

As Passed by the House

125th General Assembly

Regular Session

2003-2004

Sub. H. B. No. 12

Representatives Aslanides, Cates, Hollister, J. Stewart, Faber, Seitz,
Grendell, Willamowski, Blasdel, Book, Buehrer, Callender, Calvert, Carano,
Carmichael, Cirelli, Clancy, Collier, Core, Daniels, DeWine, Distel, Domenick,
C. Evans, D. Evans, Fessler, Flowers, Gibbs, Gilb, Hagan, Hoops, Husted,
Kearns, Latta, Manning, Niehaus, Oelslager, T. Patton, Peterson, Raga,
Raussen, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Setzer,
Sferra, Taylor, Webster, White, Widener, Wolpert, Young, Hughes

A BILL

To amend sections 1547.69, 2911.21, 2913.02, 2921.13, 1
2923.12, 2923.121, 2923.122, 2923.123, 2923.13, 2
2923.16, 2929.14, 2953.32, and 4749.10 and to 3
enact sections 109.731, 311.41, 311.42, 2923.124, 4
2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 5
2923.1210, 2923.1211, and 2923.1212 of the Revised 6
Code to authorize county sheriffs to issue 7
licenses to carry concealed handguns to certain 8
persons, to create the offenses of falsification 9
to obtain a concealed handgun license, 10
falsification of a concealed handgun license, and 11
possessing a revoked or suspended concealed 12
handgun license, to increase the penalty for theft 13
of a firearm and having weapons while under 14
disability, and to maintain the provisions of this 15
act on and after January 1, 2004, by amending the 16
versions of sections 2923.122 and 2929.14 of the 17
Revised Code that take effect on that date. 18

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

Section 1. That sections 1547.69, 2911.21, 2913.02, 2921.13, 19
2923.12, 2923.121, 2923.122, 2923.123, 2923.13, 2923.16, 2929.14, 20
2953.32, and 4749.10 be amended and sections 109.731, 311.41, 21
311.42, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 22
2923.129, 2923.1210, 2923.1211, and 2923.1212 of the Revised Code 23
be enacted to read as follows: 24

Sec. 109.731. (A) The Ohio peace officer training commission 25
shall prescribe, and shall make available to sheriffs, both of the 26
following: 27

(1) An application form that is to be used under section 28
2923.125 of the Revised Code by a person who applies for a license 29
to carry a concealed handgun or for the renewal of a license of 30
that nature and that conforms substantially to the form prescribed 31
in section 2923.1210 of the Revised Code; 32

(2) A form for the license to carry a concealed handgun that 33
is to be issued by sheriffs to persons who qualify for a license 34
to carry a concealed handgun under section 2923.125 of the Revised 35
Code and that conforms to the following requirements: 36

(a) It has space for the licensee's full name, residence 37
address, and date of birth and for a color photograph of the 38
licensee. 39

(b) It has space for the date of issuance of the license, its 40
expiration date, its county of issuance, and the name of the 41
sheriff who issues the license. 42

(c) It has space for the signature of the licensee and the 43
signature or a facsimile signature of the sheriff who issues the 44
license. 45

(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. 46
47
48
49
50

(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. 51
52
53
54
55
56
57

(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's concealed handgun license issuance expense fund established pursuant to section 311.42 of the Revised Code. 58
59
60
61
62
63
64
65
66
67
68
69
70

(D) The Ohio peace officer training commission shall maintain statistics with respect to the issuance, renewal, suspension, revocation, and denial of licenses to carry a concealed handgun and the suspension of applications for those licenses as reported by the sheriffs pursuant to division (C) of section 2923.129 of the Revised Code. Not later than the first day of March in each year, the commission shall submit a statistical report to the 71
72
73
74
75
76
77

governor, the president of the senate, and the speaker of the 78
house of representatives indicating the number of those licenses 79
that were issued, renewed, suspended, revoked, and denied in the 80
previous calendar year and the number of applications for those 81
licenses for which processing was suspended in accordance with 82
division (D)(3) of section 2923.125 of the Revised Code in the 83
previous calendar year. 84

(E) The Ohio peace officer training commission shall oversee 85
compliance with the requirement for the destruction of records 86
required by division (B) of section 311.41 of the Revised Code. 87
The commission may adopt rules in accordance with Chapter 119. of 88
the Revised Code implementing procedures to be followed in 89
relation to the destruction of those records and to ensure that 90
the destruction requirements are followed. The commission may hire 91
employees to make appropriate investigations to ensure that the 92
destruction requirements are followed. County sheriffs shall 93
cooperate with any investigation under this division and shall 94
give the employees access to all places and records in the 95
sheriff's office related to criminal records checks conducted in 96
accordance with section 311.41 of the Revised Code. 97

(F) As used in this section, "handgun" has the same meaning 98
as in section 2923.11 of the Revised Code. 99

Sec. 311.41. (A)(1) Upon receipt of an application for a 100
license to carry a concealed handgun under division (C) of section 101
2923.125 of the Revised Code or an application to renew a license 102
to carry a concealed handgun under division (F) of that section, 103
the sheriff shall conduct a criminal records check of the 104
applicant to determine whether the applicant fails to meet the 105
criteria described in division (D)(1) of section 2923.125 of the 106
Revised Code by using the law enforcement automated data system to 107
gain access to the criminal records in the bureau of criminal 108

identification and investigation, the national crime information 109
center, and the interstate identification index. In conducting the 110
criminal records check under this division, the sheriff shall use 111
the applicant's name, social security number, and date of birth 112
that are stated in the application or the fingerprints of not more 113
than four fingers of the applicant if the applicant allows the 114
sheriff to obtain those fingerprints using an electronic 115
fingerprint reading device for the purpose of conducting the 116
criminal records check. 117

(2) If a criminal records check conducted under division 118
(A)(1) of this section using the applicant's name, social security 119
number, and date of birth that are stated in the application 120
indicates that the applicant may fail to meet any of the criteria 121
described in division (D)(1) of section 2923.125 of the Revised 122
Code and if the applicant wishes to proceed with the application, 123
the sheriff shall conduct further investigation to determine 124
whether the applicant meets all of the criteria described in that 125
division. 126

If the applicant previously has not done so, the applicant 127
shall allow the sheriff to obtain the fingerprints of not more 128
than four fingers of the applicant using an electronic fingerprint 129
reading device. The sheriff shall use those fingerprints of the 130
applicant to conduct an additional criminal records check of the 131
applicant in the manner provided in division (A)(1) of this 132
section. The sheriff shall not retain the applicant's social 133
security number or fingerprints as part of the application. 134

(3) Except as otherwise provided in this division, if at any 135
time the applicant decides not to continue with the application 136
process, the sheriff immediately shall cease any investigation 137
that is being conducted under division (A)(1) or (2) of this 138
section. The sheriff shall not cease that investigation if both of 139

the following apply:

140

(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.

141

142

143

144

(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.

145

146

147

(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.

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

(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

165

166

167

168

169

170

fail to destroy or cause to be destroyed within the applicable 171
twenty-day period specified in that division all records other 172
than the application for a license to carry a concealed handgun or 173
the application to renew a license to carry a concealed handgun 174
made in connection with the particular criminal records check. 175

(D) Whoever violates division (C) of this section is guilty 176
of failure to destroy records, a misdemeanor of the second degree. 177

(E) As used in this section, "handgun" has the same meaning 178
as in section 2923.11 of the Revised Code. 179

Sec. 311.42. (A) Each county shall establish in the county 180
treasury a sheriff's concealed handgun license issuance expense 181
fund. The sheriff of that county shall deposit into that fund all 182
fees paid by applicants for the issuance or renewal of a license 183
or duplicate license to carry a concealed handgun under section 184
2923.125 of the Revised Code. The county shall distribute the fees 185
deposited into the fund in accordance with the specifications 186
prescribed by the Ohio peace officer training commission under 187
division (C) of section 109.731 of the Revised Code. 188

(B) The sheriff, with the approval of the board of county 189
commissioners, may expend any county portion of the fees deposited 190
into the sheriff's concealed handgun license issuance expense fund 191
for any costs incurred by the sheriff in connection with 192
performing any administrative functions related to the issuance of 193
concealed handgun licenses, including, but not limited to, 194
personnel expenses and the costs of any handgun safety education 195
program that the sheriff chooses to fund. 196

Sec. 1547.69. (A) As used in this section: 197

(1) "Firearm" ~~has~~ and "handgun" have the same ~~meaning~~ 198
meanings as in section 2923.11 of the Revised Code. 199

(2) "Unloaded" has the same meaning as in section 2923.16 of the Revised Code. 200
201

(B) No person shall knowingly discharge a firearm while in or on a vessel. 202
203

(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. 204
205
206

(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: 207
208
209

(1) In a closed package, box, or case; 210

(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. 211
212
213

(E)(1) The affirmative defenses ~~contained~~ authorized in divisions (C)(1) ~~and~~, (2), and (5) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (C) or (D) of this section. 214
215
216
217

(2) It is an affirmative defense to a charge under division (B) of this section that the offender discharged the firearm in self-defense. 218
219
220

(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. 221
222
223
224
225
226
227

(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 228
229

carry a concealed handgun under section 2923.125 of the Revised Code as a condition for the dismissal of the charge. 230
231

(F) Divisions (B), (C), and (D) of this section do not apply 232
to the possession or discharge of a United States coast guard 233
approved signaling device required to be carried aboard a vessel 234
under section 1547.251 of the Revised Code when the signaling 235
device is possessed or used for the purpose of giving a visual 236
distress signal. No person shall knowingly transport or possess 237
any ~~such~~ signaling device of that nature in or on a vessel in a 238
loaded condition at any time other than immediately prior to the 239
discharge of the signaling device for the purpose of giving a 240
visual distress signal. 241

(G) No person shall operate or permit to be operated any 242
vessel on the waters in this state in violation of this section. 243

(H) This section does not apply to officers, agents, or 244
employees of this or any other state or of the United States, or 245
to law enforcement officers, when authorized to carry or have 246
loaded or accessible firearms in a vessel and acting within the 247
scope of their duties, ~~nor~~ and this section does not apply to 248
persons legally engaged in hunting. Divisions (C) and (D) of this 249
section do not apply to a person who transports or possesses a 250
handgun in a vessel and who, at the time of that transportation or 251
possession, is carrying a valid license to carry a concealed 252
handgun issued to the person under section 2923.125 of the Revised 253
Code, unless the person knowingly is in a place on the vessel 254
described in division (B) of section 2923.126 of the Revised Code. 255

Sec. 2911.21. (A) No person, without privilege to do so, 256
shall do any of the following: 257

(1) Knowingly enter or remain on the land or premises of 258
another; 259

(2) Knowingly enter or remain on the land or premises of 260
another, the use of which is lawfully restricted to certain 261
persons, purposes, modes, or hours, when the offender knows ~~he~~ the 262
offender is in violation of any such restriction or is reckless in 263
that regard; 264

(3) Recklessly enter or remain on the land or premises of 265
another, as to which notice against unauthorized access or 266
presence is given by actual communication to the offender, or in a 267
manner prescribed by law, or by posting in a manner reasonably 268
calculated to come to the attention of potential intruders, or by 269
fencing or other enclosure manifestly designed to restrict access; 270

(4) Being on the land or premises of another, negligently 271
fail or refuse to leave upon being notified by signage posted in a 272
conspicuous place or otherwise being notified to do so by the 273
owner or occupant, or the agent or servant of either. 274

(B) It is no defense to a charge under this section that the 275
land or premises involved was owned, controlled, or in custody of 276
a public agency. 277

(C) It is no defense to a charge under this section that the 278
offender was authorized to enter or remain on the land or premises 279
involved, when such authorization was secured by deception. 280

(D) Whoever violates this section is guilty of criminal 281
trespass, a misdemeanor of the fourth degree. 282

(E) As used in this section, "land or premises" includes any 283
land, building, structure, or place belonging to, controlled by, 284
or in custody of another, and any separate enclosure or room, or 285
portion thereof. 286

Sec. 2913.02. (A) No person, with purpose to deprive the 287
owner of property or services, shall knowingly obtain or exert 288
control over either the property or services in any of the 289

following ways:	290
(1) Without the consent of the owner or person authorized to give consent;	291 292
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	293 294
(3) By deception;	295
(4) By threat;	296
(5) By intimidation.	297
(B)(1) Whoever violates this section is guilty of theft.	298
(2) Except as otherwise provided in this division or division (B)(3), (4), (5), or (6) of this section, a violation of this section is petty theft, a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars or more and is less than five thousand dollars or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, a felony of the fifth degree. If the value of the property or services stolen is five thousand dollars or more and is less than one hundred thousand dollars, a violation of this section is grand theft, a felony of the fourth degree. If the value of the property or services stolen is one hundred thousand dollars or more, a violation of this section is aggravated theft, a felony of the third degree.	299 300 301 302 303 304 305 306 307 308 309 310 311 312
(3) Except as otherwise provided in division (B)(4), (5), or (6) of this section, if the victim of the offense is an elderly person or disabled adult, a violation of this section is theft from an elderly person or disabled adult, and division (B)(3) of this section applies. Except as otherwise provided in this division, theft from an elderly person or disabled adult is a felony of the fifth degree. If the value of the property or	313 314 315 316 317 318 319

services stolen is five hundred dollars or more and is less than 320
five thousand dollars, theft from an elderly person or disabled 321
adult is a felony of the fourth degree. If the value of the 322
property or services stolen is five thousand dollars or more and 323
is less than twenty-five thousand dollars, theft from an elderly 324
person or disabled adult is a felony of the third degree. If the 325
value of the property or services stolen is twenty-five thousand 326
dollars or more, theft from an elderly person or disabled adult is 327
a felony of the second degree. 328

(4) If the property stolen is a firearm or dangerous 329
ordnance, a violation of this section is grand theft, a felony of 330
the ~~fourth~~ third degree, and there is a presumption in favor of 331
the court imposing a prison term for the offense. The offender 332
shall serve the prison term consecutively to any other prison term 333
or mandatory prison term previously or subsequently imposed upon 334
the offender. 335

(5) If the property stolen is a motor vehicle, a violation of 336
this section is grand theft of a motor vehicle, a felony of the 337
fourth degree. 338

(6) If the property stolen is any dangerous drug, a violation 339
of this section is theft of drugs, a felony of the fourth degree, 340
or, if the offender previously has been convicted of a felony drug 341
abuse offense, a felony of the third degree. 342

Sec. 2921.13. (A) No person shall knowingly make a false 343
statement, or knowingly swear or affirm the truth of a false 344
statement previously made, when any of the following applies: 345

(1) The statement is made in any official proceeding. 346

(2) The statement is made with purpose to incriminate 347
another. 348

(3) The statement is made with purpose to mislead a public 349

official in performing the public official's official function. 350

(4) The statement is made with purpose to secure the payment 351
of unemployment compensation; Ohio works first; prevention, 352
retention, and contingency benefits and services; disability 353
assistance; retirement benefits; economic development assistance, 354
as defined in section 9.66 of the Revised Code; or other benefits 355
administered by a governmental agency or paid out of a public 356
treasury. 357

(5) The statement is made with purpose to secure the issuance 358
by a governmental agency of a license, permit, authorization, 359
certificate, registration, release, or provider agreement. 360

(6) The statement is sworn or affirmed before a notary public 361
or another person empowered to administer oaths. 362

(7) The statement is in writing on or in connection with a 363
report or return that is required or authorized by law. 364

(8) The statement is in writing and is made with purpose to 365
induce another to extend credit to or employ the offender, to 366
confer any degree, diploma, certificate of attainment, award of 367
excellence, or honor on the offender, or to extend to or bestow 368
upon the offender any other valuable benefit or distinction, when 369
the person to whom the statement is directed relies upon it to 370
that person's detriment. 371

(9) The statement is made with purpose to commit or 372
facilitate the commission of a theft offense. 373

(10) The statement is knowingly made to a probate court in 374
connection with any action, proceeding, or other matter within its 375
jurisdiction, either orally or in a written document, including, 376
but not limited to, an application, petition, complaint, or other 377
pleading, or an inventory, account, or report. 378

(11) The statement is made on an account, form, record, 379

stamp, label, or other writing that is required by law. 380

(12) The statement is made in connection with the purchase of 381
a firearm, as defined in section 2923.11 of the Revised Code, and 382
in conjunction with the furnishing to the seller of the firearm of 383
a fictitious or altered driver's or commercial driver's license or 384
permit, a fictitious or altered identification card, or any other 385
document that contains false information about the purchaser's 386
identity. 387

(13) The statement is made in a document or instrument of 388
writing that purports to be a judgment, lien, or claim of 389
indebtedness and is filed or recorded with the secretary of state, 390
a county recorder, or the clerk of a court of record. 391

(14) The statement is made in an application filed with a 392
county sheriff pursuant to section 2923.125 of the Revised Code in 393
order to obtain or renew a license to carry a concealed handgun. 394

(B) No person, in connection with the purchase of a firearm, 395
as defined in section 2923.11 of the Revised Code, shall knowingly 396
furnish to the seller of the firearm a fictitious or altered 397
driver's or commercial driver's license or permit, a fictitious or 398
altered identification card, or any other document that contains 399
false information about the purchaser's identity. 400

