

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 266

Senator Schaffer

A BILL

To amend section 2923.126 of the Revised Code to 1
generally grant civil immunity for certain 2
injuries to a person who acts in self-defense or 3
defense of another during the commission, or 4
imminent commission, of an offense of violence 5
to protect the members or guests of a nonprofit 6
corporation under certain circumstances. 7

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

Section 1. That section 2923.126 of the Revised Code be 8
amended to read as follows: 9

Sec. 2923.126. (A) A concealed handgun license that is 10
issued under section 2923.125 of the Revised Code shall expire 11
five years after the date of issuance. A licensee who has been 12
issued a license under that section shall be granted a grace 13
period of thirty days after the licensee's license expires 14
during which the licensee's license remains valid. Except as 15
provided in divisions (B) and (C) of this section, a licensee 16
who has been issued a concealed handgun license under section 17
2923.125 or 2923.1213 of the Revised Code may carry a concealed 18
handgun anywhere in this state if the licensee also carries a 19

valid license when the licensee is in actual possession of a 20
concealed handgun. The licensee shall give notice of any change 21
in the licensee's residence address to the sheriff who issued 22
the license within forty-five days after that change. 23

If a licensee is the driver or an occupant of a motor 24
vehicle that is stopped as the result of a traffic stop or a 25
stop for another law enforcement purpose and if the licensee is 26
transporting or has a loaded handgun in the motor vehicle at 27
that time, the licensee shall promptly inform any law 28
enforcement officer who approaches the vehicle while stopped 29
that the licensee has been issued a concealed handgun license 30
and that the licensee currently possesses or has a loaded 31
handgun; the licensee shall not knowingly disregard or fail to 32
comply with lawful orders of a law enforcement officer given 33
while the motor vehicle is stopped, knowingly fail to remain in 34
the motor vehicle while stopped, or knowingly fail to keep the 35
licensee's hands in plain sight after any law enforcement 36
officer begins approaching the licensee while stopped and before 37
the officer leaves, unless directed otherwise by a law 38
enforcement officer; and the licensee shall not knowingly have 39
contact with the loaded handgun by touching it with the 40
licensee's hands or fingers, in any manner in violation of 41
division (E) of section 2923.16 of the Revised Code, after any 42
law enforcement officer begins approaching the licensee while 43
stopped and before the officer leaves. Additionally, if a 44
licensee is the driver or an occupant of a commercial motor 45
vehicle that is stopped by an employee of the motor carrier 46
enforcement unit for the purposes defined in section 5503.34 of 47
the Revised Code and the licensee is transporting or has a 48
loaded handgun in the commercial motor vehicle at that time, the 49
licensee shall promptly inform the employee of the unit who 50

approaches the vehicle while stopped that the licensee has been 51
issued a concealed handgun license and that the licensee 52
currently possesses or has a loaded handgun. 53

If a licensee is stopped for a law enforcement purpose and 54
if the licensee is carrying a concealed handgun at the time the 55
officer approaches, the licensee shall promptly inform any law 56
enforcement officer who approaches the licensee while stopped 57
that the licensee has been issued a concealed handgun license 58
and that the licensee currently is carrying a concealed handgun; 59
the licensee shall not knowingly disregard or fail to comply 60
with lawful orders of a law enforcement officer given while the 61
licensee is stopped, or knowingly fail to keep the licensee's 62
hands in plain sight after any law enforcement officer begins 63
approaching the licensee while stopped and before the officer 64
leaves, unless directed otherwise by a law enforcement officer; 65
and the licensee shall not knowingly remove, attempt to remove, 66
grasp, or hold the loaded handgun or knowingly have contact with 67
the loaded handgun by touching it with the licensee's hands or 68
fingers, in any manner in violation of division (B) of section 69
2923.12 of the Revised Code, after any law enforcement officer 70
begins approaching the licensee while stopped and before the 71
officer leaves. 72

(B) A valid concealed handgun license does not authorize 73
the licensee to carry a concealed handgun in any manner 74
prohibited under division (B) of section 2923.12 of the Revised 75
Code or in any manner prohibited under section 2923.16 of the 76
Revised Code. A valid license does not authorize the licensee to 77
carry a concealed handgun into any of the following places: 78

