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Representatives Aslanides, Cates, Hollister, J. Stewart, Faber, Seitz,
Grendell, Willamowski, Blasdel, Book, Buehrer, Callender, Calvert, Carano,
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Sferra, Taylor, Webster, White, Widener, Wolpert, Young, Hughes
Senators Austria, Jordan, Schuring, Amstutz, Carnes, Harris, Jacobson,
Mumper, Robert Gardner

A BILL

To amend sections 1547.69, 2911.21, 2913.02, 2921.13, 1
2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2
2923.13, 2923.16, 2929.14, 2953.32, and 4749.10 3
and to enact sections 109.69, 109.731, 181.251, 4
311.41, 311.42, 2923.124, 2923.125, 2923.126, 5
2923.127, 2923.128, 2923.129, 2923.1210, 6
2923.1211, 2923.1212, 2923.25, and 5122.311 of the 7
Revised Code to authorize county sheriffs to issue 8
licenses to carry concealed handguns to certain 9
persons, to create the offenses of falsification 10
to obtain a concealed handgun license, 11
falsification of a concealed handgun license, and 12
possessing a revoked or suspended concealed 13
handgun license, to increase the penalty for theft 14
of a firearm and having weapons while under 15
disability, to modify the definition of handgun 16

that applies in the Weapons Control Law, to 17
require the Office of Criminal Justice Services to 18
prepare and distribute to federally licensed 19
firearms dealers a poster and brochure that 20
describe safe firearms practices, to require 21
federally licensed firearms dealers to offer gun 22
locking device to purchasers at the time of sale, 23
post the poster, and provide the brochure to 24
purchasers, and to maintain the provisions of this 25
act on and after January 1, 2004, by amending the 26
versions of sections 2923.122, 2929.14, and 27
2953.32 of the Revised Code that take effect on 28
that date. 29

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

Section 1. That sections 1547.69, 2911.21, 2913.02, 2921.13, 30
2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.13, 2923.16, 31
2929.14, 2953.32, and 4749.10 be amended and sections 109.69, 32
109.731, 181.251, 311.41, 311.42, 2923.124, 2923.125, 2923.126, 33
2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1212, 34
2923.25, and 5122.311 of the Revised Code be enacted to read as 35
follows: 36

Sec. 109.69. (A)(1) The attorney general shall negotiate and 37
enter into a reciprocity agreement with any other license-issuing 38
state under which a license to carry a concealed handgun that is 39
issued by the other state is recognized in this state if the 40
attorney general determines that both of the following apply: 41

(a) The eligibility requirements imposed by that 42
license-issuing state are substantially comparable to the 43
eligibility requirements for a license to carry a concealed 44

handgun issued under section 2923.125 of the Revised Code.

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(b) That license-issuing state recognizes a license to carry a concealed handgun issued under section 2923.125 of the Revised Code.

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(2) The attorney general shall not negotiate any agreement with any other license-issuing state under which a license to carry a concealed handgun that is issued by the other state is recognized in this state other than as provided in division (A)(1) of this section.

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(B) As used in this section:

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(1) "Handgun" has the same meaning as in section 2923.11 of the Revised Code.

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(2) "License-issuing state" means a state other than this state that, pursuant to law, provides for the issuance of a license to carry a concealed handgun.

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

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

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

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

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licensee. 74

(b) It has space for the date of issuance of the license, its expiration date, its county of issuance, the name of the sheriff who issues the license, and the unique combination of letters and numbers that identify the county of issuance and the license given to the licensee by the sheriff in accordance with division (A)(4) of this section. 75
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(c) It has space for the signature of the licensee and the signature or a facsimile signature of the sheriff who issues the license. 81
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(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. 84
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(3) A series of three-letter county codes that identify each county in this state; 89
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(4) A procedure by which a sheriff shall give each license, replacement license, or renewal license to carry a concealed handgun the sheriff issues under section 2923.125 of the Revised Code a unique combination of letters and numbers that identifies the county in which the license was issued and that uses the county code and a unique number for each license the sheriff of that county issues. 91
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(B)(1) The Ohio peace officer training commission, in consultation with the attorney general, shall prepare a pamphlet that does all of the following, in everyday language: 98
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(a) Explains the firearms laws of this state; 101

(b) Instructs the reader in dispute resolution and explains the laws of this state related to that matter; 102
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(c) Provides information to the reader regarding all aspects of the use of deadly force with a firearm, including, but not limited to, the steps that should be taken before contemplating the use of, or using, deadly force with a firearm, possible alternatives to using deadly force with a firearm, and the law governing the use of deadly force with a firearm. 104
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(2) The attorney general shall consult with and assist the commission in the preparation of the pamphlet described in division (B)(1) of this section and, as necessary, shall recommend to the commission changes in the pamphlet to reflect changes in the law that are relevant to it. The commission shall make copies of the pamphlet available to any person, public entity, or private entity that operates or teaches a training course, class, or program described in division (B)(3)(a), (b), (c), and (e) of section 2923.125 of the Revised Code and requests copies for distribution to persons who take the course, class, or program, and 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. 110
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(C)(1) The Ohio peace officer training commission, in consultation with the attorney general, 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 to carry a concealed handgun as follows: 124
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(a) For an applicant who has been a resident of this state for five or more years, an amount that does not exceed the lesser of the actual cost of issuing the license, including, but not limited to, the cost of conducting the criminal records check, or forty-five dollars; 129
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(b) For an applicant who has been a resident of this state 134

for less than five years, an amount that shall consist of the
actual cost of having a criminal background check performed by the
federal bureau of investigation, if one is so performed, plus the
lesser of the actual cost of issuing the license, including, but
not limited to, the cost of conducting the criminal records check,
or forty-five dollars.

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(2) The commission, in consultation with the attorney
general, shall specify the portion of the fee prescribed under
division (C)(1) of this section 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.

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(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 processing 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 governor, the president of the senate, and the
speaker of the house of representatives indicating the number of
those licenses that were issued, renewed, suspended, revoked, and
denied in the previous calendar year and the number of
applications for those licenses for which processing was suspended
in accordance with division (D)(3) of section 2923.125 of the
Revised Code in the previous calendar year. Nothing in the
statistics or the statistical report shall identify, or enable the
identification of, any individual who was issued or denied a
license, for whom a license was renewed, whose license was
suspended or revoked, or for whom application processing was

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suspended. The statistics and the statistical report are public 167
records for the purpose of section 149.43 of the Revised Code. 168

(E) As used in this section, "handgun" has the same meaning 169
as in section 2923.11 of the Revised Code. 170

Sec. 181.251. The office of criminal justice services shall 171
prepare a poster and a brochure that describe safe firearms 172
practices. The poster and brochure shall contain typeface that is 173
at least one-quarter inch tall. The office shall furnish copies of 174
the poster and brochure free of charge to each federally licensed 175
firearms dealer in this state. 176

As used in this section, "federally licensed firearms dealer" 177
means an importer, manufacturer, or dealer having a license to 178
deal in destructive devices or their ammunition, issued and in 179
effect pursuant to the federal "Gun Control Act of 1968," 82 Stat. 180
1213, 18 U.S.C. 923 et seq., and any amendments or additions to 181
that act or reenactments of that act. 182

Sec. 311.41. (A)(1) Upon receipt of an application for a 183
license to carry a concealed handgun under division (C) of section 184
2923.125 of the Revised Code or an application to renew a license 185
to carry a concealed handgun under division (F) of that section, 186
the sheriff shall conduct a criminal records check and an 187
incompetency check of the applicant to determine whether the 188
applicant fails to meet the criteria described in division (D)(1) 189
of section 2923.125 of the Revised Code. The sheriff shall conduct 190
the criminal records check and the incompetency records check 191
required by this division through use of an electronic fingerprint 192
reading device or, if the sheriff does not possess and does not 193
have ready access to the use of an electronic fingerprint reading 194
device, by requesting the bureau of criminal identification and 195
investigation to conduct the checks as described in this division. 196

In order to conduct the criminal records check and the 197
incompetency records check, the sheriff shall obtain the 198
fingerprints of not more than four fingers of the applicant by 199
using an electronic fingerprint reading device for the purpose of 200
conducting the criminal records check and the incompetency records 201
check or, if the sheriff does not possess and does not have ready 202
access to the use of an electronic fingerprint reading device, 203
shall obtain from the applicant a completed standard fingerprint 204
impression sheet pursuant to division (C)(2) of section 205
109.572 of the Revised Code. The fingerprints so obtained, along 206
with the applicant's social security number, shall be used to 207
conduct the criminal records check and the incompetency records 208
check. If the sheriff does not use an electronic fingerprint 209
reading device to obtain the fingerprints and conduct the records 210
checks, the sheriff shall submit the completed standard 211
fingerprint impression sheet of the applicant, along with the 212
applicant's social security number, to the superintendent of the 213
bureau of criminal identification and investigation and shall 214
request the bureau to conduct the criminal records check and the 215
incompetency records check of the applicant and, if necessary, 216
shall request the superintendent of the bureau to obtain 217
information from the federal bureau of investigation as part of 218
the criminal records check for the applicant. If it is not 219
possible to use an electronic fingerprint reading device to 220
conduct an incompetency records check, the sheriff shall submit 221
the completed standard fingerprint impression sheet of the 222
applicant, along with the applicant's social security number, to 223
the superintendent of the bureau of criminal identification and 224
investigation and shall request the bureau to conduct the 225
incompetency records check. The sheriff shall not retain the 226
applicant's fingerprints as part of the application. 227

(2) Except as otherwise provided in this division, if at any 228

time the applicant decides not to continue with the application 229
process, the sheriff immediately shall cease any investigation 230
that is being conducted under division (A)(1) of this section. The 231
sheriff shall not cease that investigation if, at the time of the 232
applicant's decision not to continue with the application process, 233
the sheriff had determined from any of the sheriff's 234
investigations that the applicant then was engaged in activity of 235
a criminal nature. 236

(B) If a criminal records check and an incompetency records 237
check conducted under division (A) of this section do not indicate 238
that the applicant fails to meet the criteria described in 239
division (D)(1) of section 2923.125 of the Revised Code, except as 240
otherwise provided in this division, the sheriff shall destroy or 241
cause a designated employee to destroy all records other than the 242
application for a license to carry a concealed handgun or the 243
application to renew a license to carry a concealed handgun that 244
were made in connection with the criminal records check and 245
incompetency records check within twenty days after conducting the 246
criminal records check and incompetency records check. If an 247
applicant appeals a denial of an application as described in 248
division (D) (2) of section 2923.125 of the Revised Code or 249
challenges the results of a criminal records check pursuant to 250
section 2923.127 of the Revised Code, records of fingerprints of 251
the applicant shall not be destroyed during the pendency of the 252
appeal or the challenge and review. When an applicant appeals a 253
denial as described in that division, the twenty-day period 254
described in this division commences regarding the fingerprints 255
upon the determination of the appeal. When required as a result of 256
a challenge and review performed pursuant to section 2923.127 of 257
the Revised Code, the source the sheriff used in conducting the 258
criminal records check shall destroy or the chief operating 259
officer of the source shall cause an employee of the source 260

designated by the chief to destroy all records other than the 261
application for a license to carry a concealed handgun or the 262
application to renew a license to carry a concealed handgun that 263
were made in connection with the criminal records check within 264
twenty days after completion of that challenge and review. 265

(C) If division (B) of this section applies to a particular 266
criminal records check or incompetency records check, no sheriff, 267
employee of a sheriff designated by the sheriff to destroy records 268
under that division, source the sheriff used in conducting the 269
criminal records check or incompetency records check, or employee 270
of the source designated by the chief operating officer of the 271
source to destroy records under that division shall fail to 272
destroy or cause to be destroyed within the applicable twenty-day 273
period specified in that division all records other than the 274
application for a license to carry a concealed handgun or the 275
application to renew a license to carry a concealed handgun made 276
in connection with the particular criminal records check or 277
incompetency records check. 278

(D) Whoever violates division (C) of this section is guilty 279
of failure to destroy records, a misdemeanor of the second degree. 280

(E) As used in this section, "handgun" has the same meaning 281
as in section 2923.11 of the Revised Code. 282

Sec. 311.42. (A) Each county shall establish in the county 283
treasury a sheriff's concealed handgun license issuance expense 284
fund. The sheriff of that county shall deposit into that fund all 285
fees paid by applicants for the issuance or renewal of a license 286
or duplicate license to carry a concealed handgun under section 287
2923.125 of the Revised Code. The county shall distribute the fees 288
deposited into the fund in accordance with the specifications 289
prescribed by the Ohio peace officer training commission under 290
division (C) of section 109.731 of the Revised Code. 291

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

Sec. 1547.69. (A) As used in this section: 300

(1) "Firearm" ~~has~~ and "handgun" have the same ~~meaning~~ meanings as in section 2923.11 of the Revised Code. 301
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(2) "Unloaded" has the same meaning as in section 2923.16 of the Revised Code. 303
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(B) No person shall knowingly discharge a firearm while in or on a vessel. 305
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(C) No person shall knowingly transport or have a loaded firearm in a vessel in ~~such~~ a manner that the firearm is accessible to the operator or any passenger. 307
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(D) No person shall knowingly transport or have a firearm in a vessel unless it is unloaded and is carried in one of the following ways: 310
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(1) In a closed package, box, or case; 313

(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. 314
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(E)(1) The affirmative defenses ~~contained~~ authorized in divisions ~~(C)~~(D)(1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (C) or (D) of this section. 317
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(2) No person who is charged with a violation of division (C) or (D) of this section shall be required to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code as a condition for the dismissal of the charge.