(C) No person, in an attempt to obtain a license to carry a 401
concealed handgun under section 2923.125 of the Revised Code, 402
shall knowingly present to a sheriff a fictitious or altered 403
document that purports to be certification of the person's 404
competence in handling a handgun as described in division (B)(3) 405
of section 2923.125 of the Revised Code. 406

(D) It is no defense to a charge under division (A)~~(4)~~(6) of 407
this section that the oath or affirmation was administered or 408
taken in an irregular manner. 409

~~(D)~~(E) If contradictory statements relating to the same fact 410

are made by the offender within the period of the statute of 411
limitations for falsification, it is not necessary for the 412
prosecution to prove which statement was false but only that one 413
or the other was false. 414

~~(F)~~(F)(1) Whoever violates division (A)(1), (2), (3), (4), 415
(5), (6), (7), (8), (10), (11), or (13) of this section is guilty 416
of falsification, a misdemeanor of the first degree. 417

(2) Whoever violates division (A)(9) of this section is 418
guilty of falsification in a theft offense. Except as otherwise 419
provided in this division, falsification in a theft offense is a 420
misdemeanor of the first degree. If the value of the property or 421
services stolen is five hundred dollars or more and is less than 422
five thousand dollars, falsification in a theft offense is a 423
felony of the fifth degree. If the value of the property or 424
services stolen is five thousand dollars or more and is less than 425
one hundred thousand dollars, falsification in a theft offense is 426
a felony of the fourth degree. If the value of the property or 427
services stolen is one hundred thousand dollars or more, 428
falsification in a theft offense is a felony of the third degree. 429

(3) Whoever violates division (A)(12) or (B) of this section 430
is guilty of falsification to purchase a firearm, a felony of the 431
fifth degree. 432

~~(F)~~(4) Whoever violates division (A)(14) or (C) of this 433
section is guilty of falsification to obtain a concealed handgun 434
license, a felony of the fourth degree. 435

(G) A person who violates this section is liable in a civil 436
action to any person harmed by the violation for injury, death, or 437
loss to person or property incurred as a result of the commission 438
of the offense and for reasonable attorney's fees, court costs, 439
and other expenses incurred as a result of prosecuting the civil 440
action commenced under this division. A civil action under this 441

division is not the exclusive remedy of a person who incurs 442
injury, death, or loss to person or property as a result of a 443
violation of this section. 444

Sec. 2923.12. (A) No person shall knowingly carry or have, 445
concealed on ~~his or her~~ the person's person or concealed ready at 446
hand, any of the following: 447

(1) A deadly weapon ~~or~~ other than a handgun; 448

(2) A handgun other than a dangerous ordnance; 449

(3) A dangerous ordnance. 450

(B)(1) This section does not apply to officers, agents, or 451
employees of this or any other state or the United States, or to 452
law enforcement officers, authorized to carry concealed weapons or 453
dangerous ordnance, and acting within the scope of their duties. 454

(2) Division (A)(2) of this section does not apply to any of 455
the following: 456

(a) An officer, agent, or employee of this or any other state 457
or the United States, or a law enforcement officer, who is 458
authorized to carry a handgun, or a corrections officer who has 459
successfully completed a basic firearms training program approved 460
by the Ohio peace officer training commission and who is 461
authorized to carry a handgun; 462

(b) A person who, at the time of the alleged carrying or 463
possession of a handgun, is carrying a valid license to carry a 464
concealed handgun issued to the person under section 2923.125 of 465
the Revised Code, unless the person knowingly is in a place 466
described in division (B) of section 2923.126 of the Revised Code; 467

(c) A person who carries or has a handgun in a motor vehicle 468
if, at the time of the act, all of the following apply: 469

(i) The person did not place the handgun in the motor 470

vehicle. 471

(ii) The person does not carry or have the handgun on the 472
person's person. 473

(iii) The handgun is owned by a licensee for whom a valid 474
license to carry a concealed handgun has been issued under section 475
2923.125 of the Revised Code. 476

(C) It is an affirmative defense to a charge under this 477
section of carrying or having control of a weapon other than a 478
dangerous ordnance, that the actor was not otherwise prohibited by 479
law from having the weapon, and that any of the following ~~apply~~ 480
applies: 481

(1) The weapon was carried or kept ready at hand by the actor 482
for defensive purposes, while the actor was engaged in or was 483
going to or from the actor's lawful business or occupation, which 484
business or occupation was of ~~such a~~ character or was necessarily 485
carried on in ~~such a~~ manner or at ~~such~~ a time or place as to 486
render the actor particularly susceptible to criminal attack, such 487
as would justify a prudent person in going armed. 488

(2) The weapon was carried or kept ready at hand by the actor 489
for defensive purposes, while the actor was engaged in a lawful 490
activity and had reasonable cause to fear a criminal attack upon 491
the actor ~~or~~ a member of the actor's family, or ~~upon~~ the actor's 492
home, such as would justify a prudent person in going armed. 493

(3) The weapon was carried or kept ready at hand by the actor 494
for any lawful purpose and while in the actor's own home. 495

(4) The weapon was being transported in a motor vehicle for 496
any lawful purpose, ~~and~~ was not on the actor's person, and, if the 497
weapon was a firearm, was carried in compliance with the 498
applicable requirements of division (C) of section 2923.16 of the 499
Revised Code. 500

(5) The actor, at the time of the alleged carrying or possession of a handgun other than a dangerous ordnance, 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.

(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.

(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.

(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 been issued under Chapter 4303. of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry

~~a concealed weapon aboard an aircraft, regardless of the weapon
involved. Except as otherwise provided in division (E)(2), (3), or
(4) of this section, carrying concealed weapons is a felony
misdemeanor of the ~~third~~ first degree.~~

(2) Except as otherwise provided in division (E)(3) or (4) of
this section, carrying concealed weapons is a misdemeanor of the
third degree if all of the following apply:

(a) The weapon involved is a handgun.

(b) At the time of the commission of the offense, the
offender would have met the requirements for a license to carry a
concealed handgun under divisions (D)(1)(b) to (k) of section
2923.125 of the Revised Code if the offender had submitted an
application for a license to carry a concealed handgun at the time
the offender carried a concealed handgun but would not have met
the requirement for a license to carry a concealed handgun under
division (D)(1)(a) or (l) of section 2923.125 of the Revised Code.

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

(3) Except as otherwise provided in division (E)(4) of this
section, carrying concealed weapons is a felony of the fourth
degree if any of the following apply:

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

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

(c) The weapon involved is dangerous ordnance.

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

(a) The weapon involved is a handgun, and, at the time of the commission of the offense, the offender would not have met one or more of the requirements to be eligible for a license to carry a concealed handgun under divisions (D)(1)(b) to (k) of section 2923.125 of the Revised Code if the offender had submitted an application for a license to carry a concealed handgun at the time the offender carried a concealed handgun and did not meet the requirement to be eligible for a license to carry a concealed handgun under division (D)(1)(a) or (l) of section 2923.125 of the Revised Code. 563
564
565
566
567
568
569
570
571
572

(b) The weapon involved is a handgun, and the offender either used the handgun in the commission of an offense of violence or knowingly carried the handgun for the purpose of committing an offense of violence. 573
574
575
576

(c) The weapon involved is a firearm, and the violation is committed at premises for which a D permit has been issued under Chapter 4303. of the Revised Code. 577
578
579

(d)(i) The offense is committed aboard an aircraft or with purpose to carry a concealed weapon aboard an aircraft regardless of the weapon involved. 580
581
582

(ii) Division (E)(4)(d)(i) of this section does not apply if federal law does not prohibit possessing or carrying the involved weapon aboard the aircraft involved and if either the offender owns the aircraft or the offender does not own the aircraft but has received consent to carry a concealed weapon on the aircraft by the owner of the aircraft or by the person authorized to give consent. 583
584
585
586
587
588
589

Sec. 2923.121. (A) No person shall possess a firearm in any room in which liquor is being dispensed in premises for which a D permit has been issued under Chapter 4303. of the Revised Code or 590
591
592

in an open air arena for which a permit of that nature has been 593
issued. 594

(B)(1) This section does not apply to officers, agents, or 595
employees of this or any other state or the United States, or to 596
law enforcement officers, authorized to carry firearms, ~~and acting~~ 597
~~within the scope of their duties~~ or to a corrections officer who 598
has successfully completed a basic firearms training program 599
approved by the Ohio peace officer training commission and who is 600
authorized to carry a firearm, unless the officer, agent, 601
employee, law enforcement officer, or corrections officer is in 602
violation of section 2923.15 of the Revised Code. 603

(2) This section does not apply to any room used for the 604
accommodation of guests of a hotel, as defined in section 4301.01 605
of the Revised Code. 606

(3) This section does not prohibit any person who is a member 607
of a veteran's organization, as defined in section 2915.01 of the 608
Revised Code, from possessing a rifle in any room in any premises 609
owned, leased, or otherwise under the control of the veteran's 610
organization, if the rifle is not loaded with live ammunition and 611
if the person otherwise is not prohibited by law from having the 612
rifle. 613

(4) This section does not apply to any person possessing or 614
displaying firearms in any room used to exhibit unloaded firearms 615
for sale or trade in a soldiers' memorial established pursuant to 616
Chapter 345. of the Revised Code, in a convention center, or in 617
any other public meeting place, if the person is an exhibitor, 618
trader, purchaser, or seller of firearms and is not otherwise 619
prohibited by law from possessing, trading, purchasing, or selling 620
the firearms. 621

(5) This section does not apply to the holder of the D permit 622
issued under Chapter 4303. of the Revised Code if the holder is 623

carrying a valid license to carry a concealed handgun issued to the holder under section 2923.125 of the Revised Code. This section also does not apply to an employee of the holder of the D permit who is authorized by the holder of the D permit to carry a handgun in the room or open air arena in which liquor is being dispensed and who is carrying a valid license to carry a concealed handgun issued to the employee under section 2923.125 of the Revised Code.

624
625
626
627
628
629
630
631

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

632
633
634
635

(1) The firearm 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 character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

636
637
638
639
640
641
642

(2) The firearm 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 a member of the actor's family, or upon the actor's home, such as would justify a prudent person in going armed.

643
644
645
646
647
648

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

649
650
651
652
653
654

<u>Revised Code.</u>	655
<u>(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.</u>	656 657 658 659
<u>(E) Whoever violates this section is guilty of illegal possession of a firearm in liquor permit premises, a felony of the fifth degree.</u>	660 661 662
Sec. 2923.122. (A) No person shall knowingly convey, or attempt to convey, a deadly weapon or dangerous ordnance into a school safety zone.	663 664 665
(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.	666 667
(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:	668 669
(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.	670 671
(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.	672 673 674
(D) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry deadly weapons or dangerous ordnance and acting within the scope of their duties, to any security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or to any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a	675 676 677 678 679 680 681 682 683 684

deadly weapon or dangerous ordnance in a school safety zone and 685
who conveys or possesses the deadly weapon or dangerous ordnance 686
in accordance with that authorization. 687

Division (C) of this section does not apply to premises upon 688
which home schooling is conducted. Division (C) of this section 689
also does not apply to a school administrator, teacher, or 690
employee who possesses an object that is indistinguishable from a 691
firearm for legitimate school purposes during the course of 692
employment, a student who uses an object that is indistinguishable 693
from a firearm under the direction of a school administrator, 694
teacher, or employee, or any other person who with the express 695
prior approval of a school administrator possesses an object that 696
is indistinguishable from a firearm for a legitimate purpose, 697
including the use of the object in a ceremonial activity, a play, 698
reenactment, or other dramatic presentation, or a ROTC activity or 699
another similar use of the object. 700

This section does not apply to a person who, at the time of 701
conveying or attempting to convey a handgun into, or possessing a 702
handgun in, a school safety zone, is carrying a valid license to 703
carry a concealed handgun issued to the person under section 704
2923.125 of the Revised Code and is in the school safety zone in 705
accordance with 18 U.S.C. 922(g)(2)(B), unless the person 706
knowingly is in a place described in division (B) of section 707
2923.126 of the Revised Code. 708

(E)(1) Whoever violates division (A) or (B) of this section 709
is guilty of illegal conveyance or possession of a deadly weapon 710
or dangerous ordnance in a school safety zone. Except as otherwise 711
provided in this division, illegal conveyance or possession of a 712
deadly weapon or dangerous ordnance in a school safety zone is a 713
felony of the fifth degree. If the offender previously has been 714
convicted of a violation of this section, illegal conveyance or 715
possession of a deadly weapon or dangerous ordnance in a school 716

safety zone is a felony of the fourth degree. 717

(2) Whoever violates division (C) of this section is guilty 718
of illegal possession of an object indistinguishable from a 719
firearm in a school safety zone. Except as otherwise provided in 720
this division, illegal possession of an object indistinguishable 721
from a firearm in a school safety zone is a misdemeanor of the 722
first degree. If the offender previously has been convicted of a 723
violation of this section, illegal possession of an object 724
indistinguishable from a firearm in a school safety zone is a 725
felony of the fifth degree. 726

(F)(1) In addition to any other penalty imposed upon a person 727
who is convicted of or pleads guilty to a violation of this 728
section and subject to division (F)(2) of this section, if the 729
offender has not attained nineteen years of age, regardless of 730
whether the offender is attending or is enrolled in a school 731
operated by a board of education or for which the state board of 732
education prescribes minimum standards under section 3301.07 of 733
the Revised Code, the court shall impose upon the offender 734
whichever of the following penalties applies: 735

(a) If the offender has been issued a probationary driver's 736
license, restricted license, driver's license, or probationary 737
commercial driver's license that then is in effect, the court 738
shall suspend for a period of not less than twelve months and not 739
more than thirty-six months that license of the offender. 740

(b) If the offender has been issued a temporary instruction 741
permit that then is in effect, the court shall revoke it and deny 742
the offender the issuance of another temporary instruction permit, 743
and the period of denial shall be for not less than twelve months 744
and not more than thirty-six months. 745

(c) If the offender has been issued a commercial driver's 746
license temporary instruction permit that then is in effect, the 747

court shall suspend the offender's driver's license, revoke the 748
commercial driver's license temporary instruction permit, and deny 749
the offender the issuance of another commercial driver's license 750
temporary instruction permit, and the period of suspension plus 751
the period of denial shall total not less than twelve months and 752
not more than thirty-six months. 753

(d) If, on the date the court imposes sentence upon the 754
offender for a violation of this section, the offender has not 755
been issued any type of license that then is in effect to operate 756
a motor vehicle in this state or a temporary instruction permit 757
that then is in effect, the court shall deny the offender the 758
issuance of a temporary instruction permit for a period of not 759
less than twelve months and not more than thirty-six months. 760

(e) If the offender is not a resident of this state, the 761
court shall suspend for a period of not less than twelve months 762
and not more than thirty-six months the nonresident operating 763
privilege of the offender. 764

(2) If the offender shows good cause why the court should not 765
suspend or revoke one of the types of licenses, permits, or 766
privileges specified in division (F)(1) of this section or deny 767
the issuance of one of the temporary instruction permits specified 768
in that division, the court in its discretion may choose not to 769
impose the suspension, revocation, or denial required in that 770
division. 771

(G) As used in this section, "object that is 772
indistinguishable from a firearm" means an object made, 773
constructed, or altered so that, to a reasonable person without 774
specialized training in firearms, the object appears to be a 775
firearm. 776

Sec. 2923.123. (A) No person shall knowingly convey or 777
attempt to convey a deadly weapon or dangerous ordnance into a 778

courthouse or into another building or structure in which a 779
courtroom is located. 780

(B) No person shall knowingly possess or have under the 781
person's control a deadly weapon or dangerous ordnance in a 782
courthouse or in another building or structure in which a 783
courtroom is located. 784

(C) This section does not apply to any of the following: 785

(1) A judge of a court of record of this state or a 786
magistrate, unless a rule of superintendence or another type of 787
rule adopted by the supreme court pursuant to Article IV, Ohio 788
Constitution, or an applicable local rule of court prohibits all 789
persons from conveying or attempting to convey a deadly weapon or 790
dangerous ordnance into a courthouse or into another building or 791
structure in which a courtroom is located or from possessing or 792
having under one's control a deadly weapon or dangerous ordnance 793
in a courthouse or in another building or structure in which a 794
courtroom is located; 795

(2) A peace officer, or an officer of a law enforcement 796
agency of another state, a political subdivision of another state, 797
or the United States, who is authorized to carry a deadly weapon 798
or dangerous ordnance, who possesses or has under that 799
individual's control a deadly weapon or dangerous ordnance as a 800
requirement of that individual's duties, and who is acting within 801
the scope of that individual's duties at the time of that 802
possession or control, unless a rule of superintendence or another 803
type of rule adopted by the supreme court pursuant to Article IV, 804
Ohio Constitution, or an applicable local rule of court prohibits 805
all persons from conveying or attempting to convey a deadly weapon 806
or dangerous ordnance into a courthouse or into another building 807
or structure in which a courtroom is located or from possessing or 808
having under one's control a deadly weapon or dangerous ordnance 809

in a courthouse or in another building or structure in which a 810
courtroom is located; 811

