As Introduced

134th General Assembly
Regular Session
2021-2022

Senators Thomas, Maharath
Cosponsors: Senators Yuko, Antonio, Craig, Sykes, Fedor, Martin

A BILL

To amend sections 109.57, 2151.022, 2152.02, 2152.16, 2923.125, 2923.128, 2923.1213, 2923.13, 2923.21, 2923.211, 2923.28, 5122.311, 5747.08, and 5747.98 and to enact sections 2923.191, 2923.251, 2923.26, 2923.27, 2923.28, 2923.29, 2923.30, 2923.99, and 5747.83 of the Revised Code to enact the Defend Our Children Act to require a firearm transfer to be made through a dealer, through a law enforcement agency, or pursuant to a specified exception, to require a background check when a firearm is transferred, to raise the minimum age to purchase a firearm to age 21, to increase the penalty for improperly furnishing firearms to an underage person, to establish a process for extreme risk protection orders, to prohibit negligent storage of a firearm, to authorize an income tax credit for the purchase of firearms safety storage units, and to make an appropriation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:
Section 1. That sections 109.57, 2151.022, 2152.02, 2152.16, 2923.125, 2923.128, 2923.1213, 2923.13, 2923.21, 2923.211, 2929.28, 5122.311, 5747.08, and 5747.98 be amended and sections 2923.191, 2923.251, 2923.26, 2923.27, 2923.28, 2923.29, 2923.30, 2923.99, and 5747.83 of the Revised Code be enacted to read as follows:

Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(5)(a), (A)(4)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(5)(a), (A)(4)(a), or (A)(7)(a) of section 109.572 of the Revised Code or having...
custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence who is not in any other category of child specified in this division, if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a), (A)(3)(a), (A)(4)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or involving an
adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;

(b) The style and number of the case;

(c) The date of arrest, offense, summons, or arraignment;

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of
the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(5)(a)–(A)(4)(a), or (A)(7)(a)–(A)(6)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-
based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to a sexually oriented offense or a child-victim oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(6) The superintendent shall, upon request, assist a county coroner in the identification of a deceased person through the use of fingerprint impressions obtained pursuant to division (A)(1) of this section or collected pursuant to section 109.572 or 311.41 of the Revised Code.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential
As Introduced

facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal justice, and may establish and operate a statewide communications network to be known as the Ohio law enforcement gateway to gather and disseminate information, data, and statistics for the use of law enforcement agencies and for other uses specified in this division. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections.

(2) The superintendent or the superintendent's designee shall gather information of the nature described in division (C)(1) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for
inclusion in the state registry of sex offenders and child-
victim offenders maintained pursuant to division (A)(1) of
section 2950.13 of the Revised Code and in the internet database
operated pursuant to division (A)(13) of that section and for
possible inclusion in the internet database operated pursuant to
division (A)(11) of that section.

(3) In addition to any other authorized use of
information, data, and statistics of the nature described in
division (C)(1) of this section, the superintendent or the
superintendent's designee may provide and exchange the
information, data, and statistics pursuant to the national crime
prevention and privacy compact as described in division (A)(5)
of this section.

(4) The Ohio law enforcement gateway shall contain the
name, confidential address, and telephone number of program
participants in the address confidentiality program established
under sections 111.41 to 111.47 of the Revised Code.

(5) The attorney general may adopt rules under Chapter
119. of the Revised Code establishing guidelines for the
operation of and participation in the Ohio law enforcement
gateway. The rules may include criteria for granting and
restricting access to information gathered and disseminated
through the Ohio law enforcement gateway. The attorney general
shall adopt rules under Chapter 119. of the Revised Code that
grant access to information in the gateway regarding an address
confidentiality program participant under sections 111.41 to
111.47 of the Revised Code to only chiefs of police, village
marshals, county sheriffs, county prosecuting attorneys, and a
designee of each of these individuals. The attorney general
shall permit the state medical board and board of nursing to
access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

The attorney general may appoint a steering committee to advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

(D)(1) The following are not public records under section 149.43 of the Revised Code:

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;

(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;

(c) Information and materials furnished to any board or person under division (F) or (G) of this section.

(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.

(E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section.
reasonable fee may be charged for this service. If a temporary
employment service submits a request for a determination of
whether a person the service plans to refer to an employment
position has been convicted of or pleaded guilty to an offense
listed or described in division (A)(1), (2), or (3) of section
109.572 of the Revised Code, the request shall be treated as a
single request and only one fee shall be charged.

(2) Except as otherwise provided in this division or
division (E)(3) or (4) of this section, a rule adopted under
division (E)(1) of this section may provide only for the release
of information gathered pursuant to division (A) of this section
that relates to the conviction of a person, or a person's plea
of guilty to, a criminal offense or to the arrest of a person as
provided in division (E)(3) of this section. The superintendent
shall not release, and the attorney general shall not adopt any
rule under division (E)(1) of this section that permits the
release of, any information gathered pursuant to division (A) of
this section that relates to an adjudication of a child as a
delinquent child, or that relates to a criminal conviction of a
person under eighteen years of age if the person's case was
transferred back to a juvenile court under division (B)(2) or
(3) of section 2152.121 of the Revised Code and the juvenile
court imposed a disposition or serious youthful offender
disposition upon the person under either division, unless either
of the following applies with respect to the adjudication or
conviction:

(a) The adjudication or conviction was for a violation of
section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually
oriented offense, the juvenile court was required to classify
the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed pursuant to section 2952.32 of the Revised Code.

(3) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to the arrest of a person who is eighteen years of age or older when the person has not been convicted as a result of that arrest if any of the following applies:

(a) The arrest was made outside of this state.

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records check is performed.

(c) The bureau cannot reasonably determine whether a criminal action resulting from the arrest is pending, and not more than one year has elapsed since the date of the arrest.

(4) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to an adjudication of a child as a delinquent child if not more than five years have elapsed since the date of the adjudication, the adjudication was for an act that would have been a felony if committed by an adult, the records of the adjudication have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 of the Revised Code, and the request for information is made under...
division (F) of this section or under section 109.572 of the Revised Code. In the case of an adjudication for a violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains.

(F)(1) As used in division (F)(2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of
section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, subject to division (E)(2) of this section, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, subject to division (E)(2) of this section, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, subject to division (E)(2) of this section, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education or a registered private provider is required to receive information under this section as a prerequisite to employment of an individual pursuant to division (C) of section 3310.58 or section 3319.39 of the
Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district or provider only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(c) Notwithstanding division (F)(2)(a) of this section, in the case of a request under section 3319.39, 3319.391, or 3327.10 of the Revised Code only for criminal records maintained by the federal bureau of investigation, the superintendent shall not determine whether any information gathered under division (A) of this section exists on the person for whom the request is made.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education and
shall comply with divisions (F)(2)(a) and (c) of this section.

(G) In addition to or in conjunction with any request that is required to be made under section 3712.09, 3721.121, or 3740.11 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult or adult resident, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, or adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult or adult resident, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

In addition to or in conjunction with any request that is required to be made under section 173.27 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing ombudsman services to residents of long-term care facilities or recipients of community-based long-term care services, the state long-term care ombudsman, the director of aging, a regional long-term care ombudsman program, or the designee of the ombudsman, director, or program may request that the superintendent investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing such ombudsman services, whether the bureau has any information gathered under division (A) of this section that pertains to that applicant.
In addition to or in conjunction with any request that is required to be made under section 173.38 of the Revised Code with respect to an individual who has applied for employment in a direct-care position, the chief administrator of a provider, as defined in section 173.39 of the Revised Code, may request that the superintendent investigate and determine, with respect to any individual who has applied for employment in a position that is not a direct-care position, whether the bureau has any information gathered under division (A) of this section that pertains to that applicant.

In addition to or in conjunction with any request that is required to be made under section 3712.09 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to a pediatric respite care patient, the chief administrator of a pediatric respite care program may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing direct care to a pediatric respite care patient, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

On receipt of a request under this division, the superintendent shall determine whether that information exists and, on request of the individual requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to the applicant. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date a request is received, subject to
division (E)(2) of this section, the superintendent shall send
to the requester a report of any information determined to
exist, including information contained in records that have been
sealed under section 2953.32 of the Revised Code, and, within
thirty days of its receipt, shall send the requester a report of
any information received from the federal bureau of
investigation, other than information the dissemination of which
is prohibited by federal law.

(H) Information obtained by a government entity or person
under this section is confidential and shall not be released or
disseminated.

(I) The superintendent may charge a reasonable fee for
providing information or criminal records under division (F)(2)
or (G) of this section.

(J)(1) The superintendent shall develop and prepare
instructions and informational brochures, standard petitions,
extreme risk protection order forms, and a court staff handbook
on the extreme risk protection order process. The standard
petitions and order forms shall be prepared and available for
use not later than six months after the effective date of this
amendment, for all petitions filed and orders issued under
sections 2923.26 to 2923.30 of the Revised Code. The
instructions, brochures, forms, and handbook shall be prepared
in consultation with interested parties, including
representatives of gun violence prevention groups, judges, and
law enforcement personnel. Materials shall be based on best
practices and shall be made available online to the public.

(2) The instructions shall be designed to assist
petitioners in completing the petition, and shall include a
sample of a standard petition and extreme risk protection order
form.

(3) The instructions and standard petition shall include a means for the petitioner to identify, without special knowledge, the firearms the respondent may own, possess, receive, or have in the respondent's custody or control. The instructions shall provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms.

(4) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating an extreme risk protection order under sections 2923.26 to 2923.30 of the Revised Code and provide relevant forms.

(5) The extreme risk protection order form shall include, in a conspicuous location, notice of criminal penalties resulting from a violation of the order, and the following statement:

"You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written application."

(6) The court staff handbook shall allow for a clerk of court to add to the handbook a community resource list.

(7) The superintendent shall distribute a master copy of the petition and order forms, instructions, and informational brochures to every clerk of court and shall distribute a master copy of the petition and order forms to all county courts, municipal courts, and courts of common pleas.

(8) The superintendent shall distribute all documents in
an electronic format or formats accessible to all courts and clerks of court in the state and may additionally distribute the documents in other formats.

(9) The superintendent shall determine the significant non-English-speaking or limited English-speaking populations in the state and arrange for translation of the instructions and informational brochures required by this section into the languages spoken by those populations. The translated instructions and informational brochures shall contain a sample of the standard petition and order for protection forms. The superintendent shall distribute a master copy of the translated instructions and informational brochures to every clerk of court not later than one year after the effective date of this amendment.

(10) The superintendent shall update the instructions, brochures, standard petitions, extreme risk protection order forms, and court staff handbook as necessary, including when changes in the law make an update necessary.

(11) Any assistance or information provided by a clerk of court under division (J) of this section does not constitute the practice of law.

(K) In addition to informational brochures and materials made available by the superintendent under division (J) of this section, each clerk of court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located.

(L) As used in this section:

(1) "Pediatric respite care program" and "pediatric care
patient" have the same meanings as in section 3712.01 of the Revised Code.

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

(4) "Extreme risk protection order" has the same meaning as in section 2923.26 of the Revised Code.

Sec. 2151.022. As used in this chapter, "unruly child" includes any of the following:

(A) Any child who does not submit to the reasonable control of the child's parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient;

(B) Any child who is an habitual truant from school;

(C) Any child who behaves in a manner as to injure or endanger the child's own health or morals or the health or morals of others;

(D) Any child who violates a law, other than division (C) of section 2907.39, division (A) of section 2923.211, division (C)(1) or (D) of section 2925.55, or section 2151.87 or 2923.211 of the Revised Code, that is applicable only to a child.

Sec. 2152.02. As used in this chapter:
(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.

(B) "Admitted to a department of youth services facility" includes admission to a facility operated, or contracted for, by the department and admission to a comparable facility outside this state by another state or the United States.

(C)(1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C)(2) to (8) of this section.

(2) Subject to division (C)(3) of this section, any person who violates a federal or state law or a municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the complaint with respect to that violation is filed or the hearing on the complaint is held.

(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until after the person attains twenty-one years of age is not a child in relation to that act.

(4) Except as otherwise provided in divisions (C)(5) and (7) of this section, any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code shall be deemed after the transfer not to be a child in the transferred case.

(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in
that case, unless a serious youthful offender dispositional sentence is imposed on the child for that offense under division (B)(2) or (3) of section 2152.121 of the Revised Code and the adult portion of that sentence is not invoked pursuant to section 2152.14 of the Revised Code, and any person who is adjudicated a delinquent child for the commission of an act, who has a serious youthful offender dispositional sentence imposed for the act pursuant to section 2152.13 of the Revised Code, and whose adult portion of the dispositional sentence is invoked pursuant to section 2152.14 of the Revised Code, shall be deemed after the conviction, plea, or invocation not to be a child in any case in which a complaint is filed against the person.

