesses the deadly weapon or dangerous ordnance 634  
in accordance with that authorization; 635

(b) Any person who is employed in this state, who is 636  
authorized to carry deadly weapons or dangerous ordnance, and 637  
who is subject to and in compliance with the requirements of 638  
section 109.801 of the Revised Code, unless the appointing 639  
authority of the person has expressly specified that the 640  
exemption provided in division (D) (1) (b) of this section does 641  
not apply to the person. 642

(2) Division (C) of this section does not apply to 643  
premises upon which home schooling is conducted. Division (C) of 644  
this section also does not apply to a school administrator, 645  
teacher, or employee who possesses an object that is 646  
indistinguishable from a firearm for legitimate school purposes 647  
during the course of employment, a student who uses an object 648  
that is indistinguishable from a firearm under the direction of 649  
a school administrator, teacher, or employee, or any other 650  
person who with the express prior approval of a school 651  
administrator possesses an object that is indistinguishable from 652  
a firearm for a legitimate purpose, including the use of the 653  
object in a ceremonial activity, a play, reenactment, or other 654  
dramatic presentation, school safety training, or a ROTC 655  
activity or another similar use of the object. 656

(3) This section does not apply to a person who conveys or 657  
attempts to convey a handgun into, or possesses a handgun in, a 658  
school safety zone if, at the time of that conveyance, attempted 659  
conveyance, or possession of the handgun, all of the following 660

apply: 661

(a) The person does not enter into a school building or 662  
onto school premises and is not at a school activity. 663

(b) The person ~~is carrying~~ has been issued a valid 664  
concealed handgun license that is valid at the time of the 665  
conveyance, attempted conveyance, or possession or the person is 666  
an active duty member of the armed forces of the United States 667  
and is carrying a valid military identification card and 668  
documentation of successful completion of firearms training that 669  
meets or exceeds the training requirements described in division 670  
(G) (1) of section 2923.125 of the Revised Code. 671

(c) The person is in the school safety zone in accordance 672  
with 18 U.S.C. 922(q) (2) (B). 673

(d) The person is not knowingly in a place described in 674  
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 675  
Revised Code. 676

(4) This section does not apply to a person who conveys or 677  
attempts to convey a handgun into, or possesses a handgun in, a 678  
school safety zone if at the time of that conveyance, attempted 679  
conveyance, or possession of the handgun all of the following 680  
apply: 681

(a) The person ~~is carrying~~ has been issued a valid 682  
concealed handgun license that is valid at the time of the 683  
conveyance, attempted conveyance, or possession or the person is 684  
an active duty member of the armed forces of the United States 685  
and is carrying a valid military identification card and 686  
documentation of successful completion of firearms training that 687  
meets or exceeds the training requirements described in division 688  
(G) (1) of section 2923.125 of the Revised Code. 689

(b) The person leaves the handgun in a motor vehicle.	690
(c) The handgun does not leave the motor vehicle.	691
(d) If the person exits the motor vehicle, the person locks the motor vehicle.	692 693
(E) (1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree.	694 695 696 697 698 699 700 701 702 703
(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony of the fifth degree.	704 705 706 707 708 709 710 711 712
(F) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F) (2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the state board of	713 714 715 716 717 718

education prescribes minimum standards under section 3301.07 of 719  
the Revised Code, the court shall impose upon the offender a 720  
class four suspension of the offender's probationary driver's 721  
license, restricted license, driver's license, commercial 722  
driver's license, temporary instruction permit, or probationary 723  
commercial driver's license that then is in effect from the 724  
range specified in division (A)(4) of section 4510.02 of the 725  
Revised Code and shall deny the offender the issuance of any 726  
permit or license of that type during the period of the 727  
suspension. 728

If the offender is not a resident of this state, the court 729  
shall impose a class four suspension of the nonresident 730  
operating privilege of the offender from the range specified in 731  
division (A)(4) of section 4510.02 of the Revised Code. 732

(2) If the offender shows good cause why the court should 733  
not suspend one of the types of licenses, permits, or privileges 734  
specified in division (F)(1) of this section or deny the 735  
issuance of one of the temporary instruction permits specified 736  
in that division, the court in its discretion may choose not to 737  
impose the suspension, revocation, or denial required in that 738  
division, but the court, in its discretion, instead may require 739  
the offender to perform community service for a number of hours 740  
determined by the court. 741

(G) As used in this section, "object that is 742  
indistinguishable from a firearm" means an object made, 743  
constructed, or altered so that, to a reasonable person without 744  
specialized training in firearms, the object appears to be a 745  
firearm. 746

**Sec. 2923.123.** (A) No person shall knowingly convey or 747  
attempt to convey a deadly weapon or dangerous ordnance into a 748

courthouse or into another building or structure in which a 749  
courtroom is located. 750

(B) No person shall knowingly possess or have under the 751  
person's control a deadly weapon or dangerous ordnance in a 752  
courthouse or in another building or structure in which a 753  
courtroom is located. 754

(C) This section does not apply to any of the following: 755

(1) Except as provided in division (E) of this section, a 756  
judge of a court of record of this state or a magistrate; 757

(2) A peace officer, officer of a law enforcement agency, 758  
or person who is in either of the following categories: 759

(a) Except as provided in division (E) of this section, a 760  
peace officer, or an officer of a law enforcement agency of 761  
another state, a political subdivision of another state, or the 762  
United States, who is authorized to carry a deadly weapon or 763  
dangerous ordnance, who possesses or has under that individual's 764  
control a deadly weapon or dangerous ordnance as a requirement 765  
of that individual's duties, and who is acting within the scope 766  
of that individual's duties at the time of that possession or 767  
control; 768

(b) Except as provided in division (E) of this section, a 769  
person who is employed in this state, who is authorized to carry 770  
a deadly weapon or dangerous ordnance, who possesses or has 771  
under that individual's control a deadly weapon or dangerous 772  
ordnance as a requirement of that person's duties, and who is 773  
subject to and in compliance with the requirements of section 774  
109.801 of the Revised Code, unless the appointing authority of 775  
the person has expressly specified that the exemption provided 776  
in division (C) (2) (b) of this section does not apply to the 777

person. 778

(3) A person who conveys, attempts to convey, possesses, 779  
or has under the person's control a deadly weapon or dangerous 780  
ordnance that is to be used as evidence in a pending criminal or 781  
civil action or proceeding; 782

(4) Except as provided in division (E) of this section, a 783  
bailiff or deputy bailiff of a court of record of this state who 784  
is authorized to carry a firearm pursuant to section 109.77 of 785  
the Revised Code, who possesses or has under that individual's 786  
control a firearm as a requirement of that individual's duties, 787  
and who is acting within the scope of that individual's duties 788  
at the time of that possession or control; 789

(5) Except as provided in division (E) of this section, a 790  
prosecutor, or a secret service officer appointed by a county 791  
prosecuting attorney, who is authorized to carry a deadly weapon 792  
or dangerous ordnance in the performance of the individual's 793  
duties, who possesses or has under that individual's control a 794  
deadly weapon or dangerous ordnance as a requirement of that 795  
individual's duties, and who is acting within the scope of that 796  
individual's duties at the time of that possession or control; 797

(6) Except as provided in division (E) of this section, a 798  
person who conveys or attempts to convey a handgun into a 799  
courthouse or into another building or structure in which a 800  
courtroom is located, ~~who~~ if the person has been issued a 801  
concealed handgun license that is valid at the time of the 802  
conveyance or attempt or, at the time of the conveyance or 803  
attempt, ~~either is carrying a valid concealed handgun license or~~ 804  
the person is an active duty member of the armed forces of the 805  
United States and is carrying a valid military identification 806  
card and documentation of successful completion of firearms 807

training that meets or exceeds the training requirements 808  
described in division (G) (1) of section 2923.125 of the Revised 809  
Code, and ~~who~~ if in either case the person transfers possession 810  
of the handgun to the officer or officer's designee who has 811  
charge of the courthouse or building. The officer shall secure 812  
the handgun until the licensee is prepared to leave the 813  
premises. The exemption described in this division applies only 814  
if the officer who has charge of the courthouse or building 815  
provides services of the nature described in this division. An 816  
officer who has charge of the courthouse or building is not 817  
required to offer services of the nature described in this 818  
division. 819