(1) A police station, sheriff's office, or state highway 79
patrol station, premises controlled by the bureau of criminal 80

identification and investigation; a state correctional 81
institution, jail, workhouse, or other detention facility; any 82
area of an airport passenger terminal that is beyond a passenger 83
or property screening checkpoint or to which access is 84
restricted through security measures by the airport authority or 85
a public agency; or an institution that is maintained, operated, 86
managed, and governed pursuant to division (A) of section 87
5119.14 of the Revised Code or division (A) (1) of section 88
5123.03 of the Revised Code; 89

(2) A school safety zone if the licensee's carrying the 90
concealed handgun is in violation of section 2923.122 of the 91
Revised Code; 92

(3) A courthouse or another building or structure in which 93
a courtroom is located if the licensee's carrying the concealed 94
handgun is in violation of section 2923.123 of the Revised Code; 95

(4) Any premises or open air arena for which a D permit 96
has been issued under Chapter 4303. of the Revised Code if the 97
licensee's carrying the concealed handgun is in violation of 98
section 2923.121 of the Revised Code; 99

(5) Any premises owned or leased by any public or private 100
college, university, or other institution of higher education, 101
unless the handgun is in a locked motor vehicle or the licensee 102
is in the immediate process of placing the handgun in a locked 103
motor vehicle or unless the licensee is carrying the concealed 104
handgun pursuant to a written policy, rule, or other 105
authorization that is adopted by the institution's board of 106
trustees or other governing body and that authorizes specific 107
individuals or classes of individuals to carry a concealed 108
handgun on the premises; 109

(6) Any church, synagogue, mosque, or other place of 110
worship, unless the church, synagogue, mosque, or other place of 111
worship posts or permits otherwise; 112

(7) Any building that is a government facility of this 113
state or a political subdivision of this state and that is not a 114
building that is used primarily as a shelter, restroom, parking 115
facility for motor vehicles, or rest facility and is not a 116
courthouse or other building or structure in which a courtroom 117
is located that is subject to division (B)(3) of this section, 118
unless the governing body with authority over the building has 119
enacted a statute, ordinance, or policy that permits a licensee 120
to carry a concealed handgun into the building; 121

(8) A place in which federal law prohibits the carrying of 122
handguns. 123

(C)(1) Nothing in this section shall negate or restrict a 124
rule, policy, or practice of a private employer that is not a 125
private college, university, or other institution of higher 126
education concerning or prohibiting the presence of firearms on 127
the private employer's premises or property, including motor 128
vehicles owned by the private employer. Nothing in this section 129
shall require a private employer of that nature to adopt a rule, 130
policy, or practice concerning or prohibiting the presence of 131
firearms on the private employer's premises or property, 132
including motor vehicles owned by the private employer. 133

(2)(a) A private employer shall be immune from liability 134
in a civil action for any injury, death, or loss to person or 135
property that allegedly was caused by or related to a licensee 136
bringing a handgun onto the premises or property of the private 137
employer, including motor vehicles owned by the private 138
employer, unless the private employer acted with malicious 139

purpose. A private employer is immune from liability in a civil 140
action for any injury, death, or loss to person or property that 141
allegedly was caused by or related to the private employer's 142
decision to permit a licensee to bring, or prohibit a licensee 143
from bringing, a handgun onto the premises or property of the 144
private employer. 145

(b) A political subdivision shall be immune from liability 146
in a civil action, to the extent and in the manner provided in 147
Chapter 2744. of the Revised Code, for any injury, death, or 148
loss to person or property that allegedly was caused by or 149
related to a licensee bringing a handgun onto any premises or 150
property owned, leased, or otherwise under the control of the 151
political subdivision. As used in this division, "political 152
subdivision" has the same meaning as in section 2744.01 of the 153
Revised Code. 154

(c) An institution of higher education shall be immune 155
from liability in a civil action for any injury, death, or loss 156
to person or property that allegedly was caused by or related to 157
a licensee bringing a handgun onto the premises of the 158
institution, including motor vehicles owned by the institution, 159
unless the institution acted with malicious purpose. An 160
institution of higher education is immune from liability in a 161
civil action for any injury, death, or loss to person or 162
property that allegedly was caused by or related to the 163
institution's decision to permit a licensee or class of 164
licensees to bring a handgun onto the premises of the 165
institution. 166