(6) The juvenile court has jurisdiction over a person who is adjudicated a delinquent child or juvenile traffic offender prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, except as otherwise provided in this division, a person who is so adjudicated a delinquent child or juvenile traffic offender shall be deemed a "child" until the person attains twenty-one years of age. If a person is so adjudicated a delinquent child or juvenile traffic offender and the court makes a disposition of the person under this chapter, at any time after the person attains twenty-one years of age, the places at which the person may be held under that disposition are not limited to places authorized under this chapter solely for confinement of children, and the person may be confined under that disposition, in accordance with division (F)(2) of section 2152.26 of the Revised Code, in places other than those authorized under this chapter solely for confinement of children.

(7) The juvenile court has jurisdiction over any person
whose case is transferred for criminal prosecution solely for the purpose of detaining the person as authorized in division (F)(1) or (4) of section 2152.26 of the Revised Code unless the person is convicted of or pleads guilty to a felony in the adult court.

(8) Any person who, while eighteen years of age, violates division (A)(1) or (2) of section 2919.27 of the Revised Code by violating a protection order issued or consent agreement approved under section 2151.34 or 3113.31 of the Revised Code shall be considered a child for the purposes of that violation of section 2919.27 of the Revised Code.

(D) "Community corrections facility," "public safety beds," "release authority," and "supervised release" have the same meanings as in section 5139.01 of the Revised Code.

(E) "Delinquent child" includes any of the following:

(1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;

(2) Any child who violates any lawful order of the court made under this chapter, including a child who violates a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;

(3) Any child who violates any lawful order of the court made under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code;

(4) Any child who violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C)(1) or (D) of section 2925.55, or section 2923.211 of the Revised Code.
(F) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.

(G) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.

(H) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.

(I) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.

(J) "Electronic monitoring" and "electronic monitoring device" have the same meanings as in section 2929.01 of the Revised Code.

(K) "Economic loss" means any economic detriment suffered by a victim of a delinquent act or juvenile traffic offense as a direct and proximate result of the delinquent act or juvenile traffic offense and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act or juvenile traffic offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

(L) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(M) "Intellectual disability" has the same meaning as in
(N) "Juvenile traffic offender" means any child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, other than a resolution, ordinance, or regulation of a political subdivision of this state the violation of which is required to be handled by a parking violations bureau or a joint parking violations bureau pursuant to Chapter 4521. of the Revised Code.

(O) A "legitimate excuse for absence from the public school the child is supposed to attend" has the same meaning as in section 2151.011 of the Revised Code.

(P) "Mandatory serious youthful offender" means a person who is eligible for a mandatory SYO and who is not transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B)(3) of section 2152.121 of the Revised Code.

(Q) "Mandatory SYO" means a case in which the juvenile court is required to impose a mandatory serious youthful offender disposition under section 2152.13 of the Revised Code.

(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code.

(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(T) "Monitored time" and "repeat violent offender" have
the same meanings as in section 2929.01 of the Revised Code.

(U) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(V) "Public record" has the same meaning as in section 149.43 of the Revised Code.

(W) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B)(3) of section 2152.121 of the Revised Code.


(Y) "Traditional juvenile" means a case that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and that is not eligible for a disposition under section 2152.13 of the Revised Code.

(Z) "Transfer" means the transfer for criminal prosecution of a case involving the alleged commission by a child of an act that would be an offense if committed by an adult from the
juvenile court to the appropriate court that has jurisdiction of the offense.

(AA) "Category one offense" means any of the following:

1. A violation of section 2903.01 or 2903.02 of the Revised Code;

2. A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder.

(BB) "Category two offense" means any of the following:

1. A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code;

2. A violation of section 2903.04 of the Revised Code that is a felony of the first degree;

3. A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.

(CC) "Non-economic loss" means nonpecuniary harm suffered by a victim of a delinquent act or juvenile traffic offense as a result of or related to the delinquent act or juvenile traffic offense, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss.

Sec. 2152.16. (A)(1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult, the juvenile court may commit the child to the legal custody of the department of youth services for secure confinement as follows:
(a) For an act that would be aggravated murder or murder if committed by an adult, until the offender attains twenty-one years of age;

(b) For a violation of section 2923.02 of the Revised Code that involves an attempt to commit an act that would be aggravated murder or murder if committed by an adult, a minimum period of six to seven years as prescribed by the court and a maximum period not to exceed the child's attainment of twenty-one years of age;

(c) For a violation of section 2903.03, 2905.01, 2909.02, or 2911.01 or division (A) of section 2903.04 of the Revised Code or for a violation of any provision of section 2907.02 of the Revised Code other than division (A)(1)(b) of that section when the sexual conduct or insertion involved was consensual and when the victim of the violation of division (A)(1)(b) of that section was older than the delinquent child, was the same age as the delinquent child, or was less than three years younger than the delinquent child, for an indefinite term consisting of a minimum period of one to three years, as prescribed by the court, and a maximum period not to exceed the child's attainment of twenty-one years of age;

(d) If the child is adjudicated a delinquent child for committing an act that is not described in division (A)(1)(b) or (c) of this section and that would be a felony of the first or second degree if committed by an adult, for an indefinite term consisting of a minimum period of one year and a maximum period not to exceed the child's attainment of twenty-one years of age.

(e) For committing an act that would be a felony of the third, fourth, or fifth degree if committed by an adult or for a violation of division (A) of section 2923.211 of the Revised Code...
Code, for an indefinite term consisting of a minimum period of six months and a maximum period not to exceed the child's attainment of twenty-one years of age.

(2) In each case in which a court makes a disposition under this section, the court retains control over the commitment for the minimum period specified by the court in divisions (A)(1)(a) to (e) of this section. During the minimum period, the department of youth services shall not move the child to a nonsecure setting without the permission of the court that imposed the disposition.

(B)(1) Subject to division (B)(2) of this section, if a delinquent child is committed to the department of youth services under this section, the department may release the child at any time after the minimum period specified by the court in division (A)(1) of this section ends.

(2) A commitment under this section is subject to a supervised release or to a discharge of the child from the custody of the department for medical reasons pursuant to section 5139.54 of the Revised Code, but, during the minimum period specified by the court in division (A)(1) of this section, the department shall obtain court approval of a supervised release or discharge under that section.

(C) If a child is adjudicated a delinquent child, at the dispositional hearing and prior to making any disposition pursuant to this section, the court shall determine whether the delinquent child previously has been adjudicated a delinquent child for a violation of a law or ordinance. If the delinquent child previously has been adjudicated a delinquent child for a violation of a law or ordinance, the court, for purposes of entering an order of disposition of the delinquent child under
this section, shall consider the previous delinquent child adjudication as a conviction of a violation of the law or ordinance in determining the degree of the offense the current act would be had it been committed by an adult. This division also shall apply in relation to the imposition of any financial sanction under section 2152.19 of the Revised Code.

Sec. 2923.125. It is the intent of the general assembly that Ohio concealed handgun license law be compliant with the national instant criminal background check system, that the bureau of alcohol, tobacco, firearms, and explosives is able to determine that Ohio law is compliant with the national instant criminal background check system, and that no person shall be eligible to receive a concealed handgun license permit under section 2923.125 or 2923.1213 of the Revised Code unless the person is eligible lawfully to receive or possess a firearm in the United States.

(A) This section applies with respect to the application for and issuance by this state of concealed handgun licenses other than concealed handgun licenses on a temporary emergency basis that are issued under section 2923.1213 of the Revised Code. Upon the request of a person who wishes to obtain a concealed handgun license with respect to which this section applies or to renew a concealed handgun license with respect to which this section applies, a sheriff, as provided in division (I) of this section, shall provide to the person free of charge an application form and the web site address at which a printable version of the application form that can be downloaded and the pamphlet described in division (B) of section 109.731 of the Revised Code may be found. A sheriff shall accept a completed application form and the fee, items, materials, and information specified in divisions (B)(1) to (5) of this section
at the times and in the manners described in division (I) of this section.

(B) An applicant for a concealed handgun license who is a resident of this state shall submit a completed application form and all of the material and information described in divisions (B)(1) to (6) of this section to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides. An applicant for a license who resides in another state shall submit a completed application form and all of the material and information described in divisions (B)(1) to (7) of this section to the sheriff of the county in which the applicant is employed or to the sheriff of any county adjacent to the county in which the applicant is employed:

(1)(a) A nonrefundable license fee as described in either of the following:

(i) For an applicant who has been a resident of this state for five or more years, a fee of sixty-seven dollars;

(ii) For an applicant who has been a resident of this state for less than five years or who is not a resident of this state, but who is employed in this state, a fee of sixty-seven dollars plus the actual cost of having a background check performed by the federal bureau of investigation.

(b) No sheriff shall require an applicant to pay for the cost of a background check performed by the bureau of criminal identification and investigation.

(c) A sheriff shall waive the payment of the license fee described in division (B)(1)(a) of this section in connection with an initial or renewal application for a license that is
submitted by an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, a retired peace officer, a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code, or a retired federal law enforcement officer who, prior to retirement, was authorized under federal law to carry a firearm in the course of duty, unless the retired peace officer, person, or federal law enforcement officer retired as the result of a mental disability.

(d) The sheriff shall deposit all fees paid by an applicant under division (B)(1)(a) of this section into the sheriff's concealed handgun license issuance fund established pursuant to section 311.42 of the Revised Code. The county shall distribute the fees in accordance with section 311.42 of the Revised Code.

(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application;

(3) One or more of the following competency certifications, each of which shall reflect that, regarding a certification described in division (B)(3)(a), (b), (c), (e), or (f) of this section, within the three years immediately preceding the application the applicant has performed that to which the competency certification relates and that, regarding a certification described in division (B)(3)(d) of this section, the applicant currently is an active or reserve member of the armed forces of the United States, the applicant has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, or within
the ten years immediately preceding the application the
retirement of the peace officer, person described in division (B)(1)(b) of section 109.77 of the Revised Code, or federal law enforcement officer to which the competency certification relates occurred:

(a) An original or photocopy of a certificate of completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or program that was offered by or under the auspices of a national gun advocacy organization and that complies with the requirements set forth in division (G) of this section;

(b) An original or photocopy of a certificate of completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or program that satisfies all of the following criteria:

(i) It was open to members of the general public.

(ii) It utilized qualified instructors who were certified by a national gun advocacy organization, the executive director of the Ohio peace officer training commission pursuant to section 109.75 or 109.78 of the Revised Code, or a governmental official or entity of another state.

(iii) It was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state.

(iv) It complies with the requirements set forth in
division (G) of this section.

   (c) An original or photocopy of a certificate of
completion of a state, county, municipal, or department of
natural resources peace officer training school that is approved
by the executive director of the Ohio peace officer training
commission pursuant to section 109.75 of the Revised Code and
that complies with the requirements set forth in division (G) of
this section, or the applicant has satisfactorily completed and
been issued a certificate of completion of a basic firearms
training program, a firearms requalification training program,
or another basic training program described in section 109.78 or
109.801 of the Revised Code that complies with the requirements
set forth in division (G) of this section;

   (d) A document that evidences both of the following:

   (i) That the applicant is an active or reserve member of
the armed forces of the United States, has retired from or was
honorably discharged from military service in the active or
reserve armed forces of the United States, is a retired trooper
of the state highway patrol, or is a retired peace officer or
federal law enforcement officer described in division (B)(1) of
this section or a retired person described in division (B)(1)(b)
of section 109.77 of the Revised Code and division (B)(1) of
this section;

   (ii) That, through participation in the military service
or through the former employment described in division (B)(3)(d)
(i) of this section, the applicant acquired experience with
handling handguns or other firearms, and the experience so
acquired was equivalent to training that the applicant could
have acquired in a course, class, or program described in
division (B)(3)(a), (b), or (c) of this section.
(e) A certificate or another similar document that evidences satisfactory completion of a firearms training, safety, or requalification or firearms safety instructor course, class, or program that is not otherwise described in division (B)(3)(a), (b), (c), or (d) of this section, that was conducted by an instructor who was certified by an official or entity of the government of this or another state or the United States or by a national gun advocacy organization, and that complies with the requirements set forth in division (G) of this section;

(f) An affidavit that attests to the applicant's satisfactory completion of a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section and that is subscribed by the applicant's instructor or an authorized representative of the entity that offered the course, class, or program or under whose auspices the course, class, or program was offered;

(g) A document that evidences that the applicant has successfully completed the Ohio peace officer training program described in section 109.79 of the Revised Code.

(4) A certification by the applicant that the applicant has read the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C)(2)
of section 109.572 of the Revised Code.

