

As Introduced

125th General Assembly
Regular Session
2003-2004

H. B. No. 12

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Sferra, Taylor, Webster, White, Widener, Wolpert, Young

A BILL

To amend sections 1547.69, 2911.21, 2913.02, 2921.13, 1
2923.12, 2923.121, 2923.123, 2923.16, 2929.14, 2
2953.32, and 4749.10 and to enact sections 3
109.731, 311.41, 311.42, 2923.124, 2923.125, 4
2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 5
2923.1211, and 2923.1212 of the Revised Code to 6
authorize county sheriffs to issue licenses to 7
carry concealed handguns to certain persons, to 8
create the offenses of falsification to obtain a 9
concealed handgun license, falsification of a 10
concealed handgun license, and possessing a 11
revoked or suspended concealed handgun license, to 12
increase the penalty for theft of a firearm, and 13
to maintain the provisions of this act on and 14
after January 1, 2004, by amending the version of 15
section 2929.14 of the Revised Code that takes 16
effect on that date. 17

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

Section 1. That sections 1547.69, 2911.21, 2913.02, 2921.13, 18
2923.12, 2923.121, 2923.123, 2923.16, 2929.14, 2953.32, and 19
4749.10 be amended and sections 109.731, 311.41, 311.42, 2923.124, 20
2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 21
2923.1211, and 2923.1212 of the Revised Code be enacted to read as 22
follows: 23

Sec. 109.731. (A) The Ohio peace officer training commission 24
shall prescribe, and shall make available to sheriffs, both of the 25
following: 26

(1) An application form that is to be used under section 27
2923.125 of the Revised Code by a person who applies for a license 28
to carry a concealed handgun or for the renewal of a license of 29
that nature and that conforms substantially to the form prescribed 30
in section 2923.1210 of the Revised Code; 31

(2) A form for the license to carry a concealed handgun that 32
is to be issued by sheriffs to persons who qualify for a license 33
to carry a concealed handgun under section 2923.125 of the Revised 34
Code and that conforms to the following requirements: 35

(a) It has space for the licensee's full name, residence 36
address, and date of birth and for a color photograph of the 37
licensee. 38

(b) It has space for the date of issuance of the license, its 39
expiration date, its county of issuance, and the name of the 40
sheriff who issues the license. 41

(c) It has space for the signature of the licensee and the 42
signature or a facsimile signature of the sheriff who issues the 43
license. 44

(d) It does not require the licensee to include serial numbers of handguns, other identification related to handguns, or similar data that is not pertinent or relevant to obtaining the license and that could be used as a de facto means of registration of handguns owned by the licensee. 45
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(B) The Ohio peace officer training commission shall prepare a pamphlet that contains the text of the firearms laws of this state and shall make copies of the pamphlet available to sheriffs for distribution to applicants under section 2923.125 of the Revised Code for a license to carry a concealed handgun and applicants under that section for the renewal of a license to carry a concealed handgun. 50
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(C) The Ohio peace officer training commission shall prescribe a fee to be paid by an applicant under section 2923.125 of the Revised Code for a license to carry a concealed handgun or for the renewal of a license of that nature in an amount that does not exceed the lesser of forty-five dollars or the actual cost of issuing the license, including, but not limited to, the cost of conducting the criminal records check. The commission shall specify the portion of the fee that will be used to pay each particular cost of the issuance of the license. The sheriff shall deposit all fees paid by an applicant under section 2923.125 of the Revised Code into the sheriff handgun licensure fund established pursuant to section 311.42 of the Revised Code. 57
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(D) The Ohio peace officer training commission shall maintain 69
statistics with respect to the issuance, renewal, suspension, 70
revocation, and denial of licenses to carry a concealed handgun 71
and the suspension of applications for those licenses as reported 72
by the sheriffs pursuant to division (C) of section 2923.129 of 73
the Revised Code. Not later than the first day of March in each 74
year, the commission shall submit a statistical report to the 75
governor, the president of the senate, and the speaker of the 76
house of representatives indicating the number of those licenses 77
that were issued, renewed, suspended, revoked, and denied in the 78
previous calendar year and the number of applications for those 79
licenses for which processing was suspended in accordance with 80
division (D)(3) of section 2923.125 of the Revised Code in the 81
previous calendar year. 82

(E) The Ohio peace officer training commission shall oversee 83
compliance with the requirement for the destruction of records 84
required by division (B) of section 311.41 of the Revised Code. 85
The commission may adopt rules in accordance with Chapter 119. of 86
the Revised Code implementing procedures to be followed in 87
relation to the destruction of those records and to ensure that 88
the destruction requirements are followed. The commission may hire 89
employees to make appropriate investigations to ensure that the 90
destruction requirements are followed. County sheriffs shall 91
cooperate with any investigation under this division and shall 92
give the employees access to all places and records in the 93
sheriff's office related to criminal records checks conducted in 94
accordance with section 311.41 of the Revised Code. 95

(F) As used in this section, "handgun" has the same meaning 96
as in section 2923.11 of the Revised Code. 97

Sec. 311.41. (A)(1) Upon receipt of an application for a 98
license to carry a concealed handgun under division (C) of section 99

2923.125 of the Revised Code or an application to renew a license 100
to carry a concealed handgun under division (F) of that section, 101
the sheriff shall conduct a criminal records check of the 102
applicant to determine whether the applicant fails to meet the 103
criteria described in division (D)(1) of section 2923.125 of the 104
Revised Code by using the law enforcement automated data system to 105
gain access to the criminal records in the bureau of criminal 106
identification and investigation, the national crime information 107
center, and the interstate identification index. In conducting the 108
criminal records check under this division, the sheriff shall use 109
the applicant's name, social security number, and date of birth 110
that are stated in the application or the fingerprints of not more 111
than four fingers of the applicant if the applicant allows the 112
sheriff to obtain those fingerprints using an electronic 113
fingerprint reading device for the purpose of conducting the 114
criminal records check. 115

(2) If a criminal records check conducted under division 116
(A)(1) of this section using the applicant's name, social security 117
number, and date of birth that are stated in the application 118
indicates that the applicant may fail to meet any of the criteria 119
described in division (D)(1) of section 2923.125 of the Revised 120
Code and if the applicant wishes to proceed with the application, 121
the sheriff shall conduct further investigation to determine 122
whether the applicant meets all of the criteria described in that 123
division. 124

If the applicant previously has not done so, the applicant shall allow the sheriff to obtain the fingerprints of not more than four fingers of the applicant using an electronic fingerprint reading device. The sheriff shall use those fingerprints of the applicant to conduct an additional criminal records check of the applicant in the manner provided in division (A)(1) of this section. The sheriff shall not retain the applicant's social security number or fingerprints as part of the application. 125
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(3) Except as otherwise provided in this division, if at any time the applicant decides not to continue with the application process, the sheriff immediately shall cease any investigation that is being conducted under division (A)(1) or (2) of this section. The sheriff shall not cease that investigation if both of the following apply: 133
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(a) At the time of the applicant's decision not to continue with the application process, the sheriff had determined from any of the sheriff's investigations that the applicant then was engaged in activity of a criminal nature. 139
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(b) The sheriff would be subject to a possible criminal charge under section 2921.44 of the Revised Code if the sheriff were to cease the investigation. 143
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(B) If a criminal records check conducted under division (A) of this section does not indicate that the applicant fails to meet the criteria described in division (D)(1) of section 2923.125 of the Revised Code, the sheriff shall destroy or cause a designated employee to destroy all records other than the application for a license to carry a concealed handgun or the application to renew a license to carry a concealed handgun that were made in connection with the criminal records check within twenty days after conducting the criminal records check. When required by section 2923.127 of the Revised Code, the source the sheriff used in conducting the criminal records check shall destroy or the chief operating officer of the source shall cause an employee of the source designated by the chief to destroy all records other than the application for a license to carry a concealed handgun or the application to renew a license to carry a concealed handgun that were made in connection with the criminal records check within the twenty-day period described in that section.

(C) If division (B) of this section applies to a particular criminal records check, no sheriff, employee of a sheriff designated by the sheriff to destroy records under that division, source the sheriff used in conducting the criminal records check, or employee of the source designated by the chief operating officer of the source to destroy records under that division shall fail to destroy or cause to be destroyed within the applicable twenty-day period specified in that division all records other than the application for a license to carry a concealed handgun or the application to renew a license to carry a concealed handgun made in connection with the particular criminal records check.

(D) Whoever violates division (C) of this section is guilty of failure to destroy records, a misdemeanor of the first degree.

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

Sec. 311.42. (A) Each county shall establish in the county treasury a sheriff handgun licensure fund. The sheriff of that county shall deposit into that fund all fees paid by applicants for the issuance or renewal of a license or duplicate license to carry a concealed handgun under section 2923.125 of the Revised Code. The county shall distribute the fees deposited into the fund in accordance with the specifications prescribed by the Ohio peace officer training commission under division (C) of section 109.731 of the Revised Code. 178
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(B) The sheriff, with the approval of the board of county commissioners, may expend any county portion of the fees deposited into the sheriff handgun licensure fund for any costs incurred by the sheriff in connection with performing any administrative functions related to the licensing of handguns, including, but not limited to, personnel expenses and the costs of any handgun safety education program that the sheriff chooses to fund. 187
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Sec. 1547.69. (A) As used in this section: 194

(1) "Firearm" ~~has~~ and "handgun" have the same ~~meaning~~ meanings as in section 2923.11 of the Revised Code. 195
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(2) "Unloaded" has the same meaning as in section 2923.16 of the Revised Code. 197
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(B) No person shall knowingly discharge a firearm while in or on a vessel. 199
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(C) No person shall knowingly transport or have a loaded firearm in a vessel in ~~such~~ a manner that the firearm is accessible to the operator or any passenger. 201
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(D) No person shall knowingly transport or have a firearm in a vessel unless it is unloaded and is carried in one of the following ways: 204
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(1) In a closed package, box, or case;	207
(2) In plain sight with the action opened or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or that cannot easily be stripped, in plain sight.	208 209 210
(E)(1) The affirmative defenses contained <u>authorized</u> in divisions (C)(1) and , (2), <u>and (5)</u> of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (C) or (D) of this section.	211 212 213 214
<u>(2) It is an affirmative defense to a charge under division (B) of this section that the offender discharged the firearm in self-defense.</u>	215 216 217
<u>(3)(a) The fact that a person who is prosecuted for a violation of division (C) or (D) of this section is found to have possessed a firearm under an affirmative defense authorized in division (E)(1) of this section shall not be used in a subsequent prosecution of the person for a violation of this section or section 2923.12, 2923.121, 2923.122, 2923.123, or 2923.16 of the Revised Code.</u>	218 219 220 221 222 223 224
<u>(b) No person who is charged with a violation of division (C) or (D) of this section shall be required to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code as a condition for the dismissal of the charge.</u>	225 226 227 228
(F) Divisions (B), (C), and (D) of this section do not apply to the possession or discharge of a United States coast guard approved signaling device required to be carried aboard a vessel under section 1547.251 of the Revised Code when the signaling device is possessed or used for the purpose of giving a visual distress signal. No person shall knowingly transport or possess any such signaling device <u>of that nature</u> in or on a vessel in a loaded condition at any time other than immediately prior to the discharge of the signaling device for the purpose of giving a	229 230 231 232 233 234 235 236 237

ual distress signal. 238

(G) No person shall operate or permit to be operated any 239
vessel on the waters in this state in violation of this section. 240

(H) This section does not apply to officers, agents, or 241
employees of this or any other state or of the United States, or 242
to law enforcement officers, when authorized to carry or have 243
loaded or accessible firearms in a vessel and acting within the 244
scope of their duties, ~~nor~~ and this section does not apply to 245
persons legally engaged in hunting. Divisions (C) and (D) of this 246
section do not apply to a person who transports or possesses a 247
handgun in a vessel and who, at the time of that transportation or 248
possession, is carrying a valid license to carry a concealed 249
handgun issued to the person under section 2923.125 of the Revised 250
Code, unless the person knowingly is in a place on the vessel 251
described in division (B) of section 2923.126 of the Revised Code. 252

Sec. 2911.21. (A) No person, without privilege to do so, 253
shall do any of the following: 254

(1) Knowingly enter or remain on the land or premises of 255
another; 256

(2) Knowingly enter or remain on the land or premises of 257
another, the use of which is lawfully restricted to certain 258
persons, purposes, modes, or hours, when the offender knows ~~he~~ the 259
offender is in violation of any such restriction or is reckless in 260
that regard; 261

(3) Recklessly enter or remain on the land or premises of 262
another, as to which notice against unauthorized access or 263
presence is given by actual communication to the offender, or in a 264
manner prescribed by law, or by posting in a manner reasonably 265
calculated to come to the attention of potential intruders, or by 266
fencing or other enclosure manifestly designed to restrict access; 267

(4) Being on the land or premises of another, negligently 268
fail or refuse to leave upon being notified to do so by the owner 269
or occupant, or the agent or servant of either; 270

(5) Knowingly enter or remain on private land or premises, 271
including land or premises owned by the state, the United States, 272
or a political subdivision of the state or the United States that 273
is leased by a private person or entity, when all of the following 274
apply: 275

(a) The owner or person in control of the private land or 276
premises has posted a sign in a conspicuous location on that land 277
or on those premises that prohibits persons from carrying firearms 278
or concealed firearms on or onto that land or those premises. 279

(b) The offender saw or should have seen the posted sign. 280

(c) The offender possesses a firearm or concealed firearm in 281
violation of the posted prohibition. 282

(B) It is no defense to a charge under this section that the 283
land or premises involved was owned, controlled, or in custody of 284
a public agency. 285

(C) It is no defense to a charge under this section that the 286
offender was authorized to enter or remain on the land or premises 287
involved, when such authorization was secured by deception. 288

(D) Whoever violates this section is guilty of criminal 289
trespass. A violation of division (A)(1), (2), (3), or (4) of 290
this section is a misdemeanor of the fourth degree. A violation of 291
division (A)(5) of this section is a misdemeanor of the first 292
degree. 293

(E) As used in this section, "land or premises" includes any 294
land, building, structure, or place belonging to, controlled by, 295
or in custody of another, and any separate enclosure or room, or 296
portion thereof. 297

Sec. 2913.02. (A) No person, with purpose to deprive the	298
owner of property or services, shall knowingly obtain or exert	299
control over either the property or services in any of the	300
following ways:	301
(1) Without the consent of the owner or person authorized to	302
give consent;	303
(2) Beyond the scope of the express or implied consent of the	304
owner or person authorized to give consent;	305
(3) By deception;	306
(4) By threat;	307
(5) By intimidation.	308
(B)(1) Whoever violates this section is guilty of theft.	309
(2) Except as otherwise provided in this division or division	310
(B)(3), (4), (5), or (6) of this section, a violation of this	311
section is petty theft, a misdemeanor of the first degree. If the	312
value of the property or services stolen is five hundred dollars	313
or more and is less than five thousand dollars or if the property	314
stolen is any of the property listed in section 2913.71 of the	315
Revised Code, a violation of this section is theft, a felony of	316
the fifth degree. If the value of the property or services stolen	317
is five thousand dollars or more and is less than one hundred	318
thousand dollars, a violation of this section is grand theft, a	319
felony of the fourth degree. If the value of the property or	320
services stolen is one hundred thousand dollars or more, a	321
violation of this section is aggravated theft, a felony of the	322
third degree.	323
(3) Except as otherwise provided in division (B)(4), (5), or	324
(6) of this section, if the victim of the offense is an elderly	325
person or disabled adult, a violation of this section is theft	326
from an elderly person or disabled adult, and division (B)(3) of	327

this section applies. Except as otherwise provided in this 328
division, theft from an elderly person or disabled adult is a 329
felony of the fifth degree. If the value of the property or 330
services stolen is five hundred dollars or more and is less than 331
five thousand dollars, theft from an elderly person or disabled 332
adult is a felony of the fourth degree. If the value of the 333
property or services stolen is five thousand dollars or more and 334
is less than twenty-five thousand dollars, theft from an elderly 335
person or disabled adult is a felony of the third degree. If the 336
value of the property or services stolen is twenty-five thousand 337
dollars or more, theft from an elderly person or disabled adult is 338
a felony of the second degree. 339