(d) (i) A nonprofit corporation shall be immune from 167
liability in a civil action for any injury, death, or loss to 168
person or property that allegedly was caused by or related to a 169

licensee bringing a handgun onto the premises of the nonprofit 170
corporation, including any motor vehicle owned by the nonprofit 171
corporation, or to any event organized by the nonprofit 172
corporation, unless the nonprofit corporation acted with 173
malicious purpose. A nonprofit corporation is immune from 174
liability in a civil action for any injury, death, or loss to 175
person or property that allegedly was caused by or related to 176
the nonprofit corporation's decision to permit a licensee to 177
bring a handgun onto the premises of the nonprofit corporation 178
or to any event organized by the nonprofit corporation. The 179
immunities described in division (C) (2) (d) (i) of this section 180
apply to a for-profit corporation that leases its property to 181
the nonprofit corporation or permits its property to be used by 182
the nonprofit corporation for any purpose. 183

(ii) No person shall be liable in a tort action for 184
injury, death, or loss to person or property allegedly caused by 185
the person's act of self-defense or defense of another when 186
performed during the commission, or imminent commission, of an 187
offense of violence to protect the members or guests, including 188
the person's self, of the nonprofit corporation under division 189
(C) (2) (d) (i) of this section against the commission, or imminent 190
commission, of that offense of violence, unless the person's act 191
constitutes willful or wanton misconduct. 192

(iii) As used in division (C) (2) (d) (ii) of this section, 193
"tort action" has the same meaning as in section 2307.60 of the 194
Revised Code. 195

(iv) Nothing in division (C) (2) (d) (ii) of this section 196
shall be construed to affect any rights to bring a civil action 197
under section 2307.60 of the Revised Code or any other section 198
of the Revised Code. 199

(v) Division (C) (2) (d) (ii) of this section does not 200
affect, and shall not be construed as affecting, any immunities 201
from civil liability or defenses established by another section 202
of the Revised Code or available at common law, to which the 203
person may be entitled under circumstances not covered by that 204
division. 205

(3) (a) Except as provided in division (C) (3) (b) of this 206
section and section 2923.1214 of the Revised Code, the owner or 207
person in control of private land or premises, and a private 208
person or entity leasing land or premises owned by the state, 209
the United States, or a political subdivision of the state or 210
the United States, may post a sign in a conspicuous location on 211
that land or on those premises prohibiting persons from carrying 212
firearms or concealed firearms on or onto that land or those 213
premises. Except as otherwise provided in this division, a 214
person who knowingly violates a posted prohibition of that 215
nature is guilty of criminal trespass in violation of division 216
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 217
misdemeanor of the fourth degree. If a person knowingly violates 218
a posted prohibition of that nature and the posted land or 219
premises primarily was a parking lot or other parking facility, 220
the person is not guilty of criminal trespass under section 221
2911.21 of the Revised Code or under any other criminal law of 222
this state or criminal law, ordinance, or resolution of a 223
political subdivision of this state, and instead is subject only 224
to a civil cause of action for trespass based on the violation. 225

If a person knowingly violates a posted prohibition of the 226
nature described in this division and the posted land or 227
premises is a child day-care center, type A family day-care 228
home, or type B family day-care home, unless the person is a 229
licensee who resides in a type A family day-care home or type B 230

family day-care home, the person is guilty of aggravated 231
trespass in violation of section 2911.211 of the Revised Code. 232
Except as otherwise provided in this division, the offender is 233
guilty of a misdemeanor of the first degree. If the person 234
previously has been convicted of a violation of this division or 235
of any offense of violence, if the weapon involved is a firearm 236
that is either loaded or for which the offender has ammunition 237
ready at hand, or if the weapon involved is dangerous ordnance, 238
the offender is guilty of a felony of the fourth degree. 239

(b) A landlord may not prohibit or restrict a tenant who 240
is a licensee and who on or after September 9, 2008, enters into 241
a rental agreement with the landlord for the use of residential 242
premises, and the tenant's guest while the tenant is present, 243
from lawfully carrying or possessing a handgun on those 244
residential premises. 245

(c) As used in division (C) (3) of this section: 246

(i) "Residential premises" has the same meaning as in 247
section 5321.01 of the Revised Code, except "residential 248
premises" does not include a dwelling unit that is owned or 249
operated by a college or university. 250