(6) If the applicant is not a citizen or national of the United States, the name of the applicant's country of citizenship and the applicant's alien registration number issued by the United States citizenship and immigration services agency.

(7) If the applicant resides in another state, adequate proof of employment in Ohio.

(C) Upon receipt of the completed application form, supporting documentation, and, if not waived, license fee of an applicant under this section, a sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.

(D)(1) Except as provided in division (D)(3) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a concealed handgun license under this section, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the system, shall issue to the applicant a concealed handgun license that shall expire as described in division (D)(2)(a) of this section if all of the following apply:

(a) The applicant is legally living in the United States. For purposes of division (D)(1)(a) of this section, if a person is absent from the United States in compliance with military or naval orders as an active or reserve member of the armed forces
of the United States and if prior to leaving the United States the person was legally living in the United States, the person, solely by reason of that absence, shall not be considered to have lost the person's status as living in the United States.

(b) The applicant is at least twenty-one years of age.

(c) The applicant is not a fugitive from justice.

(d) The applicant is not under indictment for or otherwise charged with a felony; an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code.

(e) Except as otherwise provided in division (D)(4) or (5) of this section, the applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, regardless of whether the applicant was sentenced under division (C)(4) of that section; and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing any other offense that is not previously described in this division that
is a misdemeanor punishable by imprisonment for a term exceeding one year.

(f) Except as otherwise provided in division (D)(4) or (5) of this section, the applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code; and has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of section 2923.1211 of the Revised Code.

(g) Except as otherwise provided in division (D)(1)(e) of this section, the applicant, within five years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing two or more violations of section 2903.13 or 2903.14 of the Revised Code.

(h) Except as otherwise provided in division (D)(4) or (5) of this section, the applicant, within ten years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2921.33 of the Revised Code.

(i) The applicant has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been
found by a court to be a mentally ill person subject to court order, and is not an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

(j) The applicant is not currently subject to a civil protection order, a temporary protection order, an extreme risk protection order issued under sections 2923.26 to 2923.30 of the Revised Code, or a protection order issued by a court of another state.

(k) The applicant certifies that the applicant desires a legal means to carry a concealed handgun for defense of the applicant or a member of the applicant's family while engaged in lawful activity.

(l) The applicant submits a competency certification of the type described in division (B)(3) of this section and submits a certification of the type described in division (B)(4) of this section regarding the applicant's reading of the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

(m) The applicant currently is not subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the applicant under this section or section 2923.1213 of the Revised Code or a similar suspension imposed by another state regarding a concealed handgun license issued by that state.

(n) If the applicant resides in another state, the applicant is employed in this state.
(o) The applicant certifies that the applicant is not an unlawful user of or addicted to any controlled substance as defined in 21 U.S.C. 802.

(p) If the applicant is not a United States citizen, the applicant is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a)(26).

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions.

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if applicable.

(s) The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state.

(2)(a) A concealed handgun license that a sheriff issues under division (D)(1) of this section shall expire five years after the date of issuance.

If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of
the Revised Code in the county served by the sheriff who denied
the application. If the denial was as a result of the criminal
records check conducted pursuant to section 311.41 of the
Revised Code and if, pursuant to section 2923.127 of the Revised
Code, the applicant challenges the criminal records check
results using the appropriate challenge and review procedure
specified in that section, the time for filing the appeal
pursuant to section 119.12 of the Revised Code and this division
is tolled during the pendency of the request or the challenge
and review.

(c) If the court in an appeal under section 119.12 of the
Revised Code and division (D)(2)(b) of this section enters a
judgment sustaining the sheriff's refusal to grant to the
applicant a concealed handgun license, the applicant may file a
new application beginning one year after the judgment is
entered. If the court enters a judgment in favor of the
applicant, that judgment shall not restrict the authority of a
sheriff to suspend or revoke the license pursuant to section
2923.128 or 2923.1213 of the Revised Code or to refuse to renew
the license for any proper cause that may occur after the date
the judgment is entered. In the appeal, the court shall have
full power to dispose of all costs.

(3) If the sheriff with whom an application for a
concealed handgun license was filed under this section becomes
aware that the applicant has been arrested for or otherwise
charged with an offense that would disqualify the applicant from
holding the license, the sheriff shall suspend the processing of
the application until the disposition of the case arising from
the arrest or charge.

(4) If an applicant has been convicted of or pleaded
guilty to an offense identified in division (D)(1)(e), (f), or (h) of this section or has been adjudicated a delinquent child for committing an act or violation identified in any of those divisions, and if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 2953.36, or section 2953.37 of the Revised Code or the applicant has been relieved under operation of law or legal process from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication, the sheriff with whom the application was submitted shall not consider the conviction, guilty plea, or adjudication in making a determination under division (D)(1) or (F) of this section or, in relation to an application for a concealed handgun license on a temporary emergency basis submitted under section 2923.1213 of the Revised Code, in making a determination under division (B)(2) of that section.

(5) If an applicant has been convicted of or pleaded guilty to a minor misdemeanor offense or has been adjudicated a delinquent child for committing an act or violation that is a minor misdemeanor offense, the sheriff with whom the application was submitted shall not consider the conviction, guilty plea, or adjudication in making a determination under division (D)(1) or (F) of this section or, in relation to an application for a concealed handgun license on a temporary basis submitted under section 2923.1213 of the Revised Code, in making a determination under division (B)(2) of that section.

(E) If a concealed handgun license issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an
affidavit attesting to the loss or destruction of the license.
The sheriff, in accordance with the procedures prescribed in
section 109.731 of the Revised Code, shall place on the
replacement license a combination of identifying numbers
different from the combination on the license that is being
replaced.

(F)(1)(a) Except as provided in division (F)(1)(b) of this
section, a licensee who wishes to renew a concealed handgun
license issued under this section may do so at any time before
the expiration date of the license or at any time after the
expiration date of the license by filing with the sheriff of the
county in which the applicant resides or with the sheriff of an
adjacent county, or in the case of an applicant who resides in
another state with the sheriff of the county that issued the
applicant's previous concealed handgun license an application
for renewal of the license obtained pursuant to division (D) of
this section, a certification by the applicant that, subsequent
to the issuance of the license, the applicant has reread the
pamphlet prepared by the Ohio peace officer training commission
pursuant to section 109.731 of the Revised Code that reviews
firearms, dispute resolution, and use of deadly force matters,
and a nonrefundable license renewal fee in an amount determined
pursuant to division (F)(4) of this section unless the fee is
waived.

(b) A person on active duty in the armed forces of the
United States or in service with the peace corps, volunteers in
service to America, or the foreign service of the United States
is exempt from the license requirements of this section for the
period of the person's active duty or service and for six months
thereafter, provided the person was a licensee under this
section at the time the person commenced the person's active
duty or service or had obtained a license while on active duty or service. The spouse or a dependent of any such person on active duty or in service also is exempt from the license requirements of this section for the period of the person's active duty or service and for six months thereafter, provided the spouse or dependent was a licensee under this section at the time the person commenced the active duty or service or had obtained a license while the person was on active duty or service, and provided further that the person's active duty or service resulted in the spouse or dependent relocating outside of this state during the period of the active duty or service. This division does not prevent such a person or the person's spouse or dependent from making an application for the renewal of a concealed handgun license during the period of the person's active duty or service.

(2) A sheriff shall accept a completed renewal application, the license renewal fee, and the information specified in division (F)(1) of this section at the times and in the manners described in division (I) of this section. Upon receipt of a completed renewal application, of certification that the applicant has reread the specified pamphlet prepared by the Ohio peace officer training commission, and of a license renewal fee unless the fee is waived, a sheriff, in the manner specified in section 311.41 of the Revised Code shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code. The sheriff shall renew the license if the sheriff determines that the applicant continues to satisfy the requirements described in division (D)(1) of this section, except that the applicant is not required to meet the requirements of division (D)(1)(1) of this section. A renewed
license shall expire five years after the date of issuance. A 
renewed license is subject to division (E) of this section and 
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 
shall comply with divisions (D)(2) and (3) of this section when 
the circumstances described in those divisions apply to a 
requested license renewal. If a sheriff denies the renewal of a 
concealed handgun license, the applicant may appeal the denial, 
or challenge the criminal record check results that were the 
basis of the denial if applicable, in the same manner as 
specified in division (D)(2)(b) of this section and in section 
2923.127 of the Revised Code, regarding the denial of a license 
under this section.

(3) A renewal application submitted pursuant to division 
(F) of this section shall only require the licensee to list on 
the application form information and matters occurring since the 
date of the licensee's last application for a license pursuant 
to division (B) or (F) of this section. A sheriff conducting the 
criminal records check and the incompetency records check 
described in section 311.41 of the Revised Code shall conduct 
the check only from the date of the licensee's last application 
for a license pursuant to division (B) or (F) of this section 
through the date of the renewal application submitted pursuant 
to division (F) of this section.

(4) An applicant for a renewal concealed handgun license 
under this section shall submit to the sheriff of the county in 
which the applicant resides or to the sheriff of any county 
adjacent to the county in which the applicant resides, or in the 
case of an applicant who resides in another state to the sheriff 
of the county that issued the applicant's previous concealed 
handgun license, a nonrefundable license fee as described in 
either of the following:
(a) For an applicant who has been a resident of this state for five or more years, a fee of fifty dollars;

(b) For an applicant who has been a resident of this state for less than five years or who is not a resident of this state but who is employed in this state, a fee of fifty dollars plus the actual cost of having a background check performed by the federal bureau of investigation.

(5) The concealed handgun license of a licensee who is no longer a resident of this state or no longer employed in this state, as applicable, is valid until the date of expiration on the license, and the licensee is prohibited from renewing the concealed handgun license.

(G)(1) Each course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section shall provide to each person who takes the course, class, or program the web site address at which the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters may be found. Each such course, class, or program described in one of those divisions shall include at least eight hours of training in the safe handling and use of a firearm that shall include training, provided as described in division (G)(3) of this section, on all of the following:

(a) The ability to name, explain, and demonstrate the rules for safe handling of a handgun and proper storage practices for handguns and ammunition;

(b) The ability to demonstrate and explain how to handle ammunition in a safe manner;
(c) The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner;

(d) Gun handling training;

(e) A minimum of two hours of in-person training that consists of range time and live-fire training.

(2) To satisfactorily complete the course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section, the applicant shall pass a competency examination that shall include both of the following:

(a) A written section, provided as described in division (G)(3) of this section, on the ability to name and explain the rules for the safe handling of a handgun and proper storage practices for handguns and ammunition;

(b) An in-person physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.

(3)(a) Except as otherwise provided in this division, the training specified in division (G)(1)(a) of this section shall be provided to the person receiving the training in person by an instructor. If the training specified in division (G)(1)(a) of this section is provided by a course, class, or program described in division (B)(3)(a) of this section, or it is provided by a course, class, or program described in division (B)(3)(b), (c), or (e) of this section and the instructor is a qualified instructor certified by a national gun advocacy organization, the training so specified, other than the training that requires the person receiving the training to demonstrate handling abilities, may be provided online or as a combination
of in-person and online training, as long as the online training includes an interactive component that regularly engages the person.

(b) Except as otherwise provided in this division, the written section of the competency examination specified in division (G)(2)(a) of this section shall be administered to the person taking the competency examination in person by an instructor. If the training specified in division (G)(1)(a) of this section is provided to the person receiving the training by a course, class, or program described in division (B)(3)(a) of this section, or it is provided by a course, class, or program described in division (B)(3)(b), (c), or (e) of this section and the instructor is a qualified instructor certified by a national gun advocacy organization, the written section of the competency examination specified in division (G)(2)(a) of this section may be administered online, as long as the online training includes an interactive component that regularly engages the person.

(4) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall be dated and shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G)(1) of this section and that the applicant passed the competency examination described in division (G)(2) of this section.

(H) Upon deciding to issue a concealed handgun license, deciding to issue a replacement concealed handgun license, or deciding to renew a concealed handgun license pursuant to this section, and before actually issuing or renewing the license, the sheriff shall make available through the law enforcement automated data system all information contained on the license.
If the license subsequently is suspended under division (A)(1) or (2) of section 2923.128 of the Revised Code, revoked pursuant to division (B)(1) of section 2923.128 of the Revised Code, or lost or destroyed, the sheriff also shall make available through the law enforcement automated data system a notation of that fact. The superintendent of the state highway patrol shall ensure that the law enforcement automated data system is so configured as to permit the transmission through the system of the information specified in this division.

(I)(1) A sheriff shall accept a completed application form or renewal application, and the fee, items, materials, and information specified in divisions (B)(1) to (5) or division (F) of this section, whichever is applicable, and shall provide an application form or renewal application to any person during at least fifteen hours a week and shall provide the web site address at which a printable version of the application form that can be downloaded and the pamphlet described in division (B) of section 109.731 of the Revised Code may be found at any time, upon request. The sheriff shall post notice of the hours during which the sheriff is available to accept or provide the information described in this division.