(4) If the property stolen is a firearm or dangerous 340
ordnance, a violation of this section is grand theft, a felony of 341
the ~~fourth~~ third degree, and there is a presumption in favor of 342
the court imposing a prison term for the offense. The offender 343
shall serve the prison term consecutively to any other prison term 344
or mandatory prison term previously or subsequently imposed upon 345
the offender. 346

(5) If the property stolen is a motor vehicle, a violation of 347
this section is grand theft of a motor vehicle, a felony of the 348
fourth degree. 349

(6) If the property stolen is any dangerous drug, a violation 350
of this section is theft of drugs, a felony of the fourth degree, 351
or, if the offender previously has been convicted of a felony drug 352
abuse offense, a felony of the third degree. 353

Sec. 2921.13. (A) No person shall knowingly make a false 354
statement, or knowingly swear or affirm the truth of a false 355
statement previously made, when any of the following applies: 356

(1) The statement is made in any official proceeding. 357

(2) The statement is made with purpose to incriminate another.	358 359
(3) The statement is made with purpose to mislead a public official in performing the public official's official function.	360 361
(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury.	362 363 364 365 366 367 368
(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.	369 370 371
(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.	372 373
(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.	374 375
(8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.	376 377 378 379 380 381 382
(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.	383 384
(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including,	385 386 387

but not limited to, an application, petition, complaint, or other 388
pleading, or an inventory, account, or report. 389

(11) The statement is made on an account, form, record, 390
stamp, label, or other writing that is required by law. 391

(12) The statement is made in connection with the purchase of 392
a firearm, as defined in section 2923.11 of the Revised Code, and 393
in conjunction with the furnishing to the seller of the firearm of 394
a fictitious or altered driver's or commercial driver's license or 395
permit, a fictitious or altered identification card, or any other 396
document that contains false information about the purchaser's 397
identity. 398

(13) The statement is made in a document or instrument of 399
writing that purports to be a judgment, lien, or claim of 400
indebtedness and is filed or recorded with the secretary of state, 401
a county recorder, or the clerk of a court of record. 402

(14) The statement is made in an application filed with a 403
county sheriff pursuant to section 2923.125 of the Revised Code in 404
order to obtain or renew a license to carry a concealed handgun. 405

(B) No person, in connection with the purchase of a firearm, 406
as defined in section 2923.11 of the Revised Code, shall knowingly 407
furnish to the seller of the firearm a fictitious or altered 408
driver's or commercial driver's license or permit, a fictitious or 409
altered identification card, or any other document that contains 410
false information about the purchaser's identity. 411

(C) No person, in an attempt to obtain a license to carry a 412
concealed handgun under section 2923.125 of the Revised Code, 413
shall knowingly present to a sheriff a fictitious or altered 414
document that purports to be certification of the person's 415
competence in handling a handgun as described in division (B)(3) 416
of section 2923.125 of the Revised Code. 417

(D) It is no defense to a charge under division (A)(4)(6) of 418

this section that the oath or affirmation was administered or 419
taken in an irregular manner. 420

~~(D)~~(E) If contradictory statements relating to the same fact 421
are made by the offender within the period of the statute of 422
limitations for falsification, it is not necessary for the 423
prosecution to prove which statement was false but only that one 424
or the other was false. 425

~~(E)~~(F)(1) Whoever violates division (A)(1), (2), (3), (4), 426
(5), (6), (7), (8), (10), (11), or (13) of this section is guilty 427
of falsification, a misdemeanor of the first degree. 428

(2) Whoever violates division (A)(9) of this section is 429
guilty of falsification in a theft offense. Except as otherwise 430
provided in this division, falsification in a theft offense is a 431
misdemeanor of the first degree. If the value of the property or 432
services stolen is five hundred dollars or more and is less than 433
five thousand dollars, falsification in a theft offense is a 434
felony of the fifth degree. If the value of the property or 435
services stolen is five thousand dollars or more and is less than 436
one hundred thousand dollars, falsification in a theft offense is 437
a felony of the fourth degree. If the value of the property or 438
services stolen is one hundred thousand dollars or more, 439
falsification in a theft offense is a felony of the third degree. 440

(3) Whoever violates division (A)(12) or (B) of this section 441
is guilty of falsification to purchase a firearm, a felony of the 442
fifth degree. 443

~~(F)~~(4) Whoever violates division (A)(14) or (C) of this 444
section is guilty of falsification to obtain a concealed handgun 445
license, a felony of the fourth degree. 446

(G) A person who violates this section is liable in a civil 447
action to any person harmed by the violation for injury, death, or 448
loss to person or property incurred as a result of the commission 449

of the offense and for reasonable attorney's fees, court costs, 450
and other expenses incurred as a result of prosecuting the civil 451
action commenced under this division. A civil action under this 452
division is not the exclusive remedy of a person who incurs 453
injury, death, or loss to person or property as a result of a 454
violation of this section. 455

Sec. 2923.12. (A) No person shall knowingly carry or have, 456
concealed on ~~his or her~~ the person's person or concealed ready at 457
hand, any of the following: 458

(1) A deadly weapon ~~or~~ other than a handgun; 459

(2) A handgun other than a dangerous ordnance; 460

(3) A dangerous ordnance. 461

(B)(1) This section does not apply to officers, agents, or 462
employees of this or any other state or the United States, or to 463
law enforcement officers, authorized to carry concealed weapons or 464
dangerous ordnance, and acting within the scope of their duties. 465

(2) Division (A)(2) of this section does not apply to any of 466
the following: 467

(a) An officer, agent, or employee of this or any other state 468
or the United States, or a law enforcement officer, who is 469
authorized to carry a handgun, or a corrections officer who has 470
successfully completed a basic firearms training program approved 471
by the Ohio peace officer training commission and who is 472
authorized to carry a handgun; 473

(b) A person who, at the time of the alleged carrying or 474
possession of a handgun, is carrying a valid license to carry a 475
concealed handgun issued to the person under section 2923.125 of 476
the Revised Code, unless the person knowingly is in a place 477
described in division (B) of section 2923.126 of the Revised Code; 478

(c) A person who carries or has a handgun in a motor vehicle 479

if, at the time of the act, all of the following apply: 480

(i) The person did not place the handgun in the motor vehicle. 481
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(ii) The person does not carry or have the handgun on the person's person. 483
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(iii) The handgun is owned by a licensee for whom a valid license to carry a concealed handgun has been issued under section 2923.125 of the Revised Code. 485
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(C) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following ~~apply~~ applies: 488
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(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of ~~such a~~ a character or was necessarily carried on in ~~such a~~ a manner or at ~~such a~~ a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed. 493
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(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor ~~or~~ or a member of the actor's family, or ~~upon~~ at the actor's home, such as would justify a prudent person in going armed. 500
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(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home. 505
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(4) The weapon was being transported in a motor vehicle for any lawful purpose, ~~and~~ was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the 507
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applicable requirements of division (C) of section 2923.16 of the Revised Code. 510
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(5) The actor, at the time of the alleged carrying or possession of a handgun, would have met all of the requirements for a license to carry a concealed handgun under division (D)(1) of section 2923.125 of the Revised Code if the actor had submitted an application for a license to carry a concealed handgun at the time the actor carried a concealed handgun. An affirmative defense under this division does not apply to a person who knowingly was in a place described in division (B) of section 2923.126 of the Revised Code at the time of the alleged carrying or possession of a concealed handgun. 512
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(D)(1) The fact that a person who is prosecuted for a violation of this section is found to have carried or possessed a concealed weapon under an affirmative defense authorized in division (C)(1), (2), or (5) of this section shall not be used in a subsequent prosecution of the person for a violation of this section or section 1547.69, 2923.121, 2923.122, 2923.123, or 2923.16 of the Revised Code. 522
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(2) No person who is charged with a violation of this section shall be required to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code as a condition for the dismissal of the charge. 529
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(E)(1) Whoever violates this section is guilty of carrying concealed weapons, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons is a felony of the fourth degree. If the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has 533
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~~been issued under Chapter 4303. of the Revised Code or if the~~ 542
~~offense is committed aboard an aircraft, or with purpose to carry~~ 543
~~a concealed weapon aboard an aircraft, regardless of the weapon~~ 544
~~involved. Except as otherwise provided in division (E)(2), (3), or~~ 545
~~(4) of this section, carrying concealed weapons is a felony~~ 546
~~misdemeanor of the third first degree.~~ 547

(2) Carrying concealed weapons is a misdemeanor of the third 548
degree if all of the following apply: 549

(a) The weapon involved is a handgun. 550

(b) At the time of the commission of the offense, the 551
offender would have met the requirements for a license to carry a 552
concealed handgun under divisions (D)(1)(b) to (i) of section 553
2923.125 of the Revised Code if the offender had submitted an 554
application for a license to carry a concealed handgun at the time 555
the offender carried a concealed handgun but would not have met 556
the requirement for a license to carry a concealed handgun under 557
division (D)(1)(a) or (j) of section 2923.125 of the Revised Code. 558

(c) At the time of the commission of the offense, the person 559
was not knowingly in a place described in division (B) of section 560
2923.126 of the Revised Code. 561

(3) Carrying concealed weapons is a felony of the fourth 562
degree if any of the following apply: 563

(a) The offender previously has been convicted of any offense 564
of violence. 565

(b) The weapon involved is a firearm, other than a handgun, 566
that is either loaded or for which the offender has ammunition 567
ready at hand. 568

(c) The weapon involved is dangerous ordnance. 569

(4) Carrying concealed weapons is a felony of the third 570
degree if any of the following apply: 571

(a) The weapon involved is a handgun, and, at the time of the 572
commission of the offense, the offender would not have met one or 573
more of the requirements to be eligible for a license to carry a 574
concealed handgun under divisions (D)(1)(b) to (i) of section 575
2923.125 of the Revised Code if the offender had submitted an 576
application for a license to carry a concealed handgun at the time 577
the offender carried a concealed handgun and did not meet the 578
requirement to be eligible for a license to carry a concealed 579
handgun under division (D)(1)(a) or (j) of section 2923.125 of the 580
Revised Code. 581

(b) The weapon involved is a handgun, and the offender either 582
used the handgun in the commission of an offense of violence or 583
knowingly carried the handgun for the purpose of committing an 584
offense of violence. 585

(c) The weapon involved is a firearm, and the violation is 586
committed at premises for which a D permit has been issued under 587
Chapter 4303. of the Revised Code. 588

(d)(i) The offense is committed aboard an aircraft or with 589
purpose to carry a concealed weapon aboard an aircraft regardless 590
of the weapon involved. 591

(ii) Division (E)(4)(d)(i) of this section does not apply if 592
federal law does not prohibit possessing or carrying the involved 593
weapon aboard the aircraft involved and if either the offender 594
owns the aircraft or the offender does not own the aircraft but 595
has received consent to carry a concealed weapon on the aircraft 596
by the owner of the aircraft or by the person authorized to give 597
consent. 598

Sec. 2923.121. (A) No person shall possess a firearm in any 599
room in which liquor is being dispensed in premises for which a D 600
permit has been issued under Chapter 4303. of the Revised Code or 601

in an open air arena for which a license of that nature has been 602
issued. 603

(B)(1) This section does not apply to officers, agents, or 604
employees of this or any other state or the United States, or to 605
law enforcement officers, authorized to carry firearms, ~~and acting~~ 606
~~within the scope of their duties~~ or to a corrections officer who 607
has successfully completed a basic firearms training program 608
approved by the Ohio peace officer training commission and who is 609
authorized to carry a firearm, unless the officer, agent, 610
employee, law enforcement officer, or corrections officer is in 611
violation of section 2923.15 of the Revised Code. 612

(2) This section does not apply to any room used for the 613
accommodation of guests of a hotel, as defined in section 4301.01 614
of the Revised Code. 615

(3) This section does not prohibit any person who is a member 616
of a veteran's organization, as defined in section 2915.01 of the 617
Revised Code, from possessing a rifle in any room in any premises 618
owned, leased, or otherwise under the control of the veteran's 619
organization, if the rifle is not loaded with live ammunition and 620
if the person otherwise is not prohibited by law from having the 621
rifle. 622

(4) This section does not apply to any person possessing or 623
displaying firearms in any room used to exhibit unloaded firearms 624
for sale or trade in a soldiers' memorial established pursuant to 625
Chapter 345. of the Revised Code, in a convention center, or in 626
any other public meeting place, if the person is an exhibitor, 627
trader, purchaser, or seller of firearms and is not otherwise 628
prohibited by law from possessing, trading, purchasing, or selling 629
the firearms. 630

(5) This section does not apply to the holder of the D permit 631
issued under Chapter 4303. of the Revised Code if the holder is 632
carrying a valid license to carry a concealed handgun issued to 633
the holder under section 2923.125 of the Revised Code. This 634
section also does not apply to an employee of the holder of the D 635
permit who is authorized by the holder of the D permit to carry a 636
handgun in the room or open air arena in which liquor is being 637
dispensed and who is carrying a valid license to carry a concealed 638
handgun issued to the employee under section 2923.125 of the 639
Revised Code. 640

(C) It is an affirmative defense to a charge under this 641
section of illegal possession of a firearm in liquor permit 642
premises, that the actor was not otherwise prohibited by law from 643
having the firearm, and that any of the following apply: 644

(1) The firearm was carried or kept ready at hand by the 645
actor for defensive purposes, while the actor was engaged in or 646
was going to or from the actor's lawful business or occupation, 647
which business or occupation was of such character or was 648
necessarily carried on in such manner or at such a time or place 649
as to render the actor particularly susceptible to criminal 650
attack, such as would justify a prudent person in going armed. 651

(2) The firearm was carried or kept ready at hand by the 652
actor for defensive purposes, while the actor was engaged in a 653
lawful activity, and had reasonable cause to fear a criminal 654
attack upon the actor or a member of the actor's family, or upon 655
the actor's home, such as would justify a prudent person in going 656
armed. 657

(3) The affirmative defense authorized in division (C)(5) of 658
section 2923.12 of the Revised Code applies with respect to the 659
possession of the firearm. An affirmative defense under this 660
division does not apply to a person who knowingly was in a place 661

described in division (B) of section 2923.126 of the Revised Code 662
at the time of the alleged possession of the handgun. 663

(D)(1) The fact that a person who is prosecuted for a 664
violation of this section is found to have possessed a firearm 665
under an affirmative defense authorized in division (C)(1), (2), 666
or (3) of this section shall not be used in a subsequent 667
prosecution of the person for a violation of this section or 668
section 1547.69, 2923.12, 2923.122, 2923.123, or 2923.16 of the 669
Revised Code. 670

(2) No person who is charged with a violation of this section 671
shall be required to obtain a license to carry a concealed handgun 672
under section 2923.125 of the Revised Code as a condition for the 673
dismissal of the charge. 674

(E) Whoever violates this section is guilty of illegal 675
possession of a firearm in liquor permit premises, a felony of the 676
fifth degree. 677

Sec. 2923.123. (A) No person shall knowingly convey or 678
attempt to convey a deadly weapon or dangerous ordnance into a 679
courthouse or into another building or structure in which a 680
courtroom is located. 681

(B) No person shall knowingly possess or have under the 682
person's control a deadly weapon or dangerous ordnance in a 683
courthouse or in another building or structure in which a 684
courtroom is located. 685

(C) This section does not apply to any of the following: 686

(1) A judge of a court of record of this state or a 687
magistrate, unless a rule of superintendence or another type of 688
rule adopted by the supreme court pursuant to Article IV, Ohio 689
Constitution, or an applicable local rule of court prohibits all 690
persons from conveying or attempting to convey a deadly weapon or 691

dangerous ordnance into a courthouse or into another building or 692
structure in which a courtroom is located or from possessing or 693
having under one's control a deadly weapon or dangerous ordnance 694
in a courthouse or in another building or structure in which a 695
courtroom is located; 696