(3) A person who conveys, attempts to convey, possesses, or 812
has under the person's control a deadly weapon or dangerous 813
ordnance that is to be used as evidence in a pending criminal or 814
civil action or proceeding; 815

(4) A bailiff or deputy bailiff of a court of record of this 816
state who is authorized to carry a firearm pursuant to section 817
109.77 of the Revised Code, who possesses or has under that 818
individual's control a firearm as a requirement of that 819
individual's duties, and who is acting within the scope of that 820
individual's duties at the time of that possession or control, 821
unless a rule of superintendence or another type of rule adopted 822
by the supreme court pursuant to Article IV, Ohio Constitution, or 823
an applicable local rule of court prohibits all persons from 824
conveying or attempting to convey a deadly weapon or dangerous 825
ordnance into a courthouse or into another building or structure 826
in which a courtroom is located or from possessing or having under 827
one's control a deadly weapon or dangerous ordnance in a 828
courthouse or in another building or structure in which a 829
courtroom is located; 830

(5) A prosecutor, or a secret service officer appointed by a 831
county prosecuting attorney, who is authorized to carry a deadly 832
weapon or dangerous ordnance in the performance of the 833
individual's duties, who possesses or has under that individual's 834
control a deadly weapon or dangerous ordnance as a requirement of 835
that individual's duties, and who is acting within the scope of 836
that individual's duties at the time of that possession or 837
control, unless a rule of superintendence or another type of rule 838
adopted by the supreme court pursuant to Article IV of the Ohio 839
Constitution or an applicable local rule of court prohibits all 840
persons from conveying or attempting to convey a deadly weapon or 841

dangerous ordnance into a courthouse or into another building or 842
structure in which a courtroom is located or from possessing or 843
having under one's control a deadly weapon or dangerous ordnance 844
in a courthouse or in another building or structure in which a 845
courtroom is located; 846

(6) A person who conveys or attempts to convey a handgun into 847
a courthouse or into another building or structure in which a 848
courtroom is located, who, at the time of the conveyance or 849
attempt, is carrying a valid license to carry a concealed handgun 850
issued to the person under section 2923.125 of the Revised Code, 851
and who transfers possession of the handgun to the officer or 852
officer's designee who has charge of the courthouse or building. 853
The officer shall secure the handgun until the licensee is 854
prepared to leave the premises. The exemption described in this 855
division does not apply if a rule of superintendence or another 856
type of rule adopted by the supreme court pursuant to Article IV, 857
Ohio Constitution, or if an applicable local rule of court 858
prohibits all persons from conveying or attempting to convey a 859
deadly weapon or dangerous ordnance into a courthouse or into 860
another building or structure in which a courtroom is located or 861
from possessing or having under one's control a deadly weapon or 862
dangerous ordnance in a courthouse or in another building or 863
structure in which a courtroom is located. 864

(D)(1) Whoever violates division (A) of this section is 865
guilty of illegal conveyance of a deadly weapon or dangerous 866
ordnance into a courthouse. Except as otherwise provided in this 867
division, illegal conveyance of a deadly weapon or dangerous 868
ordnance into a courthouse is a felony of the fifth degree. If the 869
offender previously has been convicted of a violation of division 870
(A) or (B) of this section, illegal conveyance of a deadly weapon 871
or dangerous ordnance into a courthouse is a felony of the fourth 872
degree. 873

(2) Whoever violates division (B) of this section is guilty 874
of illegal possession or control of a deadly weapon or dangerous 875
ordnance in a courthouse. Except as otherwise provided in this 876
division, illegal possession or control of a deadly weapon or 877
dangerous ordnance in a courthouse is a felony of the fifth 878
degree. If the offender previously has been convicted of a 879
violation of division (A) or (B) of this section, illegal 880
possession or control of a deadly weapon or dangerous ordnance in 881
a courthouse is a felony of the fourth degree. 882

(E) As used in this section: 883

(1) "Magistrate" means an individual who is appointed by a 884
court of record of this state and who has the powers and may 885
perform the functions specified in Civil Rule 53, Criminal Rule 886
19, or Juvenile Rule 40. 887

(2) "Peace officer" and "prosecutor" have the same meanings 888
as in section 2935.01 of the Revised Code. 889

Sec. 2923.124. As used in sections 2923.124 to 2923.1212 of 890
the Revised Code: 891

(A) "Application form" means the application form prescribed 892
pursuant to division (A)(1) of section 109.731 of the Revised Code 893
and includes a copy of that form. 894

(B) "Competency certification" and "competency certificate" 895
mean a document of the type described in division (B)(3) of 896
section 2923.125 of the Revised Code. 897

(C) "Detention facility" has the same meaning as in section 898
2921.01 of the Revised Code. 899

(D) "Licensee" means a person to whom a license to carry a 900
concealed handgun has been issued under section 2923.125 of the 901
Revised Code. 902

(E) "License fee" or "license renewal fee" means the fee for a license to carry a concealed handgun or the fee to renew that license that is prescribed pursuant to division (C) of section 109.731 of the Revised Code and that is to be paid by an applicant for a license of that type. 903
904
905
906
907

(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 908
909

(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code. 910
911

(H) "Valid license" means a license to carry a concealed handgun that has been issued under section 2923.125 of the Revised Code, that is currently valid, that is not under a suspension under division (A)(1) of section 2923.128 of the Revised Code, and that has not been revoked under division (B)(1) of section 2923.128 of the Revised Code. 912
913
914
915
916
917

Sec. 2923.125. (A) Upon the request of a person who wishes to obtain a license to carry a concealed handgun or to renew a license to carry a concealed handgun, a sheriff shall provide to the person free of charge an application form and a copy of the pamphlet described in division (B) of section 109.731 of the Revised Code. 918
919
920
921
922
923

(B) An applicant for a license to carry a concealed handgun shall submit a completed application form and all of the following to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides: 924
925
926
927
928

(1) A nonrefundable license fee prescribed by the Ohio peace officer training commission pursuant to division (C) of section 109.731 of the Revised Code, except that the sheriff shall waive the payment of the license fee in connection with an initial or 929
930
931
932

renewal application for a license that is submitted by an 933
applicant who is a retired peace officer, a retired person 934
described in division (B)(1)(b) of section 109.77 of the Revised 935
Code, a retired federal law enforcement officer who, prior to 936
retirement, was authorized under federal law to carry a firearm in 937
the course of duty, or a retired corrections officer who, prior to 938
retirement, had successfully completed a basic firearms training 939
program approved by the Ohio peace officer training commission and 940
who was authorized to carry a firearm in the course of duty, 941
unless the retired peace officer, person, federal law enforcement 942
officer, or corrections officer retired as the result of a mental 943
disability; 944

(2) A color photograph of the applicant that was taken within 945
thirty days prior to the date of the application; 946

(3) Unless the applicant is a retired peace officer, federal 947
law enforcement officer, or corrections officer described in 948
division (B)(1) of this section or a retired person described in 949
division (B)(1)(b) of section 109.77 of the Revised Code and 950
division (B)(1) of this section, one or more of the following 951
competency certifications, each of which shall reflect that within 952
the three years immediately preceding the application the 953
applicant has performed that to which the competency certification 954
relates: 955

(a) An original or photocopy of a certificate of completion 956
of a firearms safety, training, or requalification or firearms 957
safety instructor course, class, or program that was offered by or 958
under the auspices of the national rifle association and that 959
complies with the requirements set forth in division (G) of this 960
section; 961

(b) An original or photocopy of a certificate of completion 962
of a firearms safety, training, or requalification or firearms 963

safety instructor course, class, or program that was open to 964
members of the general public, that utilized qualified instructors 965
who were certified by the national rifle association, the 966
executive director of the Ohio peace officer training commission 967
pursuant to section 109.75 or 109.78 of the Revised Code, or a 968
governmental official or entity of another state, that was offered 969
by or under the auspices of a law enforcement agency of this or 970
another state or the United States, a public or private college, 971
university, or other similar postsecondary educational institution 972
located in this or another state, a firearms training school 973
located in this or another state, or another type of public or 974
private entity or organization located in this or another state, 975
and that complies with the requirements set forth in division (G) 976
of this section; 977

(c) An original or photocopy of a certificate of completion 978
of a state, county, municipal, or department of natural resources 979
peace officer training school that is approved by the executive 980
director of the Ohio peace officer training commission pursuant to 981
section 109.75 of the Revised Code and that complies with the 982
requirements set forth in division (G) of this section, or the 983
applicant has satisfactorily completed and been issued a 984
certificate of completion of a basic firearms training program, a 985
firearms requalification training program, or another basic 986
training program described in section 109.78 or 109.801 of the 987
Revised Code that complies with the requirements set forth in 988
division (G) of this section; 989

(d) A document that evidences both of the following: 990

(i) That the applicant is an active or reserve member of the 991
armed forces of the United States or was honorably discharged from 992
military service in the active or reserve armed forces of the 993
United States; 994

(ii) That, through participation in the military service 995
described in division (B)(3)(d)(i) of this section, the applicant 996
acquired experience with handling handguns or other firearms, and 997
the experience so acquired was equivalent to training that the 998
applicant could have acquired in a course, class, or program 999
described in division (B)(3)(a), (b), or (c) of this section. 1000

(e) A certificate or another similar document that evidences 1001
satisfactory completion of a firearms training, safety, or 1002
requalification or firearms safety instructor course, class, or 1003
program that is not otherwise described in division (B)(3)(a), 1004
(b), (c), or (d) of this section, that was conducted by an 1005
instructor who was certified by an official or entity of the 1006
government of this or another state or the United States or by the 1007
national rifle association, and that complies with the 1008
requirements set forth in division (G) of this section; 1009

(f) An affidavit that attests to the applicant's satisfactory 1010
completion of a course, class, or program described in division 1011
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 1012
by the applicant's instructor or an authorized representative of 1013
the entity that offered the course, class, or program or under 1014
whose auspices the course, class, or program was offered; 1015

(g) A valid license to carry a handgun in this state or in a 1016
county or municipal corporation of this state, other than a 1017
license issued under this section, that was or is issued prior to, 1018
on, or after the effective date of this section and has not been 1019
revoked for cause. 1020

(4) If applicable, a certification of the type or a copy of 1021
the court order described in division (D)(6) of this section. 1022

(C) Upon receipt of an applicant's completed application 1023
form, supporting documentation, and, if not waived, license fee, a 1024
sheriff shall conduct or cause to be conducted the criminal 1025

records check described in section 311.41 of the Revised Code. 1026

(D)(1) Except as provided in division (D)(3), (4), or (5) of 1027
this section, within forty-five days after receipt of an 1028
applicant's completed application form for a license to carry a 1029
concealed handgun, the supporting documentation, and, if not 1030
waived, license fee, a sheriff shall issue to the applicant a 1031
license to carry a concealed handgun that shall expire four years 1032
after the date of issuance if all of the following apply: 1033

(a) The applicant has been a resident of this state for at 1034
least forty-five days and a resident of the county in which the 1035
person seeks the license or a county adjacent to the county in 1036
which the person seeks the license for at least thirty days. 1037

(b) The applicant is at least twenty-one years of age. 1038

(c) The applicant is not a fugitive from justice. 1039

(d) The applicant is not under indictment for or otherwise 1040
charged with a felony; an offense under Chapter 2925., 3719., or 1041
4729. of the Revised Code that involves the illegal possession, 1042
use, sale, administration, or distribution of or trafficking in a 1043
drug of abuse; a misdemeanor offense of violence; or a violation 1044
of section 2903.14 or 2923.1211 of the Revised Code. 1045

(e) The applicant has not been convicted of, pleaded guilty 1046
to, or been adjudicated a delinquent child for an act that if 1047
committed by an adult would be a felony; an offense under Chapter 1048
2925., 3719., or 4729. of the Revised Code that involves the 1049
illegal possession, use, sale, administration, or distribution of 1050
or trafficking in a drug of abuse; or a violation of section 1051
2903.13 of the Revised Code when the victim of the violation is a 1052
peace officer, regardless of whether the applicant was sentenced 1053
under division (C)(3) of that section. 1054

(f) The applicant, within three years of the date of the 1055

application, has not been convicted of, pleaded guilty to, or been 1056
adjudicated a delinquent child for an act that if committed by an 1057
adult would be a misdemeanor offense of violence other than a 1058
misdemeanor violation of section 2921.33 of the Revised Code or a 1059
violation of section 2903.13 of the Revised Code when the victim 1060
of the violation is a peace officer, or a misdemeanor violation of 1061
section 2923.1211 of the Revised Code. 1062

(g) Except as otherwise provided in division (D)(1)(e) of 1063
this section, the applicant, within five years of the date of the 1064
application, has not been convicted of, pleaded guilty to, or been 1065
adjudicated a delinquent child for committing two or more 1066
violations of section 2903.13 or 2903.14 of the Revised Code. 1067

(h) The applicant, within ten years of the date of the 1068
application, has not been convicted of, pleaded guilty to, or been 1069
adjudicated a delinquent child for violating section 2921.33 of 1070
the Revised Code. 1071

(i) Subject to division (D)(6) of this section, the applicant 1072
is not currently under an adjudication of mental incompetence and 1073
has not been involuntarily hospitalized or institutionalized 1074
pursuant to a court order. 1075

(j) The applicant is not currently subject to a temporary or 1076
permanent protection order issued pursuant to section 2919.26 or 1077
3113.31 of the Revised Code. 1078

(k) The applicant certifies that the applicant desires a 1079
legal means to carry a concealed handgun for defense of the 1080
applicant or a member of the applicant's family while engaged in 1081
lawful activity. 1082

(l) The applicant submits a competency certification of the 1083
type described in division (B)(3) of this section unless that 1084
competency certification is not required. 1085

(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. 1086
1087
1088
1089
1090

(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. 1091
1092
1093
1094
1095
1096
1097

(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 Revised Code, the sheriff shall file a petition in the court of common pleas of the sheriff's county that requests the court to review the applicant's application and supporting documentation and other relevant information that the sheriff submits and that was acquired in connection with the application and that requests the court to authorize the sheriff to deny the requested license. The sheriff shall serve the applicant with a copy of the petition in the manner prescribed in the Rules of Civil Procedure for the service of process regarding complaints. Upon the request of either the sheriff or the applicant, the court shall promptly hold a hearing on the petition prior to making a determination under division (D)(4)(b) of this section. 1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113

(b) If the court determines that the sheriff who filed a petition under division (D)(4)(a) of this section established by clear and convincing evidence that the applicant does not satisfy the requirements described in division (D)(1) of this section for 1114
1115
1116
1117

reasons other than the criminal records check, the court shall 1118
authorize the sheriff to deny the requested license. If the court 1119
determines that the sheriff has not sustained that burden of 1120
proof, it shall order the sheriff to issue the requested license 1121
and to pay any reasonable attorney's fees incurred by the 1122
applicant under division (D)(4) of this section. 1123

(5) If the sheriff determines the applicant is a resident of 1124
the county in which the applicant seeks the license or of an 1125
adjacent county but does not yet meet the residency requirements 1126
described in division (D)(1)(a) of this section, the sheriff shall 1127
not deny the license because of the residency requirements but 1128
shall not issue the license until the applicant meets those 1129
residency requirements. 1130

(6) A person who previously has been declared incompetent or 1131
involuntarily hospitalized or institutionalized pursuant to court 1132
order shall be eligible for a license to carry a concealed handgun 1133
under this section if the person submits either of the following: 1134

(a) A certification by a physician licensed pursuant to 1135
Chapter 4731. of the Revised Code whose primary practice is in the 1136
field of psychiatry that the condition that resulted in the 1137
applicant's involuntary hospitalization or institutionalization is 1138
in remission and is not reasonably likely to redevelop at a future 1139
time and that the applicant no longer represents a risk of 1140
physical harm to others; 1141

(b) A copy of the court order reversing or vacating the court 1142
order adjudicating the person to be mentally incompetent or the 1143
order under which the applicant had been involuntarily 1144
hospitalized or institutionalized. 1145

(E) If a license to carry a concealed handgun issued under 1146
this section is lost or is destroyed, the licensee may obtain from 1147
the sheriff who issued that license a duplicate license upon the 1148

payment of a fee of fifteen dollars and the submission of an 1149
affidavit attesting to the loss or destruction of the license. 1150

(F) A licensee who wishes to renew a license to carry a 1151
concealed handgun shall do so within thirty days after the 1152
expiration date of the license by filing with the sheriff of the 1153
county in which the applicant resides or with the sheriff of an 1154
adjacent county an application for renewal of the license obtained 1155
pursuant to division (D) of this section, a new color photograph 1156
of the licensee that was taken within thirty days prior to the 1157
date of the renewal application, and a nonrefundable license 1158
renewal fee unless the fee is waived. The licensee is not required 1159
to submit a new competency certificate. 1160

Upon receipt of a completed renewal application, color 1161
photograph, and license renewal fee unless the fee is waived, a 1162
sheriff shall conduct or cause to be conducted the criminal 1163
records check described in section 311.41 of the Revised Code. The 1164
sheriff shall renew the license if the sheriff determines that the 1165
applicant continues to satisfy the requirements described in 1166
division (D)(1) of this section. A renewed license shall expire 1167
four years after the date of issuance and is subject to division 1168
(E) of this section and sections 2923.126 and 2923.128 of the 1169
Revised Code. A sheriff shall comply with divisions (D)(2) to (5) 1170
of this section when the circumstances described in those 1171
divisions apply to a requested license renewal. 1172