(D) (1) Whoever violates division (A) of this section is 820  
guilty of illegal conveyance of a deadly weapon or dangerous 821  
ordnance into a courthouse. Except as otherwise provided in this 822  
division, illegal conveyance of a deadly weapon or dangerous 823  
ordnance into a courthouse is a felony of the fifth degree. If 824  
the offender previously has been convicted of a violation of 825  
division (A) or (B) of this section, illegal conveyance of a 826  
deadly weapon or dangerous ordnance into a courthouse is a 827  
felony of the fourth degree. 828

(2) Whoever violates division (B) of this section is 829  
guilty of illegal possession or control of a deadly weapon or 830  
dangerous ordnance in a courthouse. Except as otherwise provided 831  
in this division, illegal possession or control of a deadly 832  
weapon or dangerous ordnance in a courthouse is a felony of the 833  
fifth degree. If the offender previously has been convicted of a 834  
violation of division (A) or (B) of this section, illegal 835  
possession or control of a deadly weapon or dangerous ordnance 836  
in a courthouse is a felony of the fourth degree. 837

(E) The exemptions described in divisions (C) (1), (2) (a), 838  
(2) (b), (4), (5), and (6) of this section do not apply to any 839  
judge, magistrate, peace officer, officer of a law enforcement 840  
agency, bailiff, deputy bailiff, prosecutor, secret service 841  
officer, or other person described in any of those divisions if 842  
a rule of superintendence or another type of rule adopted by the 843  
supreme court pursuant to Article IV, Ohio Constitution, or an 844  
applicable local rule of court prohibits all persons from 845  
conveying or attempting to convey a deadly weapon or dangerous 846  
ordnance into a courthouse or into another building or structure 847  
in which a courtroom is located or from possessing or having 848  
under one's control a deadly weapon or dangerous ordnance in a 849  
courthouse or in another building or structure in which a 850  
courtroom is located. 851

(F) As used in this section: 852

(1) "Magistrate" means an individual who is appointed by a 853  
court of record of this state and who has the powers and may 854  
perform the functions specified in Civil Rule 53, Criminal Rule 855  
19, or Juvenile Rule 40. 856

(2) "Peace officer" and "prosecutor" have the same 857  
meanings as in section 2935.01 of the Revised Code. 858

**Sec. 2923.126.** (A) A concealed handgun license that is 859  
issued under section 2923.125 of the Revised Code shall expire 860  
five years after the date of issuance. A licensee who has been 861  
issued a license under that section shall be granted a grace 862  
period of thirty days after the licensee's license expires 863  
during which the licensee's license remains valid. Except as 864  
provided in divisions (B) and (C) of this section, a licensee 865  
who has been issued a concealed handgun license under section 866  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 867

handgun anywhere in this state if the ~~licensee also carries a~~ 868  
license is valid ~~license~~ when the licensee is in actual 869  
possession of a concealed handgun. The licensee shall give 870  
notice of any change in the licensee's residence address to the 871  
sheriff who issued the license within forty-five days after that 872  
change. 873

~~If a licensee is the driver or an occupant of a motor~~ 874  
~~vehicle that is stopped as the result of a traffic stop or a~~ 875  
~~stop for another law enforcement purpose and if the licensee is~~ 876  
~~transporting or has a loaded handgun in the motor vehicle at~~ 877  
~~that time, the licensee shall promptly inform any law~~ 878  
~~enforcement officer who approaches the vehicle while stopped~~ 879  
~~that the licensee has been issued a concealed handgun license~~ 880  
~~and that the licensee currently possesses or has a loaded~~ 881  
~~handgun; the licensee shall not knowingly disregard or fail to~~ 882  
~~comply with lawful orders of a law enforcement officer given~~ 883  
~~while the motor vehicle is stopped, knowingly fail to remain in~~ 884  
~~the motor vehicle while stopped, or knowingly fail to keep the~~ 885  
~~licensee's hands in plain sight after any law enforcement~~ 886  
~~officer begins approaching the licensee while stopped and before~~ 887  
~~the officer leaves, unless directed otherwise by a law~~ 888  
~~enforcement officer; and the licensee shall not knowingly have~~ 889  
~~contact with the loaded handgun by touching it with the~~ 890  
~~licensee's hands or fingers, in any manner in violation of~~ 891  
~~division (E) of section 2923.16 of the Revised Code, after any~~ 892  
~~law enforcement officer begins approaching the licensee while~~ 893  
~~stopped and before the officer leaves. Additionally, if a~~ 894  
~~licensee is the driver or an occupant of a commercial motor~~ 895  
~~vehicle that is stopped by an employee of the motor carrier~~ 896  
~~enforcement unit for the purposes defined in section 5503.34 of~~ 897  
~~the Revised Code and the licensee is transporting or has a~~ 898

~~loaded handgun in the commercial motor vehicle at that time, the~~ 899  
~~licensee shall promptly inform the employee of the unit who~~ 900  
~~approaches the vehicle while stopped that the licensee has been~~ 901  
~~issued a concealed handgun license and that the licensee~~ 902  
~~currently possesses or has a loaded handgun.~~ 903

~~If a licensee is stopped for a law enforcement purpose and~~ 904  
~~if the licensee is carrying a concealed handgun at the time the~~ 905  
~~officer approaches, the licensee shall promptly inform any law~~ 906  
~~enforcement officer who approaches the licensee while stopped~~ 907  
~~that the licensee has been issued a concealed handgun license~~ 908  
~~and that the licensee currently is carrying a concealed handgun;~~ 909  
~~the licensee shall not knowingly disregard or fail to comply~~ 910  
~~with lawful orders of a law enforcement officer given while the~~ 911  
~~licensee is stopped, or knowingly fail to keep the licensee's~~ 912  
~~hands in plain sight after any law enforcement officer begins~~ 913  
~~approaching the licensee while stopped and before the officer~~ 914  
~~leaves, unless directed otherwise by a law enforcement officer;~~ 915  
~~and the licensee shall not knowingly remove, attempt to remove,~~ 916  
~~grasp, or hold the loaded handgun or knowingly have contact with~~ 917  
~~the loaded handgun by touching it with the licensee's hands or~~ 918  
~~fingers, in any manner in violation of division (B) of section~~ 919  
~~2923.12 of the Revised Code, after any law enforcement officer~~ 920  
~~begins approaching the licensee while stopped and before the~~ 921  
~~officer leaves.~~ 922

(B) A valid concealed handgun license does not authorize 923  
the licensee to carry a concealed handgun in any manner 924  
prohibited under division (B) of section 2923.12 of the Revised 925  
Code or in any manner prohibited under section 2923.16 of the 926  
Revised Code. A valid license does not authorize the licensee to 927  
carry a concealed handgun into any of the following places: 928

(1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section 5119.14 of the Revised Code or division (A) (1) of section 5123.03 of the Revised Code; 929  
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(2) A school safety zone if the licensee's carrying the concealed handgun is in violation of section 2923.122 of the Revised Code; 940  
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(3) A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of section 2923.123 of the Revised Code; 943  
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(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code; 946  
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(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed 950  
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handgun on the premises;	959
(6) Any church, synagogue, mosque, or other place of	960
worship, unless the church, synagogue, mosque, or other place of	961
worship posts or permits otherwise;	962
(7) Any building that is a government facility of this	963
state or a political subdivision of this state and that is not a	964
building that is used primarily as a shelter, restroom, parking	965
facility for motor vehicles, or rest facility and is not a	966
courthouse or other building or structure in which a courtroom	967
is located that is subject to division (B)(3) of this section,	968
unless the governing body with authority over the building has	969
enacted a statute, ordinance, or policy that permits a licensee	970
to carry a concealed handgun into the building;	971
(8) A place in which federal law prohibits the carrying of	972
handguns.	973
(C)(1) Nothing in this section shall negate or restrict a	974
rule, policy, or practice of a private employer that is not a	975
private college, university, or other institution of higher	976
education concerning or prohibiting the presence of firearms on	977
the private employer's premises or property, including motor	978
vehicles owned by the private employer. Nothing in this section	979
shall require a private employer of that nature to adopt a rule,	980
policy, or practice concerning or prohibiting the presence of	981
firearms on the private employer's premises or property,	982
including motor vehicles owned by the private employer.	983
(2)(a) A private employer shall be immune from liability	984
in a civil action for any injury, death, or loss to person or	985
property that allegedly was caused by or related to a licensee	986
bringing a handgun onto the premises or property of the private	987

employer, including motor vehicles owned by the private 988  
employer, unless the private employer acted with malicious 989  
purpose. A private employer is immune from liability in a civil 990  
action for any injury, death, or loss to person or property that 991  
allegedly was caused by or related to the private employer's 992  
decision to permit a licensee to bring, or prohibit a licensee 993  
from bringing, a handgun onto the premises or property of the 994  
private employer. 995