(2) A peace officer, or an officer of a law enforcement 697
agency of another state, a political subdivision of another state, 698
or the United States, who is authorized to carry a deadly weapon 699
or dangerous ordnance, who possesses or has under that 700
individual's control a deadly weapon or dangerous ordnance as a 701
requirement of that individual's duties, and who is acting within 702
the scope of that individual's duties at the time of that 703
possession or control, unless a rule of superintendence or another 704
type of rule adopted by the supreme court pursuant to Article IV, 705
Ohio Constitution, or an applicable local rule of court prohibits 706
all persons from conveying or attempting to convey a deadly weapon 707
or dangerous ordnance into a courthouse or into another building 708
or structure in which a courtroom is located or from possessing or 709
having under one's control a deadly weapon or dangerous ordnance 710
in a courthouse or in another building or structure in which a 711
courtroom is located; 712

(3) A person who conveys, attempts to convey, possesses, or 713
has under the person's control a deadly weapon or dangerous 714
ordnance that is to be used as evidence in a pending criminal or 715
civil action or proceeding; 716

(4) A bailiff or deputy bailiff of a court of record of this 717
state who is authorized to carry a firearm pursuant to section 718
109.77 of the Revised Code, who possesses or has under that 719
individual's control a firearm as a requirement of that 720
individual's duties, and who is acting within the scope of that 721
individual's duties at the time of that possession or control, 722
unless a rule of superintendence or another type of rule adopted 723

by the supreme court pursuant to Article IV, Ohio Constitution, or 724
an applicable local rule of court prohibits all persons from 725
conveying or attempting to convey a deadly weapon or dangerous 726
ordnance into a courthouse or into another building or structure 727
in which a courtroom is located or from possessing or having under 728
one's control a deadly weapon or dangerous ordnance in a 729
courthouse or in another building or structure in which a 730
courtroom is located; 731

(5) A prosecutor, or a secret service officer appointed by a 732
county prosecuting attorney, who is authorized to carry a deadly 733
weapon or dangerous ordnance in the performance of the 734
individual's duties, who possesses or has under that individual's 735
control a deadly weapon or dangerous ordnance as a requirement of 736
that individual's duties, and who is acting within the scope of 737
that individual's duties at the time of that possession or 738
control, unless a rule of superintendence or another type of rule 739
adopted by the supreme court pursuant to Article IV of the Ohio 740
Constitution or an applicable local rule of court prohibits all 741
persons from conveying or attempting to convey a deadly weapon or 742
dangerous ordnance into a courthouse or into another building or 743
structure in which a courtroom is located or from possessing or 744
having under one's control a deadly weapon or dangerous ordnance 745
in a courthouse or in another building or structure in which a 746
courtroom is located; 747

(6) A person who conveys or attempts to convey a handgun into 748
a courthouse or into another building or structure in which a 749
courtroom is located, who, at the time of the conveyance or 750
attempt, is carrying a valid license to carry a concealed handgun 751
issued to the person under section 2923.125 of the Revised Code, 752
and who transfers possession of the handgun to the officer or 753
officer's designee who has charge of the courthouse or building. 754
The officer shall secure the handgun until the licensee is 755

prepared to leave the premises. The exemption described in this 756
division does not apply if a rule of superintendence or another 757
type of rule adopted by the supreme court pursuant to Article IV, 758
Ohio Constitution, or if an applicable local rule of court 759
prohibits all persons from conveying or attempting to convey a 760
deadly weapon or dangerous ordnance into a courthouse or into 761
another building or structure in which a courtroom is located or 762
from possessing or having under one's control a deadly weapon or 763
dangerous ordnance in a courthouse or in another building or 764
structure in which a courtroom is located. 765

(D)(1) Whoever violates division (A) of this section is 766
guilty of illegal conveyance of a deadly weapon or dangerous 767
ordnance into a courthouse. Except as otherwise provided in this 768
division, illegal conveyance of a deadly weapon or dangerous 769
ordnance into a courthouse is a felony of the fifth degree. If the 770
offender previously has been convicted of a violation of division 771
(A) or (B) of this section, illegal conveyance of a deadly weapon 772
or dangerous ordnance into a courthouse is a felony of the fourth 773
degree. 774

(2) Whoever violates division (B) of this section is guilty 775
of illegal possession or control of a deadly weapon or dangerous 776
ordnance in a courthouse. Except as otherwise provided in this 777
division, illegal possession or control of a deadly weapon or 778
dangerous ordnance in a courthouse is a felony of the fifth 779
degree. If the offender previously has been convicted of a 780
violation of division (A) or (B) of this section, illegal 781
possession or control of a deadly weapon or dangerous ordnance in 782
a courthouse is a felony of the fourth degree. 783

(E) As used in this section: 784

(1) "Magistrate" means an individual who is appointed by a 785
court of record of this state and who has the powers and may 786
perform the functions specified in Civil Rule 53, Criminal Rule 787

19, or Juvenile Rule 40. 788

(2) "Peace officer" and "prosecutor" have the same meanings 789
as in section 2935.01 of the Revised Code. 790

Sec. 2923.124. As used in sections 2923.124 to 2923.1212 of 791
the Revised Code: 792

(A) "Application form" means the application form prescribed 793
pursuant to division (A)(1) of section 109.731 of the Revised Code 794
and includes a copy of that form. 795

(B) "Competency certification" and "competency certificate" 796
mean a document of the type described in division (B)(3) of 797
section 2923.125 of the Revised Code. 798

(C) "Detention facility" has the same meaning as in section 799
2921.01 of the Revised Code. 800

(D) "Licensee" means a person to whom a license to carry a 801
concealed handgun has been issued under section 2923.125 of the 802
Revised Code. 803

(E) "License fee" or "license renewal fee" means the fee for 804
a license to carry a concealed handgun or the fee to renew that 805
license that is prescribed pursuant to division (C) of section 806
109.731 of the Revised Code and that is to be paid by an applicant 807
for a license of that type. 808

(F) "Peace officer" has the same meaning as in section 809
2935.01 of the Revised Code. 810

(G) "State correctional institution" has the same meaning as 811
in section 2967.01 of the Revised Code. 812

(H) "Valid license" means a license to carry a concealed 813
handgun that has been issued under section 2923.125 of the Revised 814
Code, that is currently valid, that is not under a suspension 815
under division (A)(1) of section 2923.128 of the Revised Code, and 816

that has not been revoked under division (B)(1) of section 817
2923.128 of the Revised Code. 818

Sec. 2923.125. (A) Upon the request of a person who wishes to 819
obtain a license to carry a concealed handgun or to renew a 820
license to carry a concealed handgun, a sheriff shall provide to 821
the person free of charge an application form and a copy of the 822
pamphlet described in division (B) of section 109.731 of the 823
Revised Code. 824

(B) An applicant for a license to carry a concealed handgun 825
shall submit a completed application form and all of the following 826
to the sheriff of the county in which the applicant resides or to 827
the sheriff of any county adjacent to the county in which the 828
applicant resides: 829

(1) A nonrefundable license fee prescribed by the Ohio peace 830
officer training commission pursuant to division (C) of section 831
109.731 of the Revised Code, except that the sheriff shall waive 832
the payment of the license fee in connection with an initial or 833
renewal application for a license that is submitted by an 834
applicant who is a retired peace officer, a retired person 835
described in division (B)(1)(b) of section 109.77 of the Revised 836
Code, a retired federal law enforcement officer who, prior to 837
retirement, was authorized under federal law to carry a firearm in 838
the course of duty, or a retired corrections officer who, prior to 839
retirement, had successfully completed a basic firearms training 840
program approved by the Ohio peace officer training commission and 841
who was authorized to carry a firearm in the course of duty, 842
unless the retired peace officer, person, federal law enforcement 843
officer, or corrections officer retired as the result of a mental 844
disability; 845

(2) A color photograph of the applicant that was taken within 846
thirty days prior to the date of the application; 847

(3) Unless the applicant is a retired peace officer, federal law enforcement officer, or corrections 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, one or more of the following competency certifications, each of which shall reflect that within the three years immediately preceding the application the applicant has performed that to which the competency certification relates:

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

(b) An original or photocopy of a certificate of completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or program that was open to members of the general public, that utilized qualified instructors who were certified by the national rifle association, the executive director of the Ohio peace officer training commission pursuant to section 109.75 or 109.78 of the Revised Code, or a governmental official or entity of another state, that was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state, and that complies with the requirements set forth in division (G) of this section;

(c) An original or photocopy of a certificate of completion

of a state, county, municipal, or department of natural resources 880
peace officer training school that is approved by the executive 881
director of the Ohio peace officer training commission pursuant to 882
section 109.75 of the Revised Code and that complies with the 883
requirements set forth in division (G) of this section, or the 884
applicant has satisfactorily completed and been issued a 885
certificate of completion of a basic firearms training program, a 886
firearms requalification training program, or another basic 887
training program described in section 109.78 or 109.801 of the 888
Revised Code that complies with the requirements set forth in 889
division (G) of this section; 890

(d) A document that evidences both of the following: 891

(i) That the applicant is an active or reserve member of the 892
armed forces of the United States or was honorably discharged from 893
military service in the active or reserve armed forces of the 894
United States; 895

(ii) That, through participation in the military service 896
described in division (B)(3)(d)(i) of this section, the applicant 897
acquired experience with handling handguns or other firearms, and 898
the experience so acquired was equivalent to training that the 899
applicant could have acquired in a course, class, or program 900
described in division (B)(3)(a), (b), or (c) of this section. 901

(e) A certificate or another similar document that evidences 902
satisfactory completion of a firearms training, safety, or 903
requalification or firearms safety instructor course, class, or 904
program that is not otherwise described in division (B)(3)(a), 905
(b), (c), or (d) of this section, that was conducted by an 906
instructor who was certified by an official or entity of the 907
government of this or another state or the United States or by the 908
national rifle association, and that complies with the 909
requirements set forth in division (G) of this section; 910

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

(g) A valid license to carry a handgun in this state or in a county or municipal corporation of this state, other than a license issued under this section, that was or is issued prior to, on, or after the effective date of this section and has not been revoked for cause.

(4) If applicable, a certification of the type or a copy of the court order described in division (D)(6) of this section.

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

(D)(1) Except as provided in division (D)(3), (4), or (5) of this section, within forty-five days after receipt of an applicant's completed application form for a license to carry a concealed handgun, the supporting documentation, and, if not waived, license fee, a sheriff shall issue to the applicant a license to carry a concealed handgun that shall expire four years after the date of issuance if all of the following apply:

(a) The applicant has been a resident of this state for at least forty-five days and 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, pleaded guilty to, or been adjudicated a delinquent child for an act that if committed by an adult would be 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; or 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, pleaded guilty to, or been adjudicated a delinquent child for an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code.

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

(h) The applicant, within ten years of the date of the application, has not been convicted of, pleaded guilty to, or been adjudicated a delinquent child for violating section 2921.33 of

<u>the Revised Code.</u>	972
<u>(i) Subject to division (D)(6) of this section, the applicant is not currently under an adjudication of mental incompetence and has not been involuntarily hospitalized or institutionalized pursuant to a court order.</u>	973 974 975 976
<u>(j) The applicant is not currently subject to a temporary or permanent protection order issued pursuant to section 2919.26 or 3113.31 of the Revised Code.</u>	977 978 979
<u>(k) The applicant certifies that the applicant desires a legal means to carry a concealed handgun for defense of the applicant or a member of the applicant's family while engaged in lawful activity.</u>	980 981 982 983
<u>(l) The applicant submits a competency certification of the type described in division (B)(3) of this section unless that competency certification is not required.</u>	984 985 986
<u>(2) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant and, if applicable, shall comply with division (D)(4) of this section.</u>	987 988 989 990 991
<u>(3) If the sheriff with whom an application for a license to carry a concealed handgun was filed becomes aware that the applicant has been arrested for or otherwise charged with an offense that would disqualify the applicant from holding the license, the sheriff shall suspend the processing of the application until the disposition of the case arising from the arrest or charge.</u>	992 993 994 995 996 997 998
<u>(4)(a) If a sheriff determines that an applicant for a license under this section does not meet the criteria described in division (D)(1) of this section for reasons other than the criminal records check conducted under section 311.41 of the</u>	999 1000 1001 1002

Revised Code, the sheriff shall file a petition in the court of 1003
common pleas of the sheriff's county that requests the court to 1004
review the applicant's application and supporting documentation 1005
and other relevant information that the sheriff submits and that 1006
was acquired in connection with the application and that requests 1007
the court to authorize the sheriff to deny the requested license. 1008
The sheriff shall serve the applicant with a copy of the petition 1009
in the manner prescribed in the Rules of Civil Procedure for the 1010
service of process regarding complaints. Upon the request of 1011
either the sheriff or the applicant, the court shall promptly hold 1012
a hearing on the petition prior to making a determination under 1013
division (D)(4)(b) of this section. 1014

(b) If the court determines that the sheriff who filed a 1015
petition under division (D)(4)(a) of this section established by 1016
clear and convincing evidence that the applicant does not satisfy 1017
the requirements described in division (D)(1) of this section for 1018
reasons other than the criminal records check, the court shall 1019
authorize the sheriff to deny the requested license. If the court 1020
determines that the sheriff has not sustained that burden of 1021
proof, it shall order the sheriff to issue the requested license 1022
and to pay any reasonable attorney's fees incurred by the 1023
applicant under division (D)(4) of this section. 1024

(5) If the sheriff determines the applicant is a resident of 1025
the county in which the applicant seeks the license or of an 1026
adjacent county but does not yet meet the residency requirements 1027
described in division (D)(1)(a) of this section, the sheriff shall 1028
not deny the license because of the residency requirements but 1029
shall not issue the license until the applicant meets those 1030
residency requirements. 1031

(6) A person who previously has been declared incompetent or involuntarily hospitalized or institutionalized pursuant to court order shall be eligible for a license to carry a concealed handgun under this section if the person submits either of the following: 1032
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(a) A certification by a physician licensed pursuant to Chapter 4731. of the Revised Code whose primary practice is in the field of psychiatry that the condition that resulted in the applicant's involuntary hospitalization or institutionalization is in remission and is not reasonably likely to redevelop at a future time and that the applicant no longer represents a risk of physical harm to others; 1036
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(b) A copy of the court order reversing or vacating the court order adjudicating the person to be mentally incompetent or the order under which the applicant had been involuntarily hospitalized or institutionalized. 1043
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(E) If a license to carry a concealed handgun issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. 1047
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(F) A licensee who wishes to renew a license to carry a concealed handgun shall do so within thirty days after the expiration date of the license by filing with the sheriff of the county in which the applicant resides or with the sheriff of an adjacent county an application for renewal of the license obtained pursuant to division (D) of this section, a new color photograph of the licensee that was taken within thirty days prior to the date of the renewal application, and a nonrefundable license renewal fee unless the fee is waived. The licensee is not required to submit a new competency certificate. 1052
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Upon receipt of a completed renewal application, color 1062

photograph, and license renewal fee unless the fee is waived, a 1063
sheriff shall conduct or cause to be conducted the criminal 1064
records check described in section 311.41 of the Revised Code. The 1065
sheriff shall renew the license if the sheriff determines that the 1066
applicant continues to satisfy the requirements described in 1067
division (D)(1) of this section. A renewed license shall expire 1068
four years after the date of issuance and is subject to division 1069
(E) of this section and sections 2923.126 and 2923.128 of the 1070
Revised Code. A sheriff shall comply with divisions (D)(2) to (5) 1071
of this section when the circumstances described in those 1072
divisions apply to a requested license renewal. 1073

(G)(1) Each course, class, or program described in division 1074
(B)(3)(a), (b), (c), or (e) of this section shall include at least 1075
twelve hours of training in the safe handling and use of a firearm 1076
that shall include all of the following: 1077