(G)(1) Each course, class, or program described in division 1173
(B)(3)(a), (b), (c), or (e) of this section shall include at least 1174
twelve hours of training in the safe handling and use of a firearm 1175
that shall include all of the following: 1176

(a) The ability to name, explain, and demonstrate the rules 1177
for safe handling of a handgun; 1178

(b) The ability to demonstrate and explain how to handle 1179

ammunition in a safe manner; 1180

(c) The ability to demonstrate the knowledge, skills, and 1181
aptitude necessary to shoot a handgun in a safe manner; 1182

(d) Range time, live fire training, and gun handling 1183
training. 1184

(2) To satisfactorily complete the course, class, or program 1185
described in division (B)(3)(a), (b), (c), or (e) of this section, 1186
the applicant shall pass a competency examination that shall 1187
include both of the following: 1188

(a) A written section on the ability to name and explain the 1189
rules for the safe handling of a handgun and proper storage 1190
practices for handguns and ammunition; 1191

(b) A physical demonstration of competence in the use of a 1192
handgun and in the rules for safe handling and storage of a 1193
handgun and a physical demonstration of the aptitude necessary to 1194
shoot a handgun in a safe manner. 1195

(3) The competency certification described in division 1196
(B)(3)(a), (b), (c), or (e) of this section shall attest that the 1197
course, class, or program the applicant successfully completed met 1198
the requirements described in division (G)(1) of this section. 1199

Sec. 2923.126. (A) A license to carry a concealed handgun 1200
that is issued under section 2923.125 of the Revised Code shall 1201
expire four years after the date of issuance. A licensee shall be 1202
granted a grace period of thirty days after the licensee's license 1203
expires during which the licensee's license remains valid. Except 1204
as provided in divisions (B) and (C) of this section, the licensee 1205
may carry a concealed handgun anywhere in this state if the 1206
licensee also carries a valid license and valid identification 1207
when the licensee is in actual possession of a concealed handgun. 1208
The licensee shall give notice of any change in the licensee's 1209

residence address to the sheriff who issued the license within 1210
forty-five days after that change. If a law enforcement officer 1211
approaches a stopped vehicle as the result of a traffic stop or a 1212
stop for another law enforcement purpose and a licensee is the 1213
driver or an occupant of that vehicle and if the licensee is 1214
carrying a concealed handgun at the time the officer approaches 1215
the vehicle, the licensee shall promptly inform the officer that 1216
the licensee has been issued a license to carry a concealed 1217
handgun and that the licensee currently is carrying a concealed 1218
handgun. 1219

(B) A valid license does not authorize the licensee to carry 1220
a concealed handgun into any of the following places: 1221

(1) The secured area of a police station, sheriff's office, 1222
or state highway patrol station, premises controlled by the bureau 1223
of criminal identification and investigation, a state correctional 1224
institution, jail, workhouse, or other detention facility, an 1225
airport passenger terminal, or an institution that is maintained, 1226
operated, managed, and governed pursuant to division (A) of 1227
section 5119.02 of the Revised Code or division (A)(1) of section 1228
5123.03 of the Revised Code; 1229

(2) A school safety zone, in violation of section 2923.122 of 1230
the Revised Code; 1231

(3) A courthouse or another building or structure in which a 1232
courtroom is located, in violation of section 2923.123 of the 1233
Revised Code; 1234

(4) Any room or open air arena in which liquor is being 1235
dispensed in premises for which a D permit has been issued under 1236
Chapter 4303. of the Revised Code, in violation of section 1237
2923.121 of the Revised Code; 1238

(5) The premises of any public or private college, 1239

university, or other institution of higher education, unless the 1240
handgun is in a locked motor vehicle or the licensee is in the 1241
immediate process of placing the handgun in a locked motor 1242
vehicle; 1243

(6) Any church, synagogue, mosque, or other place of worship, 1244
unless the church, synagogue, mosque, or other place of worship 1245
posts or permits otherwise; 1246

(7) A place in which federal law prohibits the carrying of 1247
handguns. 1248

(C)(1) Nothing in this section shall negate or restrict a 1249
rule, policy, or practice of a private employer that is not a 1250
private college, university, or other institution of higher 1251
education concerning or prohibiting the presence of firearms on 1252
the private employer's premises or property, including motor 1253
vehicles owned by the private employer, except that a licensee may 1254
keep a handgun in a locked motor vehicle that is not owned by the 1255
private employer. Nothing in this section shall require a private 1256
employer of that nature to adopt a rule, policy, or practice 1257
concerning or prohibiting the presence of firearms on the private 1258
employer's premises or property, including motor vehicles owned by 1259
the private employer. 1260

(2) A private employer shall be immune from liability in a 1261
civil action for any injury, death, or loss to person or property 1262
that allegedly was caused by or related to a licensee bringing a 1263
handgun onto the premises or property of the private employer, 1264
including motor vehicles owned by the private employer, unless the 1265
private employer acted with malicious purpose. A private employer 1266
is immune from liability in a civil action for any injury, death, 1267
or loss to person or property that allegedly was caused by or 1268
related to the private employer's decision to permit a licensee to 1269
bring, or prohibit a licensee from bringing, a handgun onto the 1270

premises or property of the private employer. As used in this 1271
division, "private employer" includes a private college, 1272
university, or other institution of higher education. 1273

(3) The owner or person in control of private land or 1274
premises, and a private person or entity leasing land or premises 1275
owned by the state, the United States, or a political subdivision 1276
of the state or the United States, may post a sign in a 1277
conspicuous location on that land or on those premises prohibiting 1278
persons from carrying firearms or concealed firearms on or onto 1279
that land or those premises. A person who knowingly violates a 1280
posted prohibition of that nature is guilty of criminal trespass 1281
in violation of division (A)(4) of section 2911.21 of the Revised 1282
Code and is guilty of a misdemeanor of the fourth degree. 1283

(D) A person who holds a license to carry a concealed handgun 1284
that was issued pursuant to the law of another state has the same 1285
right to carry a concealed handgun in this state as a person who 1286
was issued a license to carry a concealed handgun under section 1287
2923.125 of the Revised Code and is subject to the same 1288
restrictions that apply to a person who carries a license issued 1289
under that section. 1290

Sec. 2923.127. (A) If a sheriff denies an application for a 1291
license to carry a concealed handgun or denies the renewal of a 1292
license to carry a concealed handgun as a result of the criminal 1293
records check conducted pursuant to section 311.41 of the Revised 1294
Code and if the applicant believes the denial was based on 1295
incorrect information reported by the source the sheriff used in 1296
conducting the criminal records check, the applicant may file a 1297
written request with the source requesting the source to conduct 1298
another criminal records check with respect to the applicant, to 1299
correct all erroneous information in the source's records that 1300
relates to the applicant and that may be relevant to the 1301

applicant's eligibility for a license to carry a concealed 1302
handgun, and to transmit the corrected information to the sheriff. 1303

If the source fails to perform those functions within 1304
fourteen days or denies the applicant's request, the applicant may 1305
file in the court of common pleas of the applicant's county of 1306
residence a complaint that requests the court to order the source 1307
to perform those functions. The court shall order the source to 1308
perform the requested functions if the applicant establishes by 1309
clear and convincing evidence all of the following: 1310

(1) The source's records contain erroneous information that 1311
relates to the applicant and that may be relevant to a sheriff's 1312
determination as to the applicant's eligibility for a license. 1313

(2) The erroneous information should be corrected. 1314

(3) The source's records as so corrected contain, and the 1315
criminal records check otherwise contained, no information that 1316
may be relevant to a sheriff's determination as to the applicant's 1317
eligibility for a license. 1318

(B) If a court enters an order of the type described in 1319
division (A) of this section, within twenty days after the source 1320
transmits corrected information to the sheriff who denied the 1321
issuance or renewal of the license, the destruction of records 1322
provisions of divisions (B) and (C) of section 311.41 of the 1323
Revised Code shall apply to the chief operating officer of the 1324
source or an employee of the source designated by that officer. 1325

Sec. 2923.128. (A)(1) If a licensee holding a valid license 1326
is arrested for or otherwise charged with an offense described in 1327
division (D)(1)(d) of section 2923.125 of the Revised Code or with 1328
a violation of section 2923.15 of the Revised Code or becomes 1329
subject to a temporary protection order issued pursuant to section 1330
2919.26 or 3113.31 of the Revised Code, the sheriff who issued the 1331

license shall suspend it and shall comply with division (A)(3) of 1332
this section upon becoming aware of the arrest, charge, or 1333
temporary protection order. 1334

(2) A suspension under division (A)(1) of this section shall 1335
be considered as beginning on the date that the licensee is 1336
arrested for or otherwise charged with an offense described in 1337
that division or on the date the appropriate court issued the 1338
temporary protection order described in that division, 1339
irrespective of when the sheriff notifies the licensee under 1340
division (A)(3) of this section. The suspension shall end on the 1341
date on which the charges are dismissed or the licensee is found 1342
not guilty of the offense described in division (A)(1) of this 1343
section or, subject to division (B) of this section, on the date 1344
the appropriate court terminates the temporary protection order 1345
described in that division. If the suspension so ends, the sheriff 1346
shall return the license to the licensee. 1347

(3) Upon becoming aware of an arrest, charge, or temporary 1348
protection order described in division (A)(1) of this section with 1349
respect to a licensee, the sheriff who issued the licensee's 1350
license to carry a concealed handgun shall notify the licensee, by 1351
certified mail, return receipt requested, at the licensee's last 1352
known residence address that the license has been suspended and 1353
that the licensee is required to surrender the license at the 1354
sheriff's office within ten days of the date on which the notice 1355
was mailed. 1356

(B)(1) A sheriff who issues a license to carry a concealed 1357
handgun to a licensee shall revoke the license in accordance with 1358
division (B)(2) of this section upon becoming aware that the 1359
licensee satisfies any of the following: 1360

(a) The licensee is under twenty-one years of age. 1361

(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. 1362
1363
1364
1365

(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. 1366
1367
1368
1369
1370

(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. 1371
1372
1373

(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. 1374
1375
1376

(f) On or after the date on which the license was issued, the licensee is adjudicated to be mentally incompetent or has been involuntarily hospitalized or institutionalized pursuant to a court order. 1377
1378
1379
1380

(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. 1381
1382
1383
1384

(h) The competency certificate the licensee submitted was forged or otherwise was fraudulent. 1385
1386

(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 1387
1388
1389
1390
1391

residence address that the license is subject to revocation and 1392
that the licensee may come to the sheriff's office and contest the 1393
sheriff's proposed revocation within fourteen days of the date on 1394
which the notice was mailed. After the fourteen-day period and 1395
after consideration of any information that the licensee provides 1396
during that period, if the sheriff determines on the basis of the 1397
information of which the sheriff is aware that the licensee is 1398
described in division (B)(1) of this section and no longer 1399
satisfies the requirements described in division (D)(1) of section 1400
2923.125 of the Revised Code, the sheriff shall revoke the 1401
license, notify the licensee of that fact, and require the 1402
licensee to surrender the license. 1403

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 1404
bureau of criminal identification and investigation, the employees 1405
of the bureau, the Ohio peace officer training commission, or the 1406
employees of the commission make a good faith effort in performing 1407
the duties imposed upon the sheriff, the superintendent, the 1408
bureau's employees, the commission, or the commission's employees 1409
by sections 109.731, 311.41, and 2923.124 to 2923.1212 of the 1410
Revised Code, in addition to the personal immunity provided by 1411
section 9.86 of the Revised Code or division (A)(6) of section 1412
2744.03 of the Revised Code and the governmental immunity of 1413
sections 2744.02 and 2744.03 of the Revised Code and in addition 1414
to any other immunity possessed by the bureau, the commission, and 1415
their employees, the sheriff, the sheriff's office, the county in 1416
which the sheriff has jurisdiction, the bureau, the superintendent 1417
of the bureau, the bureau's employees, the commission, and the 1418
commission's employees are immune from liability in a civil action 1419
for injury, death, or loss to person or property that allegedly 1420
was caused by or related to any of the following: 1421

(a) The issuance, renewal, suspension, or revocation of a 1422

<u>license to carry a concealed handgun;</u>	1423
<u>(b) The failure to issue, renew, suspend, or revoke a license to carry a concealed handgun;</u>	1424
<u>(c) Any action or misconduct with a handgun committed by a licensee.</u>	1426
<u>(2) Any action of a sheriff relating to the issuance, renewal, suspension, or revocation of a license to carry a concealed handgun shall be considered to be a governmental function for purposes of Chapter 2744. of the Revised Code.</u>	1427
<u>(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:</u>	1428
<u>(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.</u>	1429
<u>(b) The entity or instructor makes a good faith effort in determining whether the person has satisfactorily completed the course, class, or program.</u>	1430
<u>(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner.</u>	1431
<u>(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</u>	1432
	1433
	1434
	1435
	1436
	1437
	1438
	1439
	1440
	1441
	1442
	1443
	1444
	1445
	1446
	1447
	1448
	1449
	1450
	1451
	1452

act allegedly involved the peace officer's use of the concealed 1453
handgun. Sections 9.86 and 9.87 of the Revised Code apply to any 1454
civil action involving a peace officer's use of a concealed 1455
handgun in the performance of the peace officer's duties while the 1456
peace officer is off duty. 1457

(B) Notwithstanding section 149.43 of the Revised Code, the 1458
records that a sheriff keeps relative to the issuance, renewal, 1459
suspension, or revocation of a license to carry a concealed 1460
handgun, including, but not limited to, completed applications for 1461
the issuance or renewal of a license, reports of criminal records 1462
checks under section 311.41 of the Revised Code, and applicants' 1463
social security numbers and fingerprints that are obtained under 1464
divisions (A)(1) and (2) of section 311.41 of the Revised Code, 1465
are confidential and are not public records. No person shall 1466
release or otherwise disseminate records that are confidential 1467
under this division unless required to do so pursuant to a court 1468
order. 1469

(C) Each sheriff shall report to the Ohio peace officer 1470
training commission the number of licenses to carry a concealed 1471
handgun that the sheriff issued, renewed, suspended, revoked, or 1472
denied during the previous quarter of the calendar year and the 1473
number of applications for those licenses that were suspended in 1474
accordance with division (D)(3) of section 2923.125 of the Revised 1475
Code during the previous quarter of the calendar year. The sheriff 1476
shall not include in the report the name or any other identifying 1477
information of an applicant or licensee. The sheriff shall report 1478
that information in a manner that permits the commission to 1479
maintain the statistics described in division (D) of section 1480
109.731 of the Revised Code and to timely prepare the statistical 1481
report described in that division. This information is 1482
confidential and is not a public record. No person shall release 1483
or otherwise disseminate records that are confidential under this 1484

..... 1504

Mailing Address (If Different From Above): 1505

Street City State Zip 1506

..... 1507

Date of Birth Place of Birth Sex Race Residence 1508

Telephone

...../...../..... (.....)..... 1509

SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO 1510

(1) Have you been a resident of Ohio for at YES NO 1511

least forty-five days and have you been a resident for thirty days of the county with 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 1512

(3) Are you a fugitive from justice? YES NO 1513

(4) Are you under indictment for a felony, YES NO 1514

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 1515

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 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? YES NO 1516
- (7) Are you under indictment for or otherwise charged with, or have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting arrest? YES NO 1517
- (8)(a) Are you under indictment for or otherwise charged with assault or negligent assault? YES NO 1518
- (b) Have you been convicted of, pleaded guilty to, or adjudicated a delinquent child two or more times for committing assault or negligent assault within five years of the date of this application? YES NO 1519
- (c) Have you ever been convicted of, pleaded guilty to, or adjudicated a delinquent child for assaulting a peace officer? YES NO 1520
- (9)(a)(i) Are you under an adjudication of mental incompetence? YES NO 1521

<u>(ii) Have you ever been involuntarily hospitalized or institutionalized pursuant to a court order?</u>	<u>.... YES</u>	<u>.... NO</u>	1522
<u>(b) If the answer to (9)(a)(ii) is "YES," has a psychiatrist certified that the condition is in remission and is not reasonably likely to redevelop at a future time and that you no longer represent a risk of physical harm to others or has the court order been reversed or vacated?</u>	<u>.... YES</u>	<u>.... NO</u>	1523
<u>SECTION IV.</u>			1524
<u>AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR SUBMITS A FALSE DOCUMENT WITH THE APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A CONCEALED HANDGUN LICENSE, A FELONY OF THE FIFTH DEGREE, IN VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.</u>			1525 1526 1527 1528 1529
<u>(1) I have been furnished the text of the Ohio firearms laws, and I am knowledgeable of their provisions.</u>			1530 1531
<u>(2) I desire a legal means to carry a concealed handgun for defense of myself or a member of my family while engaged in lawful activity.</u>			1532 1533 1534
<u>(3) I have never been convicted of or pleaded guilty to a crime of violence in the state of Ohio or elsewhere. I am of sound mind. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statements herein I am subject to penalties prescribed by law. I authorize the sheriff or the sheriff's designee to inspect only those records or documents relevant to information required for this application.</u>			1535 1536 1537 1538 1539 1540 1541 1542 1543
<u>(4) The information contained in this application and all attached</u>			1544

documents are true and correct to the best of my knowledge. 1545

..... 1546

Signature of Applicant" 1547

Sec. 2923.1211. (A) No person shall alter a license to carry 1549
a concealed handgun that was issued pursuant to section 2923.125 1550
of the Revised Code or create a fictitious document that purports 1551
to be a license of that nature. 1552