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

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

(H) This section does not apply to officers, agents, or employees of this or any other state or of the United States, or to law enforcement officers, when authorized to carry or have loaded or accessible firearms in a vessel and acting within the scope of their duties, ~~nor~~ and this section does not apply to persons legally engaged in hunting. Divisions (C) and (D) of this section do not apply to a person who transports or possesses a handgun in a vessel and who, at the time of that transportation or possession, is carrying a valid license to carry a concealed handgun issued to the person under section 2923.125 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, unless the person knowingly is in a place on the vessel described in division (B) of section 2923.126 of the Revised Code.

Sec. 2911.21. (A) No person, without privilege to do so, 352
shall do any of the following: 353

(1) Knowingly enter or remain on the land or premises of 354
another; 355

(2) Knowingly enter or remain on the land or premises of 356
another, the use of which is lawfully restricted to certain 357
persons, purposes, modes, or hours, when the offender knows ~~he~~ the 358
offender is in violation of any such restriction or is reckless in 359
that regard; 360

(3) Recklessly enter or remain on the land or premises of 361
another, as to which notice against unauthorized access or 362
presence is given by actual communication to the offender, or in a 363
manner prescribed by law, or by posting in a manner reasonably 364
calculated to come to the attention of potential intruders, or by 365
fencing or other enclosure manifestly designed to restrict access; 366

(4) Being on the land or premises of another, negligently 367
fail or refuse to leave upon being notified by signage posted in a 368
conspicuous place or otherwise being notified to do so by the 369
owner or occupant, or the agent or servant of either. 370

(B) It is no defense to a charge under this section that the 371
land or premises involved was owned, controlled, or in custody of 372
a public agency. 373

(C) It is no defense to a charge under this section that the 374
offender was authorized to enter or remain on the land or premises 375
involved, when such authorization was secured by deception. 376

(D) Whoever violates this section is guilty of criminal 377
trespass, a misdemeanor of the fourth degree. 378

(E) As used in this section, "land or premises" includes any 379
land, building, structure, or place belonging to, controlled by, 380
or in custody of another, and any separate enclosure or room, or 381

portion thereof. 382

Sec. 2913.02. (A) No person, with purpose to deprive the 383
owner of property or services, shall knowingly obtain or exert 384
control over either the property or services in any of the 385
following ways: 386

(1) Without the consent of the owner or person authorized to 387
give consent; 388

(2) Beyond the scope of the express or implied consent of the 389
owner or person authorized to give consent; 390

(3) By deception; 391

(4) By threat; 392

(5) By intimidation. 393

(B)(1) Whoever violates this section is guilty of theft. 394

(2) Except as otherwise provided in this division or division 395
(B)(3), (4), (5), or (6) of this section, a violation of this 396
section is petty theft, a misdemeanor of the first degree. If the 397
value of the property or services stolen is five hundred dollars 398
or more and is less than five thousand dollars or if the property 399
stolen is any of the property listed in section 2913.71 of the 400
Revised Code, a violation of this section is theft, a felony of 401
the fifth degree. If the value of the property or services stolen 402
is five thousand dollars or more and is less than one hundred 403
thousand dollars, a violation of this section is grand theft, a 404
felony of the fourth degree. If the value of the property or 405
services stolen is one hundred thousand dollars or more, a 406
violation of this section is aggravated theft, a felony of the 407
third degree. 408

(3) Except as otherwise provided in division (B)(4), (5), or 409
(6) of this section, if the victim of the offense is an elderly 410
person or disabled adult, a violation of this section is theft 411

from an elderly person or disabled adult, and division (B)(3) of 412
this section applies. Except as otherwise provided in this 413
division, theft from an elderly person or disabled adult is a 414
felony of the fifth degree. If the value of the property or 415
services stolen is five hundred dollars or more and is less than 416
five thousand dollars, theft from an elderly person or disabled 417
adult is a felony of the fourth degree. If the value of the 418
property or services stolen is five thousand dollars or more and 419
is less than twenty-five thousand dollars, theft from an elderly 420
person or disabled adult is a felony of the third degree. If the 421
value of the property or services stolen is twenty-five thousand 422
dollars or more, theft from an elderly person or disabled adult is 423
a felony of the second degree. 424

(4) If the property stolen is a firearm or dangerous 425
ordnance, a violation of this section is grand theft, a felony of 426
the ~~fourth~~ third degree, and there is a presumption in favor of 427
the court imposing a prison term for the offense. The offender 428
shall serve the prison term consecutively to any other prison term 429
or mandatory prison term previously or subsequently imposed upon 430
the offender. 431

(5) If the property stolen is a motor vehicle, a violation of 432
this section is grand theft of a motor vehicle, a felony of the 433
fourth degree. 434

(6) If the property stolen is any dangerous drug, a violation 435
of this section is theft of drugs, a felony of the fourth degree, 436
or, if the offender previously has been convicted of a felony drug 437
abuse offense, a felony of the third degree. 438

Sec. 2921.13. (A) No person shall knowingly make a false 439
statement, or knowingly swear or affirm the truth of a false 440
statement previously made, when any of the following applies: 441

(1) The statement is made in any official proceeding. 442

- (2) The statement is made with purpose to incriminate 443
another. 444
- (3) The statement is made with purpose to mislead a public 445
official in performing the public official's official function. 446
- (4) The statement is made with purpose to secure the payment 447
of unemployment compensation; Ohio works first; prevention, 448
retention, and contingency benefits and services; disability 449
assistance; retirement benefits; economic development assistance, 450
as defined in section 9.66 of the Revised Code; or other benefits 451
administered by a governmental agency or paid out of a public 452
treasury. 453
- (5) The statement is made with purpose to secure the issuance 454
by a governmental agency of a license, permit, authorization, 455
certificate, registration, release, or provider agreement. 456
- (6) The statement is sworn or affirmed before a notary public 457
or another person empowered to administer oaths. 458
- (7) The statement is in writing on or in connection with a 459
report or return that is required or authorized by law. 460
- (8) The statement is in writing and is made with purpose to 461
induce another to extend credit to or employ the offender, to 462
confer any degree, diploma, certificate of attainment, award of 463
excellence, or honor on the offender, or to extend to or bestow 464
upon the offender any other valuable benefit or distinction, when 465
the person to whom the statement is directed relies upon it to 466
that person's detriment. 467
- (9) The statement is made with purpose to commit or 468
facilitate the commission of a theft offense. 469
- (10) The statement is knowingly made to a probate court in 470
connection with any action, proceeding, or other matter within its 471
jurisdiction, either orally or in a written document, including, 472

but not limited to, an application, petition, complaint, or other 473
pleading, or an inventory, account, or report. 474

(11) The statement is made on an account, form, record, 475
stamp, label, or other writing that is required by law. 476

(12) The statement is made in connection with the purchase of 477
a firearm, as defined in section 2923.11 of the Revised Code, and 478
in conjunction with the furnishing to the seller of the firearm of 479
a fictitious or altered driver's or commercial driver's license or 480
permit, a fictitious or altered identification card, or any other 481
document that contains false information about the purchaser's 482
identity. 483

(13) The statement is made in a document or instrument of 484
writing that purports to be a judgment, lien, or claim of 485
indebtedness and is filed or recorded with the secretary of state, 486
a county recorder, or the clerk of a court of record. 487

(14) The statement is made in an application filed with a 488
county sheriff pursuant to section 2923.125 of the Revised Code in 489
order to obtain or renew a license to carry a concealed handgun. 490

(B) No person, in connection with the purchase of a firearm, 491
as defined in section 2923.11 of the Revised Code, shall knowingly 492
furnish to the seller of the firearm a fictitious or altered 493
driver's or commercial driver's license or permit, a fictitious or 494
altered identification card, or any other document that contains 495
false information about the purchaser's identity. 496

(C) No person, in an attempt to obtain a license to carry a 497
concealed handgun under section 2923.125 of the Revised Code, 498
shall knowingly present to a sheriff a fictitious or altered 499
document that purports to be certification of the person's 500
competence in handling a handgun as described in division (B)(3) 501
of section 2923.125 of the Revised Code. 502

(D) It is no defense to a charge under division (A)(4)(6) of 503

this section that the oath or affirmation was administered or 504
taken in an irregular manner. 505

~~(D)~~(E) If contradictory statements relating to the same fact 506
are made by the offender within the period of the statute of 507
limitations for falsification, it is not necessary for the 508
prosecution to prove which statement was false but only that one 509
or the other was false. 510

~~(E)~~(F)(1) Whoever violates division (A)(1), (2), (3), (4), 511
(5), (6), (7), (8), (10), (11), or (13) of this section is guilty 512
of falsification, a misdemeanor of the first degree. 513

(2) Whoever violates division (A)(9) of this section is 514
guilty of falsification in a theft offense. Except as otherwise 515
provided in this division, falsification in a theft offense is a 516
misdemeanor of the first degree. If the value of the property or 517
services stolen is five hundred dollars or more and is less than 518
five thousand dollars, falsification in a theft offense is a 519
felony of the fifth degree. If the value of the property or 520
services stolen is five thousand dollars or more and is less than 521
one hundred thousand dollars, falsification in a theft offense is 522
a felony of the fourth degree. If the value of the property or 523
services stolen is one hundred thousand dollars or more, 524
falsification in a theft offense is a felony of the third degree. 525

(3) Whoever violates division (A)(12) or (B) of this section 526
is guilty of falsification to purchase a firearm, a felony of the 527
fifth degree. 528

~~(F)~~(4) Whoever violates division (A)(14) or (C) of this 529
section is guilty of falsification to obtain a concealed handgun 530
license, a felony of the fourth degree. 531

(G) A person who violates this section is liable in a civil 532
action to any person harmed by the violation for injury, death, or 533
loss to person or property incurred as a result of the commission 534

of the offense and for reasonable attorney's fees, court costs, 535
and other expenses incurred as a result of prosecuting the civil 536
action commenced under this division. A civil action under this 537
division is not the exclusive remedy of a person who incurs 538
injury, death, or loss to person or property as a result of a 539
violation of this section. 540

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of the 541
Revised Code: 542

(A) "Deadly weapon" means any instrument, device, or thing 543
capable of inflicting death, and designed or specially adapted for 544
use as a weapon, or possessed, carried, or used as a weapon. 545

(B)(1) "Firearm" means any deadly weapon capable of expelling 546
or propelling one or more projectiles by the action of an 547
explosive or combustible propellant. "Firearm" includes an 548
unloaded firearm, and any firearm that is inoperable but that can 549
readily be rendered operable. 550

(2) When determining whether a firearm is capable of 551
expelling or propelling one or more projectiles by the action of 552
an explosive or combustible propellant, the trier of fact may rely 553
upon circumstantial evidence, including, but not limited to, the 554
representations and actions of the individual exercising control 555
over the firearm. 556

(C) "Handgun" means any of the following: 557

(1) Any firearm that has a short stock and is designed to be 558
held and fired while being held in one by the use of a single 559
hand; 560

(2) Any combination of parts from which a firearm of a type 561
described in division (C)(1) of this section can be assembled. 562