(b) A political subdivision shall be immune from liability 996  
in a civil action, to the extent and in the manner provided in 997  
Chapter 2744. of the Revised Code, for any injury, death, or 998  
loss to person or property that allegedly was caused by or 999  
related to a licensee bringing a handgun onto any premises or 1000  
property owned, leased, or otherwise under the control of the 1001  
political subdivision. As used in this division, "political 1002  
subdivision" has the same meaning as in section 2744.01 of the 1003  
Revised Code. 1004

(c) An institution of higher education shall be immune 1005  
from liability in a civil action for any injury, death, or loss 1006  
to person or property that allegedly was caused by or related to 1007  
a licensee bringing a handgun onto the premises of the 1008  
institution, including motor vehicles owned by the institution, 1009  
unless the institution acted with malicious purpose. An 1010  
institution of higher education is immune from liability in a 1011  
civil action for any injury, death, or loss to person or 1012  
property that allegedly was caused by or related to the 1013  
institution's decision to permit a licensee or class of 1014  
licensees to bring a handgun onto the premises of the 1015  
institution. 1016

(d) A nonprofit corporation shall be immune from liability 1017

in a civil action for any injury, death, or loss to person or 1018  
property that allegedly was caused by or related to a licensee 1019  
bringing a handgun onto the premises of the nonprofit 1020  
corporation, including any motor vehicle owned by the nonprofit 1021  
corporation, or to any event organized by the nonprofit 1022  
corporation, unless the nonprofit corporation acted with 1023  
malicious purpose. A nonprofit corporation is immune from 1024  
liability in a civil action for any injury, death, or loss to 1025  
person or property that allegedly was caused by or related to 1026  
the nonprofit corporation's decision to permit a licensee to 1027  
bring a handgun onto the premises of the nonprofit corporation 1028  
or to any event organized by the nonprofit corporation. 1029

(3) (a) Except as provided in division (C) (3) (b) of this 1030  
section and section 2923.1214 of the Revised Code, the owner or 1031  
person in control of private land or premises, and a private 1032  
person or entity leasing land or premises owned by the state, 1033  
the United States, or a political subdivision of the state or 1034  
the United States, may post a sign in a conspicuous location on 1035  
that land or on those premises prohibiting persons from carrying 1036  
firearms or concealed firearms on or onto that land or those 1037  
premises. Except as otherwise provided in this division, a 1038  
person who knowingly violates a posted prohibition of that 1039  
nature is guilty of criminal trespass in violation of division 1040  
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 1041  
misdemeanor of the fourth degree. If a person knowingly violates 1042  
a posted prohibition of that nature and the posted land or 1043  
premises primarily was a parking lot or other parking facility, 1044  
the person is not guilty of criminal trespass under section 1045  
2911.21 of the Revised Code or under any other criminal law of 1046  
this state or criminal law, ordinance, or resolution of a 1047  
political subdivision of this state, and instead is subject only 1048

to a civil cause of action for trespass based on the violation. 1049

If a person knowingly violates a posted prohibition of the 1050  
nature described in this division and the posted land or 1051  
premises is a child day-care center, type A family day-care 1052  
home, or type B family day-care home, unless the person is a 1053  
licensee who resides in a type A family day-care home or type B 1054  
family day-care home, the person is guilty of aggravated 1055  
trespass in violation of section 2911.211 of the Revised Code. 1056  
Except as otherwise provided in this division, the offender is 1057  
guilty of a misdemeanor of the first degree. If the person 1058  
previously has been convicted of a violation of this division or 1059  
of any offense of violence, if the weapon involved is a firearm 1060  
that is either loaded or for which the offender has ammunition 1061  
ready at hand, or if the weapon involved is dangerous ordnance, 1062  
the offender is guilty of a felony of the fourth degree. 1063

(b) A landlord may not prohibit or restrict a tenant who 1064  
is a licensee and who on or after September 9, 2008, enters into 1065  
a rental agreement with the landlord for the use of residential 1066  
premises, and the tenant's guest while the tenant is present, 1067  
from lawfully carrying or possessing a handgun on those 1068  
residential premises. 1069

(c) As used in division (C) (3) of this section: 1070

(i) "Residential premises" has the same meaning as in 1071  
section 5321.01 of the Revised Code, except "residential 1072  
premises" does not include a dwelling unit that is owned or 1073  
operated by a college or university. 1074

(ii) "Landlord," "tenant," and "rental agreement" have the 1075  
same meanings as in section 5321.01 of the Revised Code. 1076

(D) A person who holds a valid concealed handgun license 1077

issued by another state that is recognized by the attorney 1078  
general pursuant to a reciprocity agreement entered into 1079  
pursuant to section 109.69 of the Revised Code or a person who 1080  
holds a valid concealed handgun license under the circumstances 1081  
described in division (B) of section 109.69 of the Revised Code 1082  
has the same right to carry a concealed handgun in this state as 1083  
a person who was issued a concealed handgun license under 1084  
section 2923.125 of the Revised Code and is subject to the same 1085  
restrictions that apply to a person who ~~carries~~ has been issued 1086  
a license ~~issued~~ under that section that is valid at the time in 1087  
question. 1088

(E) (1) A peace officer has the same right to carry a 1089  
concealed handgun in this state as a person who was issued a 1090  
concealed handgun license under section 2923.125 of the Revised 1091  
Code, provided that the officer when carrying a concealed 1092  
handgun under authority of this division is carrying validating 1093  
identification. For purposes of reciprocity with other states, a 1094  
peace officer shall be considered to be a licensee in this 1095  
state. 1096

(2) An active duty member of the armed forces of the 1097  
United States who is carrying a valid military identification 1098  
card and documentation of successful completion of firearms 1099  
training that meets or exceeds the training requirements 1100  
described in division (G) (1) of section 2923.125 of the Revised 1101  
Code has the same right to carry a concealed handgun in this 1102  
state as a person who was issued a concealed handgun license 1103  
under section 2923.125 of the Revised Code and is subject to the 1104  
same restrictions as specified in this section. 1105

(3) A tactical medical professional who is qualified to 1106  
carry firearms while on duty under section 109.771 of the 1107

Revised Code has the same right to carry a concealed handgun in 1108  
this state as a person who was issued a concealed handgun 1109  
license under section 2923.125 of the Revised Code. 1110

(F) (1) A qualified retired peace officer who possesses a 1111  
retired peace officer identification card issued pursuant to 1112  
division (F) (2) of this section and a valid firearms 1113  
requalification certification issued pursuant to division (F) (3) 1114  
of this section has the same right to carry a concealed handgun 1115  
in this state as a person who was issued a concealed handgun 1116  
license under section 2923.125 of the Revised Code and is 1117  
subject to the same restrictions that apply to a person who 1118  
~~carries~~ has been issued a license issued under that section that 1119  
is valid at the time in question. For purposes of reciprocity 1120  
with other states, a qualified retired peace officer who 1121  
possesses a retired peace officer identification card issued 1122  
pursuant to division (F) (2) of this section and a valid firearms 1123  
requalification certification issued pursuant to division (F) (3) 1124  
of this section shall be considered to be a licensee in this 1125  
state. 1126

(2) (a) Each public agency of this state or of a political 1127  
subdivision of this state that is served by one or more peace 1128  
officers shall issue a retired peace officer identification card 1129  
to any person who retired from service as a peace officer with 1130  
that agency, if the issuance is in accordance with the agency's 1131  
policies and procedures and if the person, with respect to the 1132  
person's service with that agency, satisfies all of the 1133  
following: 1134

(i) The person retired in good standing from service as a 1135  
peace officer with the public agency, and the retirement was not 1136  
for reasons of mental instability. 1137

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

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

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

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

that certification, the identification card shall serve as the 1168  
firearms requalification certification for the retired peace 1169  
officer. If the issuing public agency issues credentials to 1170  
active law enforcement officers who serve the agency, the agency 1171  
may comply with division (F)(2)(a) of this section by issuing 1172  
the same credentials to persons who retired from service as a 1173  
peace officer with the agency and who satisfy the criteria set 1174  
forth in divisions (F)(2)(a)(i) to (iv) of this section, 1175  
provided that the credentials so issued to retired peace 1176  
officers are stamped with the word "RETIRED." 1177