(ii) "Landlord," "tenant," and "rental agreement" have the 251
same meanings as in section 5321.01 of the Revised Code. 252

(D) A person who holds a valid concealed handgun license 253
issued by another state that is recognized by the attorney 254
general pursuant to a reciprocity agreement entered into 255
pursuant to section 109.69 of the Revised Code or a person who 256
holds a valid concealed handgun license under the circumstances 257
described in division (B) of section 109.69 of the Revised Code 258
has the same right to carry a concealed handgun in this state as 259

a person who was issued a concealed handgun license under 260
section 2923.125 of the Revised Code and is subject to the same 261
restrictions that apply to a person who carries a license issued 262
under that section. 263

(E) (1) A peace officer has the same right to carry a 264
concealed handgun in this state as a person who was issued a 265
concealed handgun license under section 2923.125 of the Revised 266
Code, provided that the officer when carrying a concealed 267
handgun under authority of this division is carrying validating 268
identification. For purposes of reciprocity with other states, a 269
peace officer shall be considered to be a licensee in this 270
state. 271

(2) An active duty member of the armed forces of the 272
United States who is carrying a valid military identification 273
card and documentation of successful completion of firearms 274
training that meets or exceeds the training requirements 275
described in division (G) (1) of section 2923.125 of the Revised 276
Code has the same right to carry a concealed handgun in this 277
state as a person who was issued a concealed handgun license 278
under section 2923.125 of the Revised Code and is subject to the 279
same restrictions as specified in this section. 280

(3) A tactical medical professional who is qualified to 281
carry firearms while on duty under section 109.771 of the 282
Revised Code has the same right to carry a concealed handgun in 283
this state as a person who was issued a concealed handgun 284
license under section 2923.125 of the Revised Code. 285

(F) (1) A qualified retired peace officer who possesses a 286
retired peace officer identification card issued pursuant to 287
division (F) (2) of this section and a valid firearms 288
requalification certification issued pursuant to division (F) (3) 289

of this section has the same right to carry a concealed handgun 290
in this state as a person who was issued a concealed handgun 291
license under section 2923.125 of the Revised Code and is 292
subject to the same restrictions that apply to a person who 293
carries a license issued under that section. For purposes of 294
reciprocity with other states, a qualified retired peace officer 295
who possesses a retired peace officer identification card issued 296
pursuant to division (F)(2) of this section and a valid firearms 297
requalification certification issued pursuant to division (F)(3) 298
of this section shall be considered to be a licensee in this 299
state. 300

(2) (a) Each public agency of this state or of a political 301
subdivision of this state that is served by one or more peace 302
officers shall issue a retired peace officer identification card 303
to any person who retired from service as a peace officer with 304
that agency, if the issuance is in accordance with the agency's 305
policies and procedures and if the person, with respect to the 306
person's service with that agency, satisfies all of the 307
following: 308

(i) The person retired in good standing from service as a 309
peace officer with the public agency, and the retirement was not 310
for reasons of mental instability. 311

(ii) Before retiring from service as a peace officer with 312
that agency, the person was authorized to engage in or supervise 313
the prevention, detection, investigation, or prosecution of, or 314
the incarceration of any person for, any violation of law and 315
the person had statutory powers of arrest. 316

(iii) At the time of the person's retirement as a peace 317
officer with that agency, the person was trained and qualified 318
to carry firearms in the performance of the peace officer's 319

duties. 320

(iv) Before retiring from service as a peace officer with 321
that agency, the person was regularly employed as a peace 322
officer for an aggregate of fifteen years or more, or, in the 323
alternative, the person retired from service as a peace officer 324
with that agency, after completing any applicable probationary 325
period of that service, due to a service-connected disability, 326
as determined by the agency. 327