(D) "Semi-automatic firearm" means any firearm designed or 563
specially adapted to fire a single cartridge and automatically 564

chamber a succeeding cartridge ready to fire, with a single 565
function of the trigger. 566

(E) "Automatic firearm" means any firearm designed or 567
specially adapted to fire a succession of cartridges with a single 568
function of the trigger. "Automatic firearm" also means any 569
semi-automatic firearm designed or specially adapted to fire more 570
than thirty-one cartridges without reloading, other than a firearm 571
chambering only .22 caliber short, long, or long-rifle cartridges. 572

(F) "Sawed-off firearm" means a shotgun with a barrel less 573
than eighteen inches long, or a rifle with a barrel less than 574
sixteen inches long, or a shotgun or rifle less than twenty-six 575
inches long overall. 576

(G) "Zip-gun" means any of the following: 577

(1) Any firearm of crude and extemporized manufacture; 578

(2) Any device, including without limitation a starter's 579
pistol, that is not designed as a firearm, but that is specially 580
adapted for use as a firearm; 581

(3) Any industrial tool, signalling device, or safety device, 582
that is not designed as a firearm, but that as designed is capable 583
of use as such, when possessed, carried, or used as a firearm. 584

(H) "Explosive device" means any device designed or specially 585
adapted to cause physical harm to persons or property by means of 586
an explosion, and consisting of an explosive substance or agency 587
and a means to detonate it. "Explosive device" includes without 588
limitation any bomb, any explosive demolition device, any blasting 589
cap or detonator containing an explosive charge, and any pressure 590
vessel that has been knowingly tampered with or arranged so as to 591
explode. 592

(I) "Incendiary device" means any firebomb, and any device 593
designed or specially adapted to cause physical harm to persons or 594

property by means of fire, and consisting of an incendiary 595
substance or agency and a means to ignite it. 596

(J) "Ballistic knife" means a knife with a detachable blade 597
that is propelled by a spring-operated mechanism. 598

(K) "Dangerous ordnance" means any of the following, except 599
as provided in division (L) of this section: 600

(1) Any automatic or sawed-off firearm, zip-gun, or ballistic 601
knife; 602

(2) Any explosive device or incendiary device; 603

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 604
cyclonite, TNT, picric acid, and other high explosives; amatol, 605
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other high 606
explosive compositions; plastic explosives; dynamite, blasting 607
gelatin, gelatin dynamite, sensitized ammonium nitrate, 608
liquid-oxygen blasting explosives, blasting powder, and other 609
blasting agents; and any other explosive substance having 610
sufficient brisance or power to be particularly suitable for use 611
as a military explosive, or for use in mining, quarrying, 612
excavating, or demolitions; 613

(4) Any firearm, rocket launcher, mortar, artillery piece, 614
grenade, mine, bomb, torpedo, or similar weapon, designed and 615
manufactured for military purposes, and the ammunition for that 616
weapon; 617

(5) Any firearm muffler or silencer; 618

(6) Any combination of parts that is intended by the owner 619
for use in converting any firearm or other device into a dangerous 620
ordnance. 621

(L) "Dangerous ordnance" does not include any of the 622
following: 623

(1) Any firearm, including a military weapon and the 624

ammunition for that weapon, and regardless of its actual age, that 625
employs a percussion cap or other obsolete ignition system, or 626
that is designed and safe for use only with black powder; 627

(2) Any pistol, rifle, or shotgun, designed or suitable for 628
sporting purposes, including a military weapon as issued or as 629
modified, and the ammunition for that weapon, unless the firearm 630
is an automatic or sawed-off firearm; 631

(3) Any cannon or other artillery piece that, regardless of 632
its actual age, is of a type in accepted use prior to 1887, has no 633
mechanical, hydraulic, pneumatic, or other system for absorbing 634
recoil and returning the tube into battery without displacing the 635
carriage, and is designed and safe for use only with black powder; 636

(4) Black powder, priming quills, and percussion caps 637
possessed and lawfully used to fire a cannon of a type defined in 638
division (L)(3) of this section during displays, celebrations, 639
organized matches or shoots, and target practice, and smokeless 640
and black powder, primers, and percussion caps possessed and 641
lawfully used as a propellant or ignition device in small-arms or 642
small-arms ammunition; 643

(5) Dangerous ordnance that is inoperable or inert and cannot 644
readily be rendered operable or activated, and that is kept as a 645
trophy, souvenir, curio, or museum piece. 646

(6) Any device that is expressly excepted from the definition 647
of a destructive device pursuant to the "Gun Control Act of 1968," 648
82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations 649
issued under that act. 650

(M) "Explosive" means any chemical compound, mixture, or 651
device, the primary or common purpose of which is to function by 652
explosion. "Explosive" includes all materials that have been 653
classified as class A, class B, or class C explosives by the 654
United States department of transportation in its regulations and 655

includes, but is not limited to, dynamite, black powder, pellet 656
powders, initiating explosives, blasting caps, electric blasting 657
caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, 658
instantaneous fuses, and igniter cords and igniters. "Explosive" 659
does not include "fireworks," as defined in section 3743.01 of the 660
Revised Code, or any explosive that is not subject to regulation 661
under the rules of the fire marshal adopted pursuant to section 662
3737.82 of the Revised Code. 663

Sec. 2923.12. (A) No person shall knowingly carry or have, 664
concealed on ~~his or her~~ the person's person or concealed ready at 665
hand, any of the following: 666

(1) A deadly weapon ~~or~~ other than a handgun; 667

(2) A handgun other than a dangerous ordnance; 668

(3) A dangerous ordnance. 669

(B) No person who has been issued a license to carry a 670
concealed handgun under section 2923.125 of the Revised Code or a 671
license to carry a concealed handgun that was issued by another 672
state with which the attorney general has entered into a 673
reciprocity agreement under section 109.69 of the Revised Code, 674
who is stopped for a law enforcement purpose, and who is carrying 675
a concealed handgun shall fail to promptly inform any law 676
enforcement officer who approaches the person after the person has 677
been stopped that the person has been issued a license to carry a 678
concealed handgun and that the person then is carrying a concealed 679
handgun. 680

(C)(1) This section does not apply to officers, agents, or 681
employees of this or any other state or the United States, or to 682
law enforcement officers, authorized to carry concealed weapons or 683
dangerous ordnance, and acting within the scope of their duties. 684

(2) Division (A)(2) of this section does not apply to any of 685

the following:

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

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(b) A person who, at the time of the alleged carrying or possession of a handgun, is carrying a valid license to carry a concealed handgun issued to the person under section 2923.125 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, unless the person knowingly is in a place described in division (B) of section 2923.126 of the Revised Code.

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

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(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of ~~such~~ a character or was necessarily carried on in ~~such~~ a 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.

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

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

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for any lawful purpose and while in the actor's own home. 717

(4) The weapon was being transported in a motor vehicle for 718
any lawful purpose, ~~and~~ was not on the actor's person, and, if the 719
weapon was a firearm, was carried in compliance with the 720
applicable requirements of division (C) of section 2923.16 of the 721
Revised Code. 722

~~(D)~~(E) It is an affirmative defense to a charge under 723
division (A) of this section of carrying or having control of a 724
weapon other than a dangerous ordnance that all of the following 725
apply: 726

(1) The firearm that is the basis of the charge is a handgun. 727

(2) A temporary protection order or civil protection order 728
has been issued for the benefit or protection of the actor not 729
more than forty-five days before the date on which the act charged 730
occurred, and, at the time of the act charged, the temporary 731
protection order or civil protection order is in effect, and the 732
actor is carrying a copy of the temporary protection order or 733
civil protection order. 734

(3) If at the time of the act charged, the actor has been 735
stopped for any law enforcement purpose, the actor promptly 736
informs any law enforcement officer who approaches the actor that 737
the actor is carrying or has control of a handgun and shows the 738
officer the copy of the order described in division (E)(2) of this 739
section. 740

(4) If the actor is in a vehicle at the time of the act that 741
is the basis of the charge, one of the following applies: 742

(a) No person under eighteen years of age is in the vehicle 743
at the time of the transportation or possession charged, and 744
either the handgun is in a holster and in plain sight, or the 745
handgun is securely encased by being stored in a closed, locked 746
glove compartment or in a gun case that is in plain sight and is 747

locked. 748

(b) One or more persons under eighteen years of age is in the 749
vehicle at the time of the transportation or possession charged, 750
the handgun is not on the person of the actor, and the handgun is 751
securely encased by being stored in a closed, locked glove 752
compartment or in a gun case that is in plain sight and is locked. 753

(F) No person who is charged with a violation of this section 754
shall be required to obtain a license to carry a concealed handgun 755
under section 2923.125 of the Revised Code as a condition for the 756
dismissal of the charge. 757

(G)(1) Whoever violates this section is guilty of carrying 758
concealed weapons. Except as otherwise provided in this division 759
or division (G)(2) of this section, carrying concealed weapons in 760
violation of division (A) of this section is a misdemeanor of the 761
first degree. ~~If~~ Except as otherwise provided in this division or 762
division (G)(2) of this section, if the offender previously has 763
been convicted of a violation of this section or of any offense of 764
violence, if the weapon involved is a firearm that is either 765
loaded or for which the offender has ammunition ready at hand, or 766
if the weapon involved is dangerous ordnance, carrying concealed 767
weapons in violation of division (A) of this section is a felony 768
of the fourth degree. ~~If~~ Except as otherwise provided in division 769
(G)(2) of this section, if the weapon involved is a firearm and 770
the violation of this section is committed at premises for which a 771
D permit has been issued under Chapter 4303. of the Revised Code 772
or if the offense is committed aboard an aircraft, or with purpose 773
to carry a concealed weapon aboard an aircraft, regardless of the 774
weapon involved, carrying concealed weapons in violation of 775
division (A) of this section is a felony of the third degree. 776

(2) If a person being arrested for a violation of division 777
(A)(2) of this section promptly produces a valid license issued 778

under section 2923.125 of the Revised Code or a license to carry a 779
concealed handgun that was issued by another state with which the 780
attorney general has entered into a reciprocity agreement under 781
section 109.69 of the Revised Code, and if at the time of the 782
violation the person was not knowingly in a place described in 783
division (B) of section 2923.126 of the Revised Code, the officer 784
shall not arrest the person for a violation of that division. If 785
the person is not able to promptly produce either type of license 786
and if the person is not in a place described in that section, the 787
officer may arrest the person for a violation of that division, 788
and the offender shall be punished as follows: 789

(a) The offender shall be guilty of a minor misdemeanor if 790
both of the following apply: 791

(i) Within ten days after the arrest, the offender presents a 792
license to carry a concealed handgun under section 2923.125 of the 793
Revised Code or a license to carry a concealed handgun that was 794
issued by another state with which the attorney general has 795
entered into a reciprocity agreement under section 109.69 of the 796
Revised Code, which license was valid at the time of the arrest to 797
the law enforcement agency that employs the arresting officer. 798

(ii) At the time of the arrest, the offender was not 799
knowingly in a place described in division (B) of section 2923.126 800
of the Revised Code. 801

(b) The offender shall be guilty of a misdemeanor and shall 802
be fined five hundred dollars if all of the following apply: 803

(i) The offender previously had been issued a license to 804
carry a concealed handgun under section 2923.125 of the Revised 805
Code or a license to carry a concealed handgun that was issued by 806
another state with which the attorney general has entered into a 807
reciprocity agreement under section 109.69 of the Revised Code, 808
and that license expired within the two years immediately 809

preceding the arrest.

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(ii) Within forty-five days after the arrest, the offender presents either type of license identified in division (G)(2)(b)(i) of this section to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in section 2945.71 of the Revised Code.

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

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

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(3) Carrying concealed weapons in violation of division (B) of this section is a misdemeanor of the fourth degree.

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

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(B)(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, authorized to carry firearms, and acting within the scope of their duties.