(2) A sheriff shall transmit a notice to the attorney general, in a manner determined by the attorney general, every time a license is issued that waived payment under division (B)(1)(c) of this section for an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States. The attorney general shall monitor and inform sheriffs issuing licenses under this section when the amount of license fee payments waived and transmitted to the attorney general reach
one million five hundred thousand dollars each year. Once a
sheriff is informed that the payments waived reached one million
five hundred thousand dollars in any year, a sheriff shall no
longer waive payment of a license fee for an applicant who is an
active or reserve member of the armed forces of the United
States or has retired from or was honorably discharged from
military service in the active or reserve armed forces of the
United States for the remainder of that year.

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

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

(2)(a) If a licensee holding a valid concealed handgun license is convicted of or pleads guilty to a misdemeanor violation of division (B)(2) or (4) of section 2923.12 of the Revised Code or of division (E)(3) or (5) of section 2923.16 of the Revised Code, subject to division (C) of this section, the sheriff who issued the license shall suspend it and shall comply with division (A)(3) of this section upon becoming aware of the conviction or guilty plea. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A)(2)(a) of this section shall be considered as beginning on the date that the licensee is convicted of or pleads guilty to the offense described in that division, irrespective of when the sheriff notifies the licensee under division (A)(3) of this section. If the suspension is imposed for a misdemeanor violation of division (B)(2) of section 2923.12 of the Revised Code or of division (E)(3) of section 2923.16 of the Revised Code, it shall end on the date that is one year after the date that the licensee is convicted of or pleads guilty to that violation. If the suspension is imposed for a misdemeanor violation of division (B)(4) of section 2923.12 of the Revised Code or of division (E)(5) of section 2923.16 of the Revised Code, it shall end on the date that is two years after the date that the licensee is convicted of or pleads guilty to that violation. If the licensee's license was issued under section 2923.125 of the Revised Code and the license remains valid after the suspension ends as described in this division, when the suspension ends,
the sheriff shall return the license to the licensee. If the licensee's license was issued under section 2923.125 of the Revised Code and the license expires before the suspension ends as described in this division, or if the licensee's license was issued under section 2923.1213 of the Revised Code, the licensee is not eligible to apply for a new license under section 2923.125 or 2923.1213 of the Revised Code or to renew the license under section 2923.125 of the Revised Code until after the suspension ends as described in this division.

(3) Upon becoming aware of an arrest, charge, or protection order described in division (A)(1)(a) of this section with respect to a licensee who was issued a concealed handgun license, or a conviction of or plea of guilty to a misdemeanor offense described in division (A)(2)(a) of this section with respect to a licensee who was issued a concealed handgun license, subject to division (C) of this section, the sheriff who issued the licensee's license shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license has been suspended and that the licensee is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. If the suspension is pursuant to division (A)(2) of this section, the notice shall identify the date on which the suspension ends.

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

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

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

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

(d) On or after the date on which the license was issued, the licensee becomes subject to an extreme risk protection order issued under sections 2923.26 to 2923.30 of the Revised Code, a civil protection order, or to a protection order issued by a court of another state that is substantially equivalent to a civil protection order.

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

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

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

(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 convicted of or pleaded guilty to an offense identified in division (A)(2)(a) or (B)(1)(c) of this section, the sheriff
shall not consider that conviction, guilty plea, or adjudication as having occurred for purposes of divisions (A)(2), (A)(3), (B) (1), and (B)(2) of this section if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the Revised Code or the licensee has been relieved under operation of law or legal process from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication.

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

Sec. 2923.1213. (A) As used in this section:

(1) "Evidence of imminent danger" means any of the following:

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;

(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order,
any court report, and any report filed with or made by a law
enforcement agency or prosecutor.

(2) "Prosecutor" has the same meaning as in section
2935.01 of the Revised Code.

(B)(1) A person seeking a concealed handgun license on a
temporary emergency basis shall submit to the sheriff of the
county in which the person resides or, if the person usually
resides in another state, to the sheriff of the county in which
the person is temporarily staying, all of the following:

(a) Evidence of imminent danger to the person or a member
of the person's family;

(b) A sworn affidavit that contains all of the information
required to be on the license and attesting that the person is
legally living in the United States; is at least twenty-one
years of age; is not a fugitive from justice; is not under
indictment for or otherwise charged with an offense identified
in division (D)(1)(d) of section 2923.125 of the Revised Code;
has not been convicted of or pleaded guilty to an offense, and
has not been adjudicated a delinquent child for committing an
act, identified in division (D)(1)(e) of that section and to
which division (B)(3) of this section does not apply; within
three years of the date of the submission, has not been
convicted of or pleaded guilty to an offense, and has not been
adjudicated a delinquent child for committing an act, identified
in division (D)(1)(f) of that section and to which division (B)
(3) of this section does not apply; within five years of the
date of the submission, has not been convicted of, pleaded
guilty, or adjudicated a delinquent child for committing two or
more violations identified in division (D)(1)(g) of that
section; within ten years of the date of the submission, has not
been convicted of, pleaded guilty, or adjudicated a delinquent child for committing a violation identified in division (D)(1)(h) of that section and to which division (B)(3) of this section does not apply; has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to court order, and is not an involuntary patient other than one who is a patient only for purposes of observation, as described in division (D)(1)(i) of that section; is not currently subject to a civil protection order, a temporary protection order, an extreme risk protection order issued under sections 2923.26 to 2923.30 of the Revised Code, or a protection order issued by a court of another state, as described in division (D)(1)(j) of that section; is not currently subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the person or a similar suspension imposed by another state regarding a concealed handgun license issued by that state; is not an unlawful user of or addicted to any controlled substance as defined in 21 U.S.C. 802; if applicable, is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a)(26); has not been discharged from the armed forces of the United States under dishonorable conditions; if applicable, has not renounced the applicant's United States citizenship; and has not been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a violation identified in division (D)(1)(s) of section 2923.125 of the Revised Code;

(c) A nonrefundable temporary emergency license fee as described in either of the following:
(i) For an applicant who has been a resident of this state for five or more years, a fee of fifteen dollars plus the actual cost of having a background check performed by the bureau of criminal identification and investigation pursuant to section 311.41 of the Revised Code;

(ii) For an applicant who has been a resident of this state for less than five years or who is not a resident of this state, but is temporarily staying in this state, a fee of fifteen dollars plus the actual cost of having background checks performed by the federal bureau of investigation and the bureau of criminal identification and investigation pursuant to section 311.41 of the Revised Code.

(d) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of an electronic fingerprint reading device, on a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code. If the fingerprints are provided on a standard impression sheet, the person also shall provide the person's social security number to the sheriff.

(2) A sheriff shall accept the evidence of imminent danger, the sworn affidavit, the fee, and the set of fingerprints required under division (B)(1) of this section at the times and in the manners described in division (I) of this section. Upon receipt of the evidence of imminent danger, the sworn affidavit, the fee, and the set of fingerprints required under division (B)(1) of this section, the sheriff, in the manner specified in section 311.41 of the Revised Code,
immediately shall conduct or cause to be conducted the criminal
records check and the incompetency records check described in
section 311.41 of the Revised Code. Immediately upon receipt of
the results of the records checks, the sheriff shall review the
information and shall determine whether the criteria set forth
in divisions (D)(1)(a) to (j) and (m) to (s) of section 2923.125
of the Revised Code apply regarding the person. If the sheriff
determines that all of the criteria set forth in divisions (D)
(1)(a) to (j) and (m) to (s) of section 2923.125 of the Revised
Code apply regarding the person, the sheriff shall immediately
make available through the law enforcement automated data system
all information that will be contained on the temporary
emergency license for the person if one is issued, and the
superintendent of the state highway patrol shall ensure that the
system is so configured as to permit the transmission through
the system of that information. Upon making that information
available through the law enforcement automated data system, the
sheriff shall immediately issue to the person a concealed
handgun license on a temporary emergency basis.

If the sheriff denies the issuance of a license on a
temporary emergency basis to the person, the sheriff shall
specify the grounds for the denial in a written notice to the
person. The person may appeal the denial, or challenge criminal
records check results that were the basis of the denial if
applicable, in the same manners specified in division (D)(2) of
section 2923.125 and in section 2923.127 of the Revised Code,
regarding the denial of an application for a concealed handgun
license under that section.

The license on a temporary emergency basis issued under
this division shall be in the form, and shall include all of the
information, described in divisions (A)(2)(a) and (d) of section
109.731 of the Revised Code, and also shall include a unique
combination of identifying letters and numbers in accordance
with division (A)(2)(c) of that section.

The license on a temporary emergency basis issued under
this division is valid for ninety days and may not be renewed. A
person who has been issued a license on a temporary emergency
basis under this division shall not be issued another license on
a temporary emergency basis unless at least four years has
expired since the issuance of the prior license on a temporary
emergency basis.

(3) If a person seeking a concealed handgun license on a
temporary emergency basis has 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 has been
adjudicated a delinquent child for committing an act or
violation identified in any of those divisions, and if a court
has ordered the sealing or expungement of the records of that
conviction, guilty plea, or adjudication pursuant to sections
2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the
Revised Code or the applicant has been relieved under operation
of law or legal process from the disability imposed pursuant to
section 2923.13 of the Revised Code relative to that conviction,
guilty plea, or adjudication, the conviction, guilty plea, or
adjudication shall not be relevant for purposes of the sworn
affidavit described in division (B)(1)(b) of this section, and
the person may complete, and swear to the truth of, the
affidavit as if the conviction, guilty plea, or adjudication
never had occurred.

(4) The sheriff shall waive the payment pursuant to
division (B)(1)(c) of this section of the license fee in
connection with an application that is submitted by an applicant who is a retired peace officer, a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code, or a retired federal law enforcement officer who, prior to retirement, was authorized under federal law to carry a firearm in the course of duty, unless the retired peace officer, person, or federal law enforcement officer retired as the result of a mental disability.

The sheriff shall deposit all fees paid by an applicant under division (B)(1)(c) of this section into the sheriff's concealed handgun license issuance fund established pursuant to section 311.42 of the Revised Code.

(C) A person who holds a concealed handgun license on a temporary emergency basis has the same right to carry a concealed handgun as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code, and any exceptions to the prohibitions contained in section 1547.69 and sections 2923.12 to 2923.16 of the Revised Code for a licensee under section 2923.125 of the Revised Code apply to a licensee under this section. The person is subject to the same restrictions, and to all other procedures, duties, and sanctions, that apply to a person who carries a license issued under section 2923.125 of the Revised Code, other than the license renewal procedures set forth in that section.

(D) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards
to the license. The sheriff shall suspend or revoke the license in accordance with section 2923.128 of the Revised Code. In addition to the suspension or revocation procedures set forth in section 2923.128 of the Revised Code, the sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license; if the sheriff revokes a license under this additional authority, the sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. Division (H) of section 2923.125 of the Revised Code applies regarding any suspension or revocation of a concealed handgun license on a temporary emergency basis.

(E) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall retain, for the entire period during which the license is in effect, the evidence of imminent danger that the person submitted to the sheriff and that was the basis for the license, or a copy of that evidence, as appropriate.

(F) If a concealed handgun license on a temporary emergency basis issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a
combination of identifying numbers different from the combination on the license that is being replaced.

(G) The attorney general shall prescribe, and shall make available to sheriffs, a standard form to be used under division (B) of this section by a person who applies for a concealed handgun license on a temporary emergency basis on the basis of imminent danger of a type described in division (A)(1)(a) of this section. The attorney general shall design the form to enable applicants to provide the information that is required by law to be collected, and shall update the form as necessary. Burdens or restrictions to obtaining a concealed handgun license that are not expressly prescribed in law shall not be incorporated into the form. The attorney general shall post a printable version of the form on the web site of the attorney general and shall provide the address of the web site to any person who requests the form.

(H) A sheriff who receives any fees paid by a person under this section shall deposit all fees so paid into the sheriff's concealed handgun license issuance expense fund established under section 311.42 of the Revised Code.

(I) A sheriff shall accept evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section at any time during normal business hours. In no case shall a sheriff require an appointment, or designate a specific period of time, for the submission or acceptance of evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section, or for the provision to any person of a standard form to be used for a person to apply for a concealed handgun license on a temporary emergency basis.
Sec. 2923.13.  (A) Unless relieved from disability under operation of law or legal process, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

(1) The person is a fugitive from justice.

(2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.

(3) The person is under indictment for or has been convicted of any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.

(4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic.