(a) The ability to name, explain, and demonstrate the rules 1078
for safe handling of a handgun; 1079

(b) The ability to demonstrate and explain how to handle 1080
ammunition in a safe manner; 1081

(c) The ability to demonstrate the knowledge, skills, and 1082
attitude necessary to shoot a handgun in a safe manner; 1083

(d) Range time, live fire training, and gun handling training 1084
from the two-handed and one-handed standing and shooting 1085
positions. 1086

(2) To satisfactorily complete the course, class, or program 1087
described in division (B)(3)(a), (b), (c), or (e) of this section, 1088
the applicant shall pass a competency examination that shall 1089
include both of the following: 1090

(a) A written section on the ability to name and explain the 1091
rules for the safe handling of a handgun and proper storage 1092
practices for handguns and ammunition; 1093

(b) A physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner. 1094
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(3) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G)(1) of this section. 1098
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Sec. 2923.126. (A) A license to carry a concealed handgun that is issued under section 2923.125 of the Revised Code shall expire four years after the date of issuance. A licensee shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B) and (C) of this section, the licensee may carry a concealed handgun anywhere in this state if the licensee also carries a valid license and valid identification when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change. If a law enforcement officer approaches a licensee and if the licensee is carrying a concealed handgun at the time the officer approaches the licensee, the licensee shall promptly inform the officer that the licensee has been issued a license to carry a concealed handgun and that the licensee currently is carrying a concealed handgun. 1102
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(B) A valid license does not authorize the licensee to carry a concealed handgun into any of the following places: 1119
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(1) The secured area of a police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation, a state correctional institution, jail, workhouse, or other detention facility, an 1121
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<u>airport passenger terminal, or an institution that is maintained,</u>	1125
<u>operated, managed, and governed pursuant to division (A) of</u>	1126
<u>section 5119.02 of the Revised Code or division (A)(1) of section</u>	1127
<u>5123.03 of the Revised Code;</u>	1128
<u>(2) A school safety zone, in violation of section 2923.122 of</u>	1129
<u>the Revised Code;</u>	1130
<u>(3) A courthouse or another building or structure in which a</u>	1131
<u>courtroom is located, in violation of section 2923.123 of the</u>	1132
<u>Revised Code;</u>	1133
<u>(4) Any room in which liquor is being dispensed in premises</u>	1134
<u>for which a D permit has been issued under Chapter 4303. of the</u>	1135
<u>Revised Code, in violation of section 2923.121 of the Revised</u>	1136
<u>Code;</u>	1137
<u>(5) The premises of any public or private college,</u>	1138
<u>university, or other institution of higher education, unless the</u>	1139
<u>handgun is in a locked motor vehicle or the licensee is in the</u>	1140
<u>immediate process of placing the handgun in a locked motor</u>	1141
<u>vehicle;</u>	1142
<u>(6) Any church, synagogue, mosque, or other place of worship,</u>	1143
<u>unless the church, synagogue, mosque, or other place of worship</u>	1144
<u>posts or permits otherwise;</u>	1145
<u>(7) A place in which federal law prohibits the carrying of</u>	1146
<u>handguns.</u>	1147

(C)(1) Nothing in this section shall negate or restrict a 1148
rule, policy, or practice of a private employer that is not a 1149
private college, university, or other institution of higher 1150
education concerning or prohibiting the presence of firearms on 1151
the private employer's premises or property, including motor 1152
vehicles owned by the private employer, except that a licensee may 1153
keep a handgun in a locked motor vehicle. Nothing in this section 1154
shall require a private employer of that nature to adopt a rule, 1155
policy, or practice concerning or prohibiting the presence of 1156
firearms on the private employer's premises or property, including 1157
motor vehicles owned by the private employer. 1158

(2) A private employer shall be immune from liability in a 1159
civil action for any injury, death, or loss to person or property 1160
that allegedly was caused by or related to a licensee bringing a 1161
handgun onto the premises or property of the private employer, 1162
including motor vehicles owned by the private employer, unless the 1163
private employer acted with malicious purpose. As used in this 1164
division, "private employer" includes a private college, 1165
university, or other institution of higher education. 1166

(3) The owner or person in control of private land or 1167
premises, and a private person or entity leasing land or premises 1168
owned by the state, the United States, or a political subdivision 1169
of the state or the United States, may post a sign in a 1170
conspicuous location on that land or on those premises prohibiting 1171
persons from carrying firearms or concealed firearms on or onto 1172
that land or those premises. A person who knowingly violates a 1173
posted prohibition of that nature is guilty of criminal trespass 1174
in violation of division (A)(5) of section 2911.21 of the Revised 1175
Code and is guilty of a misdemeanor of the first degree. 1176

(D) A person who holds a license to carry a concealed handgun that was issued pursuant to the law of another state has the same right to carry a concealed handgun in this state as a person who was issued a license to carry a concealed handgun under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who carries a license issued under that section. 1177
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Sec. 2923.127. (A) If a sheriff denies an application for a license to carry a concealed handgun or denies the renewal of a license to carry a concealed handgun as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if the applicant believes the denial was based on incorrect information reported by the source the sheriff used in conducting the criminal records check, the applicant may file a written request with the source requesting the source to conduct another criminal records check with respect to the applicant, to correct all erroneous information in the source's records that relates to the applicant and that may be relevant to the applicant's eligibility for a license to carry a concealed handgun, and to transmit the corrected information to the sheriff. 1184
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If the source fails to perform those functions within fourteen days or denies the applicant's request, the applicant may file in the court of common pleas of the applicant's county of residence a complaint that requests the court to order the source to perform those functions. The court shall order the source to perform the requested functions if the applicant establishes by clear and convincing evidence all of the following: 1197
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(1) The source's records contain erroneous information that relates to the applicant and that may be relevant to a sheriff's determination as to the applicant's eligibility for a license. 1204
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(2) The erroneous information should be corrected. 1207

(3) The source's records as so corrected contain, and the criminal records check otherwise contained, no information that may be relevant to a sheriff's determination as to the applicant's eligibility for a license. 1208
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(B) If a court enters an order of the type described in division (A) of this section, within twenty days after the source transmits corrected information to the sheriff who denied the issuance or renewal of the license, the destruction of records provisions of divisions (B) and (C) of section 311.41 of the Revised Code shall apply to the chief operating officer of the source or an employee of the source designated by that officer. 1212
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Sec. 2923.128. (A)(1) If a licensee holding a valid license is arrested for or otherwise charged with an offense described in division (D)(1)(d) of section 2923.125 of the Revised Code or with a violation of section 2923.15 of the Revised Code or becomes subject to a temporary protection order issued pursuant to section 2919.26 or 3113.31 of the Revised Code, the sheriff who issued the license shall suspend it and shall comply with division (A)(3) of this section upon becoming aware of the arrest, charge, or temporary protection order. 1219
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(2) A suspension under division (A)(1) of this section shall be considered as beginning on the date that the licensee is arrested for or otherwise charged with an offense described in that division or on the date the appropriate court issued the temporary protection order described in that division, irrespective of when the sheriff notifies the licensee under division (A)(3) of this section. The suspension shall end on the date on which the charges are dismissed or the licensee is found not guilty of the offense described in division (A)(1) of this section or, subject to division (B) of this section, on the date the appropriate court terminates the temporary protection order 1228
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described in that division. If the suspension so ends, the sheriff shall return the license to the licensee. 1239
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(3) Upon becoming aware of an arrest, charge, or temporary protection order described in division (A)(1) of this section with respect to a licensee, the sheriff who issued the licensee's license to carry a concealed handgun shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license has been suspended and that the licensee is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. 1241
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(B)(1) A sheriff who issues a license to carry a concealed handgun to a licensee shall revoke the license in accordance with division (B)(2) of this section upon becoming aware that the licensee satisfies any of the following: 1250
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(a) The licensee is under twenty-one years of age. 1254

(b) At the time of the issuance of the license, the licensee did not satisfy the eligibility requirements of division (D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1255
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(c) On or after the date on which the license was issued, the licensee is convicted of or pleads guilty to a violation of section 2923.15 of the Revised Code or an offense described in division (D)(1)(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1259
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(d) On or after the date on which the license was issued, the licensee becomes subject to a permanent protection order issued pursuant to section 3113.31 of the Revised Code. 1264
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(e) The licensee knowingly carries a concealed handgun into a place that the licensee knows is an unauthorized place specified in division (B) of section 2923.126 of the Revised Code. 1267
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(f) On or after the date on which the license was issued, the licensee is adjudicated to be mentally incompetent or has been involuntarily institutionalized pursuant to a court order. 1270
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(g) At the time of the issuance of the license, the licensee did not meet the residency requirements described in division (D)(1) of section 2923.125 of the Revised Code and currently does not meet the residency requirements described in that division. 1273
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(h) The competency certificate the licensee submitted was forged or otherwise was fraudulent. 1277
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(2) Upon becoming aware of any circumstance listed in division (B)(1) of this section that applies to a particular licensee, the sheriff who issued the license to carry a concealed handgun to the licensee shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license is subject to revocation and that the licensee may come to the sheriff's office and contest the sheriff's proposed revocation within fourteen days of the date on which the notice was mailed. After the fourteen-day period and after consideration of any information that the licensee provides during that period, if the sheriff determines on the basis of the information of which the sheriff is aware that the licensee is described in division (B)(1) of this section and no longer satisfies the requirements described in division (D)(1) of section 2923.125 of the Revised Code, the sheriff shall revoke the license, notify the licensee of that fact, and require the licensee to surrender the license. 1279
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Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 1296
bureau of criminal identification and investigation, the employees 1297
of the bureau, the Ohio peace officer training commission, or the 1298
employees of the commission make a good faith effort in performing 1299
the duties imposed upon the sheriff, the superintendent, the 1300
bureau's employees, the commission, or the commission's employees 1301
by sections 109.731, 311.41, and 2923.124 to 2923.1212 of the 1302
Revised Code, in addition to the personal immunity provided by 1303
section 9.86 of the Revised Code or division (A)(6) of section 1304
2744.03 of the Revised Code and the governmental immunity of 1305
sections 2744.02 and 2744.03 of the Revised Code and in addition 1306
to any other immunity possessed by the bureau, the commission, and 1307
their employees, the sheriff, the sheriff's office, the county in 1308
which the sheriff has jurisdiction, the bureau, the superintendent 1309
of the bureau, the bureau's employees, the commission, and the 1310
commission's employees are immune from liability in a civil action 1311
for injury, death, or loss to person or property that allegedly 1312
was caused by or related to any of the following: 1313

(a) The issuance, renewal, suspension, or revocation of a 1314
license to carry a concealed handgun; 1315

(b) The failure to issue, renew, suspend, or revoke a license 1316
to carry a concealed handgun; 1317

(c) Any action or misconduct with a handgun committed by a 1318
licensee. 1319

(2) Any action of a sheriff relating to the issuance, 1320
renewal, suspension, or revocation of a license to carry a 1321
concealed handgun shall be considered to be a governmental 1322
function for purposes of Chapter 2744. of the Revised Code. 1323

(3) An entity that or instructor who provides a competency certification of a type described in division (B)(3) of section 2923.125 of the Revised Code is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the competency certificate if all of the following apply: 1324
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(a) The alleged liability of the entity or instructor relates to the training provided in the course, class, or program covered by the competency certificate. 1331
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(b) The entity or instructor makes a good faith effort in determining whether the person has satisfactorily completed the course, class, or program. 1334
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(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner. 1337
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(4) 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 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 duties while the peace officer is off duty. 1340
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(B) Notwithstanding section 149.43 of the Revised Code, the records that a sheriff keeps relative to the issuance, renewal, suspension, or revocation of a license to carry a concealed handgun, including, but not limited to, completed applications for the issuance or renewal of a license, reports of criminal records 1350
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checks under section 311.41 of the Revised Code, and applicants' social security numbers and fingerprints that are obtained under divisions (A)(1) and (2) of section 311.41 of the Revised Code, are confidential and are not public records. No person shall release or otherwise disseminate records that are confidential under this division unless required to do so pursuant to a court order. 1355
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(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 and the number of applications for those licenses that were suspended in accordance with division (D)(3) of section 2923.125 of the Revised Code during the previous quarter of the calendar year. The sheriff shall not include in the report the name or any other identifying information of an applicant or licensee. The sheriff shall report that information in a manner that permits the commission to maintain the statistics described in division (D) of section 109.731 of the Revised Code and to timely prepare the statistical report described in that division. This information is confidential and is not a public record. No person shall release or otherwise disseminate records that are confidential under this division unless required to do so pursuant to a court order. 1362
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(D) Whoever violates division (B) or (C) of this section is guilty of illegal release of confidential concealed handgun license records, a felony of the fifth degree. 1378
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Sec. 2923.1210. The application for a license to carry a concealed handgun or for the renewal of a license of that nature that is to be used under section 2923.125 of the Revised Code shall conform substantially to the following form: 1381
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"Ohio Peace APPLICATION FOR A LICENSE TO 1385

whose sheriff you are filing this application
or of a county adjacent to that county?

(2) Are you at least twenty-one years of age? YES NO 1404

(3) Are you a fugitive from justice? YES NO 1405

(4) Are you under indictment for a felony, YES NO 1406

have you ever been convicted of or pleaded
guilty to a felony, or have you ever been
adjudicated a delinquent child for committing
an act that would be a felony if committed by
an adult?

(5) Are you under indictment for or otherwise YES NO 1407

charged with, or have you ever been convicted
of or pleaded guilty to, an offense under
Chapter 2925., 3719., or 4729. of the Ohio
Revised Code that involves the illegal
possession, use, sale, administration, or
distribution of or trafficking in a drug of
abuse, or have you ever been adjudicated a
delinquent child for committing an act that
would be an offense of that nature if
committed by an adult?

(6) Are you under indictment for or otherwise YES NO 1408

charged with, or have you been convicted of or
pleaded guilty to within three years of the
date of this application, a misdemeanor that
is an offense of violence or the offense of
possessing a revoked or suspended concealed
handgun license, or have you been adjudicated
a delinquent child within three years of the
date of this application for committing an act
that would be a misdemeanor of that nature if
committed by an adult?