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

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(3) This section does not prohibit any person who is a member of a veteran's organization, as defined in section 2915.01 of the Revised Code, from possessing a rifle in any room in any premises

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owned, leased, or otherwise under the control of the veteran's 840
organization, if the rifle is not loaded with live ammunition and 841
if the person otherwise is not prohibited by law from having the 842
rifle. 843

(4) This section does not apply to any person possessing or 844
displaying firearms in any room used to exhibit unloaded firearms 845
for sale or trade in a soldiers' memorial established pursuant to 846
Chapter 345. of the Revised Code, in a convention center, or in 847
any other public meeting place, if the person is an exhibitor, 848
trader, purchaser, or seller of firearms and is not otherwise 849
prohibited by law from possessing, trading, purchasing, or selling 850
the firearms. 851

(C) It is an affirmative defense to a charge under this 852
section of illegal possession of a firearm in liquor permit 853
premises, that the actor was not otherwise prohibited by law from 854
having the firearm, and that any of the following apply: 855

(1) The firearm was carried or kept ready at hand by the 856
actor for defensive purposes, while the actor was engaged in or 857
was going to or from the actor's lawful business or occupation, 858
which business or occupation was of such character or was 859
necessarily carried on in such manner or at such a time or place 860
as to render the actor particularly susceptible to criminal 861
attack, such as would justify a prudent person in going armed. 862

(2) The firearm was carried or kept ready at hand by the 863
actor for defensive purposes, while the actor was engaged in a 864
lawful activity, and had reasonable cause to fear a criminal 865
attack upon the actor or a member of the actor's family, or upon 866
the actor's home, such as would justify a prudent person in going 867
armed. 868

(D) No person who is charged with a violation of this section 869
shall be required to obtain a license to carry a concealed handgun 870

under section 2923.125 of the Revised Code as a condition for the 871
dismissal of the charge. 872

(E) Whoever violates this section is guilty of illegal 873
possession of a firearm in liquor permit premises, a felony of the 874
fifth degree. 875

Sec. 2923.122. (A) No person shall knowingly convey, or 876
attempt to convey, a deadly weapon or dangerous ordnance into a 877
school safety zone. 878

(B) No person shall knowingly possess a deadly weapon or 879
dangerous ordnance in a school safety zone. 880

(C) No person shall knowingly possess an object in a school 881
safety zone if both of the following apply: 882

(1) The object is indistinguishable from a firearm, whether 883
or not the object is capable of being fired. 884

(2) The person indicates that the person possesses the object 885
and that it is a firearm, or the person knowingly displays or 886
brandishes the object and indicates that it is a firearm. 887

(D)(1) This section does not apply to officers, agents, or 888
employees of this or any other state or the United States, or to 889
law enforcement officers, authorized to carry deadly weapons or 890
dangerous ordnance and acting within the scope of their duties, to 891
any security officer employed by a board of education or governing 892
body of a school during the time that the security officer is on 893
duty pursuant to that contract of employment, or to any other 894
person who has written authorization from the board of education 895
or governing body of a school to convey deadly weapons or 896
dangerous ordnance into a school safety zone or to possess a 897
deadly weapon or dangerous ordnance in a school safety zone and 898
who conveys or possesses the deadly weapon or dangerous ordnance 899
in accordance with that authorization. 900

(2) Division (C) of this section does not apply to premises 901
upon which home schooling is conducted. Division (C) of this 902
section also does not apply to a school administrator, teacher, or 903
employee who possesses an object that is indistinguishable from a 904
firearm for legitimate school purposes during the course of 905
employment, a student who uses an object that is indistinguishable 906
from a firearm under the direction of a school administrator, 907
teacher, or employee, or any other person who with the express 908
prior approval of a school administrator possesses an object that 909
is indistinguishable from a firearm for a legitimate purpose, 910
including the use of the object in a ceremonial activity, a play, 911
reenactment, or other dramatic presentation, or a ROTC activity or 912
another similar use of the object. 913

(3) This section does not apply to a person who conveys or 914
attempts to convey a handgun into, or possesses a handgun in, a 915
school safety zone if, at the time of that conveyance, attempted 916
conveyance, or possession of the handgun, all of the following 917
apply: 918

(a) The person does not enter into a school building or onto 919
school premises and is not at a school activity. 920

(b) The person is carrying a valid license to carry a 921
concealed handgun issued to the person under section 2923.125 of 922
the Revised Code or a license to carry a concealed handgun that 923
was issued by another state with which the attorney general has 924
entered into a reciprocity agreement under section 109.69 of the 925
Revised Code. 926

(c) The person is in the school safety zone in accordance 927
with 18 U.S.C. 922(q)(2)(B). 928

(d) The person is not knowingly in a place described in 929
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 930
Revised Code. 931

(E)(1) Whoever violates division (A) or (B) of this section 932
is guilty of illegal conveyance or possession of a deadly weapon 933
or dangerous ordnance in a school safety zone. Except as otherwise 934
provided in this division, illegal conveyance or possession of a 935
deadly weapon or dangerous ordnance in a school safety zone is a 936
felony of the fifth degree. If the offender previously has been 937
convicted of a violation of this section, illegal conveyance or 938
possession of a deadly weapon or dangerous ordnance in a school 939
safety zone is a felony of the fourth degree. 940

(2) Whoever violates division (C) of this section is guilty 941
of illegal possession of an object indistinguishable from a 942
firearm in a school safety zone. Except as otherwise provided in 943
this division, illegal possession of an object indistinguishable 944
from a firearm in a school safety zone is a misdemeanor of the 945
first degree. If the offender previously has been convicted of a 946
violation of this section, illegal possession of an object 947
indistinguishable from a firearm in a school safety zone is a 948
felony of the fifth degree. 949

(F)(1) In addition to any other penalty imposed upon a person 950
who is convicted of or pleads guilty to a violation of this 951
section and subject to division (F)(2) of this section, if the 952
offender has not attained nineteen years of age, regardless of 953
whether the offender is attending or is enrolled in a school 954
operated by a board of education or for which the state board of 955
education prescribes minimum standards under section 3301.07 of 956
the Revised Code, the court shall impose upon the offender 957
whichever of the following penalties applies: 958

(a) If the offender has been issued a probationary driver's 959
license, restricted license, driver's license, or probationary 960
commercial driver's license that then is in effect, the court 961
shall suspend for a period of not less than twelve months and not 962
more than thirty-six months that license of the offender. 963

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

(c) If the offender has been issued a commercial driver's license temporary instruction permit that then is in effect, the court shall suspend the offender's driver's license, revoke the commercial driver's license temporary instruction permit, and deny the offender the issuance of another commercial driver's license temporary instruction permit, and the period of suspension plus the period of denial shall total not less than twelve months and not more than thirty-six months.

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

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

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

(G) As used in this section, "object that is 995
indistinguishable from a firearm" means an object made, 996
constructed, or altered so that, to a reasonable person without 997
specialized training in firearms, the object appears to be a 998
firearm. 999

Sec. 2923.123. (A) No person shall knowingly convey or 1000
attempt to convey a deadly weapon or dangerous ordnance into a 1001
courthouse or into another building or structure in which a 1002
courtroom is located. 1003

(B) No person shall knowingly possess or have under the 1004
person's control a deadly weapon or dangerous ordnance in a 1005
courthouse or in another building or structure in which a 1006
courtroom is located. 1007

(C) This section does not apply to any of the following: 1008

(1) A judge of a court of record of this state or a 1009
magistrate, unless a rule of superintendence or another type of 1010
rule adopted by the supreme court pursuant to Article IV, Ohio 1011
Constitution, or an applicable local rule of court prohibits all 1012
persons from conveying or attempting to convey a deadly weapon or 1013
dangerous ordnance into a courthouse or into another building or 1014
structure in which a courtroom is located or from possessing or 1015
having under one's control a deadly weapon or dangerous ordnance 1016
in a courthouse or in another building or structure in which a 1017
courtroom is located; 1018

(2) A peace officer, or an officer of a law enforcement 1019
agency of another state, a political subdivision of another state, 1020
or the United States, who is authorized to carry a deadly weapon 1021
or dangerous ordnance, who possesses or has under that 1022
individual's control a deadly weapon or dangerous ordnance as a 1023
requirement of that individual's duties, and who is acting within 1024

the scope of that individual's duties at the time of that 1025
possession or control, unless a rule of superintendence or another 1026
type of rule adopted by the supreme court pursuant to Article IV, 1027
Ohio Constitution, or an applicable local rule of court prohibits 1028
all persons from conveying or attempting to convey a deadly weapon 1029
or dangerous ordnance into a courthouse or into another building 1030
or structure in which a courtroom is located or from possessing or 1031
having under one's control a deadly weapon or dangerous ordnance 1032
in a courthouse or in another building or structure in which a 1033
courtroom is located; 1034

(3) A person who conveys, attempts to convey, possesses, or 1035
has under the person's control a deadly weapon or dangerous 1036
ordnance that is to be used as evidence in a pending criminal or 1037
civil action or proceeding; 1038

(4) A bailiff or deputy bailiff of a court of record of this 1039
state who is authorized to carry a firearm pursuant to section 1040
109.77 of the Revised Code, who possesses or has under that 1041
individual's control a firearm as a requirement of that 1042
individual's duties, and who is acting within the scope of that 1043
individual's duties at the time of that possession or control, 1044
unless a rule of superintendence or another type of rule adopted 1045
by the supreme court pursuant to Article IV, Ohio Constitution, or 1046
an applicable local rule of court prohibits all persons from 1047
conveying or attempting to convey a deadly weapon or dangerous 1048
ordnance into a courthouse or into another building or structure 1049
in which a courtroom is located or from possessing or having under 1050
one's control a deadly weapon or dangerous ordnance in a 1051
courthouse or in another building or structure in which a 1052
courtroom is located; 1053

(5) A prosecutor, or a secret service officer appointed by a 1054
county prosecuting attorney, who is authorized to carry a deadly 1055
weapon or dangerous ordnance in the performance of the 1056

individual's duties, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that individual's duties, and who is acting within the scope of that individual's duties at the time of that possession or control, unless a rule of superintendence or another type of rule adopted by the supreme court pursuant to Article IV of the Ohio Constitution or an applicable local rule of court prohibits all persons from conveying or attempting to convey a deadly weapon or dangerous ordnance into a courthouse or into another building or structure in which a courtroom is located or from possessing or having under one's control a deadly weapon or dangerous ordnance in a courthouse or in another building or structure in which a courtroom is located;

(6) A person who conveys or attempts to convey a handgun into a courthouse or into another building or structure in which a courtroom is located, who, at the time of the conveyance or attempt, is carrying a valid license to carry a concealed handgun issued to the person under section 2923.125 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, and who transfers possession of the handgun to the officer or officer's designee who has charge of the courthouse or building. The officer shall secure the handgun until the licensee is prepared to leave the premises. The exemption described in this division applies only if the officer who has charge of the courthouse or building provides services of the nature described in this division. An officer who has charge of the courthouse or building is not required to offer services of the nature described in this division. The exemption described in this division does not apply if a rule of superintendence or another type of rule adopted by the supreme court pursuant to Article IV, Ohio Constitution, or if an applicable local rule of court prohibits

all persons from conveying or attempting to convey a deadly weapon 1090
or dangerous ordnance into a courthouse or into another building 1091
or structure in which a courtroom is located or from possessing or 1092
having under one's control a deadly weapon or dangerous ordnance 1093
in a courthouse or in another building or structure in which a 1094
courtroom is located. 1095

(D)(1) Whoever violates division (A) of this section is 1096
guilty of illegal conveyance of a deadly weapon or dangerous 1097
ordnance into a courthouse. Except as otherwise provided in this 1098
division, illegal conveyance of a deadly weapon or dangerous 1099
ordnance into a courthouse is a felony of the fifth degree. If the 1100
offender previously has been convicted of a violation of division 1101
(A) or (B) of this section, illegal conveyance of a deadly weapon 1102
or dangerous ordnance into a courthouse is a felony of the fourth 1103
degree. 1104

(2) Whoever violates division (B) of this section is guilty 1105
of illegal possession or control of a deadly weapon or dangerous 1106
ordnance in a courthouse. Except as otherwise provided in this 1107
division, illegal possession or control of a deadly weapon or 1108
dangerous ordnance in a courthouse is a felony of the fifth 1109
degree. If the offender previously has been convicted of a 1110
violation of division (A) or (B) of this section, illegal 1111
possession or control of a deadly weapon or dangerous ordnance in 1112
a courthouse is a felony of the fourth degree. 1113

(E) As used in this section: 1114

(1) "Magistrate" means an individual who is appointed by a 1115
court of record of this state and who has the powers and may 1116
perform the functions specified in Civil Rule 53, Criminal Rule 1117
19, or Juvenile Rule 40. 1118