(5) The person is under adjudication of mental incompetence, has been adjudicated as a mental defective, has been committed to a mental institution, has been found by a court to be a mentally ill person subject to court order, or is an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

(6) The person has been found guilty of having a firearm
while under extreme risk protection order disability, and is prohibited from acquiring, having, carrying, or using a firearm under section 2923.99 of the Revised Code.

(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the third degree.

(C) For the purposes of this section, "under:

(1) "Under operation of law or legal process" shall not itself include mere completion, termination, or expiration of a sentence imposed as a result of a criminal conviction.

(2) "Mentally ill person subject to court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

Sec. 2923.191. (A)(1) No person shall store or leave a firearm in a manner or location in the person's residence where the person knows or reasonably should know a minor is able to gain access to the firearm.

(2)(a) This section does not apply to a person who stores or leaves a firearm in the person's residence if the firearm has been secured by placing it in a locked container or has been rendered temporarily inoperable by a tamper-resistant mechanical lock or other safety device.

(b) This section does not apply to a person who stores or leaves a firearm in the person's residence if a minor gains access to the firearm as a result of any other person's unlawful entry into the person's residence.

(c) This section does not apply to a person who stores or leaves a firearm in the person's residence if a minor gains access to the firearm and uses the firearm for the purpose of
self-defense.

(B)(1) Whoever violates this section is guilty of criminally negligent storage of a firearm if, without the lawful permission of the minor's parent, guardian, or custodian, a minor gains access to the firearm.

(2) Except as provided in division (B)(3) or (4) of this section, a violation of this section is a misdemeanor of the third degree.

(3) If the minor gains access to the firearm as a result of the violation and uses the firearm to cause serious physical harm, a violation of this section is a felony of the fourth degree.

(4) If the minor gains access to the firearm as a result of the violation and uses the firearm to cause death, a violation of this section is a felony of the third degree.

(C) Nothing in this section prohibits a person who is in the person's residence from carrying a firearm on the person's person or placing a firearm in a location that is under the person's immediate control.

Sec. 2923.21. (A) No person shall do any of the following:

(1) Sell any firearm to a person who is under eighteen years of age;

(2) Subject to division (B) of this section, sell any handgun firearm to a person who is under twenty-one years of age;

(3) Furnish any firearm to a person who is under eighteen years of age or, subject to division (B) of this section, furnish any handgun firearm to a person who is under
twenty-one years of age, except for lawful hunting, sporting, or educational purposes, including, but not limited to, instruction in firearms or handgun safety, care, handling, or marksmanship under the supervision or control of a responsible adult;

(4) Sell or furnish a firearm to a person who is eighteen years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the firearm for the purpose of selling the firearm in violation of division (A)(1) of this section to a person who is under eighteen years of age or for the purpose of furnishing the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;

(5) Sell or furnish a handgun firearm to a person who is twenty-one years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the handgun firearm for the purpose of selling the handgun firearm in violation of division (A)(2)-(1) of this section to a person who is under twenty-one years of age or for the purpose of furnishing the handgun firearm in violation of division (A)(3)-(2) of this section to a person who is under twenty-one years of age;

(6) Purchase or attempt to purchase any firearm with the intent to sell the firearm in violation of division (A)(1) of this section to a person who is under eighteen years of age or with the intent to furnish the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;

(7) Purchase or attempt to purchase any handgun firearm with the intent to sell the handgun firearm in violation of division (A)(2)-(1) of this section to a person who is under
twenty-one years of age or with the intent to furnish the
handgun firearm in violation of division (A)(3) (2) of this
section to a person who is under twenty-one years of age.

(B) Divisions (A)(1) and (2) of this section do not apply
to the sale or furnishing of a handgun firearm to a person
eighteen years of age or older and under twenty-one years of age
if the person eighteen years of age or older and under twenty-
one years of age is a law enforcement officer who is properly
appointed or employed as a law enforcement officer and has
received firearms training approved by the Ohio peace officer
training council or equivalent firearms training. Divisions (A)
(1) and (2) of this section do not apply to the sale or
furnishing of a handgun firearm to an active duty member of the
armed forces of the United States who has received firearms
training that meets or exceeds the training requirements
described in division (G)(1) of section 2923.125 of the Revised
Code.

(C) Whoever violates this section is guilty of improperly
furnishing firearms to a minor an underage person, a felony of
the fifth third degree.

Sec. 2923.211. (A) No person under eighteen twenty-one
years of age shall purchase or attempt to purchase a firearm.

(B) No person under twenty-one years of age shall purchase
or attempt to purchase a handgun, provided that this division
does not apply to the purchase or attempted purchase of a
handgun firearm by a person eighteen years of age or older and
under twenty-one years of age if either of the following apply:

(1) The person is a law enforcement officer who is
properly appointed or employed as a law enforcement officer and
has received firearms training approved by the Ohio peace
officer training council or equivalent firearms training.

(2) The person is an active or reserve member of the armed
services of the United States or the Ohio national guard, or was
honorably discharged from military service in the active or
reserve armed services of the United States or the Ohio national
guard, and the person has received firearms training from the
armed services or the national guard or equivalent firearms
training.

(C) Whoever violates division (A) of this section is
guilty of underage purchase of a firearm. If the offender is
under eighteen years of age, underage purchase of a firearm is
a delinquent act that would be a felony of the fourth degree if
it could be committed by an adult. Whoever violates division (B)
of this section is guilty of If the offender is eighteen years
of age or older but under twenty-one years of age, underage
purchase of a handgun, firearm is a misdemeanor of the second
degree.

Sec. 2923.251. (A) As used in this section:

(1) "Federally licensed firearms dealer" has the same
meaning as in section 5502.63 of the Revised Code.

(2) "Unlicensed transferee" means a person who is not a
federally licensed firearms dealer and who desires to receive a
firearm from an unlicensed transferor.

(3) "Unlicensed transferor" means a person who is not a
federally licensed firearms dealer and who desires to transfer a
firearm to an unlicensed transferee.

(4) "Identification document" means a document made or
issued by or under the authority of the United States.
government, this state, or any other state, a political
subdivision of this state or any other state, a sponsoring
entity of an event designated as a special event of national
significance, a foreign government, a political subdivision of a
foreign government, an international governmental organization,
or an international quasi-governmental organization that, when
completed with information concerning a particular individual,
is of a type intended or commonly accepted for the purpose of
identification of individuals and that includes a photograph of
the individual.

(B) No federally licensed firearms dealer shall transfer a
firearm to any person unless the federally licensed firearms
dealer complies with the requirements of 18 U.S.C. 922(t) and at
least seventy-two hours have elapsed since the person's request
to purchase the firearm.

(C)(1) No unlicensed transferor shall transfer a firearm
to an unlicensed transferee, unless all of the following apply
with respect to the transfer of the firearm:

(a) The firearm is transferred through a federally
licensed firearms dealer under division (E) of this section,
through a law enforcement agency under division (F) of this
section, or in accordance with an exception described in
division (G) of this section.

(b) Except as provided in division (G) of this section,
the federally licensed firearms dealer through which the
transfer is made under division (E) of this section gives a
notice described in division (E)(3)(a) of this section, or the
law enforcement agency through which the transfer is made under
division (F) of this section gives a notice described in
division (F)(5)(a) of this section, with respect to the firearm.
(c) Except as provided in division (G) of this section, at least seventy-two hours have elapsed since the federally licensed firearms dealer's or law enforcement agency's initial agreement to assist in the transfer of the firearm.

(2) No unlicensed firearms dealer shall transfer a firearm to an unlicensed transferee if the federally licensed firearms dealer through which the transfer is to be made under division (E) of this section gives a notice described in division (E)(3)(b) of this section, or the law enforcement agency through which the transfer is to be made under division (F) of this section gives a notice described in division (F)(5)(b) of this section, with respect to the firearm.

(D)(1) No unlicensed transferee shall receive a firearm from an unlicensed transferor, unless all of the following apply with respect to the transfer of the firearm:

(a) The firearm is transferred through a federally licensed firearms dealer under division (E) of this section, through a law enforcement agency under division (F) of this section, or in accordance with an exception described in division (G) of this section.

(b) Except as provided in division (G) of this section, the federally licensed firearms dealer through which the transfer is made under division (E) of this section gives a notice described in division (E)(3)(a) of this section, or the law enforcement agency through which the transfer is made under division (F) of this section gives a notice described in division (F)(5)(a) of this section, with respect to the firearm.

(c) Except as provided in division (G) of this section, at least seventy-two hours have elapsed since the federally
licensed firearms dealer's or law enforcement agency's initial
agreement to assist in the transfer of the firearm.

(2) No unlicensed firearms transferee shall receive a
firearm from an unlicensed transferor if the federally licensed
firearms dealer through which the transfer is to be made under
division (E) of this section gives a notice described in
division (E)(3)(b) of this section, or the law enforcement
agency through which the transfer is to be made under division
(F) of this section gives a notice described in division (F)(5)
(b) of this section, with respect to the firearm.

(E) A federally licensed firearms dealer who agrees to
assist in the transfer of a firearm between an unlicensed
transferor and an unlicensed transferee under division (C) or
(D) of this section shall do all of the following:

(1) Comply with 18 U.S.C. 922(t) as if transferring the
firearm from the inventory of the federally licensed firearms
dealer to the unlicensed transferee, except that a federally
licensed firearms dealer assisting in the transfer of a firearm
under this division shall not be required to comply again with
the requirements of that provision in delivering the firearm to
the unlicensed transferee;

(2) Conduct an incompetency records check of the
unlicensed transferee by contacting the attorney general and
requesting a check of the records maintained under section
5122.311 of the Revised Code, to determine if the transfer of
the firearm to the unlicensed transferee or the unlicensed
transferee's acquisition or possession of the firearm would
violate the law of this state;

(3) Notify the unlicensed transferor and unlicensed
transferee of whichever of the following is applicable:

(a) That the dealer has complied with 18 U.S.C. 922(t) as provided in division (E)(1) of this section and the transfer of the firearm is not prohibited under that provision and that the dealer has conducted the incompetency records check of the unlicensed transferee as provided in division (E)(2) of this section and has not determined in that check that the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state;

(b) That the dealer has complied with 18 U.S.C. 922(t) as provided in division (E)(1) of this section and has received a notice from the national instant criminal background check system that the transfer would violate 18 U.S.C. 922 or the law of this state or that the dealer has conducted the incompetency records check of the unlicensed transferee as provided in division (E)(2) of this section and has determined in that check that the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state.

(F) A law enforcement agency of this state or of a political subdivision of this state that agrees to assist an unlicensed transferor in carrying out the responsibilities of the unlicensed transferor under division (C) or (D) of this section with respect to the transfer of a firearm shall do all of the following:

(1) Contact the national instant criminal background check system under 18 U.S.C. 922(t) and either receive an identification number as described in 18 U.S.C. 922(t)(1)(B)(i) or wait the period described in 18 U.S.C. 922(t)(1)(B)(ii);

(2) Conduct an incompetency records check of the
unlicensed transferee by contacting the attorney general and requesting a check of the records maintained under section 5122.311 of the Revised Code, to determine if the transfer of the firearm to the unlicensed transferee or the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state;

(3) Conduct any other checks that the agency considers appropriate to determine whether the receipt or possession of the firearm by the unlicensed transferee would violate 18 U.S.C. 922 or the law of this state;

(4) Verify the identity of the unlicensed transferee by either examining a valid identification document of the unlicensed transferee containing a photograph of the unlicensed transferee or confirming that the unlicensed transferor has examined such a valid identification document;

(5) Notify the unlicensed transferor and transferee of whichever of the following is applicable:

(a) That the law enforcement agency has complied with the requirements under divisions (F)(1), (2), (3), and (4) of this section and that the transfer of the firearm is not prohibited under 18 U.S.C 922(t) and the agency has not determined in the incompetency records check conducted under division (F)(2) of this section or a records check conducted under division (F)(3) of this section that the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state;

(b) That the law enforcement agency has complied with the requirements under divisions (F)(1), (2), (3), and (4) of this section and either has received a notification from the national instant criminal background check system that the transfer would
As Introduced

violate 18 U.S.C. section 922 or the law of this state or has determined under the incompetency records check conducted under division (F)(2) of this section or a records check conducted under division (F)(3) of this section that the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state.

(G) Unless prohibited by any other provision of law, divisions (C) and (D) of this section shall not apply to any transfer of a firearm between an unlicensed transferor and unlicensed transferee if any of the following apply with respect to the transfer:

(1) The transfer is temporary and occurs while in the home of the unlicensed transferee, the unlicensed transferee is not otherwise prohibited from possessing firearms, and the unlicensed transferee believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee.