(7) Are you under indictment for or otherwise YES NO 1409

AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR 1417
SUBMITS A FALSE DOCUMENT WITH THE APPLICATION MAY BE PROSECUTED 1418
FOR FALSIFICATION TO OBTAIN A CONCEALED HANDGUN LICENSE, A FELONY 1419
OF THE FIFTH DEGREE, IN VIOLATION OF SECTION 2921.13 OF THE OHIO 1420
REVISED CODE. 1421

(1) I have been furnished the text of the Ohio firearms laws, and 1422
I am knowledgeable of their provisions. 1423

(2) I desire a legal means to carry a concealed handgun for 1424
defense of myself or a member of my family while engaged in 1425
lawful activity. 1426

(3) I have never been convicted of or pleaded guilty to a crime of 1427
violence in the state of Ohio or elsewhere. I am of sound 1428
mind. I hereby certify that the statements contained herein 1429
are true and correct to the best of my knowledge and belief. 1430
I understand that if I knowingly make any false statements 1431
herein I am subject to penalties prescribed by law. I 1432
authorize the sheriff or the sheriff's designee to inspect 1433
only those records or documents relevant to information 1434
required for this application. 1435

(4) The information contained in this application and all attached 1436
documents are true and correct to the best of my knowledge. 1437

..... 1438
Signature of Applicant" 1439

Sec. 2923.1211. (A) No person shall alter a license to carry 1441
a concealed handgun that was issued pursuant to section 2923.125 1442
of the Revised Code or create a fictitious document that purports 1443
to be a license of that nature. 1444

(B) No person, except in the performance of official duties, 1445
shall possess a concealed handgun license that was issued and that 1446
has been revoked or suspended pursuant to section 2923.128 of the 1447

Revised Code. 1448

(C) Whoever violates division (A) of this section is guilty 1449
of falsification of a concealed handgun license, a felony of the 1450
fifth degree. Whoever violates division (B) of this section is 1451
guilty of possessing a revoked or suspended concealed handgun 1452
license, a misdemeanor of the third degree. 1453

Sec. 2923.1212. (A) The following persons, boards, and 1454
entities, or designees, shall post in the following locations a 1455
sign that contains a statement in substantially the following 1456
form: "Unless otherwise authorized by law, pursuant to the Ohio 1457
Revised Code, no person shall knowingly possess, have under the 1458
person's control, convey, or attempt to convey a deadly weapon or 1459
dangerous ordnance onto these premises." 1460

(1) The director of public safety or the person or board 1461
charged with the erection, maintenance, or repair of police 1462
stations, municipal jails, and the municipal courthouse and 1463
courtrooms in a conspicuous location at all police stations, 1464
municipal jails, and municipal courthouses and courtrooms; 1465

(2) The sheriff or sheriff's designee who has charge of the 1466
sheriff's office in a conspicuous location in that office; 1467

(3) The superintendent of the state highway patrol or the 1468
superintendent's designee in a conspicuous location at all state 1469
highway patrol stations; 1470

(4) Each sheriff, chief of police, or person in charge of 1471
every county, multicounty, municipal, municipal-county, or 1472
multicounty-municipal jail or workhouse, community-based 1473
correctional facility, halfway house, alternative residential 1474
facility, or other local or state correctional institution or 1475
detention facility within the state, or that person's designee, in 1476
a conspicuous location at that facility under that person's 1477

<u>charge;</u>	1478
<u>(5) The board of trustees of a regional airport authority,</u>	1479
<u>chief administrative officer of an airport facility, or other</u>	1480
<u>person in charge of an airport facility in a conspicuous location</u>	1481
<u>at each airport facility under that person's control;</u>	1482
<u>(6) The officer or officer's designee who has charge of a</u>	1483
<u>courthouse or the building or structure in which a courtroom is</u>	1484
<u>located in a conspicuous location in that building or structure;</u>	1485
<u>(7) The superintendent of the bureau of criminal</u>	1486
<u>identification and investigation or the superintendent's designee</u>	1487
<u>in a conspicuous location in all premises controlled by that</u>	1488
<u>bureau.</u>	1489
<u>(B) The following boards, bodies, and persons, or designees,</u>	1490
<u>shall post in the following locations a sign that contains a</u>	1491
<u>statement in substantially the following form: "Unless otherwise</u>	1492
<u>authorized by law, pursuant to Ohio Revised Code section 2923.122,</u>	1493
<u>no person shall knowingly possess, have under the person's</u>	1494
<u>control, convey, or attempt to convey a deadly weapon or dangerous</u>	1495
<u>ordnance into a school safety zone.":</u>	1496
<u>(1) A board of education of a city, local, exempted village,</u>	1497
<u>or joint vocational school district or that board's designee in a</u>	1498
<u>conspicuous location in each building and on each parcel of real</u>	1499
<u>property owned or controlled by the board;</u>	1500
<u>(2) A governing body of a school for which the state board of</u>	1501
<u>education prescribes minimum standards under section 3301.07 of</u>	1502
<u>the Revised Code or that body's designee in a conspicuous location</u>	1503
<u>in each building and on each parcel of real property owned or</u>	1504
<u>controlled by the school;</u>	1505
<u>(3) The principal or chief administrative officer of a</u>	1506
<u>nonpublic school in a conspicuous location on property owned or</u>	1507
<u>controlled by that nonpublic school.</u>	1508

Sec. 2923.16. (A) No person shall knowingly discharge a 1509
firearm while in or on a motor vehicle. 1510

(B) No person shall knowingly transport or have a loaded 1511
firearm in a motor vehicle in ~~such~~ a manner that the firearm is 1512
accessible to the operator or any passenger without leaving the 1513
vehicle. 1514

(C) No person shall knowingly transport or have a firearm in 1515
a motor vehicle, unless it is unloaded and is carried in one of 1516
the following ways: 1517

(1) In a closed package, box, or case; 1518

(2) In a compartment that can be reached only by leaving the 1519
vehicle; 1520

(3) In plain sight and secured in a rack or holder made for 1521
the purpose; 1522

(4) In plain sight with the action open or the weapon 1523
stripped, or, if the firearm is of a type on which the action will 1524
not stay open or which cannot easily be stripped, in plain sight. 1525

(D)(1) This section does not apply to officers, agents, or 1526
employees of this or any other state or the United States, or to 1527
law enforcement officers, when authorized to carry or have loaded 1528
or accessible firearms in motor vehicles and acting within the 1529
scope of their duties. 1530

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

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

lawful.	1538
(b) The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.	1539 1540 1541 1542
(c) The person owns the real property described in division (D)(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.	1543 1544 1545 1546 1547
(d) The person does not discharge the firearm in any of the following manners:	1548 1549
(i) While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;	1550 1551
(ii) In the direction of a street, highway, or other public or private property used by the public for vehicular traffic or parking;	1552 1553 1554
(iii) At or into an occupied structure that is a permanent or temporary habitation;	1555 1556
(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.	1557 1558 1559 1560 1561
(3) Divisions (B) and (C) of this section do not apply to a person if all of the following circumstances apply:	1562 1563
(a) At the time of the alleged violation of either of those divisions, the person is the operator of or a passenger in a motor vehicle.	1564 1565 1566
(b) The motor vehicle is on real property that is located in	1567

an unincorporated area of a township and that either is zoned for 1568
agriculture or is used for agriculture. 1569

(c) The person owns the real property described in division 1570
(D)(3)(b) of this section, is the spouse or a child of another 1571
person who owns that real property, is a tenant of another person 1572
who owns that real property, or is the spouse or a child of a 1573
tenant of another person who owns that real property. 1574

(d) The person, prior to arriving at the real property 1575
described in division (D)(3)(b) of this section, did not transport 1576
or possess a firearm in the motor vehicle in a manner prohibited 1577
by division (B) or (C) of this section while the motor vehicle was 1578
being operated on a street, highway, or other public or private 1579
property used by the public for vehicular traffic or parking. 1580

(4) Divisions (B) and (C) of this section do not apply to a 1581
person who transports or possesses a handgun in a motor vehicle 1582
and who, at the time of that transportation or possession, is 1583
carrying a valid license to carry a concealed handgun issued to 1584
the person under section 2923.125 of the Revised Code, unless the 1585
person knowingly is in a place described in division (B) of 1586
section 2923.126 of the Revised Code. 1587

(5) Divisions (B) and (C) of this section do not apply to a 1588
person who transports a handgun in a motor vehicle if, at the time 1589
of the transportation, all of the following apply: 1590

(a) The person did not place the handgun in the motor 1591
vehicle. 1592

(b) The person does not possess the handgun on the person's 1593
person. 1594

(c) The handgun is owned by a licensee for whom a valid 1595
license to carry a concealed handgun has been issued under section 1596
2923.125 of the Revised Code. 1597

(E)(1) The affirmative defenses ~~contained~~ authorized in 1598
divisions (C)(1) ~~and~~, (2), ~~and~~ (5) of section 2923.12 of the 1599
Revised Code are affirmative defenses to a charge under division 1600
(B) or (C) of this section. 1601

(2) It is an affirmative defense to a charge under division 1602
(A) of this section that the offender discharged the firearm in 1603
self-defense. 1604

(3)(a) The fact that a person who is prosecuted for a 1605
violation of division (B) or (C) of this section is found to have 1606
possessed a firearm under an affirmative defense authorized in 1607
division (E)(1) of this section shall not be used in a subsequent 1608
prosecution of the person for a violation of this section or 1609
section 1547.69, 2923.12, 2923.121, 2923.122, or 2923.123 of the 1610
Revised Code. 1611

(b) No person who is charged with a violation of division (B) 1612
or (C) of this section shall be required to obtain a license to 1613
carry a concealed handgun under section 2923.125 of the Revised 1614
Code as a condition for the dismissal of the charge. 1615

(F) Whoever violates this section is guilty of improperly 1616
handling firearms in a motor vehicle. Violation of division (A) or 1617
(B) of this section is a misdemeanor of the first degree. 1618
Violation of division (C) of this section is a misdemeanor of the 1619
fourth degree. 1620

(G) As used in this section: 1621

(1) "Motor vehicle," "street," and "highway" have the same 1622
meanings as in section 4511.01 of the Revised Code. 1623

(2) "Occupied structure" has the same meaning as in section 1624
2909.01 of the Revised Code. 1625

(3) "Agriculture" has the same meaning as in section 519.01 1626
of the Revised Code. 1627

(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code. 1628
1629

(5) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan. 1630
1631
1632
1633

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), (D)(2), (D)(3), (D)(4), or (G) of this section and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter and is not prohibited by division (G)(1) of section 2929.13 of the Revised Code from imposing a prison term on the offender, the court shall impose a definite prison term that shall be one of the following: 1634
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1636
1637
1638
1639
1640
1641
1642

(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, or ten years. 1643
1644

(2) For a felony of the second degree, the prison term shall be two, three, four, five, six, seven, or eight years. 1645
1646

(3) For a felony of the third degree, the prison term shall be one, two, three, four, or five years. 1647
1648

(4) For a felony of the fourth degree, the prison term shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months. 1649
1650
1651

(5) For a felony of the fifth degree, the prison term shall be six, seven, eight, nine, ten, eleven, or twelve months. 1652
1653

(B) Except as provided in division (C), (D)(1), (D)(2), (D)(3), or (G) of this section, in section 2907.02 of the Revised Code, or in Chapter 2925. of the Revised Code, if the court imposing a sentence upon an offender for a felony elects or is 1654
1655
1656
1657

required to impose a prison term on the offender, the court shall 1658
impose the shortest prison term authorized for the offense 1659
pursuant to division (A) of this section, unless one or more of 1660
the following applies: 1661

(1) The offender was serving a prison term at the time of the 1662
offense, or the offender previously had served a prison term. 1663

(2) The court finds on the record that the shortest prison 1664
term will demean the seriousness of the offender's conduct or will 1665
not adequately protect the public from future crime by the 1666
offender or others. 1667

(C) Except as provided in division (G) of this section or in 1668
Chapter 2925. of the Revised Code, the court imposing a sentence 1669
upon an offender for a felony may impose the longest prison term 1670
authorized for the offense pursuant to division (A) of this 1671
section only upon offenders who committed the worst forms of the 1672
offense, upon offenders who pose the greatest likelihood of 1673
committing future crimes, upon certain major drug offenders under 1674
division (D)(3) of this section, and upon certain repeat violent 1675
offenders in accordance with division (D)(2) of this section. 1676

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1677
section, if an offender who is convicted of or pleads guilty to a 1678
felony also is convicted of or pleads guilty to a specification of 1679
the type described in section 2941.141, 2941.144, or 2941.145 of 1680
the Revised Code, the court shall impose on the offender one of 1681
the following prison terms: 1682

(i) A prison term of six years if the specification is of the 1683
type described in section 2941.144 of the Revised Code that 1684
charges the offender with having a firearm that is an automatic 1685
firearm or that was equipped with a firearm muffler or silencer on 1686
or about the offender's person or under the offender's control 1687
while committing the felony; 1688

(ii) A prison term of three years if the specification is of the type described in section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;

(iii) A prison term of one year if the specification is of the type described in section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the felony.

(b) If a court imposes a prison term on an offender under division (D)(1)(a) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(1)(a) of this section for felonies committed as part of the same act or transaction.

(c) Except as provided in division (D)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or 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, also is convicted of or pleads guilty to a specification of the type described in section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term of five years upon

the offender that shall not be reduced pursuant to section 1721
2929.20, section 2967.193, or any other provision of Chapter 2967. 1722
or Chapter 5120. of the Revised Code. A court shall not impose 1723
more than one additional prison term on an offender under division 1724
(D)(1)(c) of this section for felonies committed as part of the 1725
same act or transaction. If a court imposes an additional prison 1726
term on an offender under division (D)(1)(c) of this section 1727
relative to an offense, the court also shall impose a prison term 1728
under division (D)(1)(a) of this section relative to the same 1729
offense, provided the criteria specified in that division for 1730
imposing an additional prison term are satisfied relative to the 1731
offender and the offense. 1732

(d) If an offender who is convicted of or pleads guilty to an 1733
offense of violence that is a felony also is convicted of or 1734
pleads guilty to a specification of the type described in section 1735
2941.1411 of the Revised Code that charges the offender with 1736
wearing or carrying body armor while committing the felony offense 1737
of violence, the court shall impose on the offender a prison term 1738
of two years. The prison term so imposed shall not be reduced 1739
pursuant to section 2929.20, section 2967.193, or any other 1740
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1741
court shall not impose more than one prison term on an offender 1742
under division (D)(1)(d) of this section for felonies committed as 1743
part of the same act or transaction. If a court imposes an 1744
additional prison term under division (D)(1)(a) or (c) of this 1745
section, the court is not precluded from imposing an additional 1746
prison term under division (D)(1)(d) of this section. 1747

(e) The court shall not impose any of the prison terms 1748
described in division (D)(1)(a) of this section or any of the 1749
additional prison terms described in division (D)(1)(c) of this 1750
section upon an offender for a violation of section 2923.12 or 1751
2923.123 of the Revised Code. The court shall not impose any of 1752

the prison terms described in division (D)(1)(a) of this section 1753
or any of the additional prison terms described in division 1754
(D)(1)(c) of this section upon an offender for a violation of 1755
section 2923.13 of the Revised Code unless all of the following 1756
apply: 1757

(i) The offender previously has been convicted of aggravated 1758
murder, murder, or any felony of the first or second degree. 1759

(ii) Less than five years have passed since the offender was 1760
released from prison or post-release control, whichever is later, 1761
for the prior offense. 1762

(2)(a) If an offender who is convicted of or pleads guilty to 1763
a felony also is convicted of or pleads guilty to a specification 1764
of the type described in section 2941.149 of the Revised Code that 1765
the offender is a repeat violent offender, the court shall impose 1766
a prison term from the range of terms authorized for the offense 1767
under division (A) of this section that may be the longest term in 1768
the range and that shall not be reduced pursuant to section 1769
2929.20, section 2967.193, or any other provision of Chapter 2967. 1770
or Chapter 5120. of the Revised Code. If the court finds that the 1771
repeat violent offender, in committing the offense, caused any 1772
physical harm that carried a substantial risk of death to a person 1773
or that involved substantial permanent incapacity or substantial 1774
permanent disfigurement of a person, the court shall impose the 1775
longest prison term from the range of terms authorized for the 1776
offense under division (A) of this section. 1777

(b) If the court imposing a prison term on a repeat violent 1778
offender imposes the longest prison term from the range of terms 1779
authorized for the offense under division (A) of this section, the 1780
court may impose on the offender an additional definite prison 1781
term of one, two, three, four, five, six, seven, eight, nine, or 1782
ten years if the court finds that both of the following apply with 1783
respect to the prison terms imposed on the offender pursuant to 1784

division (D)(2)(a) of this section and, if applicable, divisions 1785
(D)(1) and (3) of this section: 1786

(i) The terms so imposed are inadequate to punish the 1787
offender and protect the public from future crime, because the 1788
applicable factors under section 2929.12 of the Revised Code 1789
indicating a greater likelihood of recidivism outweigh the 1790
applicable factors under that section indicating a lesser 1791
likelihood of recidivism. 1792

(ii) The terms so imposed are demeaning to the seriousness of 1793
the offense, because one or more of the factors under section 1794
2929.12 of the Revised Code indicating that the offender's conduct 1795
is more serious than conduct normally constituting the offense are 1796
present, and they outweigh the applicable factors under that 1797
section indicating that the offender's conduct is less serious 1798
than conduct normally constituting the offense. 1799