(b) A retired peace officer identification card issued to 328
a person under division (F) (2) (a) of this section shall identify 329
the person by name, contain a photograph of the person, identify 330
the public agency of this state or of the political subdivision 331
of this state from which the person retired as a peace officer 332
and that is issuing the identification card, and specify that 333
the person retired in good standing from service as a peace 334
officer with the issuing public agency and satisfies the 335
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 336
section. In addition to the required content specified in this 337
division, a retired peace officer identification card issued to 338
a person under division (F) (2) (a) of this section may include 339
the firearms requalification certification described in division 340
(F) (3) of this section, and if the identification card includes 341
that certification, the identification card shall serve as the 342
firearms requalification certification for the retired peace 343
officer. If the issuing public agency issues credentials to 344
active law enforcement officers who serve the agency, the agency 345
may comply with division (F) (2) (a) of this section by issuing 346
the same credentials to persons who retired from service as a 347
peace officer with the agency and who satisfy the criteria set 348
forth in divisions (F) (2) (a) (i) to (iv) of this section, 349
provided that the credentials so issued to retired peace 350

officers are stamped with the word "RETIRED." 351

(c) A public agency of this state or of a political 352
subdivision of this state may charge persons who retired from 353
service as a peace officer with the agency a reasonable fee for 354
issuing to the person a retired peace officer identification 355
card pursuant to division (F) (2) (a) of this section. 356

(3) If a person retired from service as a peace officer 357
with a public agency of this state or of a political subdivision 358
of this state and the person satisfies the criteria set forth in 359
divisions (F) (2) (a) (i) to (iv) of this section, the public 360
agency may provide the retired peace officer with the 361
opportunity to attend a firearms requalification program that is 362
approved for purposes of firearms requalification required under 363
section 109.801 of the Revised Code. The retired peace officer 364
may be required to pay the cost of the course. 365

If a retired peace officer who satisfies the criteria set 366
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 367
a firearms requalification program that is approved for purposes 368
of firearms requalification required under section 109.801 of 369
the Revised Code, the retired peace officer's successful 370
completion of the firearms requalification program requalifies 371
the retired peace officer for purposes of division (F) of this 372
section for five years from the date on which the program was 373
successfully completed, and the requalification is valid during 374
that five-year period. If a retired peace officer who satisfies 375
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 376
section satisfactorily completes such a firearms requalification 377
program, the retired peace officer shall be issued a firearms 378
requalification certification that identifies the retired peace 379
officer by name, identifies the entity that taught the program, 380

specifies that the retired peace officer successfully completed 381
the program, specifies the date on which the course was 382
successfully completed, and specifies that the requalification 383
is valid for five years from that date of successful completion. 384
The firearms requalification certification for a retired peace 385
officer may be included in the retired peace officer 386
identification card issued to the retired peace officer under 387
division (F) (2) of this section. 388

A retired peace officer who attends a firearms 389
requalification program that is approved for purposes of 390
firearms requalification required under section 109.801 of the 391
Revised Code may be required to pay the cost of the program. 392

(G) As used in this section: 393

(1) "Qualified retired peace officer" means a person who 394
satisfies all of the following: 395

(a) The person satisfies the criteria set forth in 396
divisions (F) (2) (a) (i) to (v) of this section. 397

(b) The person is not under the influence of alcohol or 398
another intoxicating or hallucinatory drug or substance. 399

(c) The person is not prohibited by federal law from 400
receiving firearms. 401

(2) "Retired peace officer identification card" means an 402
identification card that is issued pursuant to division (F) (2) 403
of this section to a person who is a retired peace officer. 404

(3) "Government facility of this state or a political 405
subdivision of this state" means any of the following: 406

(a) A building or part of a building that is owned or 407
leased by the government of this state or a political 408

subdivision of this state and where employees of the government 409
of this state or the political subdivision regularly are present 410
for the purpose of performing their official duties as employees 411
of the state or political subdivision; 412

(b) The office of a deputy registrar serving pursuant to 413
Chapter 4503. of the Revised Code that is used to perform deputy 414
registrar functions. 415

(4) "Governing body" has the same meaning as in section 416
154.01 of the Revised Code. 417

(5) "Tactical medical professional" has the same meaning 418
as in section 109.71 of the Revised Code. 419

(6) "Validating identification" means photographic 420
identification issued by the agency for which an individual 421
serves as a peace officer that identifies the individual as a 422
peace officer of the agency. 423

(7) "Nonprofit corporation" means any private organization 424
that is exempt from federal income taxation pursuant to 425
subsection 501(a) and described in subsection 501(c) of the 426
Internal Revenue Code. 427

Section 2. That existing section 2923.126 of the Revised 428
Code is hereby repealed. 429