(B) No person, except in the performance of official duties, 1553
shall possess a concealed handgun license that was issued and that 1554
has been revoked or suspended pursuant to section 2923.128 of the 1555
Revised Code. 1556

(C) Whoever violates division (A) of this section is guilty 1557
of falsification of a concealed handgun license, a felony of the 1558
fifth degree. Whoever violates division (B) of this section is 1559
guilty of possessing a revoked or suspended concealed handgun 1560
license, a misdemeanor of the third degree. 1561

Sec. 2923.1212. (A) The following persons, boards, and 1562
entities, or designees, shall post in the following locations a 1563
sign that contains a statement in substantially the following 1564
form: "Unless otherwise authorized by law, pursuant to the Ohio 1565
Revised Code, no person shall knowingly possess, have under the 1566
person's control, convey, or attempt to convey a deadly weapon or 1567
dangerous ordnance onto these premises.": 1568

(1) The director of public safety or the person or board 1569
charged with the erection, maintenance, or repair of police 1570
stations, municipal jails, and the municipal courthouse and 1571
courtrooms in a conspicuous location at all police stations, 1572
municipal jails, and municipal courthouses and courtrooms; 1573

(2) The sheriff or sheriff's designee who has charge of the 1574
sheriff's office in a conspicuous location in that office; 1575

(3) The superintendent of the state highway patrol or the superintendent's designee in a conspicuous location at all state highway patrol stations; 1576
1577
1578

(4) Each sheriff, chief of police, or person in charge of every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or other local or state correctional institution or detention facility within the state, or that person's designee, in a conspicuous location at that facility under that person's charge; 1579
1580
1581
1582
1583
1584
1585
1586

(5) The board of trustees of a regional airport authority, chief administrative officer of an airport facility, or other person in charge of an airport facility in a conspicuous location at each airport facility under that person's control; 1587
1588
1589
1590

(6) The officer or officer's designee who has charge of a courthouse or the building or structure in which a courtroom is located in a conspicuous location in that building or structure; 1591
1592
1593

(7) The superintendent of the bureau of criminal identification and investigation or the superintendent's designee in a conspicuous location in all premises controlled by that bureau. 1594
1595
1596
1597

(B) The following boards, bodies, and persons, or designees, shall post in the following locations a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to Ohio Revised Code section 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone."; 1598
1599
1600
1601
1602
1603
1604

(1) A board of education of a city, local, exempted village, or joint vocational school district or that board's designee in a 1605
1606

conspicuous location in each building and on each parcel of real property owned or controlled by the board; 1607
1608

(2) A governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code or that body's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the school; 1609
1610
1611
1612
1613

(3) The principal or chief administrative officer of a nonpublic school in a conspicuous location on property owned or controlled by that nonpublic school. 1614
1615
1616

Sec. 2923.13. (A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply: 1617
1618
1619
1620

(1) The person is a fugitive from justice. 1621

(2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence. 1622
1623
1624
1625
1626

(3) The person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been an offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse. 1627
1628
1629
1630
1631
1632
1633

(4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic. 1634
1635

(5) The person is under adjudication of mental incompetence. 1636

~~(B) No person who has been convicted of a felony of the first or second degree shall violate division (A) of this section within five years of the date of the person's release from imprisonment or from post release control that is imposed for the commission of a felony of the first or second degree.~~

~~(C) Whoever violates this section is guilty of having weapons while under disability. A violation of division (A) of this section is a felony of the fifth degree. A violation of division (B) of this section is a felony of the third degree.~~

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

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

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

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

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

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

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

(D)(1) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, when authorized to carry or have loaded

or accessible firearms in motor vehicles and acting within the 1666
scope of their duties. 1667

(2) Division (A) of this section does not apply to a person 1668
if all of the following circumstances apply: 1669

(a) The person discharges a firearm from a motor vehicle at a 1670
coyote or groundhog, the discharge is not during the deer gun 1671
hunting season as set by the chief of the division of wildlife of 1672
the department of natural resources, and the discharge at the 1673
coyote or groundhog, but for the operation of this section, is 1674
lawful. 1675

(b) The motor vehicle from which the person discharges the 1676
firearm is on real property that is located in an unincorporated 1677
area of a township and that either is zoned for agriculture or is 1678
used for agriculture. 1679

(c) The person owns the real property described in division 1680
(D)(2)(b) of this section, is the spouse or a child of another 1681
person who owns that real property, is a tenant of another person 1682
who owns that real property, or is the spouse or a child of a 1683
tenant of another person who owns that real property. 1684

(d) The person does not discharge the firearm in any of the 1685
following manners: 1686

(i) While under the influence of alcohol, a drug of abuse, or 1687
alcohol and a drug of abuse; 1688

(ii) In the direction of a street, highway, or other public 1689
or private property used by the public for vehicular traffic or 1690
parking; 1691

(iii) At or into an occupied structure that is a permanent or 1692
temporary habitation; 1693

(iv) In the commission of any violation of law, including, 1694
but not limited to, a felony that includes, as an essential 1695

element, purposely or knowingly causing or attempting to cause the 1696
death of or physical harm to another and that was committed by 1697
discharging a firearm from a motor vehicle. 1698

(3) Divisions (B) and (C) of this section do not apply to a 1699
person if all of the following circumstances apply: 1700

(a) At the time of the alleged violation of either of those 1701
divisions, the person is the operator of or a passenger in a motor 1702
vehicle. 1703

(b) The motor vehicle is on real property that is located in 1704
an unincorporated area of a township and that either is zoned for 1705
agriculture or is used for agriculture. 1706

(c) The person owns the real property described in division 1707
(D)(3)(b) of this section, is the spouse or a child of another 1708
person who owns that real property, is a tenant of another person 1709
who owns that real property, or is the spouse or a child of a 1710
tenant of another person who owns that real property. 1711

(d) The person, prior to arriving at the real property 1712
described in division (D)(3)(b) of this section, did not transport 1713
or possess a firearm in the motor vehicle in a manner prohibited 1714
by division (B) or (C) of this section while the motor vehicle was 1715
being operated on a street, highway, or other public or private 1716
property used by the public for vehicular traffic or parking. 1717

(4) Divisions (B) and (C) of this section do not apply to a 1718
person who transports or possesses a handgun in a motor vehicle 1719
and who, at the time of that transportation or possession, is 1720
carrying a valid license to carry a concealed handgun issued to 1721
the person under section 2923.125 of the Revised Code, unless the 1722
person knowingly is in a place described in division (B) of 1723
section 2923.126 of the Revised Code. 1724

(5) Divisions (B) and (C) of this section do not apply to a 1725
person who transports a handgun in a motor vehicle if, at the time 1726

of the transportation, all of the following apply: 1727

(a) The person did not place the handgun in the motor vehicle. 1728
1729

(b) The person does not possess the handgun on the person's person. 1730
1731

(c) 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. 1732
1733
1734

(E)(1) The affirmative defenses ~~contained~~ authorized in divisions (C)(1) ~~and~~, (2), and (5) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (B) or (C) of this section. 1735
1736
1737
1738

(2) It is an affirmative defense to a charge under division (A) of this section that the offender discharged the firearm in self-defense. 1739
1740
1741

(3)(a) The fact that a person who is prosecuted for a violation of division (B) or (C) 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 1547.69, 2923.12, 2923.121, 2923.122, or 2923.123 of the Revised Code. 1742
1743
1744
1745
1746
1747
1748

(b) No person who is charged with a violation of division (B) or (C) 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. 1749
1750
1751
1752

(F) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of division (A) or (B) of this section is a misdemeanor of the first degree. Violation of division (C) of this section is a misdemeanor of the 1753
1754
1755
1756

fourth degree.	1757
(G) As used in this section:	1758
(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code.	1759 1760
(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.	1761 1762
(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code.	1763 1764
(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code.	1765 1766
(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.	1767 1768 1769 1770
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:	1771 1772 1773 1774 1775 1776 1777 1778 1779
(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, or ten years.	1780 1781
(2) For a felony of the second degree, the prison term shall be two, three, four, five, six, seven, or eight years.	1782 1783
(3) For a felony of the third degree, the prison term shall be one, two, three, four, or five years.	1784 1785

(4) For a felony of the fourth degree, the prison term shall 1786
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1787
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1788

(5) For a felony of the fifth degree, the prison term shall 1789
be six, seven, eight, nine, ten, eleven, or twelve months. 1790

(B) Except as provided in division (C), (D)(1), (D)(2), 1791
(D)(3), or (G) of this section, in section 2907.02 of the Revised 1792
Code, or in Chapter 2925. of the Revised Code, if the court 1793
imposing a sentence upon an offender for a felony elects or is 1794
required to impose a prison term on the offender, the court shall 1795
impose the shortest prison term authorized for the offense 1796
pursuant to division (A) of this section, unless one or more of 1797
the following applies: 1798

(1) The offender was serving a prison term at the time of the 1799
offense, or the offender previously had served a prison term. 1800

(2) The court finds on the record that the shortest prison 1801
term will demean the seriousness of the offender's conduct or will 1802
not adequately protect the public from future crime by the 1803
offender or others. 1804

(C) Except as provided in division (G) of this section or in 1805
Chapter 2925. of the Revised Code, the court imposing a sentence 1806
upon an offender for a felony may impose the longest prison term 1807
authorized for the offense pursuant to division (A) of this 1808
section only upon offenders who committed the worst forms of the 1809
offense, upon offenders who pose the greatest likelihood of 1810
committing future crimes, upon certain major drug offenders under 1811
division (D)(3) of this section, and upon certain repeat violent 1812
offenders in accordance with division (D)(2) of this section. 1813

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1814
section, if an offender who is convicted of or pleads guilty to a 1815
felony also is convicted of or pleads guilty to a specification of 1816

the type described in section 2941.141, 2941.144, or 2941.145 of 1817
the Revised Code, the court shall impose on the offender one of 1818
the following prison terms: 1819

(i) A prison term of six years if the specification is of the 1820
type described in section 2941.144 of the Revised Code that 1821
charges the offender with having a firearm that is an automatic 1822
firearm or that was equipped with a firearm muffler or silencer on 1823
or about the offender's person or under the offender's control 1824
while committing the felony; 1825

(ii) A prison term of three years if the specification is of 1826
the type described in section 2941.145 of the Revised Code that 1827
charges the offender with having a firearm on or about the 1828
offender's person or under the offender's control while committing 1829
the offense and displaying the firearm, brandishing the firearm, 1830
indicating that the offender possessed the firearm, or using it to 1831
facilitate the offense; 1832

(iii) A prison term of one year if the specification is of 1833
the type described in section 2941.141 of the Revised Code that 1834
charges the offender with having a firearm on or about the 1835
offender's person or under the offender's control while committing 1836
the felony. 1837

(b) If a court imposes a prison term on an offender under 1838
division (D)(1)(a) of this section, the prison term shall not be 1839
reduced pursuant to section 2929.20, section 2967.193, or any 1840
other provision of Chapter 2967. or Chapter 5120. of the Revised 1841
Code. A court shall not impose more than one prison term on an 1842
offender under division (D)(1)(a) of this section for felonies 1843
committed as part of the same act or transaction. 1844

(c) Except as provided in division (D)(1)(e) of this section, 1845
if an offender who is convicted of or pleads guilty to a violation 1846
of section 2923.161 of the Revised Code or to a felony that 1847

includes, as an essential element, purposely or knowingly causing 1848
or attempting to cause the death of or physical harm to another, 1849
also is convicted of or pleads guilty to a specification of the 1850
type described in section 2941.146 of the Revised Code that 1851
charges the offender with committing the offense by discharging a 1852
firearm from a motor vehicle other than a manufactured home, the 1853
court, after imposing a prison term on the offender for the 1854
violation of section 2923.161 of the Revised Code or for the other 1855
felony offense under division (A), (D)(2), or (D)(3) of this 1856
section, shall impose an additional prison term of five years upon 1857
the offender that shall not be reduced pursuant to section 1858
2929.20, section 2967.193, or any other provision of Chapter 2967. 1859
or Chapter 5120. of the Revised Code. A court shall not impose 1860
more than one additional prison term on an offender under division 1861
(D)(1)(c) of this section for felonies committed as part of the 1862
same act or transaction. If a court imposes an additional prison 1863
term on an offender under division (D)(1)(c) of this section 1864
relative to an offense, the court also shall impose a prison term 1865
under division (D)(1)(a) of this section relative to the same 1866
offense, provided the criteria specified in that division for 1867
imposing an additional prison term are satisfied relative to the 1868
offender and the offense. 1869

(d) If an offender who is convicted of or pleads guilty to an 1870
offense of violence that is a felony also is convicted of or 1871
pleads guilty to a specification of the type described in section 1872
2941.1411 of the Revised Code that charges the offender with 1873
wearing or carrying body armor while committing the felony offense 1874
of violence, the court shall impose on the offender a prison term 1875
of two years. The prison term so imposed shall not be reduced 1876
pursuant to section 2929.20, section 2967.193, or any other 1877
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1878
court shall not impose more than one prison term on an offender 1879
under division (D)(1)(d) of this section for felonies committed as 1880

part of the same act or transaction. If a court imposes an 1881
additional prison term under division (D)(1)(a) or (c) of this 1882
section, the court is not precluded from imposing an additional 1883
prison term under division (D)(1)(d) of this section. 1884

(e) The court shall not impose any of the prison terms 1885
described in division (D)(1)(a) of this section or any of the 1886
additional prison terms described in division (D)(1)(c) of this 1887
section upon an offender for a violation of section 2923.12 or 1888
2923.123 of the Revised Code. The court shall not impose any of 1889
the prison terms described in division (D)(1)(a) of this section 1890
or any of the additional prison terms described in division 1891
(D)(1)(c) of this section upon an offender for a violation of 1892
section 2923.13 of the Revised Code unless all of the following 1893
apply: 1894

(i) The offender previously has been convicted of aggravated 1895
murder, murder, or any felony of the first or second degree. 1896

(ii) Less than five years have passed since the offender was 1897
released from prison or post-release control, whichever is later, 1898
for the prior offense. 1899

(2)(a) If an offender who is convicted of or pleads guilty to 1900
a felony also is convicted of or pleads guilty to a specification 1901
of the type described in section 2941.149 of the Revised Code that 1902
the offender is a repeat violent offender, the court shall impose 1903
a prison term from the range of terms authorized for the offense 1904
under division (A) of this section that may be the longest term in 1905
the range and that shall not be reduced pursuant to section 1906
2929.20, section 2967.193, or any other provision of Chapter 2967. 1907
or Chapter 5120. of the Revised Code. If the court finds that the 1908
repeat violent offender, in committing the offense, caused any 1909
physical harm that carried a substantial risk of death to a person 1910
or that involved substantial permanent incapacity or substantial 1911
permanent disfigurement of a person, the court shall impose the 1912

longest prison term from the range of terms authorized for the 1913
offense under division (A) of this section. 1914

(b) If the court imposing a prison term on a repeat violent 1915
offender imposes the longest prison term from the range of terms 1916
authorized for the offense under division (A) of this section, the 1917
court may impose on the offender an additional definite prison 1918
term of one, two, three, four, five, six, seven, eight, nine, or 1919
ten years if the court finds that both of the following apply with 1920
respect to the prison terms imposed on the offender pursuant to 1921
division (D)(2)(a) of this section and, if applicable, divisions 1922
(D)(1) and (3) of this section: 1923

(i) The terms so imposed are inadequate to punish the 1924
offender and protect the public from future crime, because the 1925
applicable factors under section 2929.12 of the Revised Code 1926
indicating a greater likelihood of recidivism outweigh the 1927
applicable factors under that section indicating a lesser 1928
likelihood of recidivism. 1929

(ii) The terms so imposed are demeaning to the seriousness of 1930
the offense, because one or more of the factors under section 1931
2929.12 of the Revised Code indicating that the offender's conduct 1932
is more serious than conduct normally constituting the offense are 1933
present, and they outweigh the applicable factors under that 1934
section indicating that the offender's conduct is less serious 1935
than conduct normally constituting the offense. 1936

(3)(a) Except when an offender commits a violation of section 1937
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1938
the violation is life imprisonment or commits a violation of 1939
section 2903.02 of the Revised Code, if the offender commits a 1940
violation of section 2925.03 or 2925.11 of the Revised Code and 1941
that section classifies the offender as a major drug offender and 1942
requires the imposition of a ten-year prison term on the offender, 1943
if the offender commits a felony violation of section 2925.02, 1944