(3)(a) Except when an offender commits a violation of section 1800
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1801
the violation is life imprisonment or commits a violation of 1802
section 2903.02 of the Revised Code, if the offender commits a 1803
violation of section 2925.03 or 2925.11 of the Revised Code and 1804
that section classifies the offender as a major drug offender and 1805
requires the imposition of a ten-year prison term on the offender, 1806
if the offender commits a felony violation of section 2925.02, 1807
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1808
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1809
division (C) of section 4729.51, or division (J) of section 1810
4729.54 of the Revised Code that includes the sale, offer to sell, 1811
or possession of a schedule I or II controlled substance, with the 1812
exception of marihuana, and the court imposing sentence upon the 1813
offender finds that the offender is guilty of a specification of 1814
the type described in section 2941.1410 of the Revised Code 1815
charging that the offender is a major drug offender, if the court 1816

imposing sentence upon an offender for a felony finds that the 1817
offender is guilty of corrupt activity with the most serious 1818
offense in the pattern of corrupt activity being a felony of the 1819
first degree, or if the offender is guilty of an attempted 1820
violation of section 2907.02 of the Revised Code and, had the 1821
offender completed the violation of section 2907.02 of the Revised 1822
Code that was attempted, the offender would have been subject to a 1823
sentence of life imprisonment or life imprisonment without parole 1824
for the violation of section 2907.02 of the Revised Code, the 1825
court shall impose upon the offender for the felony violation a 1826
ten-year prison term that cannot be reduced pursuant to section 1827
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1828

(b) The court imposing a prison term on an offender under 1829
division (D)(3)(a) of this section may impose an additional prison 1830
term of one, two, three, four, five, six, seven, eight, nine, or 1831
ten years, if the court, with respect to the term imposed under 1832
division (D)(3)(a) of this section and, if applicable, divisions 1833
(D)(1) and (2) of this section, makes both of the findings set 1834
forth in divisions (D)(2)(b)(i) and (ii) of this section. 1835

(4) If the offender is being sentenced for a third or fourth 1836
degree felony OMVI offense under division (G)(2) of section 1837
2929.13 of the Revised Code, the sentencing court shall impose 1838
upon the offender a mandatory prison term in accordance with that 1839
division. In addition to the mandatory prison term, the sentencing 1840
court may sentence the offender to an additional prison term of 1841
any duration specified in division (A)(3) of this section minus 1842
the sixty or one hundred twenty days imposed upon the offender as 1843
the mandatory prison term. The total of the additional prison term 1844
imposed under division (D)(4) of this section plus the sixty or 1845
one hundred twenty days imposed as the mandatory prison term shall 1846
equal one of the authorized prison terms specified in division 1847
(A)(3) of this section. If the court imposes an additional prison 1848

term under division (D)(4) of this section, the offender shall 1849
serve the additional prison term after the offender has served the 1850
mandatory prison term required for the offense. The court shall 1851
not sentence the offender to a community control sanction under 1852
section 2929.16 or 2929.17 of the Revised Code. 1853

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 1854
mandatory prison term is imposed upon an offender pursuant to 1855
division (D)(1)(a) of this section for having a firearm on or 1856
about the offender's person or under the offender's control while 1857
committing a felony, if a mandatory prison term is imposed upon an 1858
offender pursuant to division (D)(1)(c) of this section for 1859
committing a felony specified in that division by discharging a 1860
firearm from a motor vehicle, or if both types of mandatory prison 1861
terms are imposed, the offender shall serve any mandatory prison 1862
term imposed under either division consecutively to any other 1863
mandatory prison term imposed under either division or under 1864
division (D)(1)(d) of this section, consecutively to and prior to 1865
any prison term imposed for the underlying felony pursuant to 1866
division (A), (D)(2), or (D)(3) of this section or any other 1867
section of the Revised Code, and consecutively to any other prison 1868
term or mandatory prison term previously or subsequently imposed 1869
upon the offender. 1870

(b) If a mandatory prison term is imposed upon an offender 1871
pursuant to division (D)(1)(d) of this section for wearing or 1872
carrying body armor while committing an offense of violence that 1873
is a felony, the offender shall serve the mandatory term so 1874
imposed consecutively to any other mandatory prison term imposed 1875
under that division or under division (D)(1)(a) or (c) of this 1876
section, consecutively to and prior to any prison term imposed for 1877
the underlying felony under division (A), (D)(2), or (D)(3) of 1878
this section or any other section of the Revised Code, and 1879
consecutively to any other prison term or mandatory prison term 1880

previously or subsequently imposed upon the offender. 1881

(2) If an offender who is an inmate in a jail, prison, or 1882
other residential detention facility violates section 2917.02, 1883
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1884
who is under detention at a detention facility commits a felony 1885
violation of section 2923.131 of the Revised Code, or if an 1886
offender who is an inmate in a jail, prison, or other residential 1887
detention facility or is under detention at a detention facility 1888
commits another felony while the offender is an escapee in 1889
violation of section 2921.34 of the Revised Code, any prison term 1890
imposed upon the offender for one of those violations shall be 1891
served by the offender consecutively to the prison term or term of 1892
imprisonment the offender was serving when the offender committed 1893
that offense and to any other prison term previously or 1894
subsequently imposed upon the offender. 1895

(3) If a prison term is imposed for a violation of division 1896
(B) of section 2911.01 of the Revised Code, a violation of 1897
division (A) of section 2913.02 of the Revised Code in which the 1898
stolen property is a firearm or dangerous ordnance, or if a prison 1899
term is imposed for a felony violation of division (B) of section 1900
2921.331 of the Revised Code, the offender shall serve that prison 1901
term consecutively to any other prison term or mandatory prison 1902
term previously or subsequently imposed upon the offender. 1903

(4) If multiple prison terms are imposed on an offender for 1904
convictions of multiple offenses, the court may require the 1905
offender to serve the prison terms consecutively if the court 1906
finds that the consecutive service is necessary to protect the 1907
public from future crime or to punish the offender and that 1908
consecutive sentences are not disproportionate to the seriousness 1909
of the offender's conduct and to the danger the offender poses to 1910
the public, and if the court also finds any of the following: 1911

(a) The offender committed one or more of the multiple 1912

offenses while the offender was awaiting trial or sentencing, was 1913
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1914
2929.18 of the Revised Code, or was under post-release control for 1915
a prior offense. 1916

(b) At least two of the multiple offenses were committed as 1917
part of one or more courses of conduct, and the harm caused by two 1918
or more of the multiple offenses so committed was so great or 1919
unusual that no single prison term for any of the offenses 1920
committed as part of any of the courses of conduct adequately 1921
reflects the seriousness of the offender's conduct. 1922

(c) The offender's history of criminal conduct demonstrates 1923
that consecutive sentences are necessary to protect the public 1924
from future crime by the offender. 1925

(5) When consecutive prison terms are imposed pursuant to 1926
division (E)(1), (2), (3), or (4) of this section, the term to be 1927
served is the aggregate of all of the terms so imposed. 1928

(F) If a court imposes a prison term of a type described in 1929
division (B) of section 2967.28 of the Revised Code, it shall 1930
include in the sentence a requirement that the offender be subject 1931
to a period of post-release control after the offender's release 1932
from imprisonment, in accordance with that division. If a court 1933
imposes a prison term of a type described in division (C) of that 1934
section, it shall include in the sentence a requirement that the 1935
offender be subject to a period of post-release control after the 1936
offender's release from imprisonment, in accordance with that 1937
division, if the parole board determines that a period of 1938
post-release control is necessary. 1939

(G) If a person is convicted of or pleads guilty to a 1940
sexually violent offense and also is convicted of or pleads guilty 1941
to a sexually violent predator specification that was included in 1942
the indictment, count in the indictment, or information charging 1943

that offense, the court shall impose sentence upon the offender in 1944
accordance with section 2971.03 of the Revised Code, and Chapter 1945
2971. of the Revised Code applies regarding the prison term or 1946
term of life imprisonment without parole imposed upon the offender 1947
and the service of that term of imprisonment. 1948

(H) If a person who has been convicted of or pleaded guilty 1949
to a felony is sentenced to a prison term or term of imprisonment 1950
under this section, sections 2929.02 to 2929.06 of the Revised 1951
Code, section 2971.03 of the Revised Code, or any other provision 1952
of law, section 5120.163 of the Revised Code applies regarding the 1953
person while the person is confined in a state correctional 1954
institution. 1955

(I) If an offender who is convicted of or pleads guilty to a 1956
felony that is an offense of violence also is convicted of or 1957
pleads guilty to a specification of the type described in section 1958
2941.142 of the Revised Code that charges the offender with having 1959
committed the felony while participating in a criminal gang, the 1960
court shall impose upon the offender an additional prison term of 1961
one, two, or three years. 1962

(J) If an offender who is convicted of or pleads guilty to 1963
aggravated murder, murder, or a felony of the first, second, or 1964
third degree that is an offense of violence also is convicted of 1965
or pleads guilty to a specification of the type described in 1966
section 2941.143 of the Revised Code that charges the offender 1967
with having committed the offense in a school safety zone or 1968
towards a person in a school safety zone, the court shall impose 1969
upon the offender an additional prison term of two years. The 1970
offender shall serve the additional two years consecutively to and 1971
prior to the prison term imposed for the underlying offense. 1972

(K) At the time of sentencing, the court may recommend the 1973
offender for placement in a program of shock incarceration under 1974
section 5120.031 of the Revised Code or for placement in an 1975

intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program

prison for which the offender is suited. If there is an available 2008
program of shock incarceration or an intensive program prison for 2009
which the offender is suited, the department shall notify the 2010
court of the proposed placement of the offender as specified in 2011
section 5120.031 or 5120.032 of the Revised Code and shall include 2012
with the notice a brief description of the placement. The court 2013
shall have ten days from receipt of the notice to disapprove the 2014
placement. 2015

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 2016
the Revised Code, a first offender may apply to the sentencing 2017
court if convicted in this state, or to a court of common pleas if 2018
convicted in another state or in a federal court, for the sealing 2019
of the conviction record. Application may be made at the 2020
expiration of three years after the offender's final discharge if 2021
convicted of a felony, or at the expiration of one year after the 2022
offender's final discharge if convicted of a misdemeanor. 2023

(2) Any person who has been arrested for any misdemeanor 2024
offense and who has effected a bail forfeiture may apply to the 2025
court in which the misdemeanor criminal case was pending when bail 2026
was forfeited for the sealing of the record of the case. Except as 2027
provided in section 2953.61 of the Revised Code, the application 2028
may be filed at any time after the expiration of one year from the 2029
date on which the bail forfeiture was entered upon the minutes of 2030
the court or the journal, whichever entry occurs first. 2031

(B) Upon the filing of an application under this section, the 2032
court shall set a date for a hearing and shall notify the 2033
prosecutor for the case of the hearing on the application. The 2034
prosecutor may object to the granting of the application by filing 2035
an objection with the court prior to the date set for the hearing. 2036
The prosecutor shall specify in the objection the reasons for 2037
believing a denial of the application is justified. The court 2038

all direct its regular probation officer, a state probation 2039
officer, or the department of probation of the county in which the 2040
applicant resides to make inquiries and written reports as the 2041
court requires concerning the applicant. 2042

(C)(1) The court shall do each of the following: 2043

(a) Determine whether the applicant is a first offender or 2044
whether the forfeiture of bail was agreed to by the applicant and 2045
the prosecutor in the case. If the applicant applies as a first 2046
offender pursuant to division (A)(1) of this section and has two 2047
or three convictions that result from the same indictment, 2048
information, or complaint, from the same plea of guilty, or from 2049
the same official proceeding, and result from related criminal 2050
acts that were committed within a three-month period but do not 2051
result from the same act or from offenses committed at the same 2052
time, in making its determination under this division, the court 2053
initially shall determine whether it is not in the public interest 2054
for the two or three convictions to be counted as one conviction. 2055
If the court determines that it is not in the public interest for 2056
the two or three convictions to be counted as one conviction, the 2057
court shall determine that the applicant is not a first offender; 2058
if the court does not make that determination, the court shall 2059
determine that the offender is a first offender. 2060

(b) Determine whether criminal proceedings are pending 2061
against the applicant; 2062

(c) If the applicant is a first offender who applies pursuant 2063
to division (A)(1) of this section, determine whether the 2064
applicant has been rehabilitated to the satisfaction of the court; 2065

(d) If the prosecutor has filed an objection in accordance 2066
with division (B) of this section, consider the reasons against 2067
granting the application specified by the prosecutor in the 2068
objection; 2069

(e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction sealed against the legitimate needs, if any, of the government to maintain those records.

(2) If the court determines, after complying with division (C)(1) of this section, that the applicant is a first offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, and that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of an applicant who is a first offender applying pursuant to division (A)(1) of this section has been attained to the satisfaction of the court, the court, except as provided in division (G) of this section, shall order all official records pertaining to the case sealed and, except as provided in division (F) of this section, all index references to the case deleted and, in the case of bail forfeitures, shall dismiss the charges in the case. The proceedings in the case shall be considered not to have occurred and the conviction or bail forfeiture of the person who is the subject of the proceedings shall be sealed, except that upon conviction of a subsequent offense, the sealed record of prior conviction or bail forfeiture may be considered by the court in determining the sentence or other appropriate disposition, including the relief provided for in sections 2953.31 to 2953.33 of the Revised Code.

(3) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury. It shall pay twenty dollars of the fee into the county general revenue fund if the sealed conviction or bail forfeiture was pursuant to a state statute, or into the general revenue fund of

the municipal corporation involved if the sealed conviction or 2102
bail forfeiture was pursuant to a municipal ordinance. 2103

(D) Inspection of the sealed records included in the order 2104
may be made only by the following persons or for the following 2105
purposes: 2106

(1) By a law enforcement officer or prosecutor, or the 2107
assistants of either, to determine whether the nature and 2108
character of the offense with which a person is to be charged 2109
would be affected by virtue of the person's previously having been 2110
convicted of a crime; 2111

(2) By the parole or probation officer of the person who is 2112
the subject of the records, for the exclusive use of the officer 2113
in supervising the person while on parole or probation and in 2114
making inquiries and written reports as requested by the court or 2115
adult parole authority; 2116

(3) Upon application by the person who is the subject of the 2117
records, by the persons named in the application; 2118

(4) By a law enforcement officer who was involved in the 2119
case, for use in the officer's defense of a civil action arising 2120
out of the officer's involvement in that case; 2121

(5) By a prosecuting attorney or the prosecuting attorney's 2122
assistants to determine a defendant's eligibility to enter a 2123
pre-trial diversion program established pursuant to section 2124
2935.36 of the Revised Code; 2125

(6) By any law enforcement agency or any authorized employee 2126
of a law enforcement agency or by the department of rehabilitation 2127
and correction as part of a background investigation of a person 2128
who applies for employment with the agency as a law enforcement 2129
officer or with the department as a corrections officer; 2130

(7) By any law enforcement agency or any authorized employee 2131

of a law enforcement agency, for the purposes set forth in, and in 2132
the manner provided in, section 2953.321 of the Revised Code; 2133

(8) By the bureau of criminal identification and 2134
investigation or any authorized employee of the bureau for the 2135
purpose of providing information to a board or person pursuant to 2136
division (F) or (G) of section 109.57 of the Revised Code; 2137

(9) By the bureau of criminal identification and 2138
investigation or any authorized employee of the bureau for the 2139
purpose of performing a criminal history records check on a person 2140
to whom a certificate as prescribed in section 109.77 of the 2141
Revised Code is to be awarded; 2142

(10) By the bureau of criminal identification and 2143
investigation, an authorized employee of the bureau, a sheriff, or 2144
an authorized employee of the sheriff in connection with a 2145
criminal records check described in section 311.41 of the Revised 2146
Code. 2147

When the nature and character of the offense with which a 2148
person is to be charged would be affected by the information, it 2149
may be used for the purpose of charging the person with an 2150
offense. 2151

(E) In any criminal proceeding, proof of any otherwise 2152
admissible prior conviction may be introduced and proved, 2153
notwithstanding the fact that for any such prior conviction an 2154
order of sealing previously was issued pursuant to sections 2155
2953.31 to 2953.36 of the Revised Code. 2156