(c) A public agency of this state or of a political 1178  
subdivision of this state may charge persons who retired from 1179  
service as a peace officer with the agency a reasonable fee for 1180  
issuing to the person a retired peace officer identification 1181  
card pursuant to division (F)(2)(a) of this section. 1182

(3) If a person retired from service as a peace officer 1183  
with a public agency of this state or of a political subdivision 1184  
of this state and the person satisfies the criteria set forth in 1185  
divisions (F)(2)(a)(i) to (iv) of this section, the public 1186  
agency may provide the retired peace officer with the 1187  
opportunity to attend a firearms requalification program that is 1188  
approved for purposes of firearms requalification required under 1189  
section 109.801 of the Revised Code. The retired peace officer 1190  
may be required to pay the cost of the course. 1191

If a retired peace officer who satisfies the criteria set 1192  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 1193  
a firearms requalification program that is approved for purposes 1194  
of firearms requalification required under section 109.801 of 1195  
the Revised Code, the retired peace officer's successful 1196  
completion of the firearms requalification program requalifies 1197

the retired peace officer for purposes of division (F) of this 1198  
section for five years from the date on which the program was 1199  
successfully completed, and the requalification is valid during 1200  
that five-year period. If a retired peace officer who satisfies 1201  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1202  
section satisfactorily completes such a firearms requalification 1203  
program, the retired peace officer shall be issued a firearms 1204  
requalification certification that identifies the retired peace 1205  
officer by name, identifies the entity that taught the program, 1206  
specifies that the retired peace officer successfully completed 1207  
the program, specifies the date on which the course was 1208  
successfully completed, and specifies that the requalification 1209  
is valid for five years from that date of successful completion. 1210  
The firearms requalification certification for a retired peace 1211  
officer may be included in the retired peace officer 1212  
identification card issued to the retired peace officer under 1213  
division (F) (2) of this section. 1214

A retired peace officer who attends a firearms 1215  
requalification program that is approved for purposes of 1216  
firearms requalification required under section 109.801 of the 1217  
Revised Code may be required to pay the cost of the program. 1218

(G) As used in this section: 1219

(1) "Qualified retired peace officer" means a person who 1220  
satisfies all of the following: 1221

(a) The person satisfies the criteria set forth in 1222  
divisions (F) (2) (a) (i) to (v) of this section. 1223

(b) The person is not under the influence of alcohol or 1224  
another intoxicating or hallucinatory drug or substance. 1225

(c) The person is not prohibited by federal law from 1226

receiving firearms. 1227

(2) "Retired peace officer identification card" means an 1228  
identification card that is issued pursuant to division (F) (2) 1229  
of this section to a person who is a retired peace officer. 1230

(3) "Government facility of this state or a political 1231  
subdivision of this state" means any of the following: 1232

(a) A building or part of a building that is owned or 1233  
leased by the government of this state or a political 1234  
subdivision of this state and where employees of the government 1235  
of this state or the political subdivision regularly are present 1236  
for the purpose of performing their official duties as employees 1237  
of the state or political subdivision; 1238

(b) The office of a deputy registrar serving pursuant to 1239  
Chapter 4503. of the Revised Code that is used to perform deputy 1240  
registrar functions. 1241

(4) "Governing body" has the same meaning as in section 1242  
154.01 of the Revised Code. 1243

(5) "Tactical medical professional" has the same meaning 1244  
as in section 109.71 of the Revised Code. 1245

(6) "Validating identification" means photographic 1246  
identification issued by the agency for which an individual 1247  
serves as a peace officer that identifies the individual as a 1248  
peace officer of the agency. 1249

(7) "Nonprofit corporation" means any private organization 1250  
that is exempt from federal income taxation pursuant to 1251  
subsection 501(a) and described in subsection 501(c) of the 1252  
Internal Revenue Code. 1253

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 1254

concealed handgun license is arrested for or otherwise charged 1255  
with an offense described in division (D) (1) (d) of section 1256  
2923.125 of the Revised Code or with a violation of section 1257  
2923.15 of the Revised Code or becomes subject to a temporary 1258  
protection order or to a protection order issued by a court of 1259  
another state that is substantially equivalent to a temporary 1260  
protection order, the sheriff who issued the license shall 1261  
suspend it and shall comply with division (A) (3) of this section 1262  
upon becoming aware of the arrest, charge, or protection order. 1263  
Upon suspending the license, the sheriff also shall comply with 1264  
division (H) of section 2923.125 of the Revised Code. 1265

(b) A suspension under division (A) (1) (a) of this section 1266  
shall be considered as beginning on the date that the licensee 1267  
is arrested for or otherwise charged with an offense described 1268  
in that division or on the date the appropriate court issued the 1269  
protection order described in that division, irrespective of 1270  
when the sheriff notifies the licensee under division (A) (3) of 1271  
this section. The suspension shall end on the date on which the 1272  
charges are dismissed or the licensee is found not guilty of the 1273  
offense described in division (A) (1) (a) of this section or, 1274  
subject to division (B) of this section, on the date the 1275  
appropriate court terminates the protection order described in 1276  
that division. If the suspension so ends, the sheriff shall 1277  
return the license or temporary emergency license to the 1278  
licensee. 1279

(2) (a) If a licensee holding a valid concealed handgun 1280  
license is convicted of or pleads guilty to a misdemeanor 1281  
violation of division ~~(B) (1), (2), (B) (2)~~ or (4) of section 1282  
2923.12 of the Revised Code or of division ~~(E) (1), (2), (3), (E)~~ 1283  
(3) or (5) of section 2923.16 of the Revised Code, ~~except as~~ 1284  
~~provided in division (A) (2) (c) of this section and subject to~~ 1285

division (C) of this section, the sheriff who issued the license 1286  
shall suspend it and shall comply with division (A) (3) of this 1287  
section upon becoming aware of the conviction or guilty plea. 1288  
Upon suspending the license, the sheriff also shall comply with 1289  
division (H) of section 2923.125 of the Revised Code. 1290

(b) A suspension under division (A) (2) (a) of this section 1291  
shall be considered as beginning on the date that the licensee 1292  
is convicted of or pleads guilty to the offense described in 1293  
that division, irrespective of when the sheriff notifies the 1294  
licensee under division (A) (3) of this section. If the 1295  
suspension is imposed for a misdemeanor violation of division 1296  
~~(B) (1) or (2)~~ (B) (2) of section 2923.12 of the Revised Code or 1297  
of division ~~(E) (1), (2), or (3)~~ (E) (3) of section 2923.16 of the 1298  
Revised Code, it shall end on the date that is one year after 1299  
the date that the licensee is convicted of or pleads guilty to 1300  
that violation. If the suspension is imposed for a misdemeanor 1301  
violation of division (B) (4) of section 2923.12 of the Revised 1302  
Code or of division (E) (5) of section 2923.16 of the Revised 1303  
Code, it shall end on the date that is two years after the date 1304  
that the licensee is convicted of or pleads guilty to that 1305  
violation. If the licensee's license was issued under section 1306  
2923.125 of the Revised Code and the license remains valid after 1307  
the suspension ends as described in this division, when the 1308  
suspension ends, the sheriff shall return the license to the 1309  
licensee. If the licensee's license was issued under section 1310  
2923.125 of the Revised Code and the license expires before the 1311  
suspension ends as described in this division, or if the 1312  
licensee's license was issued under section 2923.1213 of the 1313  
Revised Code, the licensee is not eligible to apply for a new 1314  
license under section 2923.125 or 2923.1213 of the Revised Code 1315  
or to renew the license under section 2923.125 of the Revised 1316

Code until after the suspension ends as described in this 1317  
division. 1318

~~(c) The license of a licensee who is convicted of or 1319  
pleads guilty to a violation of division (B) (1) of section 1320  
2923.12 or division (E) (1) or (2) of section 2923.16 of the 1321  
Revised Code shall not be suspended pursuant to division (A) (2) 1322  
(a) of this section if, at the time of the stop of the licensee 1323  
for a law enforcement purpose, for a traffic stop, or for a 1324  
purpose defined in section 5503.34 of the Revised Code that was 1325  
the basis of the violation, any law enforcement officer involved 1326  
with the stop or the employee of the motor carrier enforcement 1327  
unit who made the stop had actual knowledge of the licensee's 1328  
status as a licensee. 1329~~