(2) "Peace officer" and "prosecutor" have the same meanings 1119
as in section 2935.01 of the Revised Code. 1120

Sec. 2923.124. As used in sections 2923.124 to 2923.1212 of 1121
the Revised Code: 1122

(A) "Application form" means the application form prescribed 1123
pursuant to division (A)(1) of section 109.731 of the Revised Code 1124
and includes a copy of that form. 1125

(B) "Competency certification" and "competency certificate" 1126
mean a document of the type described in division (B)(3) of 1127
section 2923.125 of the Revised Code. 1128

(C) "Detention facility" has the same meaning as in section 1129
2921.01 of the Revised Code. 1130

(D) "Licensee" means a person to whom a license to carry a 1131
concealed handgun has been issued under section 2923.125 of the 1132
Revised Code. 1133

(E) "License fee" or "license renewal fee" means the fee for 1134
a license to carry a concealed handgun or the fee to renew that 1135
license that is prescribed pursuant to division (C) of section 1136
109.731 of the Revised Code and that is to be paid by an applicant 1137
for a license of that type. 1138

(F) "Peace officer" has the same meaning as in section 1139
2935.01 of the Revised Code. 1140

(G) "State correctional institution" has the same meaning as 1141
in section 2967.01 of the Revised Code. 1142

(H) "Valid license" means a license to carry a concealed 1143
handgun that has been issued under section 2923.125 of the Revised 1144
Code, that is currently valid, that is not under a suspension 1145
under division (A)(1) of section 2923.128 of the Revised Code, and 1146
that has not been revoked under division (B)(1) of section 1147
2923.128 of the Revised Code. 1148

(I) "Civil protection order" means a protection order issued, 1149

or consent agreement approved, under section 2903.214 or 3113.31 1150
of the Revised Code. 1151

(J) "Temporary protection order" means a protection order 1152
issued under section 2903.213 or 2919.26 of the Revised Code. 1153

(K) "Protection order issued by a court of another state" has 1154
the same meaning as in section 2919.27 of the Revised Code. 1155

(L) "Child day-care center," "type A family day-care home" 1156
and "type B family day-care home" have the same meanings as in 1157
section 5104.01 of the Revised Code. 1158

(M) "Type C family day-care home" means a family day-care 1159
home authorized to provide child day-care by Sub. H.B. 62 of the 1160
121st General Assembly, as amended by Am. Sub. S.B. 160 of the 1161
121st General Assembly and Sub. H.B. 407 of the 123rd General 1162
Assembly. 1163

(N) "Foreign air transportation," "interstate air 1164
transportation," and "intrastate air transportation" have the same 1165
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 1166

Sec. 2923.125. (A) Upon the request of a person who wishes to 1167
obtain a license to carry a concealed handgun or to renew a 1168
license to carry a concealed handgun, a sheriff shall provide to 1169
the person free of charge an application form and a copy of the 1170
pamphlet described in division (B) of section 109.731 of the 1171
Revised Code. 1172

(B) An applicant for a license to carry a concealed handgun 1173
shall submit a completed application form and all of the following 1174
to the sheriff of the county in which the applicant resides or to 1175
the sheriff of any county adjacent to the county in which the 1176
applicant resides: 1177

(1) A nonrefundable license fee prescribed by the Ohio peace 1178
officer training commission pursuant to division (C) of section 1179

109.731 of the Revised Code, except that the sheriff shall waive 1180
the payment of the license fee in connection with an initial or 1181
renewal application for a license that is submitted by an 1182
applicant who is a retired peace officer, a retired person 1183
described in division (B)(1)(b) of section 109.77 of the Revised 1184
Code, or a retired federal law enforcement officer who, prior to 1185
retirement, was authorized under federal law to carry a firearm in 1186
the course of duty, unless the retired peace officer, person, or 1187
federal law enforcement officer retired as the result of a mental 1188
disability; 1189

(2) A color photograph of the applicant that was taken within 1190
thirty days prior to the date of the application; 1191

(3) One or more of the following competency certifications, 1192
each of which shall reflect that, regarding a certification 1193
described in division (B)(3)(a), (b), (c), (e), or (f) of this 1194
section, within the three years immediately preceding the 1195
application the applicant has performed that to which the 1196
competency certification relates and that, regarding a 1197
certification described in division (B)(3)(d) of this section, the 1198
applicant currently is an active or reserve member of the armed 1199
forces of the United States or within the six years immediately 1200
preceding the application the honorable discharge or retirement to 1201
which the competency certification relates occurred: 1202

(a) An original or photocopy of a certificate of completion 1203
of a firearms safety, training, or requalification or firearms 1204
safety instructor course, class, or program that was offered by or 1205
under the auspices of the national rifle association and that 1206
complies with the requirements set forth in division (G) of this 1207
section; 1208

(b) An original or photocopy of a certificate of completion 1209
of a firearms safety, training, or requalification or firearms 1210

safety instructor course, class, or program that satisfies all of 1211
the following criteria: 1212

(i) It was open to members of the general public. 1213

(ii) It utilized qualified instructors who were certified by 1214
the national rifle association, the executive director of the Ohio 1215
peace officer training commission pursuant to section 109.75 or 1216
109.78 of the Revised Code, or a governmental official or entity 1217
of another state. 1218

(iii) It was offered by or under the auspices of a law 1219
enforcement agency of this or another state or the United States, 1220
a public or private college, university, or other similar 1221
postsecondary educational institution located in this or another 1222
state, a firearms training school located in this or another 1223
state, or another type of public or private entity or organization 1224
located in this or another state. 1225

(iv) It complies with the requirements set forth in division 1226
(G) of this section. 1227

(c) An original or photocopy of a certificate of completion 1228
of a state, county, municipal, or department of natural resources 1229
peace officer training school that is approved by the executive 1230
director of the Ohio peace officer training commission pursuant to 1231
section 109.75 of the Revised Code and that complies with the 1232
requirements set forth in division (G) of this section, or the 1233
applicant has satisfactorily completed and been issued a 1234
certificate of completion of a basic firearms training program, a 1235
firearms requalification training program, or another basic 1236
training program described in section 109.78 or 109.801 of the 1237
Revised Code that complies with the requirements set forth in 1238
division (G) of this section; 1239

(d) A document that evidences both of the following: 1240

(i) That the applicant is an active or reserve member of the armed forces of the United States, was honorably discharged from military service in the active or reserve armed forces of the United States, is a retired trooper of the state highway patrol, or is a retired peace officer or federal law enforcement officer described in division (B)(1) of this section or a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code and division (B)(1) of this section; 1241
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(ii) That, through participation in the military service or through the former employment described in division (B)(3)(d)(i) of this section, the applicant acquired experience with handling handguns or other firearms, and the experience so acquired was equivalent to training that the applicant could have acquired in a course, class, or program described in division (B)(3)(a), (b), or (c) of this section. 1249
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(e) A certificate or another similar document that evidences satisfactory completion of a firearms training, safety, or requalification or firearms safety instructor course, class, or program that is not otherwise described in division (B)(3)(a), (b), (c), or (d) of this section, that was conducted by an instructor who was certified by an official or entity of the government of this or another state or the United States or by the national rifle association, and that complies with the requirements set forth in division (G) of this section; 1256
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(f) An affidavit that attests to the applicant's satisfactory completion of a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section and that is subscribed by the applicant's instructor or an authorized representative of the entity that offered the course, class, or program or under whose auspices the course, class, or program was offered. 1265
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(4) A certification by the applicant that the applicant has 1271

read the pamphlet prepared by the Ohio peace officer training 1272
commission pursuant to section 109.731 of the Revised Code that 1273
reviews firearms, dispute resolution, and use of deadly force 1274
matters. 1275

(5) A set of fingerprints of the applicant provided as 1276
described in section 311.41 of the Revised Code through use of an 1277
electronic fingerprint reading device or, if the sheriff to whom 1278
the application is submitted does not possess and does not have 1279
ready access to the use of such a reading device, on a standard 1280
impression sheet prescribed pursuant to division (C)(2) of section 1281
109.572 of the Revised Code. 1282

(C) Upon receipt of an applicant's completed application 1283
form, supporting documentation, and, if not waived, license fee, a 1284
sheriff shall conduct or cause to be conducted the criminal 1285
records check and the incompetency records check described in 1286
section 311.41 of the Revised Code. 1287

(D)(1) Except as provided in division (D)(3), (4), or (5) of 1288
this section, within forty-five days after receipt of an 1289
applicant's completed application form for a license to carry a 1290
concealed handgun, the supporting documentation, and, if not 1291
waived, license fee, a sheriff shall issue to the applicant a 1292
license to carry a concealed handgun that shall expire four years 1293
after the date of issuance if all of the following apply: 1294

(a) The applicant has been a resident of this state for at 1295
least forty-five days and a resident of the county in which the 1296
person seeks the license or a county adjacent to the county in 1297
which the person seeks the license for at least thirty days. 1298

(b) The applicant is at least twenty-one years of age. 1299

(c) The applicant is not a fugitive from justice. 1300

(d) The applicant is not under indictment for or otherwise 1301

charged with a felony; an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code. 1302
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(e) The applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, regardless of whether the applicant was sentenced under division (C)(3) of that section. 1307
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(f) The applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code; and has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of section 2923.1211 of the 1321
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(g) Except as otherwise provided in division (D)(1)(e) of this section, the applicant, within five years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing two or more violations of section 2903.13 or 2903.14 of the Revised Code.

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

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

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(j) The applicant is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state.

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

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

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109.731 of the Revised Code.

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

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(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of the Revised Code. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check results using the appropriate challenge and review procedure specified in that section, the time for filing the appeal pursuant to section 119.12 of the Revised Code is tolled during the pendency of the request or the challenge and review. If the court in an appeal under section 119.12 of the Revised Code enters a judgment sustaining the sheriff's refusal to grant to the applicant a license to carry a concealed handgun, the applicant may file a new application beginning one year after the judgment is entered. If the court enters a judgment in favor of the applicant, that judgment shall not restrict the authority of a sheriff to suspend or revoke the license pursuant to section 2923.128 of the Revised Code or to refuse to renew the license for any proper cause that may occur after the date the judgment is entered. In the appeal, the court shall have full power to dispose of all costs.

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(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

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offense that would disqualify the applicant from holding the 1397
license, the sheriff shall suspend the processing of the 1398
application until the disposition of the case arising from the 1399
arrest or charge. 1400

(4) If the sheriff determines the applicant is a resident of 1401
the county in which the applicant seeks the license or of an 1402
adjacent county but does not yet meet the residency requirements 1403
described in division (D)(1)(a) of this section, the sheriff shall 1404
not deny the license because of the residency requirements but 1405
shall not issue the license until the applicant meets those 1406
residency requirements. 1407

(E) If a license to carry a concealed handgun issued under 1408
this section is lost or is destroyed, the licensee may obtain from 1409
the sheriff who issued that license a duplicate license upon the 1410
payment of a fee of fifteen dollars and the submission of an 1411
affidavit attesting to the loss or destruction of the license. The 1412
sheriff, in accordance with the procedures prescribed in section 1413
109.731 of the Revised Code, shall place on the replacement 1414
license a combination of identifying numbers different from the 1415
combination on the license that is being replaced. 1416

(F) A licensee who wishes to renew a license to carry a 1417
concealed handgun shall do so within thirty days after the 1418
expiration date of the license by filing with the sheriff of the 1419
county in which the applicant resides or with the sheriff of an 1420
adjacent county an application for renewal of the license obtained 1421
pursuant to division (D) of this section, a new color photograph 1422
of the licensee that was taken within thirty days prior to the 1423
date of the renewal application, a certification by the applicant 1424
that, subsequent to the issuance of the license, the applicant has 1425
reread the pamphlet prepared by the Ohio peace officer training 1426
commission pursuant to section 109.731 of the Revised Code that 1427
reviews firearms, dispute resolution, and use of deadly force 1428

matters, a new set of fingerprints provided in the manner 1429
specified in division (D)(4) of section 2923.125 of the Revised 1430
Code regarding initial applications for a license to carry a 1431
concealed handgun, and a nonrefundable license renewal fee unless 1432
the fee is waived. The licensee also shall submit a competency 1433
certification of the type described in division (B)(3) of this 1434
section that is not older than six years or a renewed competency 1435
certification of the type described in division (G)(4) of this 1436
section that is not older than six years. 1437