(F) The person or governmental agency, office, or department 2157
that maintains sealed records pertaining to convictions or bail 2158
forfeitures that have been sealed pursuant to this section may 2159
maintain a manual or computerized index to the sealed records. The 2160
index shall contain only the name of, and alphanumeric identifiers 2161
that relate to, the persons who are the subject of the sealed 2162

records, the word "sealed," and the name of the person, agency, 2163
office, or department that has custody of the sealed records, and 2164
shall not contain the name of the crime committed. The index shall 2165
be made available by the person who has custody of the sealed 2166
records only for the purposes set forth in divisions (C), (D), and 2167
(E) of this section. 2168

(G) Notwithstanding any provision of this section or section 2169
2953.33 of the Revised Code that requires otherwise, a board of 2170
education of a city, local, exempted village, or joint vocational 2171
school district that maintains records of an individual who has 2172
been permanently excluded under sections 3301.121 and 3313.662 of 2173
the Revised Code is permitted to maintain records regarding a 2174
conviction that was used as the basis for the individual's 2175
permanent exclusion, regardless of a court order to seal the 2176
record. An order issued under this section to seal the record of a 2177
conviction does not revoke the adjudication order of the 2178
superintendent of public instruction to permanently exclude the 2179
individual who is the subject of the sealing order. An order 2180
issued under this section to seal the record of a conviction of an 2181
individual may be presented to a district superintendent as 2182
evidence to support the contention that the superintendent should 2183
recommend that the permanent exclusion of the individual who is 2184
the subject of the sealing order be revoked. Except as otherwise 2185
authorized by this division and sections 3301.121 and 3313.662 of 2186
the Revised Code, any school employee in possession of or having 2187
access to the sealed conviction records of an individual that were 2188
the basis of a permanent exclusion of the individual is subject to 2189
section 2953.35 of the Revised Code. 2190

Sec. 4749.10. (A) No class A, B, or C licensee and no 2191
registered employee of a class A, B, or C licensee shall carry a 2192
firearm, as defined in section 2923.11 of the Revised Code, in the 2193
course of engaging in the business of private investigation, the 2194

business of security services, or both businesses, unless all of 2195
the following apply: 2196

(1) The licensee or employee either has successfully 2197
completed a basic firearm training program at a training school 2198
approved by the Ohio peace officer training commission, which 2199
program includes twenty hours of training in handgun use and, if 2200
any firearm other than a handgun is to be used, five hours of 2201
training in the use of other firearms, and has received a 2202
certificate of satisfactory completion of that program from the 2203
executive director of the commission; the licensee or employee 2204
has, within three years prior ~~to the effective date of this~~ 2205
~~section~~ November 27, 1985, satisfactorily completed firearms 2206
training that has been approved by the commission as being 2207
equivalent to such a program and has received written evidence of 2208
approval of that training from the executive director of the 2209
commission; or the licensee or employee is a former peace officer, 2210
as defined in section 109.71 of the Revised Code, who previously 2211
had successfully completed a firearms training course at a 2212
training school approved by the Ohio peace officer training 2213
commission and has received a certificate or other evidence of 2214
satisfactory completion of that course from the executive director 2215
of the commission. 2216

(2) The licensee or employee submits an application to the 2217
director of commerce, on a form prescribed by the director, in 2218
which the licensee or employee requests registration as a class A, 2219
B, or C licensee or employee who may carry a firearm. The 2220
application shall be accompanied by a copy of the certificate or 2221
the written evidence or other evidence described in division 2222
(A)(1) of this section, the identification card issued pursuant to 2223
section 4749.03 or 4749.06 of the Revised Code if one has 2224
previously been issued, a statement of the duties that will be 2225
performed while the licensee or employee is armed, and a fee of 2226

n dollars. In the case of a registered employee, the statement 2227
shall be prepared by the employing class A, B, or C licensee. 2228

(3) The licensee or employee receives a notation on the 2229
licensee's or employee's identification card that the licensee or 2230
employee is a firearm-bearer and carries the identification card 2231
whenever the licensee or employee carries a firearm in the course 2232
of engaging in the business of private investigation, the business 2233
of security services, or both businesses. 2234

(4) At any time within the immediately preceding twelve-month 2235
period, the licensee or employee has requalified in firearms use 2236
on a firearms training range at a firearms requalification program 2237
certified by the Ohio peace officer training commission or on a 2238
firearms training range under the supervision of an instructor 2239
certified by the commission and has received a certificate of 2240
satisfactory requalification from the certified program or 2241
certified instructor, provided that this division does not apply 2242
to any licensee or employee prior to the expiration of eighteen 2243
months after the licensee's or employee's completion of the 2244
program described in division (A)(1) of this section. A 2245
certificate of satisfactory requalification is valid and remains 2246
in effect for twelve months from the date of the requalification. 2247

(5) If division (A)(4) of this section applies to the 2248
licensee or employee, the licensee or employee carries the 2249
certificate of satisfactory requalification that then is in effect 2250
or any other evidence of requalification issued or provided by the 2251
director. 2252

(B)(1) The director of commerce shall register an applicant 2253
under division (A) of this section who satisfies divisions (A)(1) 2254
and (2) of this section, and place a notation on the applicant's 2255
identification card indicating that the applicant is a 2256
firearm-bearer and the date on which the applicant completed the 2257
program described in division (A)(1) of this section. 2258

(2) A firearms requalification training program or instructor certified by the commission for the annual requalification of class A, B, or C licensees or employees who are authorized to carry a firearm under section 4749.10 of the Revised Code shall award a certificate of satisfactory requalification to each class A, B, or C licensee or registered employee of a class A, B, or C licensee who satisfactorily requalifies in firearms training. The certificate shall identify the licensee or employee and indicate the date of the requalification. A licensee or employee who receives such a certificate shall submit a copy of it to the director of commerce. A licensee shall submit the copy of the requalification certificate at the same time that the licensee makes application for renewal of the licensee's class A, B, or C license. The director shall keep a record of all copies of requalification certificates the director receives under this division and shall establish a procedure for the updating of identification cards to provide evidence of compliance with the annual requalification requirement. The procedure for the updating of identification cards may provide for the issuance of a new card containing the evidence, the entry of a new notation containing the evidence on the existing card, the issuance of a separate card or paper containing the evidence, or any other procedure determined by the director to be reasonable. Each person who is issued a requalification certificate under this division promptly shall pay to the Ohio peace officer training commission established by section 109.71 of the Revised Code a fee of five dollars, which fee shall be transmitted to the treasurer of state for deposit in the peace officer private security fund established by section 109.78 of the Revised Code.

(C) Nothing in this section prohibits a private investigator or a security guard provider from carrying a concealed handgun if the private investigator or security guard provider complies with

<u>sections 2923.124 to 2923.1212 of the Revised Code.</u>	2291
Section 2. That existing sections 1547.69, 2911.21, 2913.02, 2921.13, 2923.12, 2923.121, 2923.123, 2923.16, 2929.14, 2953.32, and 4749.10 of the Revised Code are hereby repealed.	2292 2293 2294
Section 3. That the version of section 2929.14 of the Revised Code that is scheduled to take effect January 1, 2004, be amended to read as follows:	2295 2296 2297
Sec. 2929.14. (A) Except as provided in division (C), (D)(1), (D)(2), (D)(3), (D)(4), or (G) of this section and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter and is not prohibited by division (G)(1) of section 2929.13 of the Revised Code from imposing a prison term on the offender, the court shall impose a definite prison term that shall be one of the following:	2298 2299 2300 2301 2302 2303 2304 2305 2306
(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, or ten years.	2307 2308
(2) For a felony of the second degree, the prison term shall be two, three, four, five, six, seven, or eight years.	2309 2310
(3) For a felony of the third degree, the prison term shall be one, two, three, four, or five years.	2311 2312
(4) For a felony of the fourth degree, the prison term shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months.	2313 2314 2315
(5) For a felony of the fifth degree, the prison term shall be six, seven, eight, nine, ten, eleven, or twelve months.	2316 2317
(B) Except as provided in division (C), (D)(1), (D)(2),	2318

(D)(3), or (G) of this section, in section 2907.02 of the Revised Code, or in Chapter 2925. of the Revised Code, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender, the court shall impose the shortest prison term authorized for the offense pursuant to division (A) of this section, unless one or more of the following applies:

(1) The offender was serving a prison term at the time of the offense, or the offender previously had served a prison term.

(2) The court finds on the record that the shortest prison term will demean the seriousness of the offender's conduct or will not adequately protect the public from future crime by the offender or others.

(C) Except as provided in division (G) of this section or in Chapter 2925. of the Revised Code, the court imposing a sentence upon an offender for a felony may impose the longest prison term authorized for the offense pursuant to division (A) of this section only upon offenders who committed the worst forms of the offense, upon offenders who pose the greatest likelihood of committing future crimes, upon certain major drug offenders under division (D)(3) of this section, and upon certain repeat violent offenders in accordance with division (D)(2) of this section.

(D)(1)(a) Except as provided in division (D)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms:

(i) A prison term of six years if the specification is of the type described in section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic

firearm or that was equipped with a firearm muffler or silencer on 2350
or about the offender's person or under the offender's control 2351
while committing the felony; 2352

(ii) A prison term of three years if the specification is of 2353
the type described in section 2941.145 of the Revised Code that 2354
charges the offender with having a firearm on or about the 2355
offender's person or under the offender's control while committing 2356
the offense and displaying the firearm, brandishing the firearm, 2357
indicating that the offender possessed the firearm, or using it to 2358
facilitate the offense; 2359

(iii) A prison term of one year if the specification is of 2360
the type described in section 2941.141 of the Revised Code that 2361
charges the offender with having a firearm on or about the 2362
offender's person or under the offender's control while committing 2363
the felony. 2364

(b) If a court imposes a prison term on an offender under 2365
division (D)(1)(a) of this section, the prison term shall not be 2366
reduced pursuant to section 2929.20, section 2967.193, or any 2367
other provision of Chapter 2967. or Chapter 5120. of the Revised 2368
Code. A court shall not impose more than one prison term on an 2369
offender under division (D)(1)(a) of this section for felonies 2370
committed as part of the same act or transaction. 2371

(c) Except as provided in division (D)(1)(e) of this section, 2372
if an offender who is convicted of or pleads guilty to a violation 2373
of section 2923.161 of the Revised Code or to a felony that 2374
includes, as an essential element, purposely or knowingly causing 2375
or attempting to cause the death of or physical harm to another, 2376
also is convicted of or pleads guilty to a specification of the 2377
type described in section 2941.146 of the Revised Code that 2378
charges the offender with committing the offense by discharging a 2379
firearm from a motor vehicle other than a manufactured home, the 2380
court, after imposing a prison term on the offender for the 2381

ation of section 2923.161 of the Revised Code or for the other 2382
felony offense under division (A), (D)(2), or (D)(3) of this 2383
section, shall impose an additional prison term of five years upon 2384
the offender that shall not be reduced pursuant to section 2385
2929.20, section 2967.193, or any other provision of Chapter 2967. 2386
or Chapter 5120. of the Revised Code. A court shall not impose 2387
more than one additional prison term on an offender under division 2388
(D)(1)(c) of this section for felonies committed as part of the 2389
same act or transaction. If a court imposes an additional prison 2390
term on an offender under division (D)(1)(c) of this section 2391
relative to an offense, the court also shall impose a prison term 2392
under division (D)(1)(a) of this section relative to the same 2393
offense, provided the criteria specified in that division for 2394
imposing an additional prison term are satisfied relative to the 2395
offender and the offense. 2396

(d) If an offender who is convicted of or pleads guilty to an 2397
offense of violence that is a felony also is convicted of or 2398
pleads guilty to a specification of the type described in section 2399
2941.1411 of the Revised Code that charges the offender with 2400
wearing or carrying body armor while committing the felony offense 2401
of violence, the court shall impose on the offender a prison term 2402
of two years. The prison term so imposed shall not be reduced 2403
pursuant to section 2929.20, section 2967.193, or any other 2404
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2405
court shall not impose more than one prison term on an offender 2406
under division (D)(1)(d) of this section for felonies committed as 2407
part of the same act or transaction. If a court imposes an 2408
additional prison term under division (D)(1)(a) or (c) of this 2409
section, the court is not precluded from imposing an additional 2410
prison term under division (D)(1)(d) of this section. 2411

(e) The court shall not impose any of the prison terms 2412
described in division (D)(1)(a) of this section or any of the 2413

additional prison terms described in division (D)(1)(c) of this 2414
section upon an offender for a violation of section 2923.12 or 2415
2923.123 of the Revised Code. The court shall not impose any of 2416
the prison terms described in division (D)(1)(a) of this section 2417
or any of the additional prison terms described in division 2418
(D)(1)(c) of this section upon an offender for a violation of 2419
section 2923.13 of the Revised Code unless all of the following 2420
apply: 2421

(i) The offender previously has been convicted of aggravated 2422
murder, murder, or any felony of the first or second degree. 2423

(ii) Less than five years have passed since the offender was 2424
released from prison or post-release control, whichever is later, 2425
for the prior offense. 2426

(2)(a) If an offender who is convicted of or pleads guilty to 2427
a felony also is convicted of or pleads guilty to a specification 2428
of the type described in section 2941.149 of the Revised Code that 2429
the offender is a repeat violent offender, the court shall impose 2430
a prison term from the range of terms authorized for the offense 2431
under division (A) of this section that may be the longest term in 2432
the range and that shall not be reduced pursuant to section 2433
2929.20, section 2967.193, or any other provision of Chapter 2967. 2434
or Chapter 5120. of the Revised Code. If the court finds that the 2435
repeat violent offender, in committing the offense, caused any 2436
physical harm that carried a substantial risk of death to a person 2437
or that involved substantial permanent incapacity or substantial 2438
permanent disfigurement of a person, the court shall impose the 2439
longest prison term from the range of terms authorized for the 2440
offense under division (A) of this section. 2441

(b) If the court imposing a prison term on a repeat violent 2442
offender imposes the longest prison term from the range of terms 2443
authorized for the offense under division (A) of this section, the 2444
court may impose on the offender an additional definite prison 2445

term of one, two, three, four, five, six, seven, eight, nine, or 2446
ten years if the court finds that both of the following apply with 2447
respect to the prison terms imposed on the offender pursuant to 2448
division (D)(2)(a) of this section and, if applicable, divisions 2449
(D)(1) and (3) of this section: 2450

(i) The terms so imposed are inadequate to punish the 2451
offender and protect the public from future crime, because the 2452
applicable factors under section 2929.12 of the Revised Code 2453
indicating a greater likelihood of recidivism outweigh the 2454
applicable factors under that section indicating a lesser 2455
likelihood of recidivism. 2456

(ii) The terms so imposed are demeaning to the seriousness of 2457
the offense, because one or more of the factors under section 2458
2929.12 of the Revised Code indicating that the offender's conduct 2459
is more serious than conduct normally constituting the offense are 2460
present, and they outweigh the applicable factors under that 2461
section indicating that the offender's conduct is less serious 2462
than conduct normally constituting the offense. 2463