(3) Upon becoming aware of an arrest, charge, or 1330  
protection order described in division (A) (1) (a) of this section 1331  
with respect to a licensee who was issued a concealed handgun 1332  
license, or a conviction of or plea of guilty to a misdemeanor 1333  
offense described in division (A) (2) (a) of this section with 1334  
respect to a licensee who was issued a concealed handgun license 1335  
and with respect to which ~~division (A) (2) (c) of this section 1336  
does not apply~~, subject to division (C) of this section, the 1337  
sheriff who issued the licensee's license shall notify the 1338  
licensee, by certified mail, return receipt requested, at the 1339  
licensee's last known residence address that the license has 1340  
been suspended and that the licensee is required to surrender 1341  
the license at the sheriff's office within ten days of the date 1342  
on which the notice was mailed. If the suspension is pursuant to 1343  
division (A) (2) of this section, the notice shall identify the 1344  
date on which the suspension ends. 1345

(B) (1) A sheriff who issues a concealed handgun license to 1346

a licensee shall revoke the license in accordance with division 1347  
(B) (2) of this section upon becoming aware that the licensee 1348  
satisfies any of the following: 1349

(a) The licensee is under twenty-one years of age. 1350

(b) Subject to division (C) of this section, at the time 1351  
of the issuance of the license, the licensee did not satisfy the 1352  
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1353  
(g), or (h) of section 2923.125 of the Revised Code. 1354

(c) Subject to division (C) of this section, on or after 1355  
the date on which the license was issued, the licensee is 1356  
convicted of or pleads guilty to a violation of section 2923.15 1357  
of the Revised Code or an offense described in division (D) (1) 1358  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1359

(d) On or after the date on which the license was issued, 1360  
the licensee becomes subject to a civil protection order or to a 1361  
protection order issued by a court of another state that is 1362  
substantially equivalent to a civil protection order. 1363

(e) The licensee knowingly carries a concealed handgun 1364  
into a place that the licensee knows is an unauthorized place 1365  
specified in division (B) of section 2923.126 of the Revised 1366  
Code. 1367

(f) On or after the date on which the license was issued, 1368  
the licensee is adjudicated as a mental defective or is 1369  
committed to a mental institution. 1370

(g) At the time of the issuance of the license, the 1371  
licensee did not meet the residency requirements described in 1372  
division (D) (1) of section 2923.125 of the Revised Code and 1373  
currently does not meet the residency requirements described in 1374  
that division. 1375

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

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

(C) If a sheriff who issues a concealed handgun license to a licensee becomes aware that at the time of the issuance of the license the licensee had been convicted of or pleaded guilty to an offense identified in division (D)(1)(e), (f), or (h) of section 2923.125 of the Revised Code or had been adjudicated a delinquent child for committing an act or violation identified in any of those divisions or becomes aware that on or after the

date on which the license was issued the licensee has been 1407  
convicted of or pleaded guilty to an offense identified in 1408  
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 1409  
shall not consider that conviction, guilty plea, or adjudication 1410  
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 1411  
(1), and (B) (2) of this section if a court has ordered the 1412  
sealing or expungement of the records of that conviction, guilty 1413  
plea, or adjudication pursuant to sections 2151.355 to 2151.358 1414  
or sections 2953.31 to 2953.36 of the Revised Code or the 1415  
licensee has been relieved under operation of law or legal 1416  
process from the disability imposed pursuant to section 2923.13 1417  
of the Revised Code relative to that conviction, guilty plea, or 1418  
adjudication. 1419

(D) As used in this section, "motor carrier enforcement 1420  
unit" has the same meaning as in section 2923.16 of the Revised 1421  
Code. 1422

**Sec. 2923.16.** (A) No person shall knowingly discharge a 1423  
firearm while in or on a motor vehicle. 1424

(B) No person shall knowingly transport or have a loaded 1425  
firearm in a motor vehicle in such a manner that the firearm is 1426  
accessible to the operator or any passenger without leaving the 1427  
vehicle. 1428

(C) No person shall knowingly transport or have a firearm 1429  
in a motor vehicle, unless the person may lawfully possess that 1430  
firearm under applicable law of this state or the United States, 1431  
the firearm is unloaded, and the firearm is carried in one of 1432  
the following ways: 1433

(1) In a closed package, box, or case; 1434

(2) In a compartment that can be reached only by leaving 1435

the vehicle; 1436

(3) In plain sight and secured in a rack or holder made 1437  
for the purpose; 1438

(4) If the firearm is at least twenty-four inches in 1439  
overall length as measured from the muzzle to the part of the 1440  
stock furthest from the muzzle and if the barrel is at least 1441  
eighteen inches in length, either in plain sight with the action 1442  
open or the weapon stripped, or, if the firearm is of a type on 1443  
which the action will not stay open or which cannot easily be 1444  
stripped, in plain sight. 1445

(D) No person shall knowingly transport or have a loaded 1446  
handgun in a motor vehicle if, at the time of that 1447  
transportation or possession, any of the following applies: 1448

(1) The person is under the influence of alcohol, a drug 1449  
of abuse, or a combination of them. 1450

(2) The person's whole blood, blood serum or plasma, 1451  
breath, or urine contains a concentration of alcohol, a listed 1452  
controlled substance, or a listed metabolite of a controlled 1453  
substance prohibited for persons operating a vehicle, as 1454  
specified in division (A) of section 4511.19 of the Revised 1455  
Code, regardless of whether the person at the time of the 1456  
transportation or possession as described in this division is 1457  
the operator of or a passenger in the motor vehicle. 1458

(E) No person who has been issued a concealed handgun 1459  
license or who is an active duty member of the armed forces of 1460  
the United States and is carrying a valid military 1461  
identification card and documentation of successful completion 1462  
of firearms training that meets or exceeds the training 1463  
requirements described in division (G) (1) of section 2923.125 of 1464

the Revised Code, who is the driver or an occupant of a motor 1465  
vehicle that is stopped as a result of a traffic stop or a stop 1466  
for another law enforcement purpose or is the driver or an 1467  
occupant of a commercial motor vehicle that is stopped by an 1468  
employee of the motor carrier enforcement unit for the purposes 1469  
defined in section 5503.34 of the Revised Code, and who is 1470  
transporting or has a loaded handgun in the motor vehicle or 1471  
commercial motor vehicle in any manner, shall do any of the 1472  
following: 1473

(1) ~~Fail to promptly inform any law enforcement officer~~ 1474  
~~who approaches the vehicle while stopped that the person has~~ 1475  
~~been issued a concealed handgun license or is authorized to~~ 1476  
~~carry a concealed handgun as an active duty member of the armed~~ 1477  
~~forces of the United States and~~ Before or at the time a law 1478  
enforcement officer asks if the person is carrying a concealed 1479  
handgun, knowingly fail to disclose that the person then 1480  
possesses or has a loaded handgun in the motor vehicle, provided 1481  
that it is not a violation of this division if the person fails 1482  
to disclose that fact to an officer during the stop and the 1483  
person already has notified another officer of that fact during 1484  
the same stop; 1485

(2) ~~Fail to promptly inform the employee of the unit who~~ 1486  
~~approaches the vehicle while stopped that the person has been~~ 1487  
~~issued a concealed handgun license or is authorized to carry a~~ 1488  
~~concealed handgun as an active duty member of the armed forces~~ 1489  
~~of the United States and~~ Before or at the time an employee of 1490  
the motor carrier enforcement unit asks if the person is 1491  
carrying a concealed handgun, knowingly fail to disclose that 1492  
the person then possesses or has a loaded handgun in the 1493  
commercial motor vehicle, provided that it is not a violation of 1494  
this division if the person fails to disclose that fact to an 1495

employee of the unit during the stop and the person already has 1496  
notified another employee of the unit of that fact during the 1497  
same stop; 1498

(3) Knowingly fail to remain in the motor vehicle while 1499  
stopped or knowingly fail to keep the person's hands in plain 1500  
sight at any time after any law enforcement officer begins 1501  
approaching the person while stopped and before the law 1502  
enforcement officer leaves, unless the failure is pursuant to 1503  
and in accordance with directions given by a law enforcement 1504  
officer; 1505