Upon receipt of a completed renewal application, color 1438
photograph, certification that the applicant has reread the 1439
specified pamphlet prepared by the Ohio peace officer training 1440
commission, new set of fingerprints, competency certification or 1441
renewed competency certification, and license renewal fee unless 1442
the fee is waived, a sheriff shall conduct or cause to be 1443
conducted the criminal records check and the incompetency records 1444
check described in section 311.41 of the Revised Code. The sheriff 1445
shall renew the license if the sheriff determines that the 1446
applicant continues to satisfy the requirements described in 1447
division (D)(1) of this section, except that the applicant is 1448
required to submit a renewed competency certification only in the 1449
circumstances described in division (G)(4) of this section. A 1450
renewed license shall expire four years after the date of issuance 1451
and is subject to division (E) of this section and sections 1452
2923.126 and 2923.128 of the Revised Code. A sheriff shall comply 1453
with divisions (D)(2) to (4) of this section when the 1454
circumstances described in those divisions apply to a requested 1455
license renewal. 1456

(G)(1) Each course, class, or program described in division 1457
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 1458
person who takes the course, class, or program a copy of the 1459
pamphlet prepared by the Ohio peace officer training commission 1460

pursuant to section 109.731 of the Revised Code that reviews 1461
firearms, dispute resolution, and use of deadly force matters. 1462
Each such course, class, or program described in one of those 1463
divisions shall include at least twelve hours of training in the 1464
safe handling and use of a firearm that shall include all of the 1465
following: 1466

(a) At least ten hours of training on the following matters: 1467

(i) The ability to name, explain, and demonstrate the rules 1468
for safe handling of a handgun and proper storage practices for 1469
handguns and ammunition; 1470

(ii) The ability to demonstrate and explain how to handle 1471
ammunition in a safe manner; 1472

(iii) The ability to demonstrate the knowledge, skills, and 1473
attitude necessary to shoot a handgun in a safe manner; 1474

(iv) Gun handling training. 1475

(b) At least two hours of training that consists of range 1476
time and live-fire training. 1477

(2) To satisfactorily complete the course, class, or program 1478
described in division (B)(3)(a), (b), (c), or (e) of this section, 1479
the applicant shall pass a competency examination that shall 1480
include both of the following: 1481

(a) A written section on the ability to name and explain the 1482
rules for the safe handling of a handgun and proper storage 1483
practices for handguns and ammunition; 1484

(b) A physical demonstration of competence in the use of a 1485
handgun and in the rules for safe handling and storage of a 1486
handgun and a physical demonstration of the attitude necessary to 1487
shoot a handgun in a safe manner. 1488

(3) The competency certification described in division 1489
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 1490

shall attest that the course, class, or program the applicant 1491
successfully completed met the requirements described in division 1492
(G)(1) of this section and that the applicant passed the 1493
competency examination described in division (G)(2) of this 1494
section. 1495

(4) A person who has received a competency certification as 1496
described in division (B)(3) of this section, or who previously 1497
has received a renewed competency certification as described in 1498
this division, may obtain a renewed competency certification 1499
pursuant to this division. If the person has received a competency 1500
certification within the preceding six years, or previously has 1501
received a renewed competency certification within the preceding 1502
six years, the person may obtain a renewed competency 1503
certification from an entity that offers a course, class, or 1504
program described in division (B)(3)(a), (b), (c), or (e) of this 1505
section by passing a competency examination of the type described 1506
in division (G)(2) of this section. In these circumstances, the 1507
person is not required to attend the course, class, or program in 1508
order to be eligible to take the competency examination for the 1509
renewed competency certification. If more than six years has 1510
elapsed since the person last received a competency certification 1511
or a renewed competency certification, in order for the person to 1512
obtain a renewed competency certification, the person shall both 1513
satisfactorily complete a course, class, or program described in 1514
division (B)(3)(a), (b), (c), or (e) of this section and pass a 1515
competency examination of the type described in division (G)(2) of 1516
this section. A renewed competency certification issued under this 1517
division shall be dated and shall attest that the applicant passed 1518
the competency examination of the type described in division 1519
(G)(2) of this section and, if applicable, that the person 1520
successfully completed a course, class, or program that met the 1521
requirements described in division (G)(1) of this section. 1522

(H) Upon issuing a license, issuing a replacement license, or 1523
renewing a license to carry a concealed handgun pursuant to this 1524
section, the sheriff shall make available through the law 1525
enforcement automated data system all information contained on the 1526
license. If the license subsequently is suspended under division 1527
(A)(1) of section 2923.128 of the Revised Code, revoked pursuant 1528
to division (B)(1) of section 2923.128 of the Revised Code, or 1529
lost or destroyed, the sheriff also shall make available through 1530
the law enforcement automated data system a notation of that fact. 1531
The superintendent of the state highway patrol shall ensure that 1532
the law enforcement automated data system is so configured as to 1533
permit the transmission through the system of the information 1534
specified in this division. 1535

Sec. 2923.126. (A) A license to carry a concealed handgun 1536
that is issued under section 2923.125 of the Revised Code shall 1537
expire four years after the date of issuance. A licensee shall be 1538
granted a grace period of thirty days after the licensee's license 1539
expires during which the licensee's license remains valid. Except 1540
as provided in divisions (B) and (C) of this section, the licensee 1541
may carry a concealed handgun anywhere in this state if the 1542
licensee also carries a valid license and valid identification 1543
when the licensee is in actual possession of a concealed handgun. 1544
The licensee shall give notice of any change in the licensee's 1545
residence address to the sheriff who issued the license within 1546
forty-five days after that change. If a law enforcement officer 1547
approaches a vehicle that has been stopped as the result of a 1548
traffic stop or a stop for another law enforcement purpose, if a 1549
licensee is the driver or an occupant of that vehicle, and if the 1550
licensee possesses or has a loaded handgun at the time the officer 1551
approaches the vehicle, the licensee shall promptly inform the 1552
officer that the licensee has been issued a license to carry a 1553
concealed handgun and that the licensee currently possesses or has 1554

a loaded handgun. If a law enforcement officer otherwise 1555
approaches a person who has been stopped for a law enforcement 1556
purpose, if the person is a licensee, and if the licensee is 1557
carrying a concealed handgun at the time the officer approaches, 1558
the licensee shall promptly inform the officer that the licensee 1559
has been issued a license to carry a concealed handgun and that 1560
the licensee currently is carrying a concealed handgun. 1561

(B) A valid license does not authorize the licensee to carry 1562
a concealed handgun in any manner prohibited under division (B) of 1563
section 2923.12 of the Revised Code or in any manner prohibited 1564
under section 2923.16 of the Revised Code. A valid license does 1565
not authorize the licensee to carry a concealed handgun into any 1566
of the following places: 1567

(1) A police station, sheriff's office, or state highway 1568
patrol station, premises controlled by the bureau of criminal 1569
identification and investigation, a state correctional 1570
institution, jail, workhouse, or other detention facility, an 1571
airport passenger terminal, or an institution that is maintained, 1572
operated, managed, and governed pursuant to division (A) of 1573
section 5119.02 of the Revised Code or division (A)(1) of section 1574
5123.03 of the Revised Code; 1575

(2) A school safety zone, in violation of section 2923.122 of 1576
the Revised Code; 1577

(3) A courthouse or another building or structure in which a 1578
courtroom is located, in violation of section 2923.123 of the 1579
Revised Code; 1580

(4) Any room or open air arena in which liquor is being 1581
dispensed in premises for which a D permit has been issued under 1582
Chapter 4303. of the Revised Code, in violation of section 1583
2923.121 of the Revised Code; 1584

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle; 1585
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(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise; 1590
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(7) A child day-care center, a type A family day-care home, a type B family day-care home, or a type C family day-care home, except that this division does not prohibit a licensee who resides in a type A family day-care home, a type B family day-care home, or a type C family day-care home from carrying a concealed handgun at any time in any part of the home that is not dedicated or used for day-care purposes, or from carrying a concealed handgun in a part of the home that is dedicated or used for day-care purposes at any time during which no children, other than children of that licensee, are in the home; 1593
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(8) An aircraft that is in, or intended for operation in, foreign air transportation, interstate air transportation, intrastate air transportation, or the transportation of mail by aircraft; 1603
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(9) Any building that is owned by this state or any political subdivision of this state, and all portions of any building that is not owned by any governmental entity listed in this division but that is leased by such a governmental entity listed in this division; 1607
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(10) A place in which federal law prohibits the carrying of handguns. 1612
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(C)(1) Nothing in this section shall negate or restrict a rule, policy, or practice of a private employer that is not a 1614
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private college, university, or other institution of higher 1616
education concerning or prohibiting the presence of firearms on 1617
the private employer's premises or property, including motor 1618
vehicles owned by the private employer. Nothing in this section 1619
shall require a private employer of that nature to adopt a rule, 1620
policy, or practice concerning or prohibiting the presence of 1621
firearms on the private employer's premises or property, including 1622
motor vehicles owned by the private employer. 1623

(2)(a) A private employer shall be immune from liability in a 1624
civil action for any injury, death, or loss to person or property 1625
that allegedly was caused by or related to a licensee bringing a 1626
handgun onto the premises or property of the private employer, 1627
including motor vehicles owned by the private employer, unless the 1628
private employer acted with malicious purpose. A private employer 1629
is immune from liability in a civil action for any injury, death, 1630
or loss to person or property that allegedly was caused by or 1631
related to the private employer's decision to permit a licensee to 1632
bring, or prohibit a licensee from bringing, a handgun onto the 1633
premises or property of the private employer. As used in this 1634
division, "private employer" includes a private college, 1635
university, or other institution of higher education. 1636

(b) A political subdivision shall be immune from liability in 1637
a civil action, to the extent and in the manner provided in 1638
Chapter 2744. of the Revised Code, for any injury, death, or loss 1639
to person or property that allegedly was caused by or related to a 1640
licensee bringing a handgun onto any premises or property owned, 1641
leased, or otherwise under the control of the political 1642
subdivision. As used in this division, "political subdivision" has 1643
the same meaning as in section 2744.01 of the Revised Code. 1644

(3) The owner or person in control of private land or 1645
premises, and a private person or entity leasing land or premises 1646
owned by the state, the United States, or a political subdivision 1647

of the state or the United States, may post a sign in a 1648
conspicuous location on that land or on those premises prohibiting 1649
persons from carrying firearms or concealed firearms on or onto 1650
that land or those premises. A person who knowingly violates a 1651
posted prohibition of that nature is guilty of criminal trespass 1652
in violation of division (A)(4) of section 2911.21 of the Revised 1653
Code and is guilty of a misdemeanor of the fourth degree. 1654

(D) A person who holds a license to carry a concealed handgun 1655
that was issued pursuant to the law of another state that is 1656
recognized by the attorney general pursuant to a reciprocity 1657
agreement entered into pursuant to section 109.69 of the Revised 1658
Code has the same right to carry a concealed handgun in this state 1659
as a person who was issued a license to carry a concealed handgun 1660
under section 2923.125 of the Revised Code and is subject to the 1661
same restrictions that apply to a person who carries a license 1662
issued under that section. 1663

A peace officer has the same right to carry a concealed 1664
handgun in this state as a person who was issued a license to 1665
carry a concealed handgun under section 2923.125 of the Revised 1666
Code. For purposes of reciprocity with other states, a peace 1667
officer shall be considered to be a licensee in this state. 1668

Sec. 2923.127. (A) If a sheriff denies an application for a 1669
license to carry a concealed handgun or denies the renewal of a 1670
license to carry a concealed handgun as a result of the criminal 1671
records check conducted pursuant to section 311.41 of the Revised 1672
Code and if the applicant believes the denial was based on 1673
incorrect information reported by the source the sheriff used in 1674
conducting the criminal records check, the applicant may challenge 1675
the criminal records check results using whichever of the 1676
following is applicable: 1677

(1) If the bureau of criminal identification and 1678

investigation performed the criminal records check, by using the 1679
bureau's existing challenge and review procedures; 1680

(2) If division (A)(1) of this section does not apply, by 1681
using the sheriff's existing challenge and review procedure or, if 1682
the sheriff does not have a challenge and review procedure, using 1683
the challenge and review procedure prescribed by the bureau of 1684
criminal identification and investigation pursuant to division (B) 1685
of this section. 1686

