

As Introduced

**127th General Assembly
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S. B. No. 318

Senator Faber

**Cosponsors: Senators Grendell, Schaffer, Seitz, Mumper, Coughlin,
Buehrer, Austria, Amstutz, Cafaro**

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A BILL

To amend sections 311.41, 2923.12, 2923.121, 1
2923.122, 2923.125, 2923.126, 2923.129, 2923.1212, 2
and 2923.16 and to enact section 5502.371 of the 3
Revised Code to remove the requirement for a 4
retired peace officer identification card that the 5
officer have a nonforfeitable right to retirement 6
benefits, to provide that a retired police 7
officer's successful completion of a firearms 8
requalification program requalifies the peace 9
officer for five years for purposes of obtaining 10
the rights of a concealed carry licensee, to allow 11
a concealed carry licensee to carry concealed 12
handguns in buildings that are owned or leased by 13
the state or a political subdivision of this state 14
and are located in a park or rest area or are not 15
used for a primary governmental function, to alter 16
the requirements for renewing a concealed carry 17
license, to allow a concealed carry licensee to 18
carry a handgun in places of higher education, 19
places of worship, daycare centers, and government 20
buildings if the handgun is unloaded and in a 21
closed package, box, or case, to prohibit a 22

landlord from prohibiting a concealed carry 23
licensee who is a tenant or guest from lawfully 24
carrying or possessing handguns in residential 25
premises, to allow concealed carry licensees to 26
carry a concealed handgun in designated drop-off 27
and pick-up areas of school safety zones, to allow 28
a concealed carry licensee to carry a concealed 29
handgun in a type D liquor permit establishment if 30
the D permit holder does not allow consumption of 31
beer, wine, or intoxicating liquor on the 32
premises, to exempt from certain concealed carry 33
law requirements a person transporting a weapon in 34
a motor vehicle, to modify the records related to 35
the concealed carry licensing process, that a 36
sheriff must destroy to provide that certain 37
records relating to concealed carry licensing are 38
not public records, to redefine unloaded for 39
purposes of the offense of improperly handling 40
firearms in a motor vehicle, and to prohibit the 41
confiscation of lawfully owned and carried 42
firearms during a state of emergency or disaster. 43
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 311.41, 2923.12, 2923.121, 2923.122, 45
2923.125, 2923.126, 2923.129, 2923.1212, and 2923.16 of the 46
Revised Code be amended and that section 5502.371 of the Revised 47
Code be enacted to read as follows: 48

Sec. 311.41. (A)(1) Upon receipt of an application for a 49
license to carry a concealed handgun under division (C) of section 50
2923.125 of the Revised Code, an application to renew a license to 51

carry a concealed handgun under division (F) of that section, or 52
an application for a temporary emergency license to carry a 53
concealed handgun under section 2923.1213 of the Revised Code, the 54
sheriff shall conduct a criminal records check and an incompetency 55
check of the applicant to determine whether the applicant fails to 56
meet the criteria described in division (D)(1) of section 2923.125 57
of the Revised Code. The sheriff shall conduct the criminal 58
records check and the incompetency records check required by this 59
division through use of an electronic fingerprint reading device 60
or, if the sheriff does not possess and does not have ready access 61
to the use of an electronic fingerprint reading device, by 62
requesting the bureau of criminal identification and investigation 63
to conduct the checks as described in this division. 64

In order to conduct the criminal records check and the 65
incompetency records check, the sheriff shall obtain the 66
fingerprints of at least four fingers of the applicant by using an 67
electronic fingerprint reading device for the purpose of 68
conducting the criminal records check and the incompetency records 69
check or, if the sheriff does not possess and does not have ready 70
access to the use of an electronic fingerprint reading device, 71
shall obtain from the applicant a completed standard fingerprint 72
impression sheet prescribed pursuant to division (C)(2) of section 73
109.572 of the Revised Code. The fingerprints so obtained, along 74
with the applicant's social security number, shall be used to 75
conduct the criminal records check and the incompetency records 76
check. If the sheriff does not use an electronic fingerprint 77
reading device to obtain the fingerprints and conduct the records 78
checks, the sheriff shall submit the completed standard 79
fingerprint impression sheet of the applicant, along with the 80
applicant's social security number, to the superintendent of the 81
bureau of criminal identification and investigation and shall 82
request the bureau to conduct the criminal records check and the 83
incompetency records check of the applicant and, if necessary, 84

shall request the superintendent of the bureau to obtain 85
information from the federal bureau of investigation as part of 86
the criminal records check for the applicant. If it is not 87
possible to use an electronic fingerprint reading device to 88
conduct an incompetency records check, the sheriff shall submit 89
the completed standard fingerprint impression sheet of the 90
applicant, along with the applicant's social security number, to 91
the superintendent of the bureau of criminal identification and 92
investigation and shall request the bureau to conduct the 93
incompetency records check. The sheriff shall not retain the 94
applicant's fingerprints as part of the application. 95

(2) Except as otherwise provided in this division, if at any 96
time the applicant decides not to continue with the application 97
process, the sheriff immediately shall cease any investigation 98
that is being conducted under division (A)(1) of this section. The 99
sheriff shall not cease that investigation if, at the time of the 100
applicant's decision not to continue with the application process, 101
the sheriff had determined from any of the sheriff's 102
investigations that the applicant then was engaged in activity of 103
a criminal nature. 104

(B) If a criminal records check and an incompetency records 105
check conducted under division (A) of this section do not indicate 106
that the applicant fails to meet the criteria described in 107
division (D)(1) of section 2923.125 of the Revised Code, except as 108
otherwise provided in this division, the sheriff shall destroy or 109
cause a designated employee to destroy ~~all records other than the~~ 110
~~application for a license to carry a concealed handgun, the~~ 111
~~application to renew a license to carry a concealed handgun, or~~ 112
~~the affidavit submitted regarding an application for a temporary~~ 113
~~emergency license to carry a concealed handgun~~ fingerprints and 114
information received by the sheriff that were ~~made in connection~~ 115
~~with~~ generated as a result of the criminal records check and 116

incompetency records check within twenty days after conducting the 117
criminal records check and incompetency records check. If an 118
applicant appeals a denial of an application as described in 119
division (D)(2) of section 2923.125 of the Revised Code or 120
challenges the results of a criminal records check pursuant to 121
section 2923.127 of the Revised Code, records of fingerprints of 122
the applicant shall not be destroyed during the pendency of the 123
appeal or the challenge and review. When an applicant appeals a 124
denial as described in that division, the twenty-day period 125
described in this division commences regarding the fingerprints 126
upon the determination of the appeal. When required as a result of 127
a challenge and review performed pursuant to section 2923.127 of 128
the Revised Code, the source the sheriff used in conducting the 129
criminal records check shall destroy or the chief operating 130
officer of the source shall cause an employee of the source 131
designated by the chief to destroy ~~all records other than the~~ 132
~~application for a license to carry a concealed handgun, the~~ 133
~~application to renew a license to carry a concealed handgun, or~~ 134
~~the affidavit submitted regarding an application for a temporary~~ 135
~~emergency license to carry a concealed handgun that were made~~ 136
fingerprints and information generated in connection with the 137
criminal records check within twenty days after completion of that 138
challenge and review. 139

(C) If division (B) of this section applies to a particular 140
criminal records check or incompetency records check, no sheriff, 141
employee of a sheriff designated by the sheriff to destroy records 142
under that division, source the sheriff used in conducting the 143
criminal records check or incompetency records check, or employee 144
of the source designated by the chief operating officer of the 145
source to destroy records under that division shall fail to 146
destroy or cause to be destroyed within the applicable twenty-day 147
period specified in that division ~~all records other than the~~ 148
~~application for a license to carry a concealed handgun, the~~ 149

application to renew a license to carry a concealed handgun, or 150
the affidavit submitted regarding an application for a temporary 151
emergency license to carry a concealed handgun made fingerprints 152
and information generated in connection with the particular 153
criminal records check or incompetency records check. 154

(D) Except as provided in section 2923.129 of the Revised 155
Code, all records maintained by the sheriff for the operation of 156
concealed carry licensing, including, but not limited to, 157
applications, receipts, lists, suspension reports, and revocation 158
reports, are not public records for purposes of section 149.43 of 159
the Revised Code. 160

(E) Whoever violates division (C) of this section is guilty 161
of failure to destroy records, a misdemeanor of the second degree. 162

~~(E)~~(F) As used in this section, "handgun" has the same 163
meaning as in section 2923.11 of the Revised Code. 164

Sec. 2923.12. (A) No person shall knowingly carry or have, 165
concealed on the person's person or concealed ready at hand, any 166
of the following: 167

(1) A deadly weapon other than a handgun; 168

(2) A handgun other than a dangerous ordnance; 169

(3) A dangerous ordnance. 170

(B) No person who has been issued a license or temporary 171
emergency license to carry a concealed handgun under section 172
2923.125 or 2923.1213 of the Revised Code or a license to carry a 173
concealed handgun that was issued by another state with which the 174
attorney general has entered into a reciprocity agreement under 175
section 109.69 of the Revised Code shall do any of the following: 176

(1) If the person is stopped for a law enforcement purpose 177
and is carrying a concealed handgun, fail to promptly inform any 178
law enforcement officer who approaches the person after the person 179

has been stopped that the person has been issued a license or 180
temporary emergency license to carry a concealed handgun and that 181
the person then is carrying a concealed handgun; 182

(2) If the person is stopped for a law enforcement purpose 183
and if the person is carrying a concealed handgun, knowingly fail 184
to keep the person's hands in plain sight at any time after any 185
law enforcement officer begins approaching the person while 186
stopped and before the law enforcement officer leaves, unless the 187
failure is pursuant to and in accordance with directions given by 188
a law enforcement officer; 189

(3) If the person is stopped for a law enforcement purpose, 190
if the person is carrying a concealed handgun, and if the person 191
is approached by any law enforcement officer while stopped, 192
knowingly remove or attempt to remove the loaded handgun from the 193
holster, pocket, or other place in which the person is carrying 194
it, knowingly grasp or hold the loaded handgun, or knowingly have 195
contact with the loaded handgun by touching it with the person's 196
hands or fingers at any time after the law enforcement officer 197
begins approaching and before the law enforcement officer leaves, 198
unless the person removes, attempts to remove, grasps, holds, or 199
has contact with the loaded handgun pursuant to and in accordance 200
with directions given by the law enforcement officer; 201

(4) If the person is stopped for a law enforcement purpose 202
and if the person is carrying a concealed handgun, knowingly 203
disregard or fail to comply with any lawful order of any law 204
enforcement officer given while the person is stopped, including, 205
but not limited to, a specific order to the person to keep the 206
person's hands in plain sight. 207

(C)(1) This section does not apply to any of the following: 208

(a) An officer, agent, or employee of this or any other state 209
or the United States, or to a law enforcement officer, who is 210

authorized to carry concealed weapons or dangerous ordnance or is 211
authorized to carry handguns and is acting within the scope of the 212
officer's, agent's, or employee's duties; 213

(b) Any person who is employed in this state, who is 214
authorized to carry concealed weapons or dangerous ordnance or is 215
authorized to carry handguns, and who is subject to and in 216
compliance with the requirements of section 109.801 of the Revised 217
Code, unless the appointing authority of the person has expressly 218
specified that the exemption provided in division (C)(1)(b) of 219
this section does not apply to the person; 220