2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1945
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1946
division (C) of section 4729.51, or division (J) of section 1947
4729.54 of the Revised Code that includes the sale, offer to sell, 1948
or possession of a schedule I or II controlled substance, with the 1949
exception of marihuana, and the court imposing sentence upon the 1950
offender finds that the offender is guilty of a specification of 1951
the type described in section 2941.1410 of the Revised Code 1952
charging that the offender is a major drug offender, if the court 1953
imposing sentence upon an offender for a felony finds that the 1954
offender is guilty of corrupt activity with the most serious 1955
offense in the pattern of corrupt activity being a felony of the 1956
first degree, or if the offender is guilty of an attempted 1957
violation of section 2907.02 of the Revised Code and, had the 1958
offender completed the violation of section 2907.02 of the Revised 1959
Code that was attempted, the offender would have been subject to a 1960
sentence of life imprisonment or life imprisonment without parole 1961
for the violation of section 2907.02 of the Revised Code, the 1962
court shall impose upon the offender for the felony violation a 1963
ten-year prison term that cannot be reduced pursuant to section 1964
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1965

(b) The court imposing a prison term on an offender under 1966
division (D)(3)(a) of this section may impose an additional prison 1967
term of one, two, three, four, five, six, seven, eight, nine, or 1968
ten years, if the court, with respect to the term imposed under 1969
division (D)(3)(a) of this section and, if applicable, divisions 1970
(D)(1) and (2) of this section, makes both of the findings set 1971
forth in divisions (D)(2)(b)(i) and (ii) of this section. 1972

(4) If the offender is being sentenced for a third or fourth 1973
degree felony OMVI offense under division (G)(2) of section 1974
2929.13 of the Revised Code, the sentencing court shall impose 1975
upon the offender a mandatory prison term in accordance with that 1976

division. In addition to the mandatory prison term, the sentencing 1977
court may sentence the offender to an additional prison term of 1978
any duration specified in division (A)(3) of this section minus 1979
the sixty or one hundred twenty days imposed upon the offender as 1980
the mandatory prison term. The total of the additional prison term 1981
imposed under division (D)(4) of this section plus the sixty or 1982
one hundred twenty days imposed as the mandatory prison term shall 1983
equal one of the authorized prison terms specified in division 1984
(A)(3) of this section. If the court imposes an additional prison 1985
term under division (D)(4) of this section, the offender shall 1986
serve the additional prison term after the offender has served the 1987
mandatory prison term required for the offense. The court shall 1988
not sentence the offender to a community control sanction under 1989
section 2929.16 or 2929.17 of the Revised Code. 1990

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 1991
mandatory prison term is imposed upon an offender pursuant to 1992
division (D)(1)(a) of this section for having a firearm on or 1993
about the offender's person or under the offender's control while 1994
committing a felony, if a mandatory prison term is imposed upon an 1995
offender pursuant to division (D)(1)(c) of this section for 1996
committing a felony specified in that division by discharging a 1997
firearm from a motor vehicle, or if both types of mandatory prison 1998
terms are imposed, the offender shall serve any mandatory prison 1999
term imposed under either division consecutively to any other 2000
mandatory prison term imposed under either division or under 2001
division (D)(1)(d) of this section, consecutively to and prior to 2002
any prison term imposed for the underlying felony pursuant to 2003
division (A), (D)(2), or (D)(3) of this section or any other 2004
section of the Revised Code, and consecutively to any other prison 2005
term or mandatory prison term previously or subsequently imposed 2006
upon the offender. 2007

(b) If a mandatory prison term is imposed upon an offender 2008

pursuant to division (D)(1)(d) of this section for wearing or 2009
carrying body armor while committing an offense of violence that 2010
is a felony, the offender shall serve the mandatory term so 2011
imposed consecutively to any other mandatory prison term imposed 2012
under that division or under division (D)(1)(a) or (c) of this 2013
section, consecutively to and prior to any prison term imposed for 2014
the underlying felony under division (A), (D)(2), or (D)(3) of 2015
this section or any other section of the Revised Code, and 2016
consecutively to any other prison term or mandatory prison term 2017
previously or subsequently imposed upon the offender. 2018

(2) If an offender who is an inmate in a jail, prison, or 2019
other residential detention facility violates section 2917.02, 2020
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2021
who is under detention at a detention facility commits a felony 2022
violation of section 2923.131 of the Revised Code, or if an 2023
offender who is an inmate in a jail, prison, or other residential 2024
detention facility or is under detention at a detention facility 2025
commits another felony while the offender is an escapee in 2026
violation of section 2921.34 of the Revised Code, any prison term 2027
imposed upon the offender for one of those violations shall be 2028
served by the offender consecutively to the prison term or term of 2029
imprisonment the offender was serving when the offender committed 2030
that offense and to any other prison term previously or 2031
subsequently imposed upon the offender. 2032

(3) If a prison term is imposed for a violation of division 2033
(B) of section 2911.01 of the Revised Code, a violation of 2034
division (A) of section 2913.02 of the Revised Code in which the 2035
stolen property is a firearm or dangerous ordnance, or if a prison 2036
term is imposed for a felony violation of division (B) of section 2037
2921.331 of the Revised Code, the offender shall serve that prison 2038
term consecutively to any other prison term or mandatory prison 2039
term previously or subsequently imposed upon the offender. 2040

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

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

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

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

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

(F) If a court imposes a prison term of a type described in division (B) of section 2967.28 of the Revised Code, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division. If a court imposes a prison term of a type described in division (C) of that

section, it shall include in the sentence a requirement that the 2072
offender be subject to a period of post-release control after the 2073
offender's release from imprisonment, in accordance with that 2074
division, if the parole board determines that a period of 2075
post-release control is necessary. 2076

(G) If a person is convicted of or pleads guilty to a 2077
sexually violent offense and also is convicted of or pleads guilty 2078
to a sexually violent predator specification that was included in 2079
the indictment, count in the indictment, or information charging 2080
that offense, the court shall impose sentence upon the offender in 2081
accordance with section 2971.03 of the Revised Code, and Chapter 2082
2971. of the Revised Code applies regarding the prison term or 2083
term of life imprisonment without parole imposed upon the offender 2084
and the service of that term of imprisonment. 2085

(H) If a person who has been convicted of or pleaded guilty 2086
to a felony is sentenced to a prison term or term of imprisonment 2087
under this section, sections 2929.02 to 2929.06 of the Revised 2088
Code, section 2971.03 of the Revised Code, or any other provision 2089
of law, section 5120.163 of the Revised Code applies regarding the 2090
person while the person is confined in a state correctional 2091
institution. 2092

(I) If an offender who is convicted of or pleads guilty to a 2093
felony that is an offense of violence also is convicted of or 2094
pleads guilty to a specification of the type described in section 2095
2941.142 of the Revised Code that charges the offender with having 2096
committed the felony while participating in a criminal gang, the 2097
court shall impose upon the offender an additional prison term of 2098
one, two, or three years. 2099

(J) If an offender who is convicted of or pleads guilty to 2100
aggravated murder, murder, or a felony of the first, second, or 2101
third degree that is an offense of violence also is convicted of 2102
or pleads guilty to a specification of the type described in 2103

section 2941.143 of the Revised Code that charges the offender 2104
with having committed the offense in a school safety zone or 2105
towards a person in a school safety zone, the court shall impose 2106
upon the offender an additional prison term of two years. The 2107
offender shall serve the additional two years consecutively to and 2108
prior to the prison term imposed for the underlying offense. 2109

(K) At the time of sentencing, the court may recommend the 2110
offender for placement in a program of shock incarceration under 2111
section 5120.031 of the Revised Code or for placement in an 2112
intensive program prison under section 5120.032 of the Revised 2113
Code, disapprove placement of the offender in a program of shock 2114
incarceration or an intensive program prison of that nature, or 2115
make no recommendation on placement of the offender. In no case 2116
shall the department of rehabilitation and correction place the 2117
offender in a program or prison of that nature unless the 2118
department determines as specified in section 5120.031 or 5120.032 2119
of the Revised Code, whichever is applicable, that the offender is 2120
eligible for the placement. 2121

If the court disapproves placement of the offender in a 2122
program or prison of that nature, the department of rehabilitation 2123
and correction shall not place the offender in any program of 2124
shock incarceration or intensive program prison. 2125

If the court recommends placement of the offender in a 2126
program of shock incarceration or in an intensive program prison, 2127
and if the offender is subsequently placed in the recommended 2128
program or prison, the department shall notify the court of the 2129
placement and shall include with the notice a brief description of 2130
the placement. 2131

If the court recommends placement of the offender in a 2132
program of shock incarceration or in an intensive program prison 2133
and the department does not subsequently place the offender in the 2134
recommended program or prison, the department shall send a notice 2135

to the court indicating why the offender was not placed in the 2136
recommended program or prison. 2137

If the court does not make a recommendation under this 2138
division with respect to an offender and if the department 2139
determines as specified in section 5120.031 or 5120.032 of the 2140
Revised Code, whichever is applicable, that the offender is 2141
eligible for placement in a program or prison of that nature, the 2142
department shall screen the offender and determine if there is an 2143
available program of shock incarceration or an intensive program 2144
prison for which the offender is suited. If there is an available 2145
program of shock incarceration or an intensive program prison for 2146
which the offender is suited, the department shall notify the 2147
court of the proposed placement of the offender as specified in 2148
section 5120.031 or 5120.032 of the Revised Code and shall include 2149
with the notice a brief description of the placement. The court 2150
shall have ten days from receipt of the notice to disapprove the 2151
placement. 2152

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 2153
the Revised Code, a first offender may apply to the sentencing 2154
court if convicted in this state, or to a court of common pleas if 2155
convicted in another state or in a federal court, for the sealing 2156
of the conviction record. Application may be made at the 2157
expiration of three years after the offender's final discharge if 2158
convicted of a felony, or at the expiration of one year after the 2159
offender's final discharge if convicted of a misdemeanor. 2160

(2) Any person who has been arrested for any misdemeanor 2161
offense and who has effected a bail forfeiture may apply to the 2162
court in which the misdemeanor criminal case was pending when bail 2163
was forfeited for the sealing of the record of the case. Except as 2164
provided in section 2953.61 of the Revised Code, the application 2165
may be filed at any time after the expiration of one year from the 2166

date on which the bail forfeiture was entered upon the minutes of 2167
the court or the journal, whichever entry occurs first. 2168

(B) Upon the filing of an application under this section, the 2169
court shall set a date for a hearing and shall notify the 2170
prosecutor for the case of the hearing on the application. The 2171
prosecutor may object to the granting of the application by filing 2172
an objection with the court prior to the date set for the hearing. 2173
The prosecutor shall specify in the objection the reasons for 2174
believing a denial of the application is justified. The court 2175
shall direct its regular probation officer, a state probation 2176
officer, or the department of probation of the county in which the 2177
applicant resides to make inquiries and written reports as the 2178
court requires concerning the applicant. 2179

(C)(1) The court shall do each of the following: 2180

(a) Determine whether the applicant is a first offender or 2181
whether the forfeiture of bail was agreed to by the applicant and 2182
the prosecutor in the case. If the applicant applies as a first 2183
offender pursuant to division (A)(1) of this section and has two 2184
or three convictions that result from the same indictment, 2185
information, or complaint, from the same plea of guilty, or from 2186
the same official proceeding, and result from related criminal 2187
acts that were committed within a three-month period but do not 2188
result from the same act or from offenses committed at the same 2189
time, in making its determination under this division, the court 2190
initially shall determine whether it is not in the public interest 2191
for the two or three convictions to be counted as one conviction. 2192
If the court determines that it is not in the public interest for 2193
the two or three convictions to be counted as one conviction, the 2194
court shall determine that the applicant is not a first offender; 2195
if the court does not make that determination, the court shall 2196
determine that the offender is a first offender. 2197

(b) Determine whether criminal proceedings are pending 2198

against the applicant; 2199

(c) If the applicant is a first offender who applies pursuant 2200
to division (A)(1) of this section, determine whether the 2201
applicant has been rehabilitated to the satisfaction of the court; 2202

(d) If the prosecutor has filed an objection in accordance 2203
with division (B) of this section, consider the reasons against 2204
granting the application specified by the prosecutor in the 2205
objection; 2206

(e) Weigh the interests of the applicant in having the 2207
records pertaining to the applicant's conviction sealed against 2208
the legitimate needs, if any, of the government to maintain those 2209
records. 2210

(2) If the court determines, after complying with division 2211
(C)(1) of this section, that the applicant is a first offender or 2212
the subject of a bail forfeiture, that no criminal proceeding is 2213
pending against the applicant, and that the interests of the 2214
applicant in having the records pertaining to the applicant's 2215
conviction or bail forfeiture sealed are not outweighed by any 2216
legitimate governmental needs to maintain those records, and that 2217
the rehabilitation of an applicant who is a first offender 2218
applying pursuant to division (A)(1) of this section has been 2219
attained to the satisfaction of the court, the court, except as 2220
provided in division (G) of this section, shall order all official 2221
records pertaining to the case sealed and, except as provided in 2222
division (F) of this section, all index references to the case 2223
deleted and, in the case of bail forfeitures, shall dismiss the 2224
charges in the case. The proceedings in the case shall be 2225
considered not to have occurred and the conviction or bail 2226
forfeiture of the person who is the subject of the proceedings 2227
shall be sealed, except that upon conviction of a subsequent 2228
offense, the sealed record of prior conviction or bail forfeiture 2229
may be considered by the court in determining the sentence or 2230

other appropriate disposition, including the relief provided for 2231
in sections 2953.31 to 2953.33 of the Revised Code. 2232

(3) Upon the filing of an application under this section, the 2233
applicant, unless indigent, shall pay a fee of fifty dollars. The 2234
court shall pay thirty dollars of the fee into the state treasury. 2235
It shall pay twenty dollars of the fee into the county general 2236
revenue fund if the sealed conviction or bail forfeiture was 2237
pursuant to a state statute, or into the general revenue fund of 2238
the municipal corporation involved if the sealed conviction or 2239
bail forfeiture was pursuant to a municipal ordinance. 2240

(D) Inspection of the sealed records included in the order 2241
may be made only by the following persons or for the following 2242
purposes: 2243

(1) By a law enforcement officer or prosecutor, or the 2244
assistants of either, to determine whether the nature and 2245
character of the offense with which a person is to be charged 2246
would be affected by virtue of the person's previously having been 2247
convicted of a crime; 2248

(2) By the parole or probation officer of the person who is 2249
the subject of the records, for the exclusive use of the officer 2250
in supervising the person while on parole or probation and in 2251
making inquiries and written reports as requested by the court or 2252
adult parole authority; 2253

(3) Upon application by the person who is the subject of the 2254
records, by the persons named in the application; 2255

(4) By a law enforcement officer who was involved in the 2256
case, for use in the officer's defense of a civil action arising 2257
out of the officer's involvement in that case; 2258

(5) By a prosecuting attorney or the prosecuting attorney's 2259
assistants to determine a defendant's eligibility to enter a 2260
pre-trial diversion program established pursuant to section 2261

2935.36 of the Revised Code;	2262
(6) By any law enforcement agency or any authorized employee	2263
of a law enforcement agency or by the department of rehabilitation	2264
and correction as part of a background investigation of a person	2265
who applies for employment with the agency as a law enforcement	2266
officer or with the department as a corrections officer;	2267
(7) By any law enforcement agency or any authorized employee	2268
of a law enforcement agency, for the purposes set forth in, and in	2269
the manner provided in, section 2953.321 of the Revised Code;	2270
(8) By the bureau of criminal identification and	2271
investigation or any authorized employee of the bureau for the	2272
purpose of providing information to a board or person pursuant to	2273
division (F) or (G) of section 109.57 of the Revised Code;	2274
(9) By the bureau of criminal identification and	2275
investigation or any authorized employee of the bureau for the	2276
purpose of performing a criminal history records check on a person	2277
to whom a certificate as prescribed in section 109.77 of the	2278
Revised Code is to be awarded;	2279
<u>(10) By the bureau of criminal identification and</u>	2280
<u>investigation, an authorized employee of the bureau, a sheriff, or</u>	2281
<u>an authorized employee of the sheriff in connection with a</u>	2282
<u>criminal records check described in section 311.41 of the Revised</u>	2283
<u>Code.</u>	2284
When the nature and character of the offense with which a	2285
person is to be charged would be affected by the information, it	2286
may be used for the purpose of charging the person with an	2287
offense.	2288
(E) In any criminal proceeding, proof of any otherwise	2289
admissible prior conviction may be introduced and proved,	2290
notwithstanding the fact that for any such prior conviction an	2291
order of sealing previously was issued pursuant to sections	2292

2953.31 to 2953.36 of the Revised Code. 2293

(F) The person or governmental agency, office, or department 2294
that maintains sealed records pertaining to convictions or bail 2295
forfeitures that have been sealed pursuant to this section may 2296
maintain a manual or computerized index to the sealed records. The 2297
index shall contain only the name of, and alphanumeric identifiers 2298
that relate to, the persons who are the subject of the sealed 2299
records, the word "sealed," and the name of the person, agency, 2300
office, or department that has custody of the sealed records, and 2301
shall not contain the name of the crime committed. The index shall 2302
be made available by the person who has custody of the sealed 2303
records only for the purposes set forth in divisions (C), (D), and 2304
(E) of this section. 2305