(B) The bureau of criminal identification and investigation 1687
shall prescribe a challenge and review procedure for applicants to 1688
use to challenge criminal records checks under division (A)(2) of 1689
this section in counties in which the sheriff with whom the 1690
application for a license to carry a concealed handgun or for the 1691
renewal of a license to carry a concealed handgun was filed does 1692
not have an existing challenge and review procedure. 1693

Sec. 2923.128. (A)(1) If a licensee holding a valid license 1694
is arrested for or otherwise charged with an offense described in 1695
division (D)(1)(d) of section 2923.125 of the Revised Code or with 1696
a violation of section 2923.15 of the Revised Code or becomes 1697
subject to a temporary protection order or to a protection order 1698
issued by a court of another state that is substantially 1699
equivalent to a temporary protection order, the sheriff who issued 1700
the license shall suspend it and shall comply with division (A)(3) 1701
of this section upon becoming aware of the arrest, charge, or 1702
protection order. 1703

(2) A suspension under division (A)(1) of this section shall 1704
be considered as beginning on the date that the licensee is 1705
arrested for or otherwise charged with an offense described in 1706
that division or on the date the appropriate court issued the 1707
protection order described in that division, irrespective of when 1708
the sheriff notifies the licensee under division (A)(3) of this 1709

section. The suspension shall end on the date on which the charges 1710
are dismissed or the licensee is found not guilty of the offense 1711
described in division (A)(1) of this section or, subject to 1712
division (B) of this section, on the date the appropriate court 1713
terminates the protection order described in that division. If the 1714
suspension so ends, the sheriff shall return the license to the 1715
licensee. 1716

(3) Upon becoming aware of an arrest, charge, or protection 1717
order described in division (A)(1) of this section with respect to 1718
a licensee, the sheriff who issued the licensee's license to carry 1719
a concealed handgun shall notify the licensee, by certified mail, 1720
return receipt requested, at the licensee's last known residence 1721
address that the license has been suspended and that the licensee 1722
is required to surrender the license at the sheriff's office 1723
within ten days of the date on which the notice was mailed. 1724

(B)(1) A sheriff who issues a license to carry a concealed 1725
handgun to a licensee shall revoke the license in accordance with 1726
division (B)(2) of this section upon becoming aware that the 1727
licensee satisfies any of the following: 1728

(a) The licensee is under twenty-one years of age. 1729

(b) At the time of the issuance of the license, the licensee 1730
did not satisfy the eligibility requirements of division 1731
(D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the 1732
Revised Code. 1733

(c) On or after the date on which the license was issued, the 1734
licensee is convicted of or pleads guilty to a violation of 1735
section 2923.15 of the Revised Code or an offense described in 1736
division (D)(1)(e), (f), (g), or (h) of section 2923.125 of the 1737
Revised Code. 1738

(d) On or after the date on which the license was issued, the 1739
licensee becomes subject to a civil protection order or to a 1740

protection order issued by a court of another state that is 1741
substantially equivalent to a civil protection order. 1742

(e) The licensee knowingly carries a concealed handgun into a 1743
place that the licensee knows is an unauthorized place specified 1744
in division (B) of section 2923.126 of the Revised Code. 1745

(f) On or after the date on which the license was issued, the 1746
licensee is adjudicated as a mental defective or is committed to a 1747
mental institution. 1748

(g) At the time of the issuance of the license, the licensee 1749
did not meet the residency requirements described in division 1750
(D)(1) of section 2923.125 of the Revised Code and currently does 1751
not meet the residency requirements described in that division. 1752

(h) The competency certificate the licensee submitted was 1753
forged or otherwise was fraudulent. 1754

(2) Upon becoming aware of any circumstance listed in 1755
division (B)(1) of this section that applies to a particular 1756
licensee, the sheriff who issued the license to carry a concealed 1757
handgun to the licensee shall notify the licensee, by certified 1758
mail, return receipt requested, at the licensee's last known 1759
residence address that the license is subject to revocation and 1760
that the licensee may come to the sheriff's office and contest the 1761
sheriff's proposed revocation within fourteen days of the date on 1762
which the notice was mailed. After the fourteen-day period and 1763
after consideration of any information that the licensee provides 1764
during that period, if the sheriff determines on the basis of the 1765
information of which the sheriff is aware that the licensee is 1766
described in division (B)(1) of this section and no longer 1767
satisfies the requirements described in division (D)(1) of section 1768
2923.125 of the Revised Code, the sheriff shall revoke the 1769
license, notify the licensee of that fact, and require the 1770
licensee to surrender the license. 1771

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 1772
bureau of criminal identification and investigation, the employees 1773
of the bureau, the Ohio peace officer training commission, or the 1774
employees of the commission make a good faith effort in performing 1775
the duties imposed upon the sheriff, the superintendent, the 1776
bureau's employees, the commission, or the commission's employees 1777
by sections 109.731, 311.41, and 2923.124 to 2923.1212 of the 1778
Revised Code, in addition to the personal immunity provided by 1779
section 9.86 of the Revised Code or division (A)(6) of section 1780
2744.03 of the Revised Code and the governmental immunity of 1781
sections 2744.02 and 2744.03 of the Revised Code and in addition 1782
to any other immunity possessed by the bureau, the commission, and 1783
their employees, the sheriff, the sheriff's office, the county in 1784
which the sheriff has jurisdiction, the bureau, the superintendent 1785
of the bureau, the bureau's employees, the commission, and the 1786
commission's employees are immune from liability in a civil action 1787
for injury, death, or loss to person or property that allegedly 1788
was caused by or related to any of the following: 1789

(a) The issuance, renewal, suspension, or revocation of a 1790
license to carry a concealed handgun; 1791

(b) The failure to issue, renew, suspend, or revoke a license 1792
to carry a concealed handgun; 1793

(c) Any action or misconduct with a handgun committed by a 1794
licensee. 1795

(2) Any action of a sheriff relating to the issuance, 1796
renewal, suspension, or revocation of a license to carry a 1797
concealed handgun shall be considered to be a governmental 1798
function for purposes of Chapter 2744. of the Revised Code. 1799

(3) An entity that or instructor who provides a competency 1800
certification of a type described in division (B)(3) of section 1801

2923.125 of the Revised Code is immune from civil liability that 1802
might otherwise be incurred or imposed for any death or any injury 1803
or loss to person or property that is caused by or related to a 1804
person to whom the entity or instructor has issued the competency 1805
certificate if all of the following apply: 1806

(a) The alleged liability of the entity or instructor relates 1807
to the training provided in the course, class, or program covered 1808
by the competency certificate. 1809

(b) The entity or instructor makes a good faith effort in 1810
determining whether the person has satisfactorily completed the 1811
course, class, or program and makes a good faith effort in 1812
assessing the person in the competency examination conducted 1813
pursuant to division (G)(2) of section 2923.125 of the Revised 1814
Code. 1815

(c) The entity or instructor did not issue the competency 1816
certificate with malicious purpose, in bad faith, or in a wanton 1817
or reckless manner. 1818

(4) An entity that or instructor who provides a renewed 1819
competency certification of a type described in division (G)(4) of 1820
section 2923.125 of the Revised Code is immune from civil 1821
liability that might otherwise be incurred or imposed for any 1822
death or any injury or loss to person or property that is caused 1823
by or related to a person to whom the entity or instructor has 1824
issued the renewed competency certificate if all of the following 1825
apply: 1826

(a) The entity or instructor makes a good faith effort in 1827
assessing the person in the competency examination conducted 1828
pursuant to division (G)(2) of section 2923.125 of the Revised 1829
Code. 1830

(b) The entity or instructor did not issue the renewed 1831
competency certificate with malicious purpose, in bad faith, or in 1832

a wanton or reckless manner.

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(5) A law enforcement agency that employs a peace officer is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act of that peace officer if the act occurred while the peace officer carried a concealed handgun and was off duty and if the act allegedly involved the peace officer's use of the concealed handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised Code apply to any civil action involving a peace officer's use of a concealed handgun in the performance of the peace officer's official duties while the peace officer is off duty.

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

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(C) Each sheriff shall report to the Ohio peace officer training commission the number of licenses to carry a concealed handgun that the sheriff issued, renewed, suspended, revoked, or denied during the previous quarter of the calendar year and the number of applications for those licenses for which processing was suspended in accordance with division (D)(3) of section 2923.125 of the Revised Code during the previous quarter of the calendar year. The sheriff shall not include in the report the name or any other identifying information of an applicant or licensee. The

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sheriff shall report that information in a manner that permits the 1865
commission to maintain the statistics described in division (D) of 1866
section 109.731 of the Revised Code and to timely prepare the 1867
statistical report described in that division. The information 1868
that is received by the commission under this division is a public 1869
record kept by the commission for the purposes of section 149.43 1870
of the Revised Code. 1871

(D) Law enforcement agencies may use the information a 1872
sheriff makes available through the use of the law enforcement 1873
automated data system pursuant to division (H) of section 2923.125 1874
of the Revised Code for law enforcement purposes only. The 1875
information is confidential and is not a public record. No person 1876
shall release or otherwise disseminate this information obtained 1877
through the law enforcement automated data system in a manner not 1878
described in this division unless a court order requires the 1879
person to do so. 1880

(E) Whoever violates division (B) or (D) of this section is 1881
guilty of illegal release of confidential concealed handgun 1882
license records, a felony of the fifth degree. In addition to any 1883
penalties imposed for the violation under Chapter 2929. of the 1884
Revised Code, if the offender is a sheriff, an employee of a 1885
sheriff, or any other public officer or employee, and if the 1886
violation was willful and deliberate, the offender shall be 1887
subject to a civil fine of one thousand dollars. Any person who is 1888
harmed by a violation of division (B), (C), or (D) of this section 1889
has a private cause of action against the offender for any injury, 1890
death, or loss to person or property that is a proximate result of 1891
the violation and may recover court costs and attorney's fees 1892
related to the action. 1893

Sec. 2923.1210. The application for a license to carry a 1894
concealed handgun or for the renewal of a license of that nature 1895

that is to be used under section 2923.125 of the Revised Code 1896

shall conform substantially to the following form: 1897

"Ohio Peace APPLICATION FOR A 1898

Officer LICENSE TO CARRY A

Training CONCEALED HANDGUN

Commission

Please Type or Print in 1899

Ink

SECTION I. 1900

This application will not be 1901

processed unless all applicable

questions have been answered and

until all required supporting

documents as described in division

(B) or (F) of section 2923.125 of

the Ohio Revised Code and, unless

waived, a cashier's check,

certified check, or money order in

the amount of the applicable

license fee or license renewal fee

have been submitted. FEES ARE

NONREFUNDABLE.

SECTION II. 1902

Name: 1903

Last First Middle 1904

..... 1905

Social Security Number:..... 1906

Current Residence: 1907

Street City State County Zip 1908

..... 1909

Mailing Address (If Different From Above): 1910

Street City State Zip 1911

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Date of Birth Place of Sex Race Residence 1913

Birth Telephone

...../...../.....(.....)..... 1914

SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO 1915

(1) Have you been a resident of NO 1916

Ohio for at least forty-five days YES

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 NO 1917

years of age? YES

(3) Are you a fugitive from NO 1918

justice? YES

(4) Are you under indictment for a NO 1919

felony, have you ever been YES

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 NO 1920

or otherwise charged with, or have YES

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 NO 1921

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

(7) Are you under indictment for NO 1922

or otherwise charged with, or have YES
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?

(8)(a) Are you under indictment NO 1923
for or otherwise charged with YES
assault or negligent assault?

(b) Have you been convicted of, NO 1924
pleaded guilty to, or adjudicated YES
a delinquent child two or more
times for committing assault or
negligent assault within five
years of the date of this
application?

(c) Have you ever been convicted NO 1925
of, pleaded guilty to, or YES
adjudicated a delinquent child for
assaulting a peace officer?

(9)(a) Have you ever been NO 1926
adjudicated as a mental defective? YES

(b) Have you ever been committed NO 1927
to a mental institution? YES

(10) Are you currently subject to NO 1928
a civil protection order, a YES
temporary protection order, or a
protection order issued by a court
of another state?