(c) Any person who is transporting in a motor vehicle for any 221
lawful purpose a weapon that is not on the actor's person and, if 222
the weapon is a firearm, who is in compliance with the applicable 223
requirements of division (C) of section 2923.16 of the Revised 224
Code. 225

(2) Division (A)(2) of this section does not apply to any 226
person who, at the time of the alleged carrying or possession of a 227
handgun, is carrying a valid license or temporary emergency 228
license to carry a concealed handgun issued to the person under 229
section 2923.125 or 2923.1213 of the Revised Code or a license to 230
carry a concealed handgun that was issued by another state with 231
which the attorney general has entered into a reciprocity 232
agreement under section 109.69 of the Revised Code, unless the 233
person knowingly is in a place described in division (B) of 234
section 2923.126 of the Revised Code. 235

(D) It is an affirmative defense to a charge under division 236
(A)(1) of this section of carrying or having control of a weapon 237
other than a handgun and other than a dangerous ordnance that the 238
actor was not otherwise prohibited by law from having the weapon 239
and that any of the following applies: 240

(1) The weapon was carried or kept ready at hand by the actor 241

for defensive purposes while the actor was engaged in or was going 242
to or from the actor's lawful business or occupation, which 243
business or occupation was of a character or was necessarily 244
carried on in a manner or at a time or place as to render the 245
actor particularly susceptible to criminal attack, such as would 246
justify a prudent person in going armed. 247

(2) The weapon was carried or kept ready at hand by the actor 248
for defensive purposes while the actor was engaged in a lawful 249
activity and had reasonable cause to fear a criminal attack upon 250
the actor, a member of the actor's family, or the actor's home, 251
such as would justify a prudent person in going armed. 252

(3) The weapon was carried or kept ready at hand by the actor 253
for any lawful purpose and while in the actor's own home. 254

~~(4) The weapon was being transported in a motor vehicle for 255
any lawful purpose, was not on the actor's person, and, if the 256
weapon was a firearm, was carried in compliance with the 257
applicable requirements of division (C) of section 2923.16 of the 258
Revised Code. 259~~

(E) It is an affirmative defense to a charge under division 260
(A) of this section of carrying or having control of a handgun 261
other than a dangerous ordnance that the actor was not otherwise 262
prohibited by law from having the handgun and that the handgun was 263
carried or kept ready at hand by the actor for any lawful purpose 264
and while in the actor's own home, provided that this affirmative 265
defense is not available unless the actor, prior to arriving at 266
the actor's own home, did not transport or possess the handgun in 267
a motor vehicle in a manner prohibited by division (B) or (C) of 268
section 2923.16 of the Revised Code while the motor vehicle was 269
being operated on a street, highway, or other public or private 270
property used by the public for vehicular traffic. 271

(F) No person who is charged with a violation of this section 272

shall be required to obtain a license or temporary emergency 273
license to carry a concealed handgun under section 2923.125 or 274
2923.1213 of the Revised Code as a condition for the dismissal of 275
the charge. 276

(G)(1) Whoever violates this section is guilty of carrying 277
concealed weapons. Except as otherwise provided in this division 278
or division (G)(2) of this section, carrying concealed weapons in 279
violation of division (A) of this section is a misdemeanor of the 280
first degree. Except as otherwise provided in this division or 281
division (G)(2) of this section, if the offender previously has 282
been convicted of a violation of this section or of any offense of 283
violence, if the weapon involved is a firearm that is either 284
loaded or for which the offender has ammunition ready at hand, or 285
if the weapon involved is dangerous ordnance, carrying concealed 286
weapons in violation of division (A) of this section is a felony 287
of the fourth degree. Except as otherwise provided in division 288
(G)(2) of this section, if the weapon involved is a firearm and 289
the violation of this section is committed at premises for which a 290
D permit has been issued under Chapter 4303. of the Revised Code 291
or if the offense is committed aboard an aircraft, or with purpose 292
to carry a concealed weapon aboard an aircraft, regardless of the 293
weapon involved, carrying concealed weapons in violation of 294
division (A) of this section is a felony of the third degree. 295

(2) If a person being arrested for a violation of division 296
(A)(2) of this section promptly produces a valid license or 297
temporary emergency license to carry a concealed handgun issued 298
under section 2923.125 or 2923.1213 of the Revised Code or a 299
license to carry a concealed handgun that was issued by another 300
state with which the attorney general has entered into a 301
reciprocity agreement under section 109.69 of the Revised Code, 302
and if at the time of the violation the person was not knowingly 303
in a place described in division (B) of section 2923.126 of the 304

Revised Code, the officer shall not arrest the person for a 305
violation of that division. If the person is not able to promptly 306
produce any of those types of license and if the person is not in 307
a place described in that section, the officer may arrest the 308
person for a violation of that division, and the offender shall be 309
punished as follows: 310

(a) The offender shall be guilty of a minor misdemeanor if 311
both of the following apply: 312

(i) Within ten days after the arrest, the offender presents a 313
license or temporary emergency license to carry a concealed 314
handgun issued under section 2923.125 or 2923.1213 of the Revised 315
Code or a license to carry a concealed handgun that was issued by 316
another state with which the attorney general has entered into a 317
reciprocity agreement under section 109.69 of the Revised Code, 318
which license was valid at the time of the arrest to the law 319
enforcement agency that employs the arresting officer. 320

(ii) At the time of the arrest, the offender was not 321
knowingly in a place described in division (B) of section 2923.126 322
of the Revised Code. 323

(b) The offender shall be guilty of a misdemeanor and shall 324
be fined five hundred dollars if all of the following apply: 325

(i) The offender previously had been issued a license to 326
carry a concealed handgun under section 2923.125 of the Revised 327
Code or a license to carry a concealed handgun that was issued by 328
another state with which the attorney general has entered into a 329
reciprocity agreement under section 109.69 of the Revised Code and 330
that was similar in nature to a license issued under section 331
2923.125 of the Revised Code, and that license expired within the 332
two years immediately preceding the arrest. 333

(ii) Within forty-five days after the arrest, the offender 334
presents any type of license identified in division (G)(2)(a)(i) 335

of this section to the law enforcement agency that employed the 336
arresting officer, and the offender waives in writing the 337
offender's right to a speedy trial on the charge of the violation 338
that is provided in section 2945.71 of the Revised Code. 339

(iii) At the time of the commission of the offense, the 340
offender was not knowingly in a place described in division (B) of 341
section 2923.126 of the Revised Code. 342

(c) If neither division (G)(2)(a) nor (b) of this section 343
applies, the offender shall be punished under division (G)(1) of 344
this section. 345

(3) Carrying concealed weapons in violation of division 346
(B)(1) of this section is a misdemeanor of the first degree, and, 347
in addition to any other penalty or sanction imposed for a 348
violation of division (B)(1) of this section, the offender's 349
license or temporary emergency license to carry a concealed 350
handgun shall be suspended pursuant to division (A)(2) of section 351
2923.128 of the Revised Code. 352

(4) Carrying concealed weapons in violation of division 353
(B)(2) or (4) of this section is a misdemeanor of the first degree 354
or, if the offender previously has been convicted of or pleaded 355
guilty to a violation of division (B)(2) or (4) of this section, a 356
felony of the fifth degree. In addition to any other penalty or 357
sanction imposed for a misdemeanor violation of division (B)(2) or 358
(4) of this section, the offender's license or temporary emergency 359
license to carry a concealed handgun shall be suspended pursuant 360
to division (A)(2) of section 2923.128 of the Revised Code. 361

(5) Carrying concealed weapons in violation of division 362
(B)(3) of this section is a felony of the fifth degree. 363

(H) If a law enforcement officer stops a person to question 364
the person regarding a possible violation of this section, for a 365
traffic stop, or for any other law enforcement purpose, if the 366

person surrenders a firearm to the officer, either voluntarily or 367
pursuant to a request or demand of the officer, and if the officer 368
does not charge the person with a violation of this section or 369
arrest the person for any offense, the person is not otherwise 370
prohibited by law from possessing the firearm, and the firearm is 371
not contraband, the officer shall return the firearm to the person 372
at the termination of the stop. 373

Sec. 2923.121. (A) No person shall possess a firearm in any 374
room in which liquor is being dispensed in premises for which a D 375
permit has been issued under Chapter 4303. of the Revised Code or 376
in an open air arena for which a permit of that nature has been 377
issued. 378

(B)(1) This section does not apply to any of the following: 379

(a) An officer, agent, or employee of this or any other state 380
or the United States, or to a law enforcement officer, who is 381
authorized to carry firearms and is acting within the scope of the 382
officer's, agent's, or employee's duties; 383

(b) Any person who is employed in this state, who is 384
authorized to carry firearms, and who is subject to and in 385
compliance with the requirements of section 109.801 of the Revised 386
Code, unless the appointing authority of the person has expressly 387
specified that the exemption provided in division (B)(1)(b) of 388
this section does not apply to the person. 389

(2) This section does not apply to any room used for the 390
accommodation of guests of a hotel, as defined in section 4301.01 391
of the Revised Code. 392

(3) This section does not prohibit any person who is a member 393
of a veteran's organization, as defined in section 2915.01 of the 394
Revised Code, from possessing a rifle in any room in any premises 395
owned, leased, or otherwise under the control of the veteran's 396

organization, if the rifle is not loaded with live ammunition and 397
if the person otherwise is not prohibited by law from having the 398
rifle. 399

(4) This section does not apply to any person possessing or 400
displaying firearms in any room used to exhibit unloaded firearms 401
for sale or trade in a soldiers' memorial established pursuant to 402
Chapter 345. of the Revised Code, in a convention center, or in 403
any other public meeting place, if the person is an exhibitor, 404
trader, purchaser, or seller of firearms and is not otherwise 405
prohibited by law from possessing, trading, purchasing, or selling 406
the firearms. 407

(5) This section does not apply to a person when all of the 408
following circumstances apply: 409

(a) The person has been issued a license or temporary 410
emergency license to carry a concealed handgun under section 411
2923.125 or 2923.1213 of the Revised Code or a license to carry a 412
concealed handgun that was issued by another state with which the 413
attorney general has entered into a reciprocity agreement under 414
section 109.69 of the Revised Code. 415

(b) The person is carrying a concealed handgun. 416

(c) The holder of the D permit does not allow consumption of 417
beer, wine, or intoxicating liquor in the room or the premises on 418
which the room is located. 419

(C) It is an affirmative defense to a charge under this 420
section of illegal possession of a firearm in liquor permit 421
premises that involves the possession of a firearm other than a 422
handgun, that the actor was not otherwise prohibited by law from 423
having the firearm, and that any of the following apply: 424

(1) The firearm was carried or kept ready at hand by the 425
actor for defensive purposes, while the actor was engaged in or 426
was going to or from the actor's lawful business or occupation, 427

which business or occupation was of such character or was 428
necessarily carried on in such manner or at such a time or place 429
as to render the actor particularly susceptible to criminal 430
attack, such as would justify a prudent person in going armed. 431

(2) The firearm was carried or kept ready at hand by the 432
actor for defensive purposes, while the actor was engaged in a 433
lawful activity, and had reasonable cause to fear a criminal 434
attack upon the actor or a member of the actor's family, or upon 435
the actor's home, such as would justify a prudent person in going 436
armed. 437

(D) No person who is charged with a violation of this section 438
shall be required to obtain a license or temporary emergency 439
license to carry a concealed handgun under section 2923.125 or 440
2923.1213 of the Revised Code as a condition for the dismissal of 441
the charge. 442

(E) Whoever violates this section is guilty of illegal 443
possession of a firearm in liquor permit premises, a felony of the 444
fifth degree. 445