(G) Notwithstanding any provision of this section or section 2306
2953.33 of the Revised Code that requires otherwise, a board of 2307
education of a city, local, exempted village, or joint vocational 2308
school district that maintains records of an individual who has 2309
been permanently excluded under sections 3301.121 and 3313.662 of 2310
the Revised Code is permitted to maintain records regarding a 2311
conviction that was used as the basis for the individual's 2312
permanent exclusion, regardless of a court order to seal the 2313
record. An order issued under this section to seal the record of a 2314
conviction does not revoke the adjudication order of the 2315
superintendent of public instruction to permanently exclude the 2316
individual who is the subject of the sealing order. An order 2317
issued under this section to seal the record of a conviction of an 2318
individual may be presented to a district superintendent as 2319
evidence to support the contention that the superintendent should 2320
recommend that the permanent exclusion of the individual who is 2321
the subject of the sealing order be revoked. Except as otherwise 2322
authorized by this division and sections 3301.121 and 3313.662 of 2323
the Revised Code, any school employee in possession of or having 2324

access to the sealed conviction records of an individual that were 2325
the basis of a permanent exclusion of the individual is subject to 2326
section 2953.35 of the Revised Code. 2327

Sec. 4749.10. (A) No class A, B, or C licensee and no 2328
registered employee of a class A, B, or C licensee shall carry a 2329
firearm, as defined in section 2923.11 of the Revised Code, in the 2330
course of engaging in the business of private investigation, the 2331
business of security services, or both businesses, unless all of 2332
the following apply: 2333

(1) The licensee or employee either has successfully 2334
completed a basic firearm training program at a training school 2335
approved by the Ohio peace officer training commission, which 2336
program includes twenty hours of training in handgun use and, if 2337
any firearm other than a handgun is to be used, five hours of 2338
training in the use of other firearms, and has received a 2339
certificate of satisfactory completion of that program from the 2340
executive director of the commission; the licensee or employee 2341
has, within three years prior ~~to the effective date of this~~ 2342
~~section~~ November 27, 1985, satisfactorily completed firearms 2343
training that has been approved by the commission as being 2344
equivalent to such a program and has received written evidence of 2345
approval of that training from the executive director of the 2346
commission; or the licensee or employee is a former peace officer, 2347
as defined in section 109.71 of the Revised Code, who previously 2348
had successfully completed a firearms training course at a 2349
training school approved by the Ohio peace officer training 2350
commission and has received a certificate or other evidence of 2351
satisfactory completion of that course from the executive director 2352
of the commission. 2353

(2) The licensee or employee submits an application to the 2354
director of commerce, on a form prescribed by the director, in 2355

which the licensee or employee requests registration as a class A, 2356
B, or C licensee or employee who may carry a firearm. The 2357
application shall be accompanied by a copy of the certificate or 2358
the written evidence or other evidence described in division 2359
(A)(1) of this section, the identification card issued pursuant to 2360
section 4749.03 or 4749.06 of the Revised Code if one has 2361
previously been issued, a statement of the duties that will be 2362
performed while the licensee or employee is armed, and a fee of 2363
ten dollars. In the case of a registered employee, the statement 2364
shall be prepared by the employing class A, B, or C licensee. 2365

(3) The licensee or employee receives a notation on the 2366
licensee's or employee's identification card that the licensee or 2367
employee is a firearm-bearer and carries the identification card 2368
whenever the licensee or employee carries a firearm in the course 2369
of engaging in the business of private investigation, the business 2370
of security services, or both businesses. 2371

(4) At any time within the immediately preceding twelve-month 2372
period, the licensee or employee has requalified in firearms use 2373
on a firearms training range at a firearms requalification program 2374
certified by the Ohio peace officer training commission or on a 2375
firearms training range under the supervision of an instructor 2376
certified by the commission and has received a certificate of 2377
satisfactory requalification from the certified program or 2378
certified instructor, provided that this division does not apply 2379
to any licensee or employee prior to the expiration of eighteen 2380
months after the licensee's or employee's completion of the 2381
program described in division (A)(1) of this section. A 2382
certificate of satisfactory requalification is valid and remains 2383
in effect for twelve months from the date of the requalification. 2384

(5) If division (A)(4) of this section applies to the 2385
licensee or employee, the licensee or employee carries the 2386
certificate of satisfactory requalification that then is in effect 2387

or any other evidence of requalification issued or provided by the 2388
director. 2389

(B)(1) The director of commerce shall register an applicant 2390
under division (A) of this section who satisfies divisions (A)(1) 2391
and (2) of this section, and place a notation on the applicant's 2392
identification card indicating that the applicant is a 2393
firearm-bearer and the date on which the applicant completed the 2394
program described in division (A)(1) of this section. 2395

(2) A firearms requalification training program or instructor 2396
certified by the commission for the annual requalification of 2397
class A, B, or C licensees or employees who are authorized to 2398
carry a firearm under section 4749.10 of the Revised Code shall 2399
award a certificate of satisfactory requalification to each class 2400
A, B, or C licensee or registered employee of a class A, B, or C 2401
licensee who satisfactorily requalifies in firearms training. The 2402
certificate shall identify the licensee or employee and indicate 2403
the date of the requalification. A licensee or employee who 2404
receives such a certificate shall submit a copy of it to the 2405
director of commerce. A licensee shall submit the copy of the 2406
requalification certificate at the same time that the licensee 2407
makes application for renewal of the licensee's class A, B, or C 2408
license. The director shall keep a record of all copies of 2409
requalification certificates the director receives under this 2410
division and shall establish a procedure for the updating of 2411
identification cards to provide evidence of compliance with the 2412
annual requalification requirement. The procedure for the updating 2413
of identification cards may provide for the issuance of a new card 2414
containing the evidence, the entry of a new notation containing 2415
the evidence on the existing card, the issuance of a separate card 2416
or paper containing the evidence, or any other procedure 2417
determined by the director to be reasonable. Each person who is 2418
issued a requalification certificate under this division promptly 2419

shall pay to the Ohio peace officer training commission 2420
established by section 109.71 of the Revised Code a fee of five 2421
dollars, which fee shall be transmitted to the treasurer of state 2422
for deposit in the peace officer private security fund established 2423
by section 109.78 of the Revised Code. 2424

(C) Nothing in this section prohibits a private investigator 2425
or a security guard provider from carrying a concealed handgun if 2426
the private investigator or security guard provider complies with 2427
sections 2923.124 to 2923.1212 of the Revised Code. 2428

Section 2. That existing sections 1547.69, 2911.21, 2913.02, 2429
2921.13, 2923.12, 2923.121, 2923.122, 2923.123, 2923.13, 2923.16, 2430
2929.14, 2953.32, and 4749.10 of the Revised Code are hereby 2431
repealed. 2432

Section 3. That the versions of sections 2923.122 and 2929.14 2433
of the Revised Code that are scheduled to take effect January 1, 2434
2004, be amended to read as follows: 2435

Sec. 2923.122. (A) No person shall knowingly convey, or 2436
attempt to convey, a deadly weapon or dangerous ordnance into a 2437
school safety zone. 2438

(B) No person shall knowingly possess a deadly weapon or 2439
dangerous ordnance in a school safety zone. 2440

(C) No person shall knowingly possess an object in a school 2441
safety zone if both of the following apply: 2442

(1) The object is indistinguishable from a firearm, whether 2443
or not the object is capable of being fired. 2444

(2) The person indicates that the person possesses the object 2445
and that it is a firearm, or the person knowingly displays or 2446
brandishes the object and indicates that it is a firearm. 2447

(D) This section does not apply to officers, agents, or 2448
employees of this or any other state or the United States, or to 2449
law enforcement officers, authorized to carry deadly weapons or 2450
dangerous ordnance and acting within the scope of their duties, to 2451
any security officer employed by a board of education or governing 2452
body of a school during the time that the security officer is on 2453
duty pursuant to that contract of employment, or to any other 2454
person who has written authorization from the board of education 2455
or governing body of a school to convey deadly weapons or 2456
dangerous ordnance into a school safety zone or to possess a 2457
deadly weapon or dangerous ordnance in a school safety zone and 2458
who conveys or possesses the deadly weapon or dangerous ordnance 2459
in accordance with that authorization. 2460

Division (C) of this section does not apply to premises upon 2461
which home schooling is conducted. Division (C) of this section 2462
also does not apply to a school administrator, teacher, or 2463
employee who possesses an object that is indistinguishable from a 2464
firearm for legitimate school purposes during the course of 2465
employment, a student who uses an object that is indistinguishable 2466
from a firearm under the direction of a school administrator, 2467
teacher, or employee, or any other person who with the express 2468
prior approval of a school administrator possesses an object that 2469
is indistinguishable from a firearm for a legitimate purpose, 2470
including the use of the object in a ceremonial activity, a play, 2471
reenactment, or other dramatic presentation, or a ROTC activity or 2472
another similar use of the object. 2473

This section does not apply to a person who, at the time of 2474
conveying or attempting to convey a handgun into, or possessing a 2475
handgun in, a school safety zone, is carrying a valid license to 2476
carry a concealed handgun issued to the person under section 2477
2923.125 of the Revised Code and is in the school safety zone in 2478
accordance with 18 U.S.C. 922(q)(2)(B), unless the person 2479

knowingly is in a place described in division (B) of section 2480
2923.126 of the Revised Code. 2481

(E)(1) Whoever violates division (A) or (B) of this section 2482
is guilty of illegal conveyance or possession of a deadly weapon 2483
or dangerous ordnance in a school safety zone. Except as otherwise 2484
provided in this division, illegal conveyance or possession of a 2485
deadly weapon or dangerous ordnance in a school safety zone is a 2486
felony of the fifth degree. If the offender previously has been 2487
convicted of a violation of this section, illegal conveyance or 2488
possession of a deadly weapon or dangerous ordnance in a school 2489
safety zone is a felony of the fourth degree. 2490

(2) Whoever violates division (C) of this section is guilty 2491
of illegal possession of an object indistinguishable from a 2492
firearm in a school safety zone. Except as otherwise provided in 2493
this division, illegal possession of an object indistinguishable 2494
from a firearm in a school safety zone is a misdemeanor of the 2495
first degree. If the offender previously has been convicted of a 2496
violation of this section, illegal possession of an object 2497
indistinguishable from a firearm in a school safety zone is a 2498
felony of the fifth degree. 2499

(F)(1) In addition to any other penalty imposed upon a person 2500
who is convicted of or pleads guilty to a violation of this 2501
section and subject to division (F)(2) of this section, if the 2502
offender has not attained nineteen years of age, regardless of 2503
whether the offender is attending or is enrolled in a school 2504
operated by a board of education or for which the state board of 2505
education prescribes minimum standards under section 3301.07 of 2506
the Revised Code, the court shall impose upon the offender a class 2507
four suspension of the offender's probationary driver's license, 2508
restricted license, driver's license, commercial driver's license, 2509
temporary instruction permit, or probationary commercial driver's 2510
license that then is in effect from the range specified in 2511

division (A)(4) of section 4510.02 of the Revised Code and shall 2512
deny the offender the issuance of any permit or license of that 2513
type during the period of the suspension. 2514

If the offender is not a resident of this state, the court 2515
shall impose a class four suspension of the nonresident operating 2516
privilege of the offender from the range specified in division 2517
(A)(4) of section 4510.02 of the Revised Code. 2518

(2) If the offender shows good cause why the court should not 2519
suspend one of the types of licenses, permits, or privileges 2520
specified in division (F)(1) of this section or deny the issuance 2521
of one of the temporary instruction permits specified in that 2522
division, the court in its discretion may choose not to impose the 2523
suspension, revocation, or denial required in that division. 2524

(G) As used in this section, "object that is 2525
indistinguishable from a firearm" means an object made, 2526
constructed, or altered so that, to a reasonable person without 2527
specialized training in firearms, the object appears to be a 2528
firearm. 2529

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 2530
(D)(2), (D)(3), (D)(4), or (G) of this section and except in 2531
relation to an offense for which a sentence of death or life 2532
imprisonment is to be imposed, if the court imposing a sentence 2533
upon an offender for a felony elects or is required to impose a 2534
prison term on the offender pursuant to this chapter and is not 2535
prohibited by division (G)(1) of section 2929.13 of the Revised 2536
Code from imposing a prison term on the offender, the court shall 2537
impose a definite prison term that shall be one of the following: 2538

(1) For a felony of the first degree, the prison term shall 2539
be three, four, five, six, seven, eight, nine, or ten years. 2540

(2) For a felony of the second degree, the prison term shall 2541

be two, three, four, five, six, seven, or eight years. 2542

(3) For a felony of the third degree, the prison term shall 2543
be one, two, three, four, or five years. 2544

(4) For a felony of the fourth degree, the prison term shall 2545
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2546
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2547

(5) For a felony of the fifth degree, the prison term shall 2548
be six, seven, eight, nine, ten, eleven, or twelve months. 2549

(B) Except as provided in division (C), (D)(1), (D)(2), 2550
(D)(3), or (G) of this section, in section 2907.02 of the Revised 2551
Code, or in Chapter 2925. of the Revised Code, if the court 2552
imposing a sentence upon an offender for a felony elects or is 2553
required to impose a prison term on the offender, the court shall 2554
impose the shortest prison term authorized for the offense 2555
pursuant to division (A) of this section, unless one or more of 2556
the following applies: 2557

(1) The offender was serving a prison term at the time of the 2558
offense, or the offender previously had served a prison term. 2559

(2) The court finds on the record that the shortest prison 2560
term will demean the seriousness of the offender's conduct or will 2561
not adequately protect the public from future crime by the 2562
offender or others. 2563

(C) Except as provided in division (G) of this section or in 2564
Chapter 2925. of the Revised Code, the court imposing a sentence 2565
upon an offender for a felony may impose the longest prison term 2566
authorized for the offense pursuant to division (A) of this 2567
section only upon offenders who committed the worst forms of the 2568
offense, upon offenders who pose the greatest likelihood of 2569
committing future crimes, upon certain major drug offenders under 2570
division (D)(3) of this section, and upon certain repeat violent 2571
offenders in accordance with division (D)(2) of this section. 2572

(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 or about the offender's person or under the offender's control while committing the felony;

(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, 2604
if an offender who is convicted of or pleads guilty to a violation 2605
of section 2923.161 of the Revised Code or to a felony that 2606
includes, as an essential element, purposely or knowingly causing 2607
or attempting to cause the death of or physical harm to another, 2608
also is convicted of or pleads guilty to a specification of the 2609
type described in section 2941.146 of the Revised Code that 2610
charges the offender with committing the offense by discharging a 2611
firearm from a motor vehicle other than a manufactured home, the 2612
court, after imposing a prison term on the offender for the 2613
violation of section 2923.161 of the Revised Code or for the other 2614
felony offense under division (A), (D)(2), or (D)(3) of this 2615
section, shall impose an additional prison term of five years upon 2616
the offender that shall not be reduced pursuant to section 2617
2929.20, section 2967.193, or any other provision of Chapter 2967. 2618
or Chapter 5120. of the Revised Code. A court shall not impose 2619
more than one additional prison term on an offender under division 2620
(D)(1)(c) of this section for felonies committed as part of the 2621
same act or transaction. If a court imposes an additional prison 2622
term on an offender under division (D)(1)(c) of this section 2623
relative to an offense, the court also shall impose a prison term 2624
under division (D)(1)(a) of this section relative to the same 2625
offense, provided the criteria specified in that division for 2626
imposing an additional prison term are satisfied relative to the 2627
offender and the offense. 2628

(d) If an offender who is convicted of or pleads guilty to an 2629
offense of violence that is a felony also is convicted of or 2630
pleads guilty to a specification of the type described in section 2631
2941.1411 of the Revised Code that charges the offender with 2632
wearing or carrying body armor while committing the felony offense 2633
of violence, the court shall impose on the offender a prison term 2634
of two years. The prison term so imposed shall not be reduced 2635

pursuant to section 2929.20, section 2967.193, or any other 2636
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2637
court shall not impose more than one prison term on an offender 2638
under division (D)(1)(d) of this section for felonies committed as 2639
part of the same act or transaction. If a court imposes an 2640
additional prison term under division (D)(1)(a) or (c) of this 2641
section, the court is not precluded from imposing an additional 2642
prison term under division (D)(1)(d) of this section. 2643

(e) The court shall not impose any of the prison terms 2644
described in division (D)(1)(a) of this section or any of the 2645
additional prison terms described in division (D)(1)(c) of this 2646
section upon an offender for a violation of section 2923.12 or 2647
2923.123 of the Revised Code. The court shall not impose any of 2648
the prison terms described in division (D)(1)(a) of this section 2649
or any of the additional prison terms described in division 2650
(D)(1)(c) of this section upon an offender for a violation of 2651
section 2923.13 of the Revised Code unless all of the following 2652
apply: 2653

(i) The offender previously has been convicted of aggravated 2654
murder, murder, or any felony of the first or second degree. 2655

(ii) Less than five years have passed since the offender was 2656
released from prison or post-release control, whichever is later, 2657
for the prior offense. 2658