(2) The transfer is a temporary transfer of possession without transfer of title that takes place in any of the following circumstances:

   (a) At a shooting range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in firearms;

   (b) At a target firearm shooting competition under the auspices of or approved by an agency of this state or a nonprofit organization;

   (c) While hunting, fishing, or trapping, if the activity is legal in all places where the unlicensed transferee possesses the firearm, and the unlicensed transferee holds any required
license or permit.

(3) The transfer is to an authorized representative of a law enforcement agency of any municipal corporation, any county, this state, or the federal government for exclusive use by that governmental entity and, prior to the transfer, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the transfer is being made. The proper written authorization shall be verifiable written certification from the head of the agency by which the transferee is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that person is employed.

(4) The transfer is a loan of the firearm by an authorized law enforcement representative of a municipal corporation, a county, this state, or the federal government, the loan is made to a peace officer who is employed by that governmental entity and authorized to carry a firearm, and the loan is made for the carrying and use of that firearm by that peace officer in the course and scope of the officer's duties.

(5) The transfer is by a law enforcement agency to a peace officer.

(6) The transfer is to an authorized representative of a municipal corporation, a county, this state, or the federal government and is for the governmental entity, and the entity is acquiring the firearm as part of an authorized, voluntary program in which the entity is buying or receiving weapons from private individuals.

(7) The transfer is by an authorized law enforcement
representative of a municipal corporation, a county, this state, or the federal government to any public or private nonprofit historical society, museum, or institutional collection, if all of the following conditions are met:

(a) The entity receiving the firearm is open to the public.

(b) The firearm prior to delivery is deactivated or rendered inoperable.

(c) The firearm is not of a type prohibited by provision of law from being transferred to the public at large.

(d) Prior to delivery, the entity receiving the firearm submits a written statement to the law enforcement representative stating that the firearm will not be restored to operating condition and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions of law.

(8) The transfer is by any person other than a representative of an authorized law enforcement agency to any public or private nonprofit historical society, museum, or institutional collection, if all of the conditions set forth in divisions (G)(7)(a) to (d) of this section are met.

(9) The transfer is delivery of a firearm to a gunsmith for service or repair, is the return of the firearm to its owner by the gunsmith, or is the delivery of a firearm by a gunsmith to a federally licensed firearms dealer for service or repair or the return of the firearm to the gunsmith.

(10) The transfer is made by a person who resides in this state, is made to a person who resides outside this state and is a federally licensed firearms dealer, and is in accordance with
federal firearms law.

(11) The transfer is of any unloaded firearm to a wholesaler as merchandise in the wholesaler's business by a manufacturer or importer licensed to engage in that business pursuant to federal firearms law or by another wholesaler and is made in accordance with federal firearms law.

(H) A federally licensed firearms dealer or law enforcement agency that processes the transfer of a firearm under this section may assess and collect a fee, in an amount not to exceed ten dollars, with respect to each firearm transfer processed.

(I) Nothing in this section shall be construed to authorize the attorney general of the United States to inspect records described in this section or to require that the records be transferred to a facility owned, managed, or controlled by this state or the United States.

(J)(1) No person shall recklessly violate division (B), (C), or (D) of this section.

(2) Whoever violates division (J)(1) of this section is guilty of illegal transfer of a firearm, and shall be punished as provided in divisions (J)(2)(a) to (c) of this section.

(a) Except as otherwise provided in division (J)(2)(b) or (c) of this section, illegal transfer of a firearm is a misdemeanor of the fourth degree and the offender shall be fined an amount from the range of possible fines for a misdemeanor of the fourth degree set forth in section 2929.28 of the Revised Code. Notwithstanding sections 2929.21 to 2929.28 of the Revised Code, no other sanction shall be imposed on the offender under any of those sections.
(b) If the offender previously has been convicted of or pleaded guilty to one violation of this section, illegal transfer of a firearm is a misdemeanor of the second degree and the offender shall be fined an amount from the range of possible fines for a misdemeanor of the second degree set forth in section 2929.28 of the Revised Code. Notwithstanding sections 2929.21 to 2929.28 of the Revised Code, no other sanction shall be imposed on the offender under any of those sections.

(c) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, illegal transfer of a firearm is a misdemeanor of the first degree, the offender shall be fined an amount from the range of possible fines for a misdemeanor of the first degree set forth in section 2929.28 of the Revised Code, and, in addition to the mandatory fine, the court may impose any other sanction or sanctions authorized for a misdemeanor of the first degree other than a fine specified in section 2929.28 of the Revised Code.

Sec. 2923.26. (A) As used in this section and sections 2923.27 to 2923.30 of the Revised Code:

(1) "Extreme risk protection order" means a final order or an ex parte temporary order granted under section 2923.26 or 2923.27 of the Revised Code, respectively.

(2) "Family or household member" means, with respect to a respondent, any of the following:

(a) A person related by blood, marriage, or adoption to the respondent;

(b) A person in a dating relationship with the respondent;

(c) A person who has a child in common with the respondent, regardless of whether the person has been married to
the respondent or has lived together with the respondent at any
time;

(d) A person who resides with the respondent or who has
resided with the respondent within the past year;

(e) A person who has a biological or legal parent-child
relationship with the respondent, including a stepparent,
stepchild, grandparent, and grandchild of the respondent;

(f) A person who is acting or has acted as the
respondent's legal guardian.

(3) "Judicial day" means a day on which a court is open.

(4) "Law enforcement agency" means a municipal or township
police department, a county sheriff's office, or the state
highway patrol.

(5) "Law enforcement officer" means a sheriff, deputy
sheriff, constable, police officer of a township or joint police
district, municipal police officer, or state highway patrol
trooper.

(6) "Petitioner" means the person who petitions for an
extreme risk protection order.

(7) "Respondent" means the person who is identified as the
subject of a petition for an extreme risk protection order.

(B) Any of the following persons may seek relief under
sections 2923.26 to 2923.30 of the Revised Code by filing a
petition for an extreme risk protection order in the court of
common pleas in the county where the petitioner resides or in
the county where the respondent resides:

(1) A family or household member of the respondent;
(2) A law enforcement officer or law enforcement agency.

(C) A petition for an extreme risk protection order shall include all of the following:

(1) An allegation that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, or receiving a firearm, accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent;

(2) An inventory list including the number, types, and locations of every firearm the petitioner believes to be in the respondent's ownership, possession, custody, or control;

(3) A list of any protection order issued under section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code to which the respondent is subject and of which the petitioner is aware;

(4) A list of any pending lawsuit, complaint, petition, or other legal action between the parties.

(D) The court shall verify the terms of any existing order governing the parties but shall not delay granting relief because an action is pending between the parties. A petition for an extreme risk protection order may be granted whether or not an action between the parties is pending.

(E) If the petitioner is a law enforcement officer or agency, the petitioner shall make a good faith effort to provide notice to a family or household member or third party who may be at risk of violence. The notice shall state that the petitioner intends to petition the court for an extreme risk protection
order or that the petitioner has already done so, and include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner shall attest in the petition to having provided this notice, or attest to the steps that will be taken to provide the notice.

(F) If the petition states that disclosure of the petitioner's address would risk harm to the petitioner or any member of the petitioner's family or household, the petitioner's address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this division, the petitioner shall designate an alternate address at which the respondent may serve notice of any motions. If the petitioner is a law enforcement officer or agency, the address of record shall be the address of the law enforcement agency.

(G) The court shall not charge a fee to a petitioner for filing a petition under this section and shall not charge the petitioner for service of process. The court shall provide the necessary certified copies and forms and shall provide materials explaining the process of filing a petition for an extreme risk protection order to persons free of charge.

(H) No petitioner for an extreme risk protection order shall be required to post a bond to obtain relief under this section or sections 2923.27 to 2923.30 of the Revised Code.

(I) Upon receiving a petition for an extreme risk protection order filed under this section, the court shall do all of the following:

(1) Order a hearing to be held not later than fourteen days after the date the petition is filed;

(2) Issue a notice of the hearing to the respondent named
in the petition;

(3) Cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to a local law enforcement agency for service on the respondent.

(J) The court may do either of the following with respect to a petition for an extreme risk protection order:

(1) Subject to division (K) of this section, schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or, in exceptional circumstances, to protect a petitioner from potential harm;

(2) Issue an ex parte extreme risk protection order under section 2923.27 of the Revised Code.

(K) The court shall require assurances of the petitioner's identity before conducting a telephonic hearing under division (J)(1) of this section.

(L) The local law enforcement agency shall personally serve the petition and notice of the hearing on the respondent not less than five judicial days prior to the hearing. If a court has issued an ex parte extreme risk protection order under section 2923.27 of the Revised Code, the local law enforcement agency shall serve the ex parte order concurrently with the notice of hearing and petition. Service issued under this section shall take precedence over service of other documents, unless those documents are also of an emergency nature. If the local law enforcement agency cannot serve process under this section within the time period specified, the court shall set a new hearing date and either require the local law enforcement agency to attempt personal service again or shall permit service by publication or mail as provided in division (H) of section...
2923.28 of the Revised Code. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail after two attempts unless the petitioner requests additional time to attempt personal service. If the court issues an order that permits service by publication or mail, the court shall set the hearing date not later than twenty-four days after the date the order is issued.

(M) Upon hearing a petition for an extreme risk protection order, if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing personal injury to self or others by having custody or control of a firearm or the ability to purchase, possess, or receive a firearm, the court shall issue an extreme risk protection order for a period of one year.

(N) In determining whether grounds for an extreme risk protection order exist, the court may do any of the following:

(1) Consider any relevant evidence including any of the following:

   (a) A recent act or threat of violence by the respondent against the respondent or against another, whether or not the violence or threat involves a firearm;

   (b) A pattern of acts or threats of violence by the respondent within the past twelve months, including acts or threats of violence by the respondent against the respondent or against others;

   (c) Any dangerous mental health issues of the respondent;

   (d) A violation by the respondent of any of the following:

   (i) A protection order issued or consent agreement
approved pursuant to section 2919.26 or 3113.31 of the Revised Code;

(ii) A protection order issued pursuant to section 2151.34, 2903.213, or 2903.214 of the Revised Code;

(iii) A protection order issued by a court of another state.

(e) A previous or existing extreme risk protection order issued against the respondent;

(f) A violation of a previous or existing extreme risk protection order issued against the respondent;

(g) A conviction of the respondent for a violation of section 2919.25 of the Revised Code;

(h) The respondent's ownership, access to, or intent to possess firearms;

(i) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

(j) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;

(k) Any prior arrest of the respondent for a felony offense or violent crime;

(l) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent;

(m) Evidence of recent acquisition of firearms by the respondent.

(2) Examine under oath the petitioner, the respondent, and any witness called by the petitioner or respondent;
(3) Ensure that a reasonable search has been conducted for criminal history records related to the respondent.

(O) During a hearing for an extreme risk protection order, the court shall consider whether a mental health evaluation or chemical dependency evaluation is appropriate and may order such an evaluation if appropriate.

(P) An extreme risk protection order issued under this section shall include all of the following:

(1) A statement of the grounds supporting the order;

(2) The date and time that the order was issued;

(3) The date and time the order expires;

(4) Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;

(5) The address of the court in which any responsive pleading should be filed;

(6) A description of the requirements for surrender of firearms under section 2923.30 of the Revised Code;

(7) The following statement:

"To the subject of the protection order:

This order will last until the date and time noted above. If you have not done so already, you must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any license to carry a concealed handgun issued to you under section 2923.125 or 2923.1213 of the Revised Code. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You have
the right to request one hearing to terminate this order every twelve-month period that this order is in effect, starting from the date of this order and continuing through any renewals. You may seek the advice of an attorney as to any matter connected with this order."

(Q) When the court issues an extreme risk protection order, the court shall inform the respondent that the respondent is entitled to request termination of the order in the manner prescribed in section 2923.29 of the Revised Code.

(R) If the court declines to issue an extreme risk protection order, the court shall state the particular reasons for denial in the court's order.

(S) Sections 2923.26 to 2923.30 of the Revised Code do not affect the ability of a law enforcement officer to remove a firearm or concealed handgun license from any person or conduct any search and seizure for firearms pursuant to any other lawful authority.

Sec. 2923.27. (A) A petitioner, or any person authorized to file a petition pursuant to division (B) of section 2923.26 of the Revised Code, may request that an ex parte extreme risk protection order be issued before a hearing for an extreme risk protection order, without notice to the respondent, by filing an application for an ex parte extreme risk protection order in a court of common pleas, county court, or municipal court, that includes detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to self or others in the near future by having custody or control of a firearm or the ability to purchase, possess, or receive a firearm. The applicant may apply for the ex parte order at the time the petition is filed, at any time prior to
the day of the hearing held pursuant to division (I) of section 2923.26 of the Revised Code, or prior to the filing of a petition in accordance with division (E)(2) of this section.