(F) "Beer," "wine," and "intoxicating liquor" have the same 446
meanings as in section 4301.01 of the Revised Code. 447

Sec. 2923.122. (A) No person shall knowingly convey, or 448
attempt to convey, a deadly weapon or dangerous ordnance into a 449
school safety zone. 450

(B) No person shall knowingly possess a deadly weapon or 451
dangerous ordnance in a school safety zone. 452

(C) No person shall knowingly possess an object in a school 453
safety zone if both of the following apply: 454

(1) The object is indistinguishable from a firearm, whether 455
or not the object is capable of being fired. 456

(2) The person indicates that the person possesses the object 457

and that it is a firearm, or the person knowingly displays or 458
brandishes the object and indicates that it is a firearm. 459

(D)(1) This section does not apply to any of the following: 460

(a) An officer, agent, or employee of this or any other state 461
or the United States, or a law enforcement officer, who is 462
authorized to carry deadly weapons or dangerous ordnance and is 463
acting within the scope of the officer's, agent's, or employee's 464
duties, a security officer employed by a board of education or 465
governing body of a school during the time that the security 466
officer is on duty pursuant to that contract of employment, or any 467
other person who has written authorization from the board of 468
education or governing body of a school to convey deadly weapons 469
or dangerous ordnance into a school safety zone or to possess a 470
deadly weapon or dangerous ordnance in a school safety zone and 471
who conveys or possesses the deadly weapon or dangerous ordnance 472
in accordance with that authorization; 473

(b) Any person who is employed in this state, who is 474
authorized to carry deadly weapons or dangerous ordnance, and who 475
is subject to and in compliance with the requirements of section 476
109.801 of the Revised Code, unless the appointing authority of 477
the person has expressly specified that the exemption provided in 478
division (D)(1)(b) of this section does not apply to the person. 479

(2) Division (C) of this section does not apply to premises 480
upon which home schooling is conducted. Division (C) of this 481
section also does not apply to a school administrator, teacher, or 482
employee who possesses an object that is indistinguishable from a 483
firearm for legitimate school purposes during the course of 484
employment, a student who uses an object that is indistinguishable 485
from a firearm under the direction of a school administrator, 486
teacher, or employee, or any other person who with the express 487
prior approval of a school administrator possesses an object that 488
is indistinguishable from a firearm for a legitimate purpose, 489

including the use of the object in a ceremonial activity, a play, 490
reenactment, or other dramatic presentation, or a ROTC activity or 491
another similar use of the object. 492

(3) This section does not apply to a person who conveys or 493
attempts to convey a handgun into, or possesses a handgun in, a 494
school safety zone if, at the time of that conveyance, attempted 495
conveyance, or possession of the handgun, all of the following 496
apply: 497

(a) The person does not enter into a school building or onto 498
school premises and is not at a school activity. 499

(b) The person is carrying a valid license or temporary 500
emergency license to carry a concealed handgun issued to the 501
person under section 2923.125 or 2923.1213 of the Revised Code or 502
a license to carry a concealed handgun that was issued by another 503
state with which the attorney general has entered into a 504
reciprocity agreement under section 109.69 of the Revised Code. 505

(c) The person is in the school safety zone in accordance 506
with 18 U.S.C. 922(q)(2)(B). 507

(d) The person is not knowingly in a place described in 508
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 509
Revised Code. 510

(4) This section does not apply to a person who conveys or 511
attempts to convey a handgun into, or possesses a handgun in, a 512
school safety zone if at the time of that conveyance, attempted 513
conveyance, or possession of the handgun all of the following 514
apply: 515

(a) The person is carrying a valid license or temporary 516
emergency license to carry a concealed handgun issued to the 517
person under section 2923.125 or 2923.1213 of the Revised Code or 518
a license to carry a concealed handgun that was issued by another 519
state with which the attorney general has entered into a 520

reciprocity agreement under section 109.69 of the Revised Code. 521

(b) The person is the driver or passenger in a motor vehicle 522
and is in a designated pick-up or drop-off area of the school 523
safety zone for the purpose of picking up or dropping off the 524
person's child. 525

(c) The person is not in violation of section 2923.16 of the 526
Revised Code. 527

(E)(1) Whoever violates division (A) or (B) of this section 528
is guilty of illegal conveyance or possession of a deadly weapon 529
or dangerous ordnance in a school safety zone. Except as otherwise 530
provided in this division, illegal conveyance or possession of a 531
deadly weapon or dangerous ordnance in a school safety zone is a 532
felony of the fifth degree. If the offender previously has been 533
convicted of a violation of this section, illegal conveyance or 534
possession of a deadly weapon or dangerous ordnance in a school 535
safety zone is a felony of the fourth degree. 536

(2) Whoever violates division (C) of this section is guilty 537
of illegal possession of an object indistinguishable from a 538
firearm in a school safety zone. Except as otherwise provided in 539
this division, illegal possession of an object indistinguishable 540
from a firearm in a school safety zone is a misdemeanor of the 541
first degree. If the offender previously has been convicted of a 542
violation of this section, illegal possession of an object 543
indistinguishable from a firearm in a school safety zone is a 544
felony of the fifth degree. 545

(F)(1) In addition to any other penalty imposed upon a person 546
who is convicted of or pleads guilty to a violation of this 547
section and subject to division (F)(2) of this section, if the 548
offender has not attained nineteen years of age, regardless of 549
whether the offender is attending or is enrolled in a school 550
operated by a board of education or for which the state board of 551

education prescribes minimum standards under section 3301.07 of 552
the Revised Code, the court shall impose upon the offender a class 553
four suspension of the offender's probationary driver's license, 554
restricted license, driver's license, commercial driver's license, 555
temporary instruction permit, or probationary commercial driver's 556
license that then is in effect from the range specified in 557
division (A)(4) of section 4510.02 of the Revised Code and shall 558
deny the offender the issuance of any permit or license of that 559
type during the period of the suspension. 560

If the offender is not a resident of this state, the court 561
shall impose a class four suspension of the nonresident operating 562
privilege of the offender from the range specified in division 563
(A)(4) of section 4510.02 of the Revised Code. 564

(2) If the offender shows good cause why the court should not 565
suspend one of the types of licenses, permits, or privileges 566
specified in division (F)(1) of this section or deny the issuance 567
of one of the temporary instruction permits specified in that 568
division, the court in its discretion may choose not to impose the 569
suspension, revocation, or denial required in that division. 570

(G) As used in this section, "object that is 571
indistinguishable from a firearm" means an object made, 572
constructed, or altered so that, to a reasonable person without 573
specialized training in firearms, the object appears to be a 574
firearm. 575

Sec. 2923.125. (A) Upon the request of a person who wishes to 576
obtain a license to carry a concealed handgun or to renew a 577
license to carry a concealed handgun, a sheriff, as provided in 578
division (I) of this section, shall provide to the person free of 579
charge an application form and a copy of the pamphlet described in 580
division (B) of section 109.731 of the Revised Code. A sheriff 581
shall accept a completed application form and the fee, items, 582

materials, and information specified in divisions (B)(1) to (5) of 583
this section at the times and in the manners described in division 584
(I) of this section. 585

(B) An applicant for a license to carry a concealed handgun 586
shall submit a completed application form and all of the following 587
to the sheriff of the county in which the applicant resides or to 588
the sheriff of any county adjacent to the county in which the 589
applicant resides: 590

(1) A nonrefundable license fee prescribed by the Ohio peace 591
officer training commission pursuant to division (C) of section 592
109.731 of the Revised Code, except that the sheriff shall waive 593
the payment of the license fee in connection with an initial or 594
renewal application for a license that is submitted by an 595
applicant who is a retired peace officer, a retired person 596
described in division (B)(1)(b) of section 109.77 of the Revised 597
Code, or a retired federal law enforcement officer who, prior to 598
retirement, was authorized under federal law to carry a firearm in 599
the course of duty, unless the retired peace officer, person, or 600
federal law enforcement officer retired as the result of a mental 601
disability; 602

(2) A color photograph of the applicant that was taken within 603
thirty days prior to the date of the application; 604

(3) One or more of the following competency certifications, 605
each of which shall reflect that, regarding a certification 606
described in division (B)(3)(a), (b), (c), (e), or (f) of this 607
section, within the three years immediately preceding the 608
application the applicant has performed that to which the 609
competency certification relates and that, regarding a 610
certification described in division (B)(3)(d) of this section, the 611
applicant currently is an active or reserve member of the armed 612
forces of the United States or within the six years immediately 613
preceding the application the honorable discharge or retirement to 614

which the competency certification relates occurred: 615

(a) An original or photocopy of a certificate of completion 616
of a firearms safety, training, or requalification or firearms 617
safety instructor course, class, or program that was offered by or 618
under the auspices of the national rifle association and that 619
complies with the requirements set forth in division (G) of this 620
section; 621

(b) An original or photocopy of a certificate of completion 622
of a firearms safety, training, or requalification or firearms 623
safety instructor course, class, or program that satisfies all of 624
the following criteria: 625

(i) It was open to members of the general public. 626

(ii) It utilized qualified instructors who were certified by 627
the national rifle association, the executive director of the Ohio 628
peace officer training commission pursuant to section 109.75 or 629
109.78 of the Revised Code, or a governmental official or entity 630
of another state. 631

(iii) It was offered by or under the auspices of a law 632
enforcement agency of this or another state or the United States, 633
a public or private college, university, or other similar 634
postsecondary educational institution located in this or another 635
state, a firearms training school located in this or another 636
state, or another type of public or private entity or organization 637
located in this or another state. 638

(iv) It complies with the requirements set forth in division 639
(G) of this section. 640

(c) An original or photocopy of a certificate of completion 641
of a state, county, municipal, or department of natural resources 642
peace officer training school that is approved by the executive 643
director of the Ohio peace officer training commission pursuant to 644
section 109.75 of the Revised Code and that complies with the 645

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, 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 the national rifle association, and that complies with the requirements set forth in division (G) of this section;

(f) An affidavit that attests to the applicant's satisfactory 678
completion of a course, class, or program described in division 679
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 680
by the applicant's instructor or an authorized representative of 681
the entity that offered the course, class, or program or under 682
whose auspices the course, class, or program was offered. 683

(4) A certification by the applicant that the applicant has 684
read the pamphlet prepared by the Ohio peace officer training 685
commission pursuant to section 109.731 of the Revised Code that 686
reviews firearms, dispute resolution, and use of deadly force 687
matters. 688

(5) A set of fingerprints of the applicant provided as 689
described in section 311.41 of the Revised Code through use of an 690
electronic fingerprint reading device or, if the sheriff to whom 691
the application is submitted does not possess and does not have 692
ready access to the use of such a reading device, on a standard 693
impression sheet prescribed pursuant to division (C)(2) of section 694
109.572 of the Revised Code. 695

(C) Upon receipt of an applicant's completed application 696
form, supporting documentation, and, if not waived, license fee, a 697
sheriff, in the manner specified in section 311.41 of the Revised 698
Code, shall conduct or cause to be conducted the criminal records 699
check and the incompetency records check described in section 700
311.41 of the Revised Code. 701

(D)(1) Except as provided in division (D)(3), or (4), ~~or (5)~~ 702
of this section, within forty-five days after a sheriff's receipt 703
of an applicant's completed application form for a license to 704
carry a concealed handgun, the supporting documentation, and, if 705
not waived, the license fee, the sheriff shall make available 706
through the law enforcement automated data system in accordance 707
with division (H) of this section the information described in 708
that division and, upon making the information available through 709

the system, shall issue to the applicant a license to carry a
concealed handgun 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, has
been a resident of this state for at least forty-five days, and
has been a resident of the county in which the person seeks the
license or a county adjacent to the county in which the person
seeks the license for at least thirty days.