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY 1929
PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH 1930
PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU 1931
ATTAINED EIGHTEEN YEARS OF AGE AND UNTIL YOU COMMENCED YOUR 1932
RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM, 1933
AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED 1934
MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE relevant 1935
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT 1936

<u>AT THE END OF THIS SECTION.</u>	1937
<u>Residence 1:</u>	1938
<u>Street City State County Zip</u> 1939	
..... 1940	
<u>Dates of residence at this address</u>1941	
<u>Residence 2:</u>	1942
<u>Street City State County Zip</u> 1943	
..... 1944	
<u>Dates of residence at this address</u>1945	
<u>Residence 3:</u>	1946
<u>Street City State County Zip</u> 1947	
..... 1948	
<u>Dates of residence at this address</u>1949	
<u>Residence 4:</u>	1950
<u>Street City State County Zip</u> 1951	
..... 1952	
<u>Dates of residence at this address</u>1953	
<u>SECTION V.</u>	1954
<u>AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR</u>	1955
<u>SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE</u>	1956
<u>APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A</u>	1957
<u>CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN</u>	1958
<u>VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.</u>	1959
<u>(1) I have been furnished, and have read, the pamphlet that</u>	1960
<u>explains the Ohio firearms laws, that provides instruction in</u>	1961
<u>dispute resolution and explains the Ohio laws related to that</u>	1962

matter, and that provides information regarding all aspects 1963
of the use of deadly force with a firearm, and I am 1964
knowledgeable of the provisions of those laws and of the 1965
information on those matters. 1966

(2) I desire a legal means to carry a concealed handgun for 1967
defense of myself or a member of my family while engaged in 1968
lawful activity. 1969

(3) I have never been convicted of or pleaded guilty to a crime of 1970
violence in the state of Ohio or elsewhere. I am of sound 1971
mind. I hereby certify that the statements contained herein 1972
are true and correct to the best of my knowledge and belief. 1973
I understand that if I knowingly make any false statements 1974
herein I am subject to penalties prescribed by law. I 1975
authorize the sheriff or the sheriff's designee to inspect 1976
only those records or documents relevant to information 1977
required for this application. 1978

(4) The information contained in this application and all attached 1979
documents are true and correct to the best of my knowledge. 1980

..... 1981
Signature of Applicant" 1982

Sec. 2923.1211. (A) No person shall alter a license to carry 1984
a concealed handgun that was issued pursuant to section 2923.125 1985
of the Revised Code or create a fictitious document that purports 1986
to be a license of that nature. 1987

(B) No person, except in the performance of official duties, 1988
shall possess a concealed handgun license that was issued and that 1989
has been revoked or suspended pursuant to section 2923.128 of the 1990
Revised Code. 1991

(C) Whoever violates division (A) of this section is guilty 1992
of falsification of a concealed handgun license, a felony of the 1993

fifth degree. Whoever violates division (B) of this section is 1994
guilty of possessing a revoked or suspended concealed handgun 1995
license, a misdemeanor of the third degree. 1996

Sec. 2923.1212. (A) The following persons, boards, and 1997
entities, or designees, shall post in the following locations a 1998
sign that contains a statement in substantially the following 1999
form: "Unless otherwise authorized by law, pursuant to the Ohio 2000
Revised Code, no person shall knowingly possess, have under the 2001
person's control, convey, or attempt to convey a deadly weapon or 2002
dangerous ordnance onto these premises.": 2003

(1) The director of public safety or the person or board 2004
charged with the erection, maintenance, or repair of police 2005
stations, municipal jails, and the municipal courthouse and 2006
courtrooms in a conspicuous location at all police stations, 2007
municipal jails, and municipal courthouses and courtrooms; 2008

(2) The sheriff or sheriff's designee who has charge of the 2009
sheriff's office in a conspicuous location in that office; 2010

(3) The superintendent of the state highway patrol or the 2011
superintendent's designee in a conspicuous location at all state 2012
highway patrol stations; 2013

(4) Each sheriff, chief of police, or person in charge of 2014
every county, multicounty, municipal, municipal-county, or 2015
multicounty-municipal jail or workhouse, community-based 2016
correctional facility, halfway house, alternative residential 2017
facility, or other local or state correctional institution or 2018
detention facility within the state, or that person's designee, in 2019
a conspicuous location at that facility under that person's 2020
charge; 2021

(5) The board of trustees of a regional airport authority, 2022
chief administrative officer of an airport facility, or other 2023

person in charge of an airport facility in a conspicuous location 2024
at each airport facility under that person's control; 2025

(6) The officer or officer's designee who has charge of a 2026
courthouse or the building or structure in which a courtroom is 2027
located in a conspicuous location in that building or structure; 2028

(7) The superintendent of the bureau of criminal 2029
identification and investigation or the superintendent's designee 2030
in a conspicuous location in all premises controlled by that 2031
bureau; 2032

(8) The owner, administrator, or operator of a child day-care 2033
center, a type A family day-care home, a type B family day-care 2034
home, or a type C family day-care home; 2035

(9) The officer of this state or of the political subdivision 2036
of this state, or the officer's designee, who has charge of a 2037
building that is owned by this state or the political subdivision 2038
of this state, or who has charge of the portion of a building that 2039
is not owned by any governmental entity listed in this division 2040
but that is leased by a governmental entity listed in this 2041
division. 2042

(B) The following boards, bodies, and persons, or designees, 2043
shall post in the following locations a sign that contains a 2044
statement in substantially the following form: "Unless otherwise 2045
authorized by law, pursuant to Ohio Revised Code section 2923.122, 2046
no person shall knowingly possess, have under the person's 2047
control, convey, or attempt to convey a deadly weapon or dangerous 2048
ordnance into a school safety zone."; 2049

(1) A board of education of a city, local, exempted village, 2050
or joint vocational school district or that board's designee in a 2051
conspicuous location in each building and on each parcel of real 2052
property owned or controlled by the board; 2053

(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; 2054
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(3) The principal or chief administrative officer of a nonpublic school in a conspicuous location on property owned or controlled by that nonpublic school. 2059
2060
2061

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: 2062
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2065

(1) The person is a fugitive from justice. 2066

(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. 2067
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(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. 2072
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(4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic. 2079
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(5) The person is under adjudication of mental incompetence, has been adjudicated as a mental defective, has been committed to a mental institution, has been found by a court to be a mentally 2081
2082
2083

ill person subject to hospitalization by court order, or is an 2084
involuntary patient other than one who is a patient only for 2085
purposes of observation. As used in this division, "mentally ill 2086
person subject to hospitalization by court order" and "patient" 2087
have the same meanings as in section 5122.01 of the Revised Code. 2088

~~(B) No person who has been convicted of a felony of the first~~ 2089
~~or second degree shall violate division (A) of this section within~~ 2090
~~five years of the date of the person's release from imprisonment~~ 2091
~~or from post release control that is imposed for the commission of~~ 2092
~~a felony of the first or second degree.~~ 2093

~~(C) Whoever violates this section is guilty of having weapons~~ 2094
~~while under disability. A violation of division (A) of this~~ 2095
~~section is a felony of the fifth degree. A violation of division~~ 2096
~~(B) of this section is~~ a felony of the third degree. 2097

Sec. 2923.16. (A) No person shall knowingly discharge a 2098
firearm while in or on a motor vehicle. 2099

(B) No person shall knowingly transport or have a loaded 2100
firearm in a motor vehicle in such a manner that the firearm is 2101
accessible to the operator or any passenger without leaving the 2102
vehicle. 2103

(C) No person shall knowingly transport or have a firearm in 2104
a motor vehicle, unless it is unloaded and is carried in one of 2105
the following ways: 2106

(1) In a closed package, box, or case; 2107

(2) In a compartment that can be reached only by leaving the 2108
vehicle; 2109

(3) In plain sight and secured in a rack or holder made for 2110
the purpose; 2111

(4) In plain sight with the action open or the weapon 2112
stripped, or, if the firearm is of a type on which the action will 2113

not stay open or which cannot easily be stripped, in plain sight. 2114

(D) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies: 2115
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(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them. 2118
2119

(2) The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol prohibited for persons operating a vehicle, as specified in division (A) of section 4511.19 of the Revised Code, regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle. 2120
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(E) No person who has been issued a license to carry a concealed handgun shall do any of the following: 2127
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(1) If the person is the driver or an occupant of a vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle, fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a license to carry a concealed handgun and that the person then possesses or has a loaded handgun in the motor vehicle. 2129
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(2) If the person is the driver or an occupant of a vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose, if the person is transporting or has a loaded handgun in the motor vehicle, and if the person is approached by any law enforcement officer while stopped, knowingly carry, possess on the person's person, have contact with, or make contact with a loaded handgun in the motor vehicle at any time after the law enforcement officer begins approaching and before 2137
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the law enforcement officer leaves, unless the person possesses or 2145
has or makes contact with the loaded handgun pursuant to and in 2146
accordance with explicit instructions given by the law enforcement 2147
officer. 2148

(F)(1) This section does not apply to officers, agents, or 2149
employees of this or any other state or the United States, or to 2150
law enforcement officers, when authorized to carry or have loaded 2151
or accessible firearms in motor vehicles and acting within the 2152
scope of their duties. 2153

(2) Division (A) of this section does not apply to a person 2154
if all of the following circumstances apply: 2155

(a) The person discharges a firearm from a motor vehicle at a 2156
coyote or groundhog, the discharge is not during the deer gun 2157
hunting season as set by the chief of the division of wildlife of 2158
the department of natural resources, and the discharge at the 2159
coyote or groundhog, but for the operation of this section, is 2160
lawful. 2161

(b) The motor vehicle from which the person discharges the 2162
firearm is on real property that is located in an unincorporated 2163
area of a township and that either is zoned for agriculture or is 2164
used for agriculture. 2165

(c) The person owns the real property described in division 2166
~~(D)~~(F)(2)(b) of this section, is the spouse or a child of another 2167
person who owns that real property, is a tenant of another person 2168
who owns that real property, or is the spouse or a child of a 2169
tenant of another person who owns that real property. 2170

(d) The person does not discharge the firearm in any of the 2171
following manners: 2172

(i) While under the influence of alcohol, a drug of abuse, or 2173
alcohol and a drug of abuse; 2174

(ii) In the direction of a street, highway, or other public 2175
or private property used by the public for vehicular traffic or 2176
parking; 2177

(iii) At or into an occupied structure that is a permanent or 2178
temporary habitation; 2179

(iv) In the commission of any violation of law, including, 2180
but not limited to, a felony that includes, as an essential 2181
element, purposely or knowingly causing or attempting to cause the 2182
death of or physical harm to another and that was committed by 2183
discharging a firearm from a motor vehicle. 2184

(3) Divisions (B) and (C) of this section do not apply to a 2185
person if all of the following circumstances apply: 2186

(a) At the time of the alleged violation of either of those 2187
divisions, the person is the operator of or a passenger in a motor 2188
vehicle. 2189

(b) The motor vehicle is on real property that is located in 2190
an unincorporated area of a township and that either is zoned for 2191
agriculture or is used for agriculture. 2192

(c) The person owns the real property described in division 2193
(D)(3)(b) of this section, is the spouse or a child of another 2194
person who owns that real property, is a tenant of another person 2195
who owns that real property, or is the spouse or a child of a 2196
tenant of another person who owns that real property. 2197

(d) The person, prior to arriving at the real property 2198
described in division (D)(3)(b) of this section, did not transport 2199
or possess a firearm in the motor vehicle in a manner prohibited 2200
by division (B) or (C) of this section while the motor vehicle was 2201
being operated on a street, highway, or other public or private 2202
property used by the public for vehicular traffic or parking. 2203

(4) Divisions (B) and (C) of this section do not apply to a 2204

person who transports or possesses a handgun in a motor vehicle 2205
if, at the time of that transportation or possession, all of the 2206
following apply: 2207

(a) The person transporting or possessing the handgun is 2208
carrying a valid license to carry a concealed handgun issued to 2209
the person under section 2923.125 of the Revised Code or a license 2210
to carry a concealed handgun that was issued by another state with 2211
which the attorney general has entered into a reciprocity 2212
agreement under section 109.69 of the Revised Code. 2213

(b) The person transporting or possessing the handgun is not 2214
knowingly in a place described in division (B) of section 2923.126 2215
of the Revised Code. 