(B) In considering whether to issue an ex parte extreme risk protection order under this section, the court that receives the application shall consider all relevant evidence, including the evidence described in division (N)(1) of section 2923.26 of the Revised Code.

(C) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to self or others in the near future by having custody or control of a firearm or the ability to purchase, possess, or receive a firearm, the court shall issue an ex parte extreme risk protection order.

(D) The court shall hold an ex parte extreme risk protection order hearing in person or by telephone on the day the application is filed or on the judicial day immediately following the day the application is filed. The court shall promptly rule on the application.

(E)(1) In accordance with division (I)(1) of section 2923.26 of the Revised Code, regardless of whether a court of common pleas receives an application for an ex parte extreme risk protection order at the same time or after it receives a petition for an extreme risk protection order, it shall schedule a hearing on the petition to be held within fourteen days after the petition is filed.

(2) A county court or municipal court that issues an ex parte extreme risk protection order shall transfer the case to the court of common pleas. If the court of common pleas has not
scheduled a hearing on the petition in accordance with division (I)(1) of section 2923.26 of the Revised Code, whether because no petition for an extreme risk protection order was filed or because a petition was filed but the court had not yet scheduled the hearing on the petition, the court shall schedule the hearing on the petition to be held:

(a) If a petition was filed but no hearing had yet been scheduled, within fourteen days after the filing of the petition;

(b) If no petition had been filed, within fourteen days following receipt of the case.

(3) If service according to division (L) of section 2923.26 of the Revised Code has not yet been made, upon the issuance of the ex parte extreme risk protection order, the local law enforcement agency shall personally serve the petition and notice of the hearing and the ex parte extreme risk protection order on the respondent not less than five judicial days prior to the hearing.

If service according to division (L) of section 2923.26 of the Revised Code has already been made at the time the ex parte order is issued, service shall be made the day the ex parte extreme risk protection order is issued.

(F) An ex parte extreme risk protection order shall include all of the following:

(1) A statement of the grounds asserted for the order;

(2) The date and time the order was issued;

(3) The date and time the order expires, which shall not be later than the date and time of the hearing for the extreme risk protection order.
risk protection order;

(4) The address of the court in which any responsive
pleading should be filed;

(5) The date and time of the scheduled hearing;

(6) A description of the requirements for surrender of
firearms under section 2923.30 of the Revised Code;

(7) The following statement:

"To the subject of this protection order:

This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You must immediately surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any license to carry a concealed handgun issued to you under section 2923.125 or 2923.1213 of the Revised Code immediately. A hearing will be held on the date and at the time noted above to determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with this order."

(G) Any ex parte extreme risk protection order issued under this section expires upon the hearing on the extreme risk protection order.

(H) If the court of common pleas declines to issue an ex parte extreme risk protection order, the court shall state the
particular reasons for the denial.

Sec. 2923.28.  (A) An extreme risk protection order issued under section 2923.26 of the Revised Code shall be personally served upon the respondent, except as otherwise provided in sections 2923.26 to 2923.30 of the Revised Code.

(B) The law enforcement agency with jurisdiction over the area in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(C) If service by the local law enforcement agency is to be used, the clerk of court shall cause a copy of the order issued under section 2923.26 of the Revised Code to be forwarded on or before the next judicial day to the local law enforcement agency specified in the order for service upon the respondent.

(D) If the law enforcement agency is unable to complete service on the respondent within ten days, the law enforcement agency shall notify the petitioner. The petitioner shall provide any information necessary to allow the law enforcement agency to complete service on the respondent.

(E) If an order entered by the court specifies that the respondent appeared in person before the court, further service is waived and proof of service is not necessary.

(F) If the court previously entered an order allowing service of the notice and petition or an ex parte extreme risk protection order by publication or mail under division (H) of this section, or if the court finds there are now grounds to allow for that method of service, the court may permit service by publication or mail of the extreme risk protection order as provided in that division.
(G) Return of service under sections 2923.26 to 2923.30 of the Revised Code shall be made in accordance with applicable rules of court.

(H) The court may order service by publication or service by mail as provided by the Rules of Civil Procedure except that any summons shall contain the name of the respondent and petitioner, the date and time of the hearing, and any ex parte extreme risk protection order that has been issued against the respondent, and the following notice:

"If you fail to respond, an extreme risk protection order may be issued against you pursuant to sections 2923.26 to 2923.30 of the Revised Code for one year from the date you are required to appear."

(I) If the court orders service by publication or mail for notice of an extreme risk protection order hearing, it shall also reissue the ex parte extreme risk protection order, if issued, to expire on the date of the extreme risk protection order hearing.

(J) Following completion of service by publication or by mail for notice of an extreme risk protection order hearing, if the respondent fails to appear at the hearing, the court may issue an extreme risk protection order as provided in section 2923.26 of the Revised Code.

(K) The clerk of the court shall enter any extreme risk protection order or ex parte extreme risk protection order issued under sections 2923.26 to 2923.30 of the Revised Code into a statewide judicial information system on the same day such order is issued.

(L) The clerk of the court shall forward a copy of an
order issued under sections 2923.26 to 2923.30 of the Revised Code the same day the order is issued to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the national instant criminal background check system, any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms, and any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in each system for the period stated in the order, and the law enforcement agency shall only remove orders from the systems that have expired or terminated. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(M)(1) The issuing court shall, within three judicial days after issuance of an extreme risk protection order or ex parte extreme risk protection order, forward a copy of the respondent's driver's license or state identification card, or comparable information, along with the date of the order's issuance, to the sheriff that has issued a concealed handgun license to the respondent. Upon receipt of the information, the sheriff shall immediately revoke the respondent's license in accordance with division (B) of section 2923.128 of the Revised Code.

(2) The court, if necessary, may apply for access to the law enforcement automated data system to identify a sheriff that has issued a concealed handgun license to a respondent. For purposes of this inquiry, the court is a criminal justice
agency.

(N) If an extreme risk protection order is terminated before its expiration date, the clerk of the court shall forward the same day a copy of the termination order to the appropriate law enforcement agency specified in the termination order. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to division (L) of this section.

Sec. 2923.29. (A) The respondent may submit one written request for a hearing to terminate an extreme risk protection order issued under sections 2923.26 to 2923.30 of the Revised Code every twelve-month period that the order is in effect, starting from the date of the order and continuing through any renewals.

(1) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Notice of the request shall be served on the petitioner in accordance with the Rules of Civil Procedure. The hearing shall occur not sooner than fourteen days and not later than thirty days after the date the petitioner is served with the request.

(2) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having custody or control of a firearm or the ability to purchase, possess, or receive a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in division (N)(1) of section 2923.26 of the Revised Code.
(3) If the court finds after the hearing that the respondent has met the respondent’s burden, the court shall terminate the order.

(B) The court shall notify the petitioner of the impending expiration of an extreme risk protection order. Notice shall be received by the petitioner one hundred five calendar days before the date the order expires.

(C) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of an extreme risk protection not sooner than one hundred five calendar days before the expiration of the order.

(D) Upon receipt of a motion to renew, the court shall order that a hearing be held not later than fourteen days from the date of the motion. The court may schedule a hearing by telephone in the manner prescribed by division (J)(1) of section 2923.26 of the Revised Code. The respondent shall be personally served in the same manner prescribed by divisions (I)(3) and (L) of section 2923.26 of the Revised Code.

(E) In determining whether to renew an extreme risk protection order under this section, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in section 2923.26 of the Revised Code.

If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order as provided in section 2923.26 of the Revised Code continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be
renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.

(F) The renewal of an extreme risk protection order has a duration of one year, subject to termination as provided in division (A) of this section or further renewal by order of the court.

Sec. 2923.30. (A) Upon issuance of any extreme risk protection order under this chapter, including an ex parte extreme risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession and any license to carry a concealed handgun issued to the respondent under section 2923.125 or 2923.1213 of the Revised Code.

(B) The law enforcement officer serving any extreme risk protection order under sections 2923.26 to 2923.30 of the Revised Code, including an ex parte extreme risk protection order, shall request that the respondent immediately surrender all firearms in the respondent's custody, control, or possession and any license to carry a concealed handgun issued to the respondent under section 2923.125 or 2923.1213 of the Revised Code, and conduct any search permitted by law for such firearms.

(C) The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. Alternatively, if personal service by a law enforcement officer is not possible, or not required because the respondent was present at the extreme risk protection order hearing, the
respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within forty-eight hours of being served with the order by alternate service or within forty-eight hours of the hearing at which the respondent was present.

(D) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed handgun license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within seventy-two hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that the officer’s law enforcement agency retains a copy of the receipt.

(E) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under sections 2923.26 to 2923.30 of the Revised Code, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in the respondent’s possession, custody, or control. If probable cause exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(F) If a person other than the respondent claims title to any firearm surrendered pursuant to this section, and the other person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm shall be returned to the other person, provided that both of the following apply:

(1) The firearm is removed from the respondent's custody,
control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm.

(2) The lawful owner is not prohibited from possessing the firearm under state or federal law.

(G) Upon the issuance of an extreme risk protection order, the court shall order a new hearing date and require the respondent to appear not later than three judicial days from the date it issues the order requiring the hearing. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession. The court may dismiss the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(H) All law enforcement agencies shall develop policies and procedures not later than six months after the effective date of this section regarding the acceptance, storage, and return of firearms required to be surrendered under sections 2923.26 to 2923.30 of the Revised Code.

(I) If an extreme risk protection order is terminated or expires without renewal, a law enforcement agency holding any firearm that has been surrendered pursuant to sections 2923.26 to 2923.30 of the Revised Code shall return any surrendered firearm requested by a respondent only after confirming, through a background check, that the respondent is currently eligible to own or possess firearms under federal and state law and after confirming with the court that the extreme risk protection order has terminated or has expired without renewal.

(J) A law enforcement agency shall, if requested by a family or household member of the respondent, provide prior
notice of the return of a firearm to a respondent to that family or household member.

(K) Any firearm surrendered by a respondent pursuant to this section that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

Sec. 2923.99. (A) Except as provided in this section, sections 2923.26 to 2923.30 of the Revised Code do not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining an extreme risk protection order or ex parte extreme risk protection order including for reporting, declining to report, investigating, declining to investigate, filing, or declining to file a petition under those sections.

(B)(1) No person shall file a petition under sections 2923.26 to 2923.30 of the Revised Code knowing the information in the petition is materially false or with intent to harass the respondent.

(2) A person who violates division (B)(1) of this section is guilty of unlawful petition for an extreme risk protection order, a misdemeanor of the third degree.

(C)(1) No person shall acquire, have, carry, or use any firearm with knowledge that the person is prohibited from doing so by an order issued under this section or sections 2923.26 to 2923.30 of the Revised Code.

(2) A person who violates division (C)(1) of this section is guilty of having a firearm while under extreme risk protection order disability. Except as provided in division (C)
(3) of this section, having a firearm while under extreme risk protection order disability is a misdemeanor of the third degree.

(3) If a person found guilty of having a firearm while under extreme risk protection order disability has two or more previous convictions for such an offense, having a firearm while under extreme risk protection order disability is a felony of the fifth degree.

(D) In addition to the penalties prescribed in division (C) of this section, no person found guilty of having a firearm while under extreme risk protection order disability shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance for a period of five years after the date the underlying extreme risk protection order expires.

Sec. 2929.28. (A) In addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this division if the offense is a minor misdemeanor or could be
disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim, or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under
this section in a civil action for purposes of imposing liability against an insurer under section 3937.18 of the Revised Code.

If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(2) A fine of the type described in divisions (A)(2)(a) and (b) of this section payable to the appropriate entity as required by law:

(a) A fine in the following amount:

(i) For a misdemeanor of the first degree, not more than one thousand dollars;

(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;

(iii) For a misdemeanor of the third degree, not more than five hundred dollars;

(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;

(v) For a minor misdemeanor, not more than one hundred fifty dollars.

(b) A state fine or cost as defined in section 2949.111 of
the Revised Code.

(3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;

(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;

(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.

(b) The amount of reimbursement ordered under division (A)(3)(a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(4) For a misdemeanor violation of section 2923.251 of the
Revised Code, the court shall impose upon the offender a
mandatory fine in the amount specified in division (J)(2)(a),
(b), or (c) of that section.

(B) If the court determines a hearing is necessary, the
court may hold a hearing to determine whether the offender is
able to pay the financial sanction imposed pursuant to this
section or court costs or is likely in the future to be able to
pay the sanction or costs.