(4) Knowingly have contact with the loaded handgun by 1506  
touching it with the person's hands or fingers in the motor 1507  
vehicle at any time after the law enforcement officer begins 1508  
approaching and before the law enforcement officer leaves, 1509  
unless the person has contact with the loaded handgun pursuant 1510  
to and in accordance with directions given by the law 1511  
enforcement officer; 1512

(5) Knowingly disregard or fail to comply with any lawful 1513  
order of any law enforcement officer given while the motor 1514  
vehicle is stopped, including, but not limited to, a specific 1515  
order to the person to keep the person's hands in plain sight. 1516

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1517  
not apply to any of the following: 1518

(a) An officer, agent, or employee of this or any other 1519  
state or the United States, or a law enforcement officer, when 1520  
authorized to carry or have loaded or accessible firearms in 1521  
motor vehicles and acting within the scope of the officer's, 1522  
agent's, or employee's duties; 1523

(b) Any person who is employed in this state, who is 1524

authorized to carry or have loaded or accessible firearms in 1525  
motor vehicles, and who is subject to and in compliance with the 1526  
requirements of section 109.801 of the Revised Code, unless the 1527  
appointing authority of the person has expressly specified that 1528  
the exemption provided in division (F) (1) (b) of this section 1529  
does not apply to the person. 1530

(2) Division (A) of this section does not apply to a 1531  
person if all of the following circumstances apply: 1532

(a) The person discharges a firearm from a motor vehicle 1533  
at a coyote or groundhog, the discharge is not during the deer 1534  
gun hunting season as set by the chief of the division of 1535  
wildlife of the department of natural resources, and the 1536  
discharge at the coyote or groundhog, but for the operation of 1537  
this section, is lawful. 1538

(b) The motor vehicle from which the person discharges the 1539  
firearm is on real property that is located in an unincorporated 1540  
area of a township and that either is zoned for agriculture or 1541  
is used for agriculture. 1542

(c) The person owns the real property described in 1543  
division (F) (2) (b) of this section, is the spouse or a child of 1544  
another person who owns that real property, is a tenant of 1545  
another person who owns that real property, or is the spouse or 1546  
a child of a tenant of another person who owns that real 1547  
property. 1548

(d) The person does not discharge the firearm in any of 1549  
the following manners: 1550

(i) While under the influence of alcohol, a drug of abuse, 1551  
or alcohol and a drug of abuse; 1552

(ii) In the direction of a street, highway, or other 1553

public or private property used by the public for vehicular 1554  
traffic or parking; 1555

(iii) At or into an occupied structure that is a permanent 1556  
or temporary habitation; 1557

(iv) In the commission of any violation of law, including, 1558  
but not limited to, a felony that includes, as an essential 1559  
element, purposely or knowingly causing or attempting to cause 1560  
the death of or physical harm to another and that was committed 1561  
by discharging a firearm from a motor vehicle. 1562

(3) Division (A) of this section does not apply to a 1563  
person if all of the following apply: 1564

(a) The person possesses a valid all-purpose vehicle 1565  
permit issued under section 1533.103 of the Revised Code by the 1566  
chief of the division of wildlife. 1567

(b) The person discharges a firearm at a wild quadruped or 1568  
game bird as defined in section 1531.01 of the Revised Code 1569  
during the open hunting season for the applicable wild quadruped 1570  
or game bird. 1571

(c) The person discharges a firearm from a stationary all- 1572  
purpose vehicle as defined in section 1531.01 of the Revised 1573  
Code from private or publicly owned lands or from a motor 1574  
vehicle that is parked on a road that is owned or administered 1575  
by the division of wildlife. 1576

(d) The person does not discharge the firearm in any of 1577  
the following manners: 1578

(i) While under the influence of alcohol, a drug of abuse, 1579  
or alcohol and a drug of abuse; 1580

(ii) In the direction of a street, a highway, or other 1581

public or private property that is used by the public for 1582  
vehicular traffic or parking; 1583

(iii) At or into an occupied structure that is a permanent 1584  
or temporary habitation; 1585

(iv) In the commission of any violation of law, including, 1586  
but not limited to, a felony that includes, as an essential 1587  
element, purposely or knowingly causing or attempting to cause 1588  
the death of or physical harm to another and that was committed 1589  
by discharging a firearm from a motor vehicle. 1590

(4) Divisions (B) and (C) of this section do not apply to 1591  
a person if all of the following circumstances apply: 1592

(a) At the time of the alleged violation of either of 1593  
those divisions, the person is the operator of or a passenger in 1594  
a motor vehicle. 1595

(b) The motor vehicle is on real property that is located 1596  
in an unincorporated area of a township and that either is zoned 1597  
for agriculture or is used for agriculture. 1598

(c) The person owns the real property described in 1599  
division ~~(D) (4) (b)~~ (F) (4) (b) of this section, is the spouse or a 1600  
child of another person who owns that real property, is a tenant 1601  
of another person who owns that real property, or is the spouse 1602  
or a child of a tenant of another person who owns that real 1603  
property. 1604

(d) The person, prior to arriving at the real property 1605  
described in division ~~(D) (4) (b)~~ (F) (4) (b) of this section, did 1606  
not transport or possess a firearm in the motor vehicle in a 1607  
manner prohibited by division (B) or (C) of this section while 1608  
the motor vehicle was being operated on a street, highway, or 1609  
other public or private property used by the public for 1610

vehicular traffic or parking. 1611

(5) Divisions (B) and (C) of this section do not apply to 1612  
a person who transports or possesses a handgun in a motor 1613  
vehicle if, at the time of that transportation or possession, 1614  
both of the following apply: 1615

(a) The person transporting or possessing the handgun ~~is~~ 1616  
~~either carrying a valid~~ has been issued a concealed handgun 1617  
license that is valid at the time in question or the person is 1618  
an active duty member of the armed forces of the United States 1619  
and is carrying a valid military identification card and 1620  
documentation of successful completion of firearms training that 1621  
meets or exceeds the training requirements described in division 1622  
(G) (1) of section 2923.125 of the Revised Code. 1623

(b) The person transporting or possessing the handgun is 1624  
not knowingly in a place described in division (B) of section 1625  
2923.126 of the Revised Code. 1626

(6) Divisions (B) and (C) of this section do not apply to 1627  
a person if all of the following apply: 1628

(a) The person possesses a valid all-purpose vehicle 1629  
permit issued under section 1533.103 of the Revised Code by the 1630  
chief of the division of wildlife. 1631

(b) The person is on or in an all-purpose vehicle as 1632  
defined in section 1531.01 of the Revised Code or a motor 1633  
vehicle during the open hunting season for a wild quadruped or 1634  
game bird. 1635

(c) The person is on or in an all-purpose vehicle as 1636  
defined in section 1531.01 of the Revised Code on private or 1637  
publicly owned lands or on or in a motor vehicle that is parked 1638  
on a road that is owned or administered by the division of 1639

wildlife. 1640

(7) Nothing in this section prohibits or restricts a 1641  
person from possessing, storing, or leaving a firearm in a 1642  
locked motor vehicle that is parked in the state underground 1643  
parking garage at the state capitol building or in the parking 1644  
garage at the Riffe center for government and the arts in 1645  
Columbus, if the person's transportation and possession of the 1646  
firearm in the motor vehicle while traveling to the premises or 1647  
facility was not in violation of division (A), (B), (C), (D), or 1648  
(E) of this section or any other provision of the Revised Code. 1649

(G) (1) The affirmative defenses authorized in divisions 1650  
(D) (1) and (2) of section 2923.12 of the Revised Code are 1651  
affirmative defenses to a charge under division (B) or (C) of 1652  
this section that involves a firearm other than a handgun. 1653

(2) It is an affirmative defense to a charge under 1654  
division (B) or (C) of this section of improperly handling 1655  
firearms in a motor vehicle that the actor transported or had 1656  
the firearm in the motor vehicle for any lawful purpose and 1657  
while the motor vehicle was on the actor's own property, 1658  
provided that this affirmative defense is not available unless 1659  
the person, immediately prior to arriving at the actor's own 1660  
property, did not transport or possess the firearm in a motor 1661  
vehicle in a manner prohibited by division (B) or (C) of this 1662  
section while the motor vehicle was being operated on a street, 1663  
highway, or other public or private property used by the public 1664  
for vehicular traffic. 1665

(H) (1) No person who is charged with a violation of 1666  
division (B), (C), or (D) of this section shall be required to 1667  
obtain a concealed handgun license as a condition for the 1668  
dismissal of the charge. 1669