(3)(a) Except when an offender commits a violation of section 2464
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2465
the violation is life imprisonment or commits a violation of 2466
section 2903.02 of the Revised Code, if the offender commits a 2467
violation of section 2925.03 or 2925.11 of the Revised Code and 2468
that section classifies the offender as a major drug offender and 2469
requires the imposition of a ten-year prison term on the offender, 2470
if the offender commits a felony violation of section 2925.02, 2471
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2472
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2473
division (C) of section 4729.51, or division (J) of section 2474
4729.54 of the Revised Code that includes the sale, offer to sell, 2475
or possession of a schedule I or II controlled substance, with the 2476
exception of marijuana, and the court imposing sentence upon the 2477

ffender finds that the offender is guilty of a specification of 2478
the type described in section 2941.1410 of the Revised Code 2479
charging that the offender is a major drug offender, if the court 2480
imposing sentence upon an offender for a felony finds that the 2481
offender is guilty of corrupt activity with the most serious 2482
offense in the pattern of corrupt activity being a felony of the 2483
first degree, or if the offender is guilty of an attempted 2484
violation of section 2907.02 of the Revised Code and, had the 2485
offender completed the violation of section 2907.02 of the Revised 2486
Code that was attempted, the offender would have been subject to a 2487
sentence of life imprisonment or life imprisonment without parole 2488
for the violation of section 2907.02 of the Revised Code, the 2489
court shall impose upon the offender for the felony violation a 2490
ten-year prison term that cannot be reduced pursuant to section 2491
2929.20 or Chapter 2967. or 5120. of the Revised Code. 2492

(b) The court imposing a prison term on an offender under 2493
division (D)(3)(a) of this section may impose an additional prison 2494
term of one, two, three, four, five, six, seven, eight, nine, or 2495
ten years, if the court, with respect to the term imposed under 2496
division (D)(3)(a) of this section and, if applicable, divisions 2497
(D)(1) and (2) of this section, makes both of the findings set 2498
forth in divisions (D)(2)(b)(i) and (ii) of this section. 2499

(4) If the offender is being sentenced for a third or fourth 2500
degree felony OVI offense under division (G)(2) of section 2929.13 2501
of the Revised Code, the sentencing court shall impose upon the 2502
offender a mandatory prison term in accordance with that division. 2503
In addition to the mandatory prison term, if the offender is being 2504
sentenced for a fourth degree felony OVI offense, the court, 2505
notwithstanding division (A)(4) of this section, may sentence the 2506
offender to a definite prison term of not less than six months and 2507
not more than thirty months, and if the offender is being 2508
sentenced for a third degree felony OVI offense, the sentencing 2509

court may sentence the offender to an additional prison term of 2510
any duration specified in division (A)(3) of this section. In 2511
either case, the additional prison term imposed shall be reduced 2512
by the sixty or one hundred twenty days imposed upon the offender 2513
as the mandatory prison term. The total of the additional prison 2514
term imposed under division (D)(4) of this section plus the sixty 2515
or one hundred twenty days imposed as the mandatory prison term 2516
shall equal a definite term in the range of six months to thirty 2517
months for a fourth degree felony OVI offense and shall equal one 2518
of the authorized prison terms specified in division (A)(3) of 2519
this section for a third degree felony OVI offense. If the court 2520
imposes an additional prison term under division (D)(4) of this 2521
section, the offender shall serve the additional prison term after 2522
the offender has served the mandatory prison term required for the 2523
offense. The court shall not sentence the offender to a community 2524
control sanction under section 2929.16 or 2929.17 of the Revised 2525
Code. 2526

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 2527
mandatory prison term is imposed upon an offender pursuant to 2528
division (D)(1)(a) of this section for having a firearm on or 2529
about the offender's person or under the offender's control while 2530
committing a felony, if a mandatory prison term is imposed upon an 2531
offender pursuant to division (D)(1)(c) of this section for 2532
committing a felony specified in that division by discharging a 2533
firearm from a motor vehicle, or if both types of mandatory prison 2534
terms are imposed, the offender shall serve any mandatory prison 2535
term imposed under either division consecutively to any other 2536
mandatory prison term imposed under either division or under 2537
division (D)(1)(d) of this section, consecutively to and prior to 2538
any prison term imposed for the underlying felony pursuant to 2539
division (A), (D)(2), or (D)(3) of this section or any other 2540
section of the Revised Code, and consecutively to any other prison 2541
term or mandatory prison term previously or subsequently imposed 2542

upon the offender. 2543

(b) If a mandatory prison term is imposed upon an offender 2544
pursuant to division (D)(1)(d) of this section for wearing or 2545
carrying body armor while committing an offense of violence that 2546
is a felony, the offender shall serve the mandatory term so 2547
imposed consecutively to any other mandatory prison term imposed 2548
under that division or under division (D)(1)(a) or (c) of this 2549
section, consecutively to and prior to any prison term imposed for 2550
the underlying felony under division (A), (D)(2), or (D)(3) of 2551
this section or any other section of the Revised Code, and 2552
consecutively to any other prison term or mandatory prison term 2553
previously or subsequently imposed upon the offender. 2554

(2) If an offender who is an inmate in a jail, prison, or 2555
other residential detention facility violates section 2917.02, 2556
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2557
who is under detention at a detention facility commits a felony 2558
violation of section 2923.131 of the Revised Code, or if an 2559
offender who is an inmate in a jail, prison, or other residential 2560
detention facility or is under detention at a detention facility 2561
commits another felony while the offender is an escapee in 2562
violation of section 2921.34 of the Revised Code, any prison term 2563
imposed upon the offender for one of those violations shall be 2564
served by the offender consecutively to the prison term or term of 2565
imprisonment the offender was serving when the offender committed 2566
that offense and to any other prison term previously or 2567
subsequently imposed upon the offender. 2568

(3) If a prison term is imposed for a violation of division 2569
(B) of section 2911.01 of the Revised Code, a violation of 2570
division (A) of section 2913.02 of the Revised Code in which the 2571
stolen property is a firearm or dangerous ordnance, or if a prison 2572
term is imposed for a felony violation of division (B) of section 2573
2921.331 of the Revised Code, the offender shall serve that prison 2574

term consecutively to any other prison term or mandatory prison 2575
term previously or subsequently imposed upon the offender. 2576

(4) If multiple prison terms are imposed on an offender for 2577
convictions of multiple offenses, the court may require the 2578
offender to serve the prison terms consecutively if the court 2579
finds that the consecutive service is necessary to protect the 2580
public from future crime or to punish the offender and that 2581
consecutive sentences are not disproportionate to the seriousness 2582
of the offender's conduct and to the danger the offender poses to 2583
the public, and if the court also finds any of the following: 2584

(a) The offender committed one or more of the multiple 2585
offenses while the offender was awaiting trial or sentencing, was 2586
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2587
2929.18 of the Revised Code, or was under post-release control for 2588
a prior offense. 2589

(b) At least two of the multiple offenses were committed as 2590
part of one or more courses of conduct, and the harm caused by two 2591
or more of the multiple offenses so committed was so great or 2592
unusual that no single prison term for any of the offenses 2593
committed as part of any of the courses of conduct adequately 2594
reflects the seriousness of the offender's conduct. 2595

(c) The offender's history of criminal conduct demonstrates 2596
that consecutive sentences are necessary to protect the public 2597
from future crime by the offender. 2598

(5) When consecutive prison terms are imposed pursuant to 2599
division (E)(1), (2), (3), or (4) of this section, the term to be 2600
served is the aggregate of all of the terms so imposed. 2601

(F) If a court imposes a prison term of a type described in 2602
division (B) of section 2967.28 of the Revised Code, it shall 2603
include in the sentence a requirement that the offender be subject 2604
to a period of post-release control after the offender's release 2605

from imprisonment, in accordance with that division. If a court 2606
imposes a prison term of a type described in division (C) of that 2607
section, it shall include in the sentence a requirement that the 2608
offender be subject to a period of post-release control after the 2609
offender's release from imprisonment, in accordance with that 2610
division, if the parole board determines that a period of 2611
post-release control is necessary. 2612

(G) If a person is convicted of or pleads guilty to a 2613
sexually violent offense and also is convicted of or pleads guilty 2614
to a sexually violent predator specification that was included in 2615
the indictment, count in the indictment, or information charging 2616
that offense, the court shall impose sentence upon the offender in 2617
accordance with section 2971.03 of the Revised Code, and Chapter 2618
2971. of the Revised Code applies regarding the prison term or 2619
term of life imprisonment without parole imposed upon the offender 2620
and the service of that term of imprisonment. 2621

(H) If a person who has been convicted of or pleaded guilty 2622
to a felony is sentenced to a prison term or term of imprisonment 2623
under this section, sections 2929.02 to 2929.06 of the Revised 2624
Code, section 2971.03 of the Revised Code, or any other provision 2625
of law, section 5120.163 of the Revised Code applies regarding the 2626
person while the person is confined in a state correctional 2627
institution. 2628

(I) If an offender who is convicted of or pleads guilty to a 2629
felony that is an offense of violence also is convicted of or 2630
pleads guilty to a specification of the type described in section 2631
2941.142 of the Revised Code that charges the offender with having 2632
committed the felony while participating in a criminal gang, the 2633
court shall impose upon the offender an additional prison term of 2634
one, two, or three years. 2635

(J) If an offender who is convicted of or pleads guilty to 2636
aggravated murder, murder, or a felony of the first, second, or 2637

third degree that is an offense of violence also is convicted of 2638
or pleads guilty to a specification of the type described in 2639
section 2941.143 of the Revised Code that charges the offender 2640
with having committed the offense in a school safety zone or 2641
towards a person in a school safety zone, the court shall impose 2642
upon the offender an additional prison term of two years. The 2643
offender shall serve the additional two years consecutively to and 2644
prior to the prison term imposed for the underlying offense. 2645

(K) At the time of sentencing, the court may recommend the 2646
offender for placement in a program of shock incarceration under 2647
section 5120.031 of the Revised Code or for placement in an 2648
intensive program prison under section 5120.032 of the Revised 2649
Code, disapprove placement of the offender in a program of shock 2650
incarceration or an intensive program prison of that nature, or 2651
make no recommendation on placement of the offender. In no case 2652
shall the department of rehabilitation and correction place the 2653
offender in a program or prison of that nature unless the 2654
department determines as specified in section 5120.031 or 5120.032 2655
of the Revised Code, whichever is applicable, that the offender is 2656
eligible for the placement. 2657

If the court disapproves placement of the offender in a 2658
program or prison of that nature, the department of rehabilitation 2659
and correction shall not place the offender in any program of 2660
shock incarceration or intensive program prison. 2661

If the court recommends placement of the offender in a 2662
program of shock incarceration or in an intensive program prison, 2663
and if the offender is subsequently placed in the recommended 2664
program or prison, the department shall notify the court of the 2665
placement and shall include with the notice a brief description of 2666
the placement. 2667

If the court recommends placement of the offender in a 2668
program of shock incarceration or in an intensive program prison 2669

and the department does not subsequently place the offender in the 2670
recommended program or prison, the department shall send a notice 2671
to the court indicating why the offender was not placed in the 2672
recommended program or prison. 2673

If the court does not make a recommendation under this 2674
division with respect to an offender and if the department 2675
determines as specified in section 5120.031 or 5120.032 of the 2676
Revised Code, whichever is applicable, that the offender is 2677
eligible for placement in a program or prison of that nature, the 2678
department shall screen the offender and determine if there is an 2679
available program of shock incarceration or an intensive program 2680
prison for which the offender is suited. If there is an available 2681
program of shock incarceration or an intensive program prison for 2682
which the offender is suited, the department shall notify the 2683
court of the proposed placement of the offender as specified in 2684
section 5120.031 or 5120.032 of the Revised Code and shall include 2685
with the notice a brief description of the placement. The court 2686
shall have ten days from receipt of the notice to disapprove the 2687
placement. 2688

Section 4. That all existing versions of section 2929.14 of 2689
the Revised Code are hereby repealed. 2690

Section 5. Sections 3 and 4 of this act shall take effect on 2691
January 1, 2004. 2692

Section 6. In amending sections 1547.69, 2911.21, 2921.13, 2693
2923.12, 2923.121, 2923.123, 2923.16, 2953.32, and 4749.10 of the 2694
Revised Code and in enacting sections 109.731, 311.41, 311.42, and 2695
2923.124 to 2923.1212 of the Revised Code in this act, the General 2696
Assembly hereby declares its intent to recognize both of the 2697
following: 2698

(A) The inalienable and fundamental right of an individual to 2699

defend the individual's person and the members of the individual's family; 2700
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(B) The fact that the right described in division (A) of this section predates the adoption of the United States Constitution, the adoption of the Ohio Constitution, and the enactment of all statutory laws by the General Assembly and may not be infringed by any enactment of the General Assembly. 2702
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Section 7. In enacting sections 109.731, 311.41, 311.42, and 2923.124 to 2923.1212 of the Revised Code in this act and in amending sections 1547.69, 2911.21, 2921.13, 2923.12, 2923.121, 2923.123, 2923.16, 2953.32, and 4749.10 of the Revised Code in this act relative to licenses to carry a concealed handgun, the General Assembly hereby declares that it is not its intent to declare or otherwise give the impression that, prior to the effective date of this act, an individual did not have an inalienable and fundamental right, or a right under the Ohio Constitution or the United States Constitution, to carry a concealed handgun or other firearm for the defense of the individual's person or a member of the individual's family while engaged in lawful activity. Further, the General Assembly declares that it is not its intent to invalidate any prior convictions for violating any section of the Revised Code or a municipal ordinance prior to the effective date of this act or to prevent the prosecution of any violation committed prior to the effective date of this act. 2708
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Section 8. Within thirty days after the effective date of this act, the Ohio Peace Officer Training Commission shall submit the rules required under section 109.731 of the Revised Code to the Joint Committee on Agency Rule Review. Within thirty days after those rules take effect, the Commission shall prepare and 2726
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make available to the sheriffs of this state the application and 2731
license forms described in division (A) of section 109.731 of the 2732
Revised Code and the Ohio firearms laws pamphlet described in 2733
division (B) of that section and shall prescribe the license fee 2734
described in division (C) of that section. The Commission shall 2735
submit its first annual statistical report described in division 2736
(D) of that section not later than fifteen months after the 2737
effective date of this act. 2738

Section 9. It is the intent of the General Assembly in 2739
amending sections 1547.69, 2911.21, 2921.13, 2923.12, 2923.121, 2740
2923.123, 2923.16, 2953.32, and 4749.10 and enacting sections 2741
109.731, 311.41, 311.42, and 2923.124 to 2923.1212 of the Revised 2742
Code to enact laws of a general nature. No municipal corporation 2743
may adopt or continue in existence any ordinance, and no township 2744
may adopt or continue in existence, any resolution that is in 2745
conflict with those sections. 2746

Section 10. If any provision of sections 1547.69, 2911.21, 2747
2913.02, 2921.13, 2923.12, 2923.121, 2923.123, 2923.16, 2929.14, 2748
2953.32, and 4749.10 of the Revised Code, as amended by this act, 2749
any provision of sections 109.731, 311.41, 311.42, 2923.124, 2750
2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2751
2923.1211, and 2923.1212 of the Revised Code, as enacted by this 2752
act, or the application of any provision of those sections to any 2753
person or circumstance is held invalid, the invalidity does not 2754
affect other provisions or applications of the particular section 2755
or related sections that can be given effect without the invalid 2756
provision or application, and to this end the provisions of the 2757
particular section are severable. 2758

Section 11. (A) Section 2929.14 of the Revised Code, 2759
effective until January 1, 2004, is presented in Section 1 of this 2760

act as a composite of the section as amended by both Am. Sub. H.B. 2761
327 and Sub. H.B. 485 of the 124th General Assembly. The General 2762
Assembly, applying the principle stated in division (B) of section 2763
1.52 of the Revised Code that amendments are to be harmonized if 2764
reasonably capable of simultaneous operation, finds that the 2765
composite is the resulting version of the section in effect prior 2766
to the effective date of the section as presented in Section 1 of 2767
this act. 2768

(B) Section 2929.14 of the Revised Code, effective on January 2769
1, 2004, is presented in Section 3 of this act as a composite of 2770
the section as amended by Am. Sub. H.B. 327, Sub. H.B. 485, and 2771
Am. Sub. S.B. 123 of the 124th General Assembly. The General 2772
Assembly, applying the principle stated in division (B) of section 2773
1.52 of the Revised Code that amendments are to be harmonized if 2774
reasonably capable of simultaneous operation, finds that the 2775
composite is the resulting version of the section in effect prior 2776
to the effective date of the section as presented in Section 3 of 2777
this act. 2778