If the court determines that the offender is indigent and
unable to pay the financial sanction or court costs, the court
shall consider imposing and may impose a term of community
service under division (A) of section 2929.27 of the Revised
Code in lieu of imposing a financial sanction or court costs. If
the court does not determine that the offender is indigent, the
court may impose a term of community service under division (A)
of section 2929.27 of the Revised Code in lieu of or in addition
to imposing a financial sanction under this section and in
addition to imposing court costs. The court may order community
service for a minor misdemeanor pursuant to division (D) of
section 2929.27 of the Revised Code in lieu of or in addition to
imposing a financial sanction under this section and in addition
to imposing court costs. If a person fails to pay a financial
sanction or court costs, the court may order community service
in lieu of the financial sanction or court costs.

(C)(1) The offender shall pay reimbursements imposed upon
the offender pursuant to division (A)(3) of this section to pay
the costs incurred by a county pursuant to any sanction imposed
under this section or section 2929.26 or 2929.27 of the Revised
Code or in operating a facility used to confine offenders
pursuant to a sanction imposed under section 2929.26 of the
Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the county's general fund. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code.

(2) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(3) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in the municipal corporation's general fund. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code.

(3) The offender shall pay reimbursements imposed pursuant to division (A)(3) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code to the provider.

(D) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an
offender for misdemeanor domestic violence or menacing by stalking may impose a fine of not less than seventy nor more than five hundred dollars, which shall be transmitted to the treasurer of state to be credited to the address confidentiality program fund created by section 111.48 of the Revised Code.

(E) Except as otherwise provided in this division, a financial sanction imposed under division (A) of this section is a judgment in favor of the state or the political subdivision that operates the court that imposed the financial sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(3)(a)(i) of this section upon an offender is a judgment in favor of the entity administering the community control sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(3)(a)(ii) of this section upon an offender confined in a jail or other residential facility is a judgment in favor of the entity operating the jail or other residential facility, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A)(1) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (E)(1) of this section, through execution as described in division (E)(2) of this section, or through an order as described in division (E)(3) of this section, and the offender shall be considered for purposes of the collection as the judgment debtor.

Once the financial sanction is imposed as a judgment or order under this division, the victim, private provider, state, or political subdivision may do any of the following:
(1) Obtain from the clerk of the court in which the judgment was entered a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action;

(2) Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in divisions (E)(1) and (2) of section 2929.18 of the Revised Code.

(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.

(F) The civil remedies authorized under division (E) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.

(G) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following:

(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code.

(2) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, by credit or debit card or by another electronic transfer if the
court is a municipal court not operated by a county, or by any other reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment shall not exceed five years. If the court is a county court or a municipal court operated by a county, the acceptance of payments by any financial transaction device shall be governed by the policy adopted by the board of county commissioners of the county pursuant to section 301.28 of the Revised Code. If the court is a municipal court not operated by a county, the clerk may pay any fee associated with processing an electronic transfer out of public money or may charge the fee to the offender.

(3) To defray administrative costs, charge a reasonable fee to an offender who elects a payment plan rather than a lump sum payment of any financial sanction.

(H) No financial sanction imposed under this section shall preclude a victim from bringing a civil action against the offender.

Sec. 5122.311. (A) Notwithstanding any provision of the Revised Code to the contrary, if, on or after April 8, 2004, an individual is found by a court to be a mentally ill person subject to court order or becomes an involuntary patient other than one who is a patient only for purposes of observation, the probate judge who made the adjudication or the chief clinical officer of the hospital, community mental health services provider, or facility in which the person is an involuntary patient shall notify the office of the attorney general, on the form described in division (C) of this section, of the identity of the individual. The notification shall be transmitted by the judge or the chief clinical officer not later than seven days.
after the adjudication or commitment.

(B) The office of the attorney general shall compile and maintain the notices it receives under division (A) of this section and the notices shall be used for the purpose of conducting incompetency records checks requested by sheriffs, federally licensed firearms dealers, or law enforcement agencies pursuant to section 311.41 or 2923.251 of the Revised Code. Records checks requested by a federally licensed firearms dealer or law enforcement agency pursuant to section 2923.251 of the Revised Code shall be conducted, and results of the checks shall be provided, immediately upon receipt of the request. The notices referred to in this division and the information they contain are confidential, except as provided in this division, and are not public records.

(C) The attorney general, by rule adopted under Chapter 119. of the Revised Code, shall prescribe and make available to all probate judges and all chief clinical officers a form to be used by them for the purpose of making the notifications required by division (A) of this section.

Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.
(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in
division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (I) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (I) of this section, solely on account of
the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

   (a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

   (b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;

   (c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;

   (d) The dependent care credit under section 5747.054 of the Revised Code;

   (e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

   (f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

   (g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

   (h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

   (i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

   (j) The joint filing credit under division (E) of section
5747.05 of the Revised Code;

(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;

(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

(m) The earned income tax credit under section 5747.71 of the Revised Code;

(n) The lead abatement credit under section 5747.26 of the Revised Code;

(o) The credit for education expenses under section 5747.72 of the Revised Code;

(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;

(q) The credit for firearms safety storage unit purchases under section 5747.83 of the Revised Code.

(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.

(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the
correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return.

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this
section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the extension results in an extension of time for the payment of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that liability from the time that payment is due without extension to the time of actual payment. Except as provided in section 5747.132 of the Revised Code, in addition to all other interest charges and penalties, all taxes imposed under this chapter or Chapter 5748. of the Revised Code and remaining unpaid after they become due, except combined amounts due of one dollar or less, bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code until paid or until the day an assessment is issued under section 5747.13 of
the Revised Code, whichever occurs first.

If the commissioner considers it necessary in order to ensure the payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) The amounts withheld pursuant to section 5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code shall be allowed to the ultimate recipient of the income as credits against payment of the appropriate taxes imposed on the ultimate recipient by section 5747.02 and under Chapter 5748. of the Revised Code. As used in this division, "ultimate recipient" means the person who is required to report income from which amounts are withheld pursuant to section 5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code on the annual return required to be filed under this section.

(I) If a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or
with which ends the taxable year of the pass-through entity.

Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(J) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared the return to communicate with the department of taxation about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return.
required by this section electronically.  

(L) The tax commissioner may adopt rules to administer this section.

Sec. 5747.83. (A) As used in this section, "firearms safety storage unit" means a safe, case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, combination, biometric identifier, or other similar means.

(B) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for amounts spent by the taxpayer during the taxable year to purchase firearms safety storage units. The amount of the credit shall equal twenty per cent of the purchase price of each firearms safety storage unit, but the amount of the credit claimed by a taxpayer under this section for any taxable year shall not exceed four hundred dollars. The taxpayer shall claim the credit in the order required under section 5747.98 of the Revised Code.

The tax commissioner may request that a taxpayer furnish a sales receipt or any other information necessary to support a claim for credit under this section, and no credit shall be allowed unless the requested information is provided.

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that
section;

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

The dependent care credit under section 5747.054 of the Revised Code;

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

The campaign contribution credit under section 5747.29 of the Revised Code;

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

The joint filing credit under division (G) of section 5747.05 of the Revised Code;

The earned income credit under section 5747.71 of the Revised Code;

The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;

The credit for firearms safety storage unit purchases under section 5747.83 of the Revised Code;

The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;

The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;

The nonrefundable vocational job credit under section
5747.057 of the Revised Code;

The credit for adoption of a minor child under section
5747.37 of the Revised Code;

The nonrefundable job retention credit under division (B)
of section 5747.058 of the Revised Code;

The enterprise zone credit under section 5709.66 of the
Revised Code;

The credit for beginning farmers who participate in a
financial management program under division (B) of section
5747.77 of the Revised Code;

The credit for selling or renting agricultural assets to
beginning farmers under division (A) of section 5747.77 of the
Revised Code;

The credit for purchases of qualifying grape production
property under section 5747.28 of the Revised Code;

The small business investment credit under section 5747.81
of the Revised Code;

The nonrefundable lead abatement credit under section
5747.26 of the Revised Code;

The opportunity zone investment credit under section
122.84 of the Revised Code;

The enterprise zone credits under section 5709.65 of the
Revised Code;

The research and development credit under section 5747.331
of the Revised Code;

The credit for rehabilitating a historic building under
section 5747.76 of the Revised Code;
The nonresident credit under division (A) of section 5747.05 of the Revised Code;

The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

The refundable motion picture and broadway theatrical production credit under section 5747.66 of the Revised Code;

The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;

The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;

The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be
As Introduced

construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Section 2. That existing sections 109.57, 2151.022, 2152.02, 2152.16, 2923.125, 2923.128, 2923.1213, 2923.13, 2923.21, 2923.211, 2929.28, 5122.311, 5747.08, and 5747.98 of the Revised Code are hereby repealed.

Section 3. All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2022 and those in the second column are for fiscal year 2023. The operating appropriations made in this act are in addition to any other operating appropriations made for the FY 2022-FY 2023 biennium.

Section 4.

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>EDU DEPARTMENT OF EDUCATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>State Lottery Fund Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>7017 200602 School Climate Grants</td>
<td>$0</td>
<td>$10,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>TOTAL SLF State Lottery Fund Group</td>
<td>$0</td>
<td>$10,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E</td>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$0</td>
<td>$10,000,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SCHOOL CLIMATE GRANTS

(A) The foregoing appropriation item 200602, School
Climate Grants, shall be used to provide competitive grants to eligible applicants to implement positive behavior intervention and supports frameworks, evidence- or research-based social and emotional learning initiatives, or both, in eligible school buildings.

(B) The Superintendent of Public Instruction shall administer and award the grants. The Superintendent shall prescribe an application form, establish procedures for the consideration and approval of grant applications, and determine the amount of the grant awards.

(C)(1) Subject to division (C)(2) of this section, the Superintendent shall award the grants in the following order of priority:

(a) First, to eligible applicants whose grant proposal serves one or more eligible school buildings whose percentage of students who are identified as economically disadvantaged is greater than the statewide average percentage of students who are identified as economically disadvantaged, as determined by the Superintendent;

(b) Second, to eligible applicants whose grant proposal serves one or more eligible school buildings with high suspension rates, as determined by the Superintendent;

(c) Third, to eligible applicants who were not awarded a grant under either division (C)(1)(a) or (b) of this section in the order in which the applications were received.

(2) If, for a fiscal year, the amount appropriated for the grants awarded under this section is insufficient to provide grants to all eligible applicants within a priority level specified in division (C)(1) of this section, the Superintendent...
shall first award grants within that priority level to eligible applicants whose grant proposal serves one or more eligible school buildings that previously have not been served through a grant disbursed from the foregoing appropriation item 200602, School Climate Grants.

(D) The Superintendent may enter into a written grant agreement with each eligible applicant awarded a grant under this section that includes the terms and conditions governing the use of the funds. The Superintendent may monitor a recipient's use of the funds to ensure that the funds are used in accordance with the grant agreement.

(E) A grant awarded to an eligible applicant under this section shall not exceed $25,000 per eligible school building served in the eligible applicant's grant proposal, up to a maximum of $250,000.

(F) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses for a period not to exceed two years from the date of the award, according to guidelines established by the Superintendent.

(G) As used in this section:

(1) "Eligible applicant" means a city, local, or exempted village school district or a community school established under Chapter 3314. of the Revised Code.

(2) "Eligible school building" means a building of an eligible applicant that serves any of grades kindergarten through twelve.

Section 5. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts...
indicating the source and amount of funds for each appropriation
made in this act, and shall determine the form and manner in
which appropriation accounts shall be maintained. Expenditures
from operating appropriations contained in this act shall be
accounted for as though made in H.B. 110 of the 134th General
Assembly. The operating appropriations made in this act are
subject to all provisions of H.B. 110 of the 134th General
Assembly that are generally applicable to such appropriations.

Section 6. The amendment or enactment by this act of
sections 5747.08, 5747.83, and 5747.98 of the Revised Code
applies to taxable years beginning on or after January 1, 2022.

Section 7. Pursuant to division (G) of section 5703.95 of
the Revised Code, which states that any bill introduced in the
House of Representatives or the Senate that proposes to enact or
modify one or more tax expenditures should include a statement
explaining the objectives of the tax expenditure or its
modification and the sponsor's intent in proposing the tax
expenditure or its modification:

The objective of this act is to help ensure the safety of
all Ohioans by increasing the usage of firearms safety storage
units. Law abiding citizens should want to use every safety
measure available in being responsible gun owners.

Section 8. This act shall be known as the Defend Our
Children Act.

Section 9. The General Assembly, applying the principle
stated in division (B) of section 1.52 of the Revised Code that
amendments are to be harmonized if reasonably capable of
simultaneous operation, finds that the following sections,
presented in this act as composites of the sections as amended
by the acts indicated, are the resulting versions of the
sections in effect prior to the effective date of the sections
as presented in this act:

Section 2923.1213 of the Revised Code as amended by both
H.B. 234 and S.B. 43 of the 130th General Assembly.

Section 2923.13 of the Revised Code as amended by both Am.
Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General
Assembly.