(2) (a) If a person is convicted of, was convicted of, 1670  
pleads guilty to, or has pleaded guilty to a violation of 1671  
division (E) of this section as it existed prior to September 1672  
30, 2011, and ~~if~~ the conduct that was the basis of the violation 1673  
no longer would be a violation of division (E) of this section 1674  
on or after September 30, 2011, or if a person is convicted of, 1675  
was convicted of, pleads guilty to, or has pleaded guilty to a 1676  
violation of division (E) (1) or (2) of this section as it 1677  
existed prior to the effective date of this amendment, the 1678  
person may file an application under section 2953.37 of the 1679  
Revised Code requesting the expungement of the record of 1680  
conviction. 1681

If a person is convicted of, was convicted of, pleads 1682  
guilty to, or has pleaded guilty to a violation of division (B) 1683  
or (C) of this section as the division existed prior to 1684  
September 30, 2011, and if the conduct that was the basis of the 1685  
violation no longer would be a violation of division (B) or (C) 1686  
of this section on or after September 30, 2011, due to the 1687  
application of division (F) (5) of this section as it exists on 1688  
and after September 30, 2011, the person may file an application 1689  
under section 2953.37 of the Revised Code requesting the 1690  
expungement of the record of conviction. 1691

(b) The attorney general shall develop a public media 1692  
advisory that summarizes the expungement procedure established 1693  
under section 2953.37 of the Revised Code and the offenders 1694  
identified in division (H) (2) (a) of this section and those 1695  
identified in division (E) (2) of section 2923.12 of the Revised 1696  
Code who are authorized to apply for the expungement. Within 1697  
thirty days after September 30, 2011, with respect to violations 1698  
of division (B), (C), or (E) of this section as they existed 1699  
prior to that date, and within thirty days after the effective 1700

date of this amendment with respect to a violation of division 1701  
(E) (1) or (2) of this section or division (B) (1) of section 1702  
2923.12 of the Revised Code as they existed prior to the 1703  
effective date of this amendment, the attorney general shall 1704  
provide a copy of the advisory to each daily newspaper published 1705  
in this state and each television station that broadcasts in 1706  
this state. The attorney general may provide the advisory in a 1707  
tangible form, an electronic form, or in both tangible and 1708  
electronic forms. 1709

(I) Whoever violates this section is guilty of improperly 1710  
handling firearms in a motor vehicle. ~~Violation~~ A violation of 1711  
division (A) of this section is a felony of the fourth degree. 1712  
~~Violation~~ A violation of division (C) of this section is a 1713  
misdemeanor of the fourth degree. A violation of division (D) of 1714  
this section is a felony of the fifth degree or, if the loaded 1715  
handgun is concealed on the person's person, a felony of the 1716  
fourth degree. ~~Except as otherwise provided in this division, a~~ 1717  
A violation of division (E) (1) or (2) of this section is a 1718  
misdemeanor of the ~~first~~ second degree, ~~and, in addition to any~~ 1719  
~~other penalty or sanction imposed for the violation, the~~ 1720  
~~offender's concealed handgun license shall be suspended pursuant~~ 1721  
~~to division (A) (2) of section 2923.128 of the Revised Code. If~~ 1722  
~~at the time of the stop of the offender for a traffic stop, for~~ 1723  
~~another law enforcement purpose, or for a purpose defined in~~ 1724  
~~section 5503.34 of the Revised Code that was the basis of the~~ 1725  
~~violation any law enforcement officer involved with the stop or~~ 1726  
~~the employee of the motor carrier enforcement unit who made the~~ 1727  
~~stop had actual knowledge of the offender's status as a~~ 1728  
~~licensee, a violation of division (E) (1) or (2) of this section~~ 1729  
~~is a minor misdemeanor, and the offender's concealed handgun~~ 1730  
~~license shall not be suspended pursuant to division (A) (2) of~~ 1731

~~section 2923.128 of the Revised Code.~~ A violation of division 1732  
(E) (4) of this section is a felony of the fifth degree. A 1733  
violation of division (E) (3) or (5) of this section is a 1734  
misdemeanor of the first degree or, if the offender previously 1735  
has been convicted of or pleaded guilty to a violation of 1736  
division (E) (3) or (5) of this section, a felony of the fifth 1737  
degree. In addition to any other penalty or sanction imposed for 1738  
a misdemeanor violation of division (E) (3) or (5) of this 1739  
section, the offender's concealed handgun license shall be 1740  
suspended pursuant to division (A) (2) of section 2923.128 of the 1741  
Revised Code. A violation of division (B) of this section is a 1742  
felony of the fourth degree. 1743

(J) If a law enforcement officer stops a motor vehicle for 1744  
a traffic stop or any other purpose, if any person in the motor 1745  
vehicle surrenders a firearm to the officer, either voluntarily 1746  
or pursuant to a request or demand of the officer, and if the 1747  
officer does not charge the person with a violation of this 1748  
section or arrest the person for any offense, the person is not 1749  
otherwise prohibited by law from possessing the firearm, and the 1750  
firearm is not contraband, the officer shall return the firearm 1751  
to the person at the termination of the stop. If a court orders 1752  
a law enforcement officer to return a firearm to a person 1753  
pursuant to the requirement set forth in this division, division 1754  
(B) of section 2923.163 of the Revised Code applies. 1755

(K) As used in this section: 1756

(1) "Motor vehicle," "street," and "highway" have the same 1757  
meanings as in section 4511.01 of the Revised Code. 1758

(2) "Occupied structure" has the same meaning as in 1759  
section 2909.01 of the Revised Code. 1760

(3) "Agriculture" has the same meaning as in section 1761  
519.01 of the Revised Code. 1762

(4) "Tenant" has the same meaning as in section 1531.01 of 1763  
the Revised Code. 1764

(5) (a) "Unloaded" means, with respect to a firearm other 1765  
than a firearm described in division (K) (6) of this section, 1766  
that no ammunition is in the firearm in question, no magazine or 1767  
speed loader containing ammunition is inserted into the firearm 1768  
in question, and one of the following applies: 1769

(i) There is no ammunition in a magazine or speed loader 1770  
that is in the vehicle in question and that may be used with the 1771  
firearm in question. 1772

(ii) Any magazine or speed loader that contains ammunition 1773  
and that may be used with the firearm in question is stored in a 1774  
compartment within the vehicle in question that cannot be 1775  
accessed without leaving the vehicle or is stored in a container 1776  
that provides complete and separate enclosure. 1777

(b) For the purposes of division (K) (5) (a) (ii) of this 1778  
section, a "container that provides complete and separate 1779  
enclosure" includes, but is not limited to, any of the 1780  
following: 1781

(i) A package, box, or case with multiple compartments, as 1782  
long as the loaded magazine or speed loader and the firearm in 1783  
question either are in separate compartments within the package, 1784  
box, or case, or, if they are in the same compartment, the 1785  
magazine or speed loader is contained within a separate 1786  
enclosure in that compartment that does not contain the firearm 1787  
and that closes using a snap, button, buckle, zipper, hook and 1788  
loop closing mechanism, or other fastener that must be opened to 1789

access the contents or the firearm is contained within a 1790  
separate enclosure of that nature in that compartment that does 1791  
not contain the magazine or speed loader; 1792

(ii) A pocket or other enclosure on the person of the 1793  
person in question that closes using a snap, button, buckle, 1794  
zipper, hook and loop closing mechanism, or other fastener that 1795  
must be opened to access the contents. 1796

(c) For the purposes of divisions (K) (5) (a) and (b) of 1797  
this section, ammunition held in stripper-clips or in en-bloc 1798  
clips is not considered ammunition that is loaded into a 1799  
magazine or speed loader. 1800

(6) "Unloaded" means, with respect to a firearm employing 1801  
a percussion cap, flintlock, or other obsolete ignition system, 1802  
when the weapon is uncapped or when the priming charge is 1803  
removed from the pan. 1804

(7) "Commercial motor vehicle" has the same meaning as in 1805  
division (A) of section 4506.25 of the Revised Code. 1806

(8) "Motor carrier enforcement unit" means the motor 1807  
carrier enforcement unit in the department of public safety, 1808  
division of state highway patrol, that is created by section 1809  
5503.34 of the Revised Code. 1810

(L) Divisions (K) (5) (a) and (b) of this section do not 1811  
affect the authority of a person who ~~is carrying~~ has been issued 1812  
a ~~valid~~ concealed handgun license that is valid at the time in 1813  
question to have one or more magazines or speed loaders 1814  
containing ammunition anywhere in a vehicle, without being 1815  
transported as described in those divisions, as long as no 1816  
ammunition is in a firearm, other than a handgun, in the vehicle 1817  
other than as permitted under any other provision of this 1818

chapter. A person who ~~is carrying~~ has been issued a valid  
concealed handgun license that is valid at the time in question  
may have one or more magazines or speed loaders containing  
ammunition anywhere in a vehicle without further restriction, as  
long as no ammunition is in a firearm, other than a handgun, in  
the vehicle other than as permitted under any provision of this  
chapter.