(2)(a) If an offender who is convicted of or pleads guilty to 2659
a felony also is convicted of or pleads guilty to a specification 2660
of the type described in section 2941.149 of the Revised Code that 2661
the offender is a repeat violent offender, the court shall impose 2662
a prison term from the range of terms authorized for the offense 2663
under division (A) of this section that may be the longest term in 2664
the range and that shall not be reduced pursuant to section 2665
2929.20, section 2967.193, or any other provision of Chapter 2967. 2666
or Chapter 5120. of the Revised Code. If the court finds that the 2667

repeat violent offender, in committing the offense, caused any 2668
physical harm that carried a substantial risk of death to a person 2669
or that involved substantial permanent incapacity or substantial 2670
permanent disfigurement of a person, the court shall impose the 2671
longest prison term from the range of terms authorized for the 2672
offense under division (A) of this section. 2673

(b) If the court imposing a prison term on a repeat violent 2674
offender imposes the longest prison term from the range of terms 2675
authorized for the offense under division (A) of this section, the 2676
court may impose on the offender an additional definite prison 2677
term of one, two, three, four, five, six, seven, eight, nine, or 2678
ten years if the court finds that both of the following apply with 2679
respect to the prison terms imposed on the offender pursuant to 2680
division (D)(2)(a) of this section and, if applicable, divisions 2681
(D)(1) and (3) of this section: 2682

(i) The terms so imposed are inadequate to punish the 2683
offender and protect the public from future crime, because the 2684
applicable factors under section 2929.12 of the Revised Code 2685
indicating a greater likelihood of recidivism outweigh the 2686
applicable factors under that section indicating a lesser 2687
likelihood of recidivism. 2688

(ii) The terms so imposed are demeaning to the seriousness of 2689
the offense, because one or more of the factors under section 2690
2929.12 of the Revised Code indicating that the offender's conduct 2691
is more serious than conduct normally constituting the offense are 2692
present, and they outweigh the applicable factors under that 2693
section indicating that the offender's conduct is less serious 2694
than conduct normally constituting the offense. 2695

(3)(a) Except when an offender commits a violation of section 2696
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2697
the violation is life imprisonment or commits a violation of 2698
section 2903.02 of the Revised Code, if the offender commits a 2699

violation of section 2925.03 or 2925.11 of the Revised Code and 2700
that section classifies the offender as a major drug offender and 2701
requires the imposition of a ten-year prison term on the offender, 2702
if the offender commits a felony violation of section 2925.02, 2703
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2704
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2705
division (C) of section 4729.51, or division (J) of section 2706
4729.54 of the Revised Code that includes the sale, offer to sell, 2707
or possession of a schedule I or II controlled substance, with the 2708
exception of marihuana, and the court imposing sentence upon the 2709
offender finds that the offender is guilty of a specification of 2710
the type described in section 2941.1410 of the Revised Code 2711
charging that the offender is a major drug offender, if the court 2712
imposing sentence upon an offender for a felony finds that the 2713
offender is guilty of corrupt activity with the most serious 2714
offense in the pattern of corrupt activity being a felony of the 2715
first degree, or if the offender is guilty of an attempted 2716
violation of section 2907.02 of the Revised Code and, had the 2717
offender completed the violation of section 2907.02 of the Revised 2718
Code that was attempted, the offender would have been subject to a 2719
sentence of life imprisonment or life imprisonment without parole 2720
for the violation of section 2907.02 of the Revised Code, the 2721
court shall impose upon the offender for the felony violation a 2722
ten-year prison term that cannot be reduced pursuant to section 2723
2929.20 or Chapter 2967. or 5120. of the Revised Code. 2724

(b) The court imposing a prison term on an offender under 2725
division (D)(3)(a) of this section may impose an additional prison 2726
term of one, two, three, four, five, six, seven, eight, nine, or 2727
ten years, if the court, with respect to the term imposed under 2728
division (D)(3)(a) of this section and, if applicable, divisions 2729
(D)(1) and (2) of this section, makes both of the findings set 2730
forth in divisions (D)(2)(b)(i) and (ii) of this section. 2731

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (D)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. The court shall not sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an

offender pursuant to division (D)(1)(c) of this section for 2764
committing a felony specified in that division by discharging a 2765
firearm from a motor vehicle, or if both types of mandatory prison 2766
terms are imposed, the offender shall serve any mandatory prison 2767
term imposed under either division consecutively to any other 2768
mandatory prison term imposed under either division or under 2769
division (D)(1)(d) of this section, consecutively to and prior to 2770
any prison term imposed for the underlying felony pursuant to 2771
division (A), (D)(2), or (D)(3) of this section or any other 2772
section of the Revised Code, and consecutively to any other prison 2773
term or mandatory prison term previously or subsequently imposed 2774
upon the offender. 2775

(b) If a mandatory prison term is imposed upon an offender 2776
pursuant to division (D)(1)(d) of this section for wearing or 2777
carrying body armor while committing an offense of violence that 2778
is a felony, the offender shall serve the mandatory term so 2779
imposed consecutively to any other mandatory prison term imposed 2780
under that division or under division (D)(1)(a) or (c) of this 2781
section, consecutively to and prior to any prison term imposed for 2782
the underlying felony under division (A), (D)(2), or (D)(3) of 2783
this section or any other section of the Revised Code, and 2784
consecutively to any other prison term or mandatory prison term 2785
previously or subsequently imposed upon the offender. 2786

(2) If an offender who is an inmate in a jail, prison, or 2787
other residential detention facility violates section 2917.02, 2788
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2789
who is under detention at a detention facility commits a felony 2790
violation of section 2923.131 of the Revised Code, or if an 2791
offender who is an inmate in a jail, prison, or other residential 2792
detention facility or is under detention at a detention facility 2793
commits another felony while the offender is an escapee in 2794
violation of section 2921.34 of the Revised Code, any prison term 2795

imposed upon the offender for one of those violations shall be 2796
served by the offender consecutively to the prison term or term of 2797
imprisonment the offender was serving when the offender committed 2798
that offense and to any other prison term previously or 2799
subsequently imposed upon the offender. 2800

(3) If a prison term is imposed for a violation of division 2801
(B) of section 2911.01 of the Revised Code, a violation of 2802
division (A) of section 2913.02 of the Revised Code in which the 2803
stolen property is a firearm or dangerous ordnance, or if a prison 2804
term is imposed for a felony violation of division (B) of section 2805
2921.331 of the Revised Code, the offender shall serve that prison 2806
term consecutively to any other prison term or mandatory prison 2807
term previously or subsequently imposed upon the offender. 2808

(4) If multiple prison terms are imposed on an offender for 2809
convictions of multiple offenses, the court may require the 2810
offender to serve the prison terms consecutively if the court 2811
finds that the consecutive service is necessary to protect the 2812
public from future crime or to punish the offender and that 2813
consecutive sentences are not disproportionate to the seriousness 2814
of the offender's conduct and to the danger the offender poses to 2815
the public, and if the court also finds any of the following: 2816

(a) The offender committed one or more of the multiple 2817
offenses while the offender was awaiting trial or sentencing, was 2818
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2819
2929.18 of the Revised Code, or was under post-release control for 2820
a prior offense. 2821

(b) At least two of the multiple offenses were committed as 2822
part of one or more courses of conduct, and the harm caused by two 2823
or more of the multiple offenses so committed was so great or 2824
unusual that no single prison term for any of the offenses 2825
committed as part of any of the courses of conduct adequately 2826
reflects the seriousness of the offender's conduct. 2827

(c) The offender's history of criminal conduct demonstrates 2828
that consecutive sentences are necessary to protect the public 2829
from future crime by the offender. 2830

(5) When consecutive prison terms are imposed pursuant to 2831
division (E)(1), (2), (3), or (4) of this section, the term to be 2832
served is the aggregate of all of the terms so imposed. 2833

(F) If a court imposes a prison term of a type described in 2834
division (B) of section 2967.28 of the Revised Code, it shall 2835
include in the sentence a requirement that the offender be subject 2836
to a period of post-release control after the offender's release 2837
from imprisonment, in accordance with that division. If a court 2838
imposes a prison term of a type described in division (C) of that 2839
section, it shall include in the sentence a requirement that the 2840
offender be subject to a period of post-release control after the 2841
offender's release from imprisonment, in accordance with that 2842
division, if the parole board determines that a period of 2843
post-release control is necessary. 2844

(G) If a person is convicted of or pleads guilty to a 2845
sexually violent offense and also is convicted of or pleads guilty 2846
to a sexually violent predator specification that was included in 2847
the indictment, count in the indictment, or information charging 2848
that offense, the court shall impose sentence upon the offender in 2849
accordance with section 2971.03 of the Revised Code, and Chapter 2850
2971. of the Revised Code applies regarding the prison term or 2851
term of life imprisonment without parole imposed upon the offender 2852
and the service of that term of imprisonment. 2853

(H) If a person who has been convicted of or pleaded guilty 2854
to a felony is sentenced to a prison term or term of imprisonment 2855
under this section, sections 2929.02 to 2929.06 of the Revised 2856
Code, section 2971.03 of the Revised Code, or any other provision 2857
of law, section 5120.163 of the Revised Code applies regarding the 2858

person while the person is confined in a state correctional 2859
institution. 2860

(I) If an offender who is convicted of or pleads guilty to a 2861
felony that is an offense of violence also is convicted of or 2862
pleads guilty to a specification of the type described in section 2863
2941.142 of the Revised Code that charges the offender with having 2864
committed the felony while participating in a criminal gang, the 2865
court shall impose upon the offender an additional prison term of 2866
one, two, or three years. 2867

(J) If an offender who is convicted of or pleads guilty to 2868
aggravated murder, murder, or a felony of the first, second, or 2869
third degree that is an offense of violence also is convicted of 2870
or pleads guilty to a specification of the type described in 2871
section 2941.143 of the Revised Code that charges the offender 2872
with having committed the offense in a school safety zone or 2873
towards a person in a school safety zone, the court shall impose 2874
upon the offender an additional prison term of two years. The 2875
offender shall serve the additional two years consecutively to and 2876
prior to the prison term imposed for the underlying offense. 2877

(K) At the time of sentencing, the court may recommend the 2878
offender for placement in a program of shock incarceration under 2879
section 5120.031 of the Revised Code or for placement in an 2880
intensive program prison under section 5120.032 of the Revised 2881
Code, disapprove placement of the offender in a program of shock 2882
incarceration or an intensive program prison of that nature, or 2883
make no recommendation on placement of the offender. In no case 2884
shall the department of rehabilitation and correction place the 2885
offender in a program or prison of that nature unless the 2886
department determines as specified in section 5120.031 or 5120.032 2887
of the Revised Code, whichever is applicable, that the offender is 2888
eligible for the placement. 2889

If the court disapproves placement of the offender in a 2890

program or prison of that nature, the department of rehabilitation 2891
and correction shall not place the offender in any program of 2892
shock incarceration or intensive program prison. 2893

If the court recommends placement of the offender in a 2894
program of shock incarceration or in an intensive program prison, 2895
and if the offender is subsequently placed in the recommended 2896
program or prison, the department shall notify the court of the 2897
placement and shall include with the notice a brief description of 2898
the placement. 2899

If the court recommends placement of the offender in a 2900
program of shock incarceration or in an intensive program prison 2901
and the department does not subsequently place the offender in the 2902
recommended program or prison, the department shall send a notice 2903
to the court indicating why the offender was not placed in the 2904
recommended program or prison. 2905

If the court does not make a recommendation under this 2906
division with respect to an offender and if the department 2907
determines as specified in section 5120.031 or 5120.032 of the 2908
Revised Code, whichever is applicable, that the offender is 2909
eligible for placement in a program or prison of that nature, the 2910
department shall screen the offender and determine if there is an 2911
available program of shock incarceration or an intensive program 2912
prison for which the offender is suited. If there is an available 2913
program of shock incarceration or an intensive program prison for 2914
which the offender is suited, the department shall notify the 2915
court of the proposed placement of the offender as specified in 2916
section 5120.031 or 5120.032 of the Revised Code and shall include 2917
with the notice a brief description of the placement. The court 2918
shall have ten days from receipt of the notice to disapprove the 2919
placement. 2920

Section 4. That all existing versions of sections 2923.122 2921

and 2929.14 of the Revised Code are hereby repealed. 2922

Section 5. Sections 3 and 4 of this act shall take effect on 2923
January 1, 2004. 2924

Section 6. In amending sections 1547.69, 2911.21, 2921.13, 2925
2923.12, 2923.121, 2923.123, 2923.13, 2923.16, 2953.32, and 2926
4749.10 of the Revised Code and in enacting sections 109.731, 2927
311.41, 311.42, and 2923.124 to 2923.1212 of the Revised Code in 2928
this act, the General Assembly hereby declares its intent to 2929
recognize both of the following: 2930

(A) The inalienable and fundamental right of an individual to 2931
defend the individual's person and the members of the individual's 2932
family; 2933

(B) The fact that the right described in division (A) of this 2934
section predates the adoption of the United States Constitution, 2935
the adoption of the Ohio Constitution, and the enactment of all 2936
statutory laws by the General Assembly and may not be infringed by 2937
any enactment of the General Assembly. 2938

Section 7. In enacting sections 109.731, 311.41, 311.42, and 2940
2923.124 to 2923.1212 of the Revised Code in this act and in 2941
amending sections 1547.69, 2911.21, 2921.13, 2923.12, 2923.121, 2942
2923.123, 2923.13, 2923.16, 2953.32, and 4749.10 of the Revised 2943
Code in this act relative to licenses to carry a concealed 2944
handgun, the General Assembly hereby declares that it is not its 2945
intent to declare or otherwise give the impression that, prior to 2946
the effective date of this act, an individual did not have an 2947
inalienable and fundamental right, or a right under the Ohio 2948
Constitution or the United States Constitution, to carry a 2949
concealed handgun or other firearm for the defense of the 2950

individual's person or a member of the individual's family while 2951
engaged in lawful activity. Further, the General Assembly declares 2952
that it is not its intent to invalidate any prior convictions for 2953
violating any section of the Revised Code or a municipal ordinance 2954
prior to the effective date of this act or to prevent the 2955
prosecution of any violation committed prior to the effective date 2956
of this act. 2957

Section 8. Within thirty days after the effective date of 2958
this act, the Ohio Peace Officer Training Commission shall submit 2959
the rules required under section 109.731 of the Revised Code to 2960
the Joint Committee on Agency Rule Review. Within thirty days 2961
after those rules take effect, the Commission shall prepare and 2962
make available to the sheriffs of this state the application and 2963
license forms described in division (A) of section 109.731 of the 2964
Revised Code and the Ohio firearms laws pamphlet described in 2965
division (B) of that section and shall prescribe the license fee 2966
described in division (C) of that section. The Commission shall 2967
submit its first annual statistical report described in division 2968
(D) of that section not later than fifteen months after the 2969
effective date of this act. 2970

Section 9. It is the intent of the General Assembly in 2971
amending sections 1547.69, 2911.21, 2921.13, 2923.12, 2923.121, 2972
2923.123, 2923.16, 2953.32, and 4749.10 and enacting sections 2973
109.731, 311.41, 311.42, and 2923.124 to 2923.1212 of the Revised 2974
Code to enact laws of a general nature. No municipal corporation 2975
may adopt or continue in existence any ordinance, and no township 2976
may adopt or continue in existence, any resolution that is in 2977
conflict with those sections. 2978

Section 10. If any provision of sections 1547.69, 2911.21, 2979
2913.02, 2921.13, 2923.12, 2923.121, 2923.123, 2923.16, 2929.14, 2980

2953.32, and 4749.10 of the Revised Code, as amended by this act, 2981
any provision of sections 109.731, 311.41, 311.42, 2923.124, 2982
2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2983
2923.1211, and 2923.1212 of the Revised Code, as enacted by this 2984
act, or the application of any provision of those sections to any 2985
person or circumstance is held invalid, the invalidity does not 2986
affect other provisions or applications of the particular section 2987
or related sections that can be given effect without the invalid 2988
provision or application, and to this end the provisions of the 2989
particular section are severable. 2990

Section 11. (A) Section 2929.14 of the Revised Code, 2991
effective until January 1, 2004, is presented in Section 1 of this 2992
act as a composite of the section as amended by both Am. Sub. H.B. 2993
327 and Sub. H.B. 485 of the 124th General Assembly. The General 2994
Assembly, applying the principle stated in division (B) of section 2995
1.52 of the Revised Code that amendments are to be harmonized if 2996
reasonably capable of simultaneous operation, finds that the 2997
composite is the resulting version of the section in effect prior 2998
to the effective date of the section as presented in Section 1 of 2999
this act. 3000

(B) Section 2929.14 of the Revised Code, effective on January 3001
1, 2004, is presented in Section 3 of this act as a composite of 3002
the section as amended by Am. Sub. H.B. 327, Sub. H.B. 485, and 3003
Am. Sub. S.B. 123 of the 124th General Assembly. The General 3004
Assembly, applying the principle stated in division (B) of section 3005
1.52 of the Revised Code that amendments are to be harmonized if 3006
reasonably capable of simultaneous operation, finds that the 3007
composite is the resulting version of the section in effect prior 3008
to the effective date of the section as presented in Section 3 of 3009
this act. 3010