(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) 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; and 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)(3) of that section.

(f) The applicant, within three years of the date of the

application, has not been convicted of or pleaded guilty to a 741
misdemeanor offense of violence other than a misdemeanor violation 742
of section 2921.33 of the Revised Code or a violation of section 743
2903.13 of the Revised Code when the victim of the violation is a 744
peace officer, or a misdemeanor violation of section 2923.1211 of 745
the Revised Code; and has not been adjudicated a delinquent child 746
for committing an act that if committed by an adult would be a 747
misdemeanor offense of violence other than a misdemeanor violation 748
of section 2921.33 of the Revised Code or a violation of section 749
2903.13 of the Revised Code when the victim of the violation is a 750
peace officer or for committing an act that if committed by an 751
adult would be a misdemeanor violation of section 2923.1211 of the 752
Revised Code. 753

(g) Except as otherwise provided in division (D)(1)(e) of 754
this section, the applicant, within five years of the date of the 755
application, has not been convicted of, pleaded guilty to, or 756
adjudicated a delinquent child for committing two or more 757
violations of section 2903.13 or 2903.14 of the Revised Code. 758

(h) The applicant, within ten years of the date of the 759
application, has not been convicted of, pleaded guilty to, or 760
adjudicated a delinquent child for committing a violation of 761
section 2921.33 of the Revised Code. 762

(i) The applicant has not been adjudicated as a mental 763
defective, has not been committed to any mental institution, is 764
not under adjudication of mental incompetence, has not been found 765
by a court to be a mentally ill person subject to hospitalization 766
by court order, and is not an involuntary patient other than one 767
who is a patient only for purposes of observation. As used in this 768
division, "mentally ill person subject to hospitalization by court 769
order" and "patient" have the same meanings as in section 5122.01 770
of the Revised Code. 771

(j) The applicant is not currently subject to a civil 772

protection order, a temporary protection order, or a protection
order issued by a court of another state. 773
774

(k) The applicant certifies that the applicant desires a 775
legal means to carry a concealed handgun for defense of the 776
applicant or a member of the applicant's family while engaged in 777
lawful activity. 778

(l) The applicant submits a competency certification of the 779
type described in division (B)(3) of this section and submits a 780
certification of the type described in division (B)(4) of this 781
section regarding the applicant's reading of the pamphlet prepared 782
by the Ohio peace officer training commission pursuant to section 783
109.731 of the Revised Code. 784

(m) The applicant currently is not subject to a suspension 785
imposed under division (A)(2) of section 2923.128 of the Revised 786
Code of a license to carry a concealed handgun, or a temporary 787
emergency license to carry a concealed handgun, that previously 788
was issued to the applicant under this section or section 789
2923.1213 of the Revised Code. 790

(2)(a) A license to carry a concealed handgun that a sheriff 791
issues under division (D)(1) of this section on or after ~~the~~ 792
~~effective date of this amendment~~ March 14, 2007, shall expire five 793
years after the date of issuance. A license to carry a concealed 794
handgun that a sheriff issued under division (D)(1) of this 795
section prior to ~~the effective date of this amendment~~ March 14, 796
2007, shall expire four years after the date of issuance. 797

If a sheriff issues a license under this section, the sheriff 798
shall place on the license a unique combination of letters and 799
numbers identifying the license in accordance with the procedure 800
prescribed by the Ohio peace officer training commission pursuant 801
to section 109.731 of the Revised Code. 802

(b) If a sheriff denies an application under this section 803

because the applicant does not satisfy the criteria described in 804
division (D)(1) of this section, the sheriff shall specify the 805
grounds for the denial in a written notice to the applicant. The 806
applicant may appeal the denial pursuant to section 119.12 of the 807
Revised Code in the county served by the sheriff who denied the 808
application. If the denial was as a result of the criminal records 809
check conducted pursuant to section 311.41 of the Revised Code and 810
if, pursuant to section 2923.127 of the Revised Code, the 811
applicant challenges the criminal records check results using the 812
appropriate challenge and review procedure specified in that 813
section, the time for filing the appeal pursuant to section 119.12 814
of the Revised Code and this division is tolled during the 815
pendency of the request or the challenge and review. If the court 816
in an appeal under section 119.12 of the Revised Code and this 817
division enters a judgment sustaining the sheriff's refusal to 818
grant to the applicant a license to carry a concealed handgun, the 819
applicant may file a new application beginning one year after the 820
judgment is entered. If the court enters a judgment in favor of 821
the applicant, that judgment shall not restrict the authority of a 822
sheriff to suspend or revoke the license pursuant to section 823
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 824
the license for any proper cause that may occur after the date the 825
judgment is entered. In the appeal, the court shall have full 826
power to dispose of all costs. 827

(3) If the sheriff with whom an application for a license to 828
carry a concealed handgun was filed under this section becomes 829
aware that the applicant has been arrested for or otherwise 830
charged with an offense that would disqualify the applicant from 831
holding the license, the sheriff shall suspend the processing of 832
the application until the disposition of the case arising from the 833
arrest or charge. 834

(4) If the sheriff determines that the applicant is legally 835

living in the United States and is a resident of the county in 836
which the applicant seeks the license or of an adjacent county but 837
does not yet meet the residency requirements described in division 838
(D)(1)(a) of this section, the sheriff shall not deny the license 839
because of the residency requirements but shall not issue the 840
license until the applicant meets those residency requirements. 841

(E) If a license to carry a concealed handgun issued under 842
this section is lost or is destroyed, the licensee may obtain from 843
the sheriff who issued that license a duplicate license upon the 844
payment of a fee of fifteen dollars and the submission of an 845
affidavit attesting to the loss or destruction of the license. The 846
sheriff, in accordance with the procedures prescribed in section 847
109.731 of the Revised Code, shall place on the replacement 848
license a combination of identifying numbers different from the 849
combination on the license that is being replaced. 850

(F)(1) A licensee who wishes to renew a license to carry a 851
concealed handgun issued under this section shall do so not 852
earlier than ninety days before the expiration date of the license 853
~~and not later than thirty days~~ or at any time after the expiration 854
date of the license by filing with the sheriff of the county in 855
which the applicant resides or with the sheriff of an adjacent 856
county an application for renewal of the license obtained pursuant 857
to division (D) of this section, ~~a new color photograph of the~~ 858
~~licensee that was taken within thirty days prior to the date of~~ 859
~~the renewal application, a certification by the applicant that,~~ 860
~~subsequent to the issuance of the license, the applicant has~~ 861
~~reread the pamphlet prepared by the Ohio peace officer training~~ 862
~~commission pursuant to section 109.731 of the Revised Code that~~ 863
~~reviews firearms, dispute resolution, and use of deadly force~~ 864
~~matters, a new set of fingerprints provided in the manner~~ 865
~~specified in division (B)(5) of this section regarding initial~~ 866
~~applications for a license to carry a concealed handgun, and a~~ 867

nonrefundable license renewal fee unless the fee is waived. ~~The,~~ 868
and one of the following: 869

(a) If the licensee previously has not renewed a license to 870
carry a concealed handgun issued under this section, proof that 871
the licensee also shall submit at one time had a competency 872
certification of the type described in division (B)(3) of this 873
section ~~that is not older than six years or.~~ A valid license is 874
prima-facie evidence that the licensee at one time had a 875
competency certification of the type described in division (B)(3) 876
of this section. 877

(b) If the licensee previously has renewed a license to carry 878
a concealed handgun issued under this section, a renewed 879
competency certification of the type described in division (G)(4) 880
of this section ~~that is not older than six years.~~ A 881

(2) A sheriff shall accept a completed renewal application 882
~~and,~~ the license renewal fee, ~~items, materials,~~ and information 883
specified in ~~this~~ division (F)(1) of this section at the times and 884
in the manners described in division (I) of this section. Upon 885
receipt of a completed renewal application, ~~color photograph,~~ 886
~~certification that the applicant has reread the specified pamphlet~~ 887
~~prepared by the Ohio peace officer training commission, new set of~~ 888
~~fingerprints,~~ of proof of a prior competency certification for an 889
initial renewal or of a renewed competency certification for a 890
second or subsequent renewal, and of a license renewal fee unless 891
the fee is waived, a sheriff, in the manner specified in section 892
311.41 of the Revised Code shall conduct or cause to be conducted 893
the criminal records check and the incompetency records check 894
described in section 311.41 of the Revised Code. The sheriff shall 895
renew the license if the sheriff determines that the applicant 896
continues to satisfy the requirements described in division (D)(1) 897
of this section, except that the applicant is not required to 898
~~submit a renewed competency certification only in the~~ 899

~~circumstances described in~~ meet the requirements of division 900
~~(G)(4)(D)(1)(1)~~ of this section. A renewed license that is renewed 901
on or after ~~the effective date of this amendment~~ March 14, 2007, 902
shall expire five years after the date of issuance, and a renewed 903
license that is renewed prior to ~~the effective date of this~~ 904
~~amendment~~ March 14, 2007, shall expire four years after the date 905
of issuance. A renewed license is subject to division (E) of this 906
section and sections 2923.126 and 2923.128 of the Revised Code. A 907
sheriff shall comply with divisions (D)(2) to (4) of this section 908
when the circumstances described in those divisions apply to a 909
requested license renewal. If a sheriff denies the renewal of a 910
license to carry a concealed handgun, the applicant may appeal the 911
denial, or challenge the criminal record check results that were 912
the basis of the denial if applicable, in the same manner as 913
specified in division (D)(2)(b) of this section and in section 914
2923.127 of the Revised Code, regarding the denial of a license 915
under this section. 916

(G)(1) Each course, class, or program described in division 917
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 918
person who takes the course, class, or program a copy of the 919
pamphlet prepared by the Ohio peace officer training commission 920
pursuant to section 109.731 of the Revised Code that reviews 921
firearms, dispute resolution, and use of deadly force matters. 922
Each such course, class, or program described in one of those 923
divisions shall include at least twelve hours of training in the 924
safe handling and use of a firearm that shall include all of the 925
following: 926

(a) At least ten hours of training on the following matters: 927

(i) The ability to name, explain, and demonstrate the rules 928
for safe handling of a handgun and proper storage practices for 929
handguns and ammunition; 930

(ii) The ability to demonstrate and explain how to handle 931

ammunition in a safe manner; 932

(iii) The ability to demonstrate the knowledge, skills, and 933
attitude necessary to shoot a handgun in a safe manner; 934

(iv) Gun handling training. 935

(b) At least two hours of training that consists of range 936
time and live-fire training. 937

(2) To satisfactorily complete the course, class, or program 938
described in division (B)(3)(a), (b), (c), or (e) of this section, 939
the applicant shall pass a competency examination that shall 940
include both of the following: 941

(a) A written section on the ability to name and explain the 942
rules for the safe handling of a handgun and proper storage 943
practices for handguns and ammunition; 944

(b) A physical demonstration of competence in the use of a 945
handgun and in the rules for safe handling and storage of a 946
handgun and a physical demonstration of the attitude necessary to 947
shoot a handgun in a safe manner. 948

(3) The competency certification described in division 949
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 950
shall attest that the course, class, or program the applicant 951
successfully completed met the requirements described in division 952
(G)(1) of this section and that the applicant passed the 953
competency examination described in division (G)(2) of this 954
section. 955

(4) A person who previously has received a competency 956
certification as described in division (B)(3) of this section, or 957
who previously has received a renewed competency certification as 958
described in this division, may obtain a renewed competency 959
certification pursuant to this division. If the person previously 960
has received a competency certification ~~within the preceding six~~ 961

~~years, or previously has received a renewed competency certification within the preceding six years, the person may obtain a renewed competency certification from an entity that offers a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section by passing a competency examination of the type described in division (G)(2) of this section test that demonstrates that the person is range competent. In these circumstances, the person is not required to attend the course, class, or program in order to be eligible or to take the competency examination described in division (G)(2) of this section for the renewed competency certification in order to be eligible to receive a renewed competency certification. If more than six years has elapsed since the person last received a competency certification or a renewed competency certification, in order for the person to obtain a renewed competency certification, the person shall both satisfactorily complete a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section and pass a competency examination of the type described in division (G)(2) of this section. A renewed competency certification issued under this division shall be dated and shall attest that the applicant passed the competency examination of the type described in division (G)(2) of this section and, if applicable, that the person successfully completed a course, class, or program that met the requirements described in division (G)(1) of this section person has demonstrated range competency.~~

(H) Upon deciding to issue a license, deciding to issue a replacement license, or deciding to renew a license to carry a concealed handgun 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 995
the Revised Code, or lost or destroyed, the sheriff also shall 996
make available through the law enforcement automated data system a 997
notation of that fact. The superintendent of the state highway 998
patrol shall ensure that the law enforcement automated data system 999
is so configured as to permit the transmission through the system 1000
of the information specified in this division. 1001

(I) A sheriff shall accept a completed application form or 1002
renewal application, and the fee, items, materials, and 1003
information specified in divisions (B)(1) to (5) or division (F) 1004
of this section, whichever is applicable, and shall provide an 1005
application form or renewal application and a copy of the pamphlet 1006
described in division (B) of section 109.731 of the Revised Code 1007
to any person during at least fifteen hours a week. The sheriff 1008
shall post notice of the hours during which the sheriff is 1009
available to accept or provide the information described in this 1010
division. 1011

Sec. 2923.126. (A) A license to carry a concealed handgun 1012
that is issued under section 2923.125 of the Revised Code on or 1013
after ~~the effective date of this amendment~~ March 14, 2007, shall 1014
expire five years after the date of issuance, and a license that 1015
is so issued prior to ~~the effective date of this amendment~~ March 1016
14, 2007, shall expire four years after the date of issuance. A 1017
licensee who has been issued a license under that section shall be 1018
granted a grace period of thirty days after the licensee's license 1019
expires during which the licensee's license remains valid. Except 1020
as provided in divisions (B) and (C) of this section, a licensee 1021
who has been issued a license under section 2923.125 or 2923.1213 1022
of the Revised Code may carry a concealed handgun anywhere in this 1023
state if the licensee also carries a valid license and valid 1024
identification when the licensee is in actual possession of a 1025
concealed handgun. The licensee shall give notice of any change in 1026

the licensee's residence address to the sheriff who issued the 1027
license within forty-five days after that change. 1028

If a licensee is the driver or an occupant of a motor vehicle 1029
that is stopped as the result of a traffic stop or a stop for 1030
another law enforcement purpose and if the licensee is 1031
transporting or has a loaded handgun in the motor vehicle at that 1032
time, the licensee shall promptly inform any law enforcement 1033
officer who approaches the vehicle while stopped that the licensee 1034
has been issued a license or temporary emergency license to carry 1035
a concealed handgun and that the licensee currently possesses or 1036
has a loaded handgun; the licensee shall not knowingly disregard 1037
or fail to comply with lawful orders of a law enforcement officer 1038
given while the motor vehicle is stopped, knowingly fail to remain 1039
in the motor vehicle while stopped, or knowingly fail to keep the 1040
licensee's hands in plain sight after any law enforcement officer 1041
begins approaching the licensee while stopped and before the 1042
officer leaves, unless directed otherwise by a law enforcement 1043
officer; and the licensee shall not knowingly remove, attempt to 1044
remove, grasp, or hold the loaded handgun or knowingly have 1045
contact with the loaded handgun by touching it with the licensee's 1046
hands or fingers, in any manner in violation of division (E) of 1047
section 2923.16 of the Revised Code, after any law enforcement 1048
officer begins approaching the licensee while stopped and before 1049
the officer leaves. Additionally, if a licensee is the driver or 1050
an occupant of a commercial motor vehicle that is stopped by an 1051
employee of the motor carrier enforcement unit for the purposes 1052
defined in section 5503.04 of the Revised Code and if the licensee 1053
is transporting or has a loaded handgun in the commercial motor 1054
vehicle at that time, the licensee shall promptly inform the 1055
employee of the unit who approaches the vehicle while stopped that 1056
the licensee has been issued a license or temporary emergency 1057
license to carry a concealed handgun and that the licensee 1058
currently possesses or has a loaded handgun. 1059

If a licensee is stopped for a law enforcement purpose and if 1060
the licensee is carrying a concealed handgun at the time the 1061
officer approaches, the licensee shall promptly inform any law 1062
enforcement officer who approaches the licensee while stopped that 1063
the licensee has been issued a license or temporary emergency 1064
license to carry a concealed handgun and that the licensee 1065
currently is carrying a concealed handgun; the licensee shall not 1066
knowingly disregard or fail to comply with lawful orders of a law 1067
enforcement officer given while the licensee is stopped or 1068
knowingly fail to keep the licensee's hands in plain sight after 1069
any law enforcement officer begins approaching the licensee while 1070
stopped and before the officer leaves, unless directed otherwise 1071
by a law enforcement officer; and the licensee shall not knowingly 1072
remove, attempt to remove, grasp, or hold the loaded handgun or 1073
knowingly have contact with the loaded handgun by touching it with 1074
the licensee's hands or fingers, in any manner in violation of 1075
division (B) of section 2923.12 of the Revised Code, after any law 1076
enforcement officer begins approaching the licensee while stopped 1077
and before the officer leaves. 1078

(B) A valid license issued under section 2923.125 or 1079
2923.1213 of the Revised Code does not authorize the licensee to 1080
carry a concealed handgun in any manner prohibited under division 1081
(B) of section 2923.12 of the Revised Code or in any manner 1082
prohibited under section 2923.16 of the Revised Code. A Except as 1083
provided in division (G) of this section, a valid license does not 1084
authorize the licensee to carry a concealed handgun into any of 1085
the following places: 1086

(1) A police station, sheriff's office, or state highway 1087
patrol station, premises controlled by the bureau of criminal 1088
identification and investigation, a state correctional 1089
institution, jail, workhouse, or other detention facility, an 1090
airport passenger terminal, or an institution that is maintained, 1091

operated, managed, and governed pursuant to division (A) of 1092
section 5119.02 of the Revised Code or division (A)(1) of section 1093
5123.03 of the Revised Code; 1094

(2) A school safety zone, in violation of section 2923.122 of 1095
the Revised Code; 1096

(3) A courthouse or another building or structure in which a 1097
courtroom is located, in violation of section 2923.123 of the 1098
Revised Code; 1099

(4) Any room or open air arena in which liquor is being 1100
dispensed in premises for which a D permit has been issued under 1101
Chapter 4303. of the Revised Code, in violation of section 1102
2923.121 of the Revised Code; 1103

(5) Any premises owned or leased by any public or private 1104
college, university, or other institution of higher education, 1105
unless the handgun is in a locked motor vehicle or the licensee is 1106
in the immediate process of placing the handgun in a locked motor 1107
vehicle; 1108

(6) Any church, synagogue, mosque, or other place of worship, 1109
unless the church, synagogue, mosque, or other place of worship 1110
posts or permits otherwise; 1111

(7) A child day-care center, a type A family day-care home, a 1112
type B family day-care home, or a type C family day-care home, 1113
except that this division does not prohibit a licensee who resides 1114
in a type A family day-care home, a type B family day-care home, 1115
or a type C family day-care home from carrying a concealed handgun 1116
at any time in any part of the home that is not dedicated or used 1117
for day-care purposes, or from carrying a concealed handgun in a 1118
part of the home that is dedicated or used for day-care purposes 1119
at any time during which no children, other than children of that 1120
licensee, are in the home; 1121

(8) An aircraft that is in, or intended for operation in, 1122

foreign air transportation, interstate air transportation, 1123
intrastate air transportation, or the transportation of mail by 1124
aircraft; 1125

(9)(a) Any building that is not located in a state park or 1126
rest area and that is owned by this state or any political 1127
subdivision of this state, and all portions of any building that 1128
is not located in a state park or rest area and that is not owned 1129
by any governmental entity listed in this division this state but 1130
that is leased by such a governmental entity listed in this 1131
division this state, if the building is used for a primary 1132
executive, legislative, or judicial function; 1133

(b) Any building that is not located in a park or rest area 1134
and that is owned by any political subdivision of this state and 1135
all portions of any building that is not located in a park or rest 1136
area and that is leased by the political subdivision, if the 1137
building is used for a governmental function as defined in section 1138
2744.01 of the Revised Code. 1139

(10) A place in which federal law prohibits the carrying of 1140
handguns. 1141

(C)(1) Nothing in this section shall negate or restrict a 1142
rule, policy, or practice of a private employer that is not a 1143
private college, university, or other institution of higher 1144
education concerning or prohibiting the presence of firearms on 1145
the private employer's premises or property, including motor 1146
vehicles owned by the private employer. Nothing in this section 1147
shall require a private employer of that nature to adopt a rule, 1148
policy, or practice concerning or prohibiting the presence of 1149
firearms on the private employer's premises or property, including 1150
motor vehicles owned by the private employer. 1151

(2)(a) A private employer shall be immune from liability in a 1152
civil action for any injury, death, or loss to person or property 1153

that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer. As used in this division, "private employer" includes a private college, university, or other institution of higher education.

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

(3) The (a) Except as provided in division (C)(3)(b) of this section, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. A person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of division (A)(4) of section 2911.21 of the Revised Code and is guilty of a misdemeanor of the fourth degree.

(b) A landlord may not prohibit or restrict a tenant who is a licensee and who on or after the effective date of this amendment

enters into a rental agreement with the landlord for the use of 1186
residential premises, and the tenant's guest while the tenant is 1187
present, from lawfully carrying or possessing a handgun on those 1188
residential premises. 1189

(c) As used in division (C)(3) of this section: 1190

(i) "Residential premises" has the same meaning as in section 1191
5321.01 of the Revised Code, except "residential premises" does 1192
not include a dwelling unit that is owned or operated by a college 1193
or university. 1194

(ii) "Landlord," "tenant," and "rental agreement" have the 1195
same meanings as in section 5321.01 of the Revised Code. 1196

(D) A person who holds a license to carry a concealed handgun 1197
that was issued pursuant to the law of another state that is 1198
recognized by the attorney general pursuant to a reciprocity 1199
agreement entered into pursuant to section 109.69 of the Revised 1200
Code has the same right to carry a concealed handgun in this state 1201
as a person who was issued a license to carry a concealed handgun 1202
under section 2923.125 of the Revised Code and is subject to the 1203
same restrictions that apply to a person who carries a license 1204
issued under that section. 1205

(E) A peace officer has the same right to carry a concealed 1206
handgun in this state as a person who was issued a license to 1207
carry a concealed handgun under section 2923.125 of the Revised 1208
Code. For purposes of reciprocity with other states, a peace 1209
officer shall be considered to be a licensee in this state. 1210

(F)(1) A qualified retired peace officer who possesses a 1211
retired peace officer identification card issued pursuant to 1212
division (F)(2) of this section and a valid firearms 1213
regualification certification issued pursuant to division (F)(3) 1214
of this section has the same right to carry a concealed handgun in 1215
this state as a person who was issued a license to carry a 1216

concealed handgun under section 2923.125 of the Revised Code and 1217
is subject to the same restrictions that apply to a person who 1218
carries a license issued under that section. For purposes of 1219
reciprocity with other states, a qualified retired peace officer 1220
who possesses a retired peace officer identification card issued 1221
pursuant to division (F)(2) of this section and a valid firearms 1222
requalification certification issued pursuant to division (F)(3) 1223
of this section shall be considered to be a licensee in this 1224
state. 1225

(2)(a) Each public agency of this state or of a political 1226
subdivision of this state that is served by one or more peace 1227
officers shall issue a retired peace officer identification card 1228
to any person who retired from service as a peace officer with 1229
that agency, if the issuance is in accordance with the agency's 1230
policies and procedures and if the person, with respect to the 1231
person's service with that agency, satisfies all of the following: 1232

(i) The person retired in good standing from service as a 1233
peace officer with the public agency, and the retirement was not 1234
for reasons of mental instability. 1235

(ii) Before retiring from service as a peace officer with 1236
that agency, the person was authorized to engage in or supervise 1237
the prevention, detection, investigation, or prosecution of, or 1238
the incarceration of any person for, any violation of law and the 1239
person had statutory powers of arrest. 1240

(iii) At the time of the person's retirement as a peace 1241
officer with that agency, the person was trained and qualified to 1242
carry firearms in the performance of the peace officer's duties. 1243

(iv) Before retiring from service as a peace officer with 1244
that agency, the person was regularly employed as a peace officer 1245
for an aggregate of fifteen years or more, or, in the alternative, 1246
the person retired from service as a peace officer with that 1247

agency, after completing any applicable probationary period of 1248
that service, due to a service-connected disability, as determined 1249
by the agency. 1250

~~(v) The person has a nonforfeitable right to benefits under 1251
the retirement plan of that agency. 1252~~

(b) A retired peace officer identification card issued to a 1253
person under division (F)(2)(a) of this section shall identify the 1254
person by name, contain a photograph of the person, identify the 1255
public agency of this state or of the political subdivision of 1256
this state from which the person retired as a peace officer and 1257
that is issuing the identification card, and specify that the 1258
person retired in good standing from service as a peace officer 1259
with the issuing public agency and satisfies the criteria set 1260
forth in divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section. In 1261
addition to the required content specified in this division, a 1262
retired peace officer identification card issued to a person under 1263
division (F)(2)(a) of this section may include the firearms 1264
requalification certification described in division (F)(3) of this 1265
section, and if the identification card includes that 1266
certification, the identification card shall serve as the firearms 1267
requalification certification for the retired peace officer. If 1268
the issuing public agency issues credentials to active law 1269
enforcement officers who serve the agency, the agency may comply 1270
with division (F)(2)(a) of this section by issuing the same 1271
credentials to persons who retired from service as a peace officer 1272
with the agency and who satisfy the criteria set forth in 1273
divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section, provided that 1274
the credentials so issued to retired peace officers are stamped 1275
with the word "RETIRED." 1276

(c) A public agency of this state or of a political 1277
subdivision of this state may charge persons who retired from 1278
service as a peace officer with the agency a reasonable fee for 1279

issuing to the person a retired peace officer identification card 1280
pursuant to division (F)(2)(a) of this section. 1281

(3) If a person retired from service as a peace officer with 1282
a public agency of this state or of a political subdivision of 1283
this state and the person satisfies the criteria set forth in 1284
divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section, the public 1285
agency may provide the retired peace officer with the opportunity 1286
to attend a firearms requalification program that is approved for 1287
purposes of firearms requalification required under section 1288
109.801 of the Revised Code. The retired peace officer may be 1289
required to pay the cost of the course. 1290

If a retired peace officer who satisfies the criteria set 1291
forth in divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section attends 1292
a firearms requalification program that is approved for purposes 1293
of firearms requalification required under section 109.801 of the 1294
Revised Code, the retired peace officer's successful completion of 1295
the firearms requalification program requalifies the retired peace 1296
officer for purposes of division (F) of this section for ~~one year~~ 1297
five years from the date on which the program was successfully 1298
completed, and the requalification is valid during that ~~one year~~ 1299
five year period. If a retired peace officer who satisfies the 1300
criteria set forth in divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this 1301
section satisfactorily completes such a firearms requalification 1302
program, the retired peace officer shall be issued a firearms 1303
requalification certification that identifies the retired peace 1304
officer by name, identifies the entity that taught the program, 1305
specifies that the retired peace officer successfully completed 1306
the program, specifies the date on which the course was 1307
successfully completed, and specifies that the requalification is 1308
valid for ~~one year~~ five years from that date of successful 1309
completion. The firearms requalification certification for a 1310
retired peace officer may be included in the retired peace officer 1311

identification card issued to the retired peace officer under 1312
division (F)(2) of this section. 1313

A retired peace officer who attends a firearms 1314
requalification program that is approved for purposes of firearms 1315
requalification required under section 109.801 of the Revised Code 1316
may be required to pay the cost of the program. 1317

(4) As used in division (F) of this section: 1318

(a) "Qualified retired peace officer" means a person who 1319
satisfies all of the following: 1320

(i) The person satisfies the criteria set forth in divisions 1321
(F)(2)(a)(i) to ~~(v)~~(iv) of this section. 1322

(ii) The person is not under the influence of alcohol or 1323
another intoxicating or hallucinatory drug or substance. 1324

(iii) The person is not prohibited by federal law from 1325
receiving firearms. 1326

(b) "Retired peace officer identification card" means an 1327
identification card that is issued pursuant to division (F)(2) of 1328
this section to a person who is a retired peace officer. 1329

(G) Divisions (B)(5) to (7) and (9) of this section do not 1330
apply to a person if both of the following circumstances apply: 1331

(1) The person is carrying or possesses an unloaded handgun 1332
in a closed package, box, or case. 1333

(2) At the time of the carrying or possession of the unloaded 1334
handgun, the person is carrying a valid license or temporary 1335
emergency license to carry a concealed handgun issued to the 1336
person under section 2923.125 or 2923.1213 of the Revised Code or 1337
a license to carry a concealed handgun that was issued to the 1338
person by another state with which the attorney general has 1339
entered into a reciprocity agreement under section 109.69 of the 1340
Revised Code. 1341

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 1342
bureau of criminal identification and investigation, the employees 1343
of the bureau, the Ohio peace officer training commission, or the 1344
employees of the commission make a good faith effort in performing 1345
the duties imposed upon the sheriff, the superintendent, the 1346
bureau's employees, the commission, or the commission's employees 1347
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 1348
Revised Code, in addition to the personal immunity provided by 1349
section 9.86 of the Revised Code or division (A)(6) of section 1350
2744.03 of the Revised Code and the governmental immunity of 1351
sections 2744.02 and 2744.03 of the Revised Code and in addition 1352
to any other immunity possessed by the bureau, the commission, and 1353
their employees, the sheriff, the sheriff's office, the county in 1354
which the sheriff has jurisdiction, the bureau, the superintendent 1355
of the bureau, the bureau's employees, the commission, and the 1356
commission's employees are immune from liability in a civil action 1357
for injury, death, or loss to person or property that allegedly 1358
was caused by or related to any of the following: 1359

(a) The issuance, renewal, suspension, or revocation of a 1360
license to carry a concealed handgun or the issuance, suspension, 1361
or revocation of a temporary emergency license to carry a 1362
concealed handgun; 1363

(b) The failure to issue, renew, suspend, or revoke a license 1364
to carry a concealed handgun or the failure to issue, suspend, or 1365
revoke a temporary emergency license to carry a concealed handgun; 1366

(c) Any action or misconduct with a handgun committed by a 1367
licensee. 1368

(2) Any action of a sheriff relating to the issuance, 1369
renewal, suspension, or revocation of a license to carry a 1370
concealed handgun or the issuance, suspension, or revocation of a 1371
temporary emergency license to carry a concealed handgun shall be 1372

considered to be a governmental function for purposes of Chapter 1373
2744. of the Revised Code. 1374

(3) An entity that or instructor who provides a competency 1375
certification of a type described in division (B)(3) of section 1376
2923.125 of the Revised Code is immune from civil liability that 1377
might otherwise be incurred or imposed for any death or any injury 1378
or loss to person or property that is caused by or related to a 1379
person to whom the entity or instructor has issued the competency 1380
certificate if all of the following apply: 1381

(a) The alleged liability of the entity or instructor relates 1382
to the training provided in the course, class, or program covered 1383
by the competency certificate. 1384

(b) The entity or instructor makes a good faith effort in 1385
determining whether the person has satisfactorily completed the 1386
course, class, or program and makes a good faith effort in 1387
assessing the person in the competency examination conducted 1388
pursuant to division (G)(2) of section 2923.125 of the Revised 1389
Code. 1390

(c) The entity or instructor did not issue the competency 1391
certificate with malicious purpose, in bad faith, or in a wanton 1392
or reckless manner. 1393

(4) An entity that or instructor who provides a renewed 1394
competency certification of a type described in division (G)(4) of 1395
section 2923.125 of the Revised Code is immune from civil 1396
liability that might otherwise be incurred or imposed for any 1397
death or any injury or loss to person or property that ~~is~~ was 1398
caused by or related to a person to whom the entity or instructor 1399
~~has~~ had issued the renewed competency certificate if all of the 1400
following apply: 1401

(a) The entity or instructor makes a good faith effort in 1402
assessing the person in the competency examination conducted 1403

pursuant to division (G)~~(2)~~(4) of section 2923.125 of the Revised Code. 1404
1405

(b) The entity or instructor did not issue the renewed competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner. 1406
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(5) A law enforcement agency that employs a peace officer is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act of that peace officer if the act occurred while the peace officer carried a concealed handgun and was off duty and if the act allegedly involved the peace officer's use of the concealed handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised Code apply to any civil action involving a peace officer's use of a concealed handgun in the performance of the peace officer's official duties while the peace officer is off duty. 1409
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(B)(1) Notwithstanding section 149.43 of the Revised Code, except as provided in division (B)(2) of this section, the records that a sheriff keeps relative to the issuance, renewal, suspension, or revocation of a license to carry a concealed handgun or the issuance, suspension, or revocation of a temporary emergency license to carry a concealed handgun, including, but not limited to, completed applications for the issuance or renewal of a license, completed affidavits submitted regarding an application for a temporary emergency license, reports of criminal records checks and incompetency records checks under section 311.41 of the Revised Code, and applicants' social security numbers and fingerprints that are obtained under division (A) of section 311.41 of the Revised Code, are confidential and are not public records. Except as provided in division (B)(2) of this section, no person shall release or otherwise disseminate records that are confidential under this division unless required to do so pursuant to a court order. 1419
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(2)(a) A journalist, on or after April 8, 2004, may submit to a sheriff a signed, written request to view the name, county of residence, and date of birth of each person to whom the sheriff has issued a license or replacement license to carry a concealed handgun, renewed a license to carry a concealed handgun, or issued a temporary emergency license or replacement temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code, or a signed, written request to view the name, county of residence, and date of birth of each person for whom the sheriff has suspended or revoked a license to carry a concealed handgun or a temporary emergency license to carry a concealed handgun under section 2923.128 of the Revised Code. The request shall include the journalist's name and title, shall include the name and address of the journalist's employer, and shall state that disclosure of the information sought would be in the public interest. If a journalist submits a signed, written request to the sheriff to view the information described in this division, the sheriff shall grant the journalist's request. The journalist shall not copy the name, county of residence, or date of birth of each person to or for whom the sheriff has issued, suspended, or revoked a license described in this division.

(b) As used in division (B)(2) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(C) Each sheriff shall report to the Ohio peace officer training commission the number of licenses to carry a concealed handgun that the sheriff issued, renewed, suspended, revoked, or denied during the previous quarter of the calendar year, the

number of applications for those licenses for which processing was 1468
suspended in accordance with division (D)(3) of section 2923.125 1469
of the Revised Code during the previous quarter of the calendar 1470
year, and the number of temporary emergency licenses to carry a 1471
concealed handgun that the sheriff issued, suspended, revoked, or 1472
denied during the previous quarter of the calendar year. The 1473
sheriff shall not include in the report the name or any other 1474
identifying information of an applicant or licensee. The sheriff 1475
shall report that information in a manner that permits the 1476
commission to maintain the statistics described in division (D) of 1477
section 109.731 of the Revised Code and to timely prepare the 1478
statistical report described in that division. The information 1479
that is received by the commission under this division is a public 1480
record kept by the commission for the purposes of section 149.43 1481
of the Revised Code. 1482

(D) Law enforcement agencies may use the information a 1483
sheriff makes available through the use of the law enforcement 1484
automated data system pursuant to division (H) of section 2923.125 1485
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 1486
for law enforcement purposes only. The information is confidential 1487
and is not a public record. A person who releases or otherwise 1488
disseminates this information obtained through the law enforcement 1489
automated data system in a manner not described in this division 1490
is guilty of a violation of section 2913.04 of the Revised Code. 1491

(E) Whoever violates division (B) of this section is guilty 1492
of illegal release of confidential concealed handgun license 1493
records, a felony of the fifth degree. In addition to any 1494
penalties imposed under Chapter 2929. of the Revised Code for a 1495
violation of division (B) of this section or a violation of 1496
section 2913.04 of the Revised Code described in division (D) of 1497
this section, if the offender is a sheriff, an employee of a 1498
sheriff, or any other public officer or employee, and if the 1499

violation was willful and deliberate, the offender shall be 1500
subject to a civil fine of one thousand dollars. Any person who is 1501
harmed by a violation of division (B) or (C) of this section or a 1502
violation of section 2913.04 of the Revised Code described in 1503
division (D) of this section has a private cause of action against 1504
the offender for any injury, death, or loss to person or property 1505
that is a proximate result of the violation and may recover court 1506
costs and attorney's fees related to the action. 1507

Sec. 2923.1212. (A) The following persons, boards, and 1508
entities, or designees, shall post in the following locations a 1509
sign that contains a statement in substantially the following 1510
form: "Unless otherwise authorized by law, pursuant to the Ohio 1511
Revised Code, no person shall knowingly possess, have under the 1512
person's control, convey, or attempt to convey a deadly weapon or 1513
dangerous ordnance onto these premises.": 1514

(1) The director of public safety or the person or board 1515
charged with the erection, maintenance, or repair of police 1516
stations, municipal jails, and the municipal courthouse and 1517
courtrooms in a conspicuous location at all police stations, 1518
municipal jails, and municipal courthouses and courtrooms; 1519

(2) The sheriff or sheriff's designee who has charge of the 1520
sheriff's office in a conspicuous location in that office; 1521

(3) The superintendent of the state highway patrol or the 1522
superintendent's designee in a conspicuous location at all state 1523
highway patrol stations; 1524

(4) Each sheriff, chief of police, or person in charge of 1525
every county, multicounty, municipal, municipal-county, or 1526
multicounty-municipal jail or workhouse, community-based 1527
correctional facility, halfway house, alternative residential 1528
facility, or other local or state correctional institution or 1529
detention facility within the state, or that person's designee, in 1530

a conspicuous location at that facility under that person's 1531
charge; 1532

(5) The board of trustees of a regional airport authority, 1533
chief administrative officer of an airport facility, or other 1534
person in charge of an airport facility in a conspicuous location 1535
at each airport facility under that person's control; 1536

(6) The officer or officer's designee who has charge of a 1537
courthouse or the building or structure in which a courtroom is 1538
located in a conspicuous location in that building or structure; 1539

(7) The superintendent of the bureau of criminal 1540
identification and investigation or the superintendent's designee 1541
in a conspicuous location in all premises controlled by that 1542
bureau; 1543

(8) The owner, administrator, or operator of a child day-care 1544
center, a type A family day-care home, a type B family day-care 1545
home, or a type C family day-care home; 1546

(9) The officer of this state or of ~~the~~ a political 1547
subdivision of this state, or the officer's designee, who has 1548
charge of a building that is owned by this state or the political 1549
subdivision of this state and that is not located in a park or 1550
rest area and that is used either for a primary executive, 1551
legislative, or judicial function or for a governmental function, 1552
as defined in section 2744.01 of the Revised Code, or who has 1553
charge of the portion of a building that is not owned by any 1554
governmental entity listed in this division ~~but,~~ that is leased by 1555
a governmental entity listed in this division, and that is not 1556
located in a park or rest area and that is used either for a 1557
primary executive, legislative, or judicial function or for a 1558
governmental function, as defined in section 2744.01 of the 1559
Revised Code. 1560

(B) The following boards, bodies, and persons, or designees, 1561

shall post in the following locations a sign that contains a 1562
statement in substantially the following form: "Unless otherwise 1563
authorized by law, pursuant to Ohio Revised Code section 2923.122, 1564
no person shall knowingly possess, have under the person's 1565
control, convey, or attempt to convey a deadly weapon or dangerous 1566
ordnance into a school safety zone.": 1567

(1) A board of education of a city, local, exempted village, 1568
or joint vocational school district or that board's designee in a 1569
conspicuous location in each building and on each parcel of real 1570
property owned or controlled by the board; 1571

(2) A governing body of a school for which the state board of 1572
education prescribes minimum standards under section 3301.07 of 1573
the Revised Code or that body's designee in a conspicuous location 1574
in each building and on each parcel of real property owned or 1575
controlled by the school; 1576

(3) The principal or chief administrative officer of a 1577
nonpublic school in a conspicuous location on property owned or 1578
controlled by that nonpublic school. 1579

Sec. 2923.16. (A) No person shall knowingly discharge a 1580
firearm while in or on a motor vehicle. 1581

(B) No person shall knowingly transport or have a loaded 1582
firearm in a motor vehicle in such a manner that the firearm is 1583
accessible to the operator or any passenger without leaving the 1584
vehicle. 1585

(C) No person shall knowingly transport or have a firearm in 1586
a motor vehicle, unless it is unloaded and is carried in one of 1587
the following ways: 1588

(1) In a closed package, box, or case; 1589

(2) In a compartment that can be reached only by leaving the 1590
vehicle; 1591

(3) In plain sight and secured in a rack or holder made for 1592
the purpose; 1593

(4) In plain sight with the action open or the weapon 1594
stripped, or, if the firearm is of a type on which the action will 1595
not stay open or which cannot easily be stripped, in plain sight. 1596

(D) No person shall knowingly transport or have a loaded 1597
handgun in a motor vehicle if, at the time of that transportation 1598
or possession, any of the following applies: 1599

(1) The person is under the influence of alcohol, a drug of 1600
abuse, or a combination of them. 1601

(2) The person's whole blood, blood serum or plasma, breath, 1602
or urine contains a concentration of alcohol prohibited for 1603
persons operating a vehicle, as specified in division (A) of 1604
section 4511.19 of the Revised Code, regardless of whether the 1605
person at the time of the transportation or possession as 1606
described in this division is the operator of or a passenger in 1607
the motor vehicle. 1608

(E) No person who has been issued a license or temporary 1609
emergency license to carry a concealed handgun under section 1610
2923.125 or 2923.1213 of the Revised Code shall do any of the 1611
following: 1612

(1) Knowingly transport or have a loaded handgun in a motor 1613
vehicle unless one of the following applies: 1614

(a) The loaded handgun is in a holster on the person's 1615
person. 1616

(b) The loaded handgun is in a closed case, bag, box, or 1617
other container that is in plain sight and that has a lid, a 1618
cover, or a closing mechanism with a zipper, snap, or buckle, 1619
which lid, cover, or closing mechanism must be opened for a person 1620
to gain access to the handgun. 1621

(c) The loaded handgun is securely encased by being stored in 1622
a closed, locked glove compartment or in a case that is locked. 1623

(2) If the person is transporting or has a loaded handgun in 1624
a motor vehicle in a manner authorized under division (E)(1) of 1625
this section, knowingly remove or attempt to remove the loaded 1626
handgun from the holster, case, bag, box, container, or glove 1627
compartment, knowingly grasp or hold the loaded handgun, or 1628
knowingly have contact with the loaded handgun by touching it with 1629
the person's hands or fingers while the motor vehicle is being 1630
operated on a street, highway, or public property unless the 1631
person removes, attempts to remove, grasps, holds, or has the 1632
contact with the loaded handgun pursuant to and in accordance with 1633
directions given by a law enforcement officer; 1634

(3) If the person is the driver or an occupant of a motor 1635
vehicle that is stopped as a result of a traffic stop or a stop 1636
for another law enforcement purpose or is the driver or an 1637
occupant of a commercial motor vehicle that is stopped by an 1638
employee of the motor carrier enforcement unit for the purposes 1639
defined in section 5503.34 of the Revised Code, and if the person 1640
is transporting or has a loaded handgun in the motor vehicle or 1641
commercial motor vehicle in any manner, fail to do any of the 1642
following that is applicable: 1643

(a) If the person is the driver or an occupant of a motor 1644
vehicle stopped as a result of a traffic stop or a stop for 1645
another law enforcement purpose, fail to promptly inform any law 1646
enforcement officer who approaches the vehicle while stopped that 1647
the person has been issued a license or temporary emergency 1648
license to carry a concealed handgun and that the person then 1649
possesses or has a loaded handgun in the motor vehicle; 1650

(b) If the person is the driver or an occupant of a 1651
commercial motor vehicle stopped by an employee of the motor 1652
carrier enforcement unit for any of the defined purposes, fail to 1653

promptly inform the employee of the unit who approaches the 1654
vehicle while stopped that the person has been issued a license or 1655
temporary emergency license to carry a concealed handgun and that 1656
the person then possesses or has a loaded handgun in the 1657
commercial motor vehicle. 1658

(4) If the person is the driver or an occupant of a motor 1659
vehicle that is stopped as a result of a traffic stop or a stop 1660
for another law enforcement purpose and if the person is 1661
transporting or has a loaded handgun in the motor vehicle in any 1662
manner, knowingly fail to remain in the motor vehicle while 1663
stopped or knowingly fail to keep the person's hands in plain 1664
sight at any time after any law enforcement officer begins 1665
approaching the person while stopped and before the law 1666
enforcement officer leaves, unless the failure is pursuant to and 1667
in accordance with directions given by a law enforcement officer; 1668

(5) If the person is the driver or an occupant of a motor 1669
vehicle that is stopped as a result of a traffic stop or a stop 1670
for another law enforcement purpose, if the person is transporting 1671
or has a loaded handgun in the motor vehicle in a manner 1672
authorized under division (E)(1) of this section, and if the 1673
person is approached by any law enforcement officer while stopped, 1674
knowingly remove or attempt to remove the loaded handgun from the 1675
holster, case, bag, box, container, or glove compartment, 1676
knowingly grasp or hold the loaded handgun, or knowingly have 1677
contact with the loaded handgun by touching it with the person's 1678
hands or fingers in the motor vehicle at any time after the law 1679
enforcement officer begins approaching and before the law 1680
enforcement officer leaves, unless the person removes, attempts to 1681
remove, grasps, holds, or has contact with the loaded handgun 1682
pursuant to and in accordance with directions given by the law 1683
enforcement officer; 1684

(6) If the person is the driver or an occupant of a motor 1685

vehicle that is stopped as a result of a traffic stop or a stop 1686
for another law enforcement purpose and if the person is 1687
transporting or has a loaded handgun in the motor vehicle in any 1688
manner, knowingly disregard or fail to comply with any lawful 1689
order of any law enforcement officer given while the motor vehicle 1690
is stopped, including, but not limited to, a specific order to the 1691
person to keep the person's hands in plain sight. 1692

(F)(1) Divisions (A), (B), (C), and (E) of this section do 1693
not apply to any of the following: 1694

(a) An officer, agent, or employee of this or any other state 1695
or the United States, or a law enforcement officer, when 1696
authorized to carry or have loaded or accessible firearms in motor 1697
vehicles and acting within the scope of the officer's, agent's, or 1698
employee's duties; 1699

(b) Any person who is employed in this state, who is 1700
authorized to carry or have loaded or accessible firearms in motor 1701
vehicles, and who is subject to and in compliance with the 1702
requirements of section 109.801 of the Revised Code, unless the 1703
appointing authority of the person has expressly specified that 1704
the exemption provided in division (F)(1)(b) of this section does 1705
not apply to the person. 1706

(2) Division (A) of this section does not apply to a person 1707
if all of the following circumstances apply: 1708

(a) The person discharges a firearm from a motor vehicle at a 1709
coyote or groundhog, the discharge is not during the deer gun 1710
hunting season as set by the chief of the division of wildlife of 1711
the department of natural resources, and the discharge at the 1712
coyote or groundhog, but for the operation of this section, is 1713
lawful. 1714

(b) The motor vehicle from which the person discharges the 1715
firearm is on real property that is located in an unincorporated 1716

area of a township and that either is zoned for agriculture or is used for agriculture. 1717
1718

(c) The person owns the real property described in division (F)(2)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property. 1719
1720
1721
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1723

(d) The person does not discharge the firearm in any of the following manners: 1724
1725

(i) While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse; 1726
1727

(ii) In the direction of a street, highway, or other public or private property used by the public for vehicular traffic or parking; 1728
1729
1730

(iii) At or into an occupied structure that is a permanent or temporary habitation; 1731
1732

(iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle. 1733
1734
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(3) Division (A) of this section does not apply to a person if all of the following apply: 1738
1739

(a) The person possesses a valid electric-powered all-purpose vehicle permit issued under section 1533.103 of the Revised Code by the chief of the division of wildlife. 1740
1741
1742

(b) The person discharges a firearm at a wild quadruped or game bird as defined in section 1531.01 of the Revised Code during the open hunting season for the applicable wild quadruped or game bird. 1743
1744
1745
1746

(c) The person discharges a firearm from a stationary 1747
electric-powered all-purpose vehicle as defined in section 1531.01 1748
of the Revised Code or a motor vehicle that is parked on a road 1749
that is owned or administered by the division of wildlife, 1750
provided that the road is identified by an electric-powered 1751
all-purpose vehicle sign. 1752

(d) The person does not discharge the firearm in any of the 1753
following manners: 1754

(i) While under the influence of alcohol, a drug of abuse, or 1755
alcohol and a drug of abuse; 1756

(ii) In the direction of a street, a highway, or other public 1757
or private property that is used by the public for vehicular 1758
traffic or parking; 1759

(iii) At or into an occupied structure that is a permanent or 1760
temporary habitation; 1761

(iv) In the commission of any violation of law, including, 1762
but not limited to, a felony that includes, as an essential 1763
element, purposely or knowingly causing or attempting to cause the 1764
death of or physical harm to another and that was committed by 1765
discharging a firearm from a motor vehicle. 1766

(4) Divisions (B) and (C) of this section do not apply to a 1767
person if all of the following circumstances apply: 1768

(a) At the time of the alleged violation of either of those 1769
divisions, the person is the operator of or a passenger in a motor 1770
vehicle. 1771

(b) The motor vehicle is on real property that is located in 1772
an unincorporated area of a township and that either is zoned for 1773
agriculture or is used for agriculture. 1774

(c) The person owns the real property described in division 1775
(D)(4)(b) of this section, is the spouse or a child of another 1776

person who owns that real property, is a tenant of another person 1777
who owns that real property, or is the spouse or a child of a 1778
tenant of another person who owns that real property. 1779

(d) The person, prior to arriving at the real property 1780
described in division (D)(4)(b) of this section, did not transport 1781
or possess a firearm in the motor vehicle in a manner prohibited 1782
by division (B) or (C) of this section while the motor vehicle was 1783
being operated on a street, highway, or other public or private 1784
property used by the public for vehicular traffic or parking. 1785

(5) Divisions (B) and (C) of this section do not apply to a 1787
person who transports or possesses a handgun in a motor vehicle 1788
if, at the time of that transportation or possession, all of the 1789
following apply: 1790

(a) The person transporting or possessing the handgun is 1791
carrying a valid license or temporary emergency license to carry a 1792
concealed handgun issued to the person under section 2923.125 or 1793
2923.1213 of the Revised Code or a license to carry a concealed 1794
handgun that was issued by another state with which the attorney 1795
general has entered into a reciprocity agreement under section 1796
109.69 of the Revised Code. 1797

(b) The person transporting or possessing the handgun is not 1798
knowingly in a place described in division (B) of section 2923.126 1799
of the Revised Code. 1800

(c) One of the following applies: 1801

(i) The handgun is in a holster on the person's person. 1802

(ii) The handgun is in a closed case, bag, box, or other 1803
container that is in plain sight and that has a lid, a cover, or a 1804
closing mechanism with a zipper, snap, or buckle, which lid, 1805
cover, or closing mechanism must be opened for a person to gain 1806
access to the handgun. 1807

(iii) The handgun is securely encased by being stored in a closed, locked glove compartment or in a case that is locked.

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

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

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

(c) The person is on or in an electric-powered all-purpose vehicle as defined in section 1531.01 of the Revised Code or a motor vehicle that is parked on a road that is owned or administered by the division of wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.

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

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

(H) No person who is charged with a violation of division 1839
(B), (C), or (D) of this section shall be required to obtain a 1840
license or temporary emergency license to carry a concealed 1841
handgun under section 2923.125 or 2923.1213 of the Revised Code as 1842
a condition for the dismissal of the charge. 1843

(I) Whoever violates this section is guilty of improperly 1844
handling firearms in a motor vehicle. Violation of division (A) of 1845
this section is a felony of the fourth degree. Violation of 1846
division (C) of this section is a misdemeanor of the fourth 1847
degree. A violation of division (D) of this section is a felony of 1848
the fifth degree or, if the loaded handgun is concealed on the 1849
person's person, a felony of the fourth degree. A violation of 1850
division (E)(3) of this section is a misdemeanor of the first 1851
degree, and, in addition to any other penalty or sanction imposed 1852
for the violation, the offender's license or temporary emergency 1853
license to carry a concealed handgun shall be suspended pursuant 1854
to division (A)(2) of section 2923.128 of the Revised Code. A 1855
violation of division (E)(1), (2), or (5) of this section is a 1856
felony of the fifth degree. A violation of division (E)(4) or (6) 1857
of this section is a misdemeanor of the first degree or, if the 1858
offender previously has been convicted of or pleaded guilty to a 1859
violation of division (E)(4) or (6) of this section, a felony of 1860
the fifth degree. In addition to any other penalty or sanction 1861
imposed for a misdemeanor violation of division (E)(4) or (6) of 1862
this section, the offender's license or temporary emergency 1863
license to carry a concealed handgun shall be suspended pursuant 1864
to division (A)(2) of section 2923.128 of the Revised Code. A 1865
violation of division (B) of this section is whichever of the 1866
following is applicable: 1867

(1) If, at the time of the transportation or possession in 1868
violation of division (B) of this section, the offender was 1869
carrying a valid license or temporary emergency license to carry a 1870

concealed handgun issued to the offender under section 2923.125 or 1871
2923.1213 of the Revised Code or a license to carry a concealed 1872
handgun that was issued by another state with which the attorney 1873
general has entered into a reciprocity agreement under section 1874
109.69 of the Revised Code and the offender was not knowingly in a 1875
place described in division (B) of section 2923.126 of the Revised 1876
Code, the violation is a misdemeanor of the first degree or, if 1877
the offender previously has been convicted of or pleaded guilty to 1878
a violation of division (B) of this section, a felony of the 1879
fourth degree. 1880

(2) If division (I)(1) of this section does not apply, a 1881
felony of the fourth degree. 1882

(J) If a law enforcement officer stops a motor vehicle for a 1883
traffic stop or any other purpose, if any person in the motor 1884
vehicle surrenders a firearm to the officer, either voluntarily or 1885
pursuant to a request or demand of the officer, and if the officer 1886
does not charge the person with a violation of this section or 1887
arrest the person for any offense, the person is not otherwise 1888
prohibited by law from possessing the firearm, and the firearm is 1889
not contraband, the officer shall return the firearm to the person 1890
at the termination of the stop. 1891

(K) As used in this section: 1892

(1) "Motor vehicle," "street," and "highway" have the same 1893
meanings as in section 4511.01 of the Revised Code. 1894

(2) "Occupied structure" has the same meaning as in section 1895
2909.01 of the Revised Code. 1896

(3) "Agriculture" has the same meaning as in section 519.01 1897
of the Revised Code. 1898

(4) "Tenant" has the same meaning as in section 1531.01 of 1899
the Revised Code. 1900

(5) "Unloaded" means, with <u>either of the following:</u>	1901
<u>(a) With respect to a firearm employing a percussion cap,</u>	1902
<u>flintlock, or other obsolete ignition system, when the weapon is</u>	1903
<u>uncapped or when the priming charge is removed from the pan;</u>	1904
<u>(b) With respect to a firearm not described in division</u>	1905
<u>(K)(5)(a) of this section, no ammunition is in the firearm without</u>	1906
<u>regard to where any ammunition for the firearm is otherwise</u>	1907
<u>located in the motor vehicle.</u>	1908
(6) "Commercial motor vehicle" has the same meaning as in	1909
division (A) of section 4506.25 of the Revised Code.	1910
(7) "Motor carrier enforcement unit" means the motor carrier	1911
enforcement unit in the department of public safety, division of	1912
state highway patrol, that is created by section 5503.34 of the	1913
Revised Code.	1914
<u>Sec. 5502.371. No law enforcement officer, person acting as a</u>	1915
<u>law enforcement officer, or other public official shall confiscate</u>	1916
<u>or attempt to confiscate any lawfully carried or lawfully owned</u>	1917
<u>firearm in this state during a declared state of emergency or</u>	1918
<u>disaster.</u>	1919
Section 2. That existing sections 311.41, 2923.12, 2923.121,	1920
2923.122, 2923.125, 2923.126, 2923.129, 2923.1212, and 2923.16 of	1921
the Revised Code are hereby repealed.	1922