**Sec. 2953.37.** (A) As used in this section: 1826

(1) "Expunge" means to destroy, delete, and erase a record  
as appropriate for the record's physical or electronic form or  
characteristic so that the record is permanently irretrievable. 1827  
1828  
1829

(2) "Official records" has the same meaning as in section  
2953.51 of the Revised Code. 1830  
1831

(3) "Prosecutor" has the same meaning as in section  
2953.31 of the Revised Code. 1832  
1833

(4) "Record of conviction" means the record related to a  
conviction of or plea of guilty to an offense. 1834  
1835

(B) Any person who is convicted of, was convicted of,  
pleads guilty to, or has pleaded guilty to a violation of  
division (B), (C), or (E) of section 2923.16 of the Revised Code  
as the division existed prior to September 30, 2011, or a  
violation of division (E) (1) or (2) of section 2923.16 of the  
Revised Code as the division existed prior to the effective date  
of this amendment and who is authorized by division (H) (2) (a) of  
that section to file an application under this section for the  
expungement of the conviction record may apply to the sentencing  
court for the expungement of the record of conviction. Any  
person who is convicted of, was convicted of, pleads guilty to,  
or has pleaded guilty to a violation of division (B) (1) of

section 2923.12 of the Revised Code as it existed prior to the 1848  
effective date of this amendment and who is authorized by 1849  
division (E) (2) of that section may apply to the sentencing 1850  
court for the expungement of the record of conviction. The 1851  
person may file the application at any time on or after 1852  
September 30, 2011, with respect to violations of division (B), 1853  
(C), or (E) of section 2923.16 of the Revised Code as they 1854  
existed prior to that date, or at any time on or after the 1855  
effective date of this amendment with respect to a violation of 1856  
division (B) (1) of section 2923.12 of the Revised Code or of 1857  
division (E) (1) or (2) of section 2923.16 of the Revised Code as 1858  
the particular division existed prior to the effective date of 1859  
this amendment. The application shall do all of the following: 1860

(1) Identify the applicant, the offense for which the 1861  
expungement is sought, the date of the conviction of or plea of 1862  
guilty to that offense, and the court in which the conviction 1863  
occurred or the plea of guilty was entered; 1864

(2) Include evidence that the offense was a violation of 1865  
division (B), (C), or (E) of section 2923.16 of the Revised Code 1866  
as the division existed prior to September 30, 2011, or was a 1867  
violation of division (B) (1) of section 2923.12 of the Revised 1868  
Code or of division (E) (1) or (2) of section 2923.16 of the 1869  
Revised Code as the particular division existed prior to the 1870  
effective date of this amendment and that the applicant is 1871  
authorized by division (H) (2) (a) of ~~that~~ section 2923.16 or 1872  
division (E) (2) of section 2923.12 of the Revised Code, 1873  
whichever is applicable, to file an application under this 1874  
section; 1875

(3) Include a request for expungement of the record of 1876  
conviction of that offense under this section. 1877

(C) Upon the filing of an application under division (B) 1878  
of this section and the payment of the fee described in division 1879  
(D) (3) of this section if applicable, the court shall set a date 1880  
for a hearing and shall notify the prosecutor for the case of 1881  
the hearing on the application. The prosecutor may object to the 1882  
granting of the application by filing an objection with the 1883  
court prior to the date set for the hearing. The prosecutor 1884  
shall specify in the objection the reasons for believing a 1885  
denial of the application is justified. The court shall direct 1886  
its regular probation officer, a state probation officer, or the 1887  
department of probation of the county in which the applicant 1888  
resides to make inquiries and written reports as the court 1889  
requires concerning the applicant. The court shall hold the 1890  
hearing scheduled under this division. 1891

(D) (1) At the hearing held under division (C) of this 1892  
section, the court shall do each of the following: 1893

(a) Determine whether the applicant has been convicted of 1894  
or pleaded guilty to a violation of division (E) of section 1895  
2923.16 of the Revised Code as the division existed prior to 1896  
September 30, 2011, and whether the conduct that was the basis 1897  
of the violation no longer would be a violation of that division 1898  
on or after September 30, 2011; 1899

(b) Determine whether the applicant has been convicted of 1900  
or pleaded guilty to a violation of division (B) or (C) of 1901  
section 2923.16 of the Revised Code as the division existed 1902  
prior to September 30, 2011, and whether the conduct that was 1903  
the basis of the violation no longer would be a violation of 1904  
that division on or after September 30, 2011, due to the 1905  
application of division (F) (5) of that section as it exists on 1906  
and after September 30, 2011; 1907

(c) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (B) (1) of section 2923.12 of the Revised Code or of division (E) (1) or (2) of section 2923.16 of the Revised Code as the particular division existed prior to the effective date of this amendment; 1908  
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(d) If the prosecutor has filed an objection in accordance with division (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection; 1913  
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~~(d)~~ (e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged against the legitimate needs, if any, of the government to maintain those records. 1917  
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(2) (a) The court may order the expungement of all official records pertaining to the case and the deletion of all index references to the case and, if it does order the expungement, shall send notice of the order to each public office or agency that the court has reason to believe may have an official record pertaining to the case if the court, after complying with division (D) (1) of this section, determines both of the following: 1921  
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(i) That the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the Revised Code as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, ~~or;~~ that the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and the conduct that was the basis of the violation no 1929  
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longer would be a violation of that division on or after 1938  
September 30, 2011, due to the application of division (F) (5) of 1939  
that section as it exists on and after September 30, 2011; or 1940  
that the applicant has been convicted of or pleaded guilty to a 1941  
violation of division (B) (1) of section 2923.12 of the Revised 1942  
Code or of division (E) (1) or (2) of section 2923.16 of the 1943  
Revised Code as the particular division existed prior to the 1944  
effective date of this amendment; 1945

(ii) That the interests of the applicant in having the 1946  
records pertaining to the applicant's conviction or guilty plea 1947  
expunged are not outweighed by any legitimate needs of the 1948  
government to maintain those records. 1949

(b) The proceedings in the case that is the subject of an 1950  
order issued under division (D) (2) (a) of this section shall be 1951  
considered not to have occurred and the conviction or guilty 1952  
plea of the person who is the subject of the proceedings shall 1953  
be expunged. The record of the conviction shall not be used for 1954  
any purpose, including, but not limited to, a criminal records 1955  
check under section 109.572 of the Revised Code or a 1956  
determination under section 2923.125 or 2923.1213 of the Revised 1957  
Code of eligibility for a concealed handgun license. The 1958  
applicant may, and the court shall, reply that no record exists 1959  
with respect to the applicant upon any inquiry into the matter. 1960

(3) Upon the filing of an application under this section, 1961  
the applicant, unless indigent, shall pay a fee of fifty 1962  
dollars. The court shall pay thirty dollars of the fee into the 1963  
state treasury and shall pay twenty dollars of the fee into the 1964  
county general revenue fund. 1965

**Section 2.** That existing sections 1547.69, 2923.12, 1966  
2923.121, 2923.122, 2923.123, 2923.126, 2923.128, 2923.16, and 1967

2953.37 of the Revised Code are hereby repealed. 1968

**Section 3.** Section 2953.37 of the Revised Code is 1969  
presented in this act as a composite of the section as amended 1970  
by both H.B. 228 and H.B. 425 of the 132nd General Assembly. The 1971  
General Assembly, applying the principle stated in division (B) 1972  
of section 1.52 of the Revised Code that amendments are to be 1973  
harmonized if reasonably capable of simultaneous operation, 1974  
finds that the composite is the resulting version of the section 1975  
in effect prior to the effective date of the section as 1976  
presented in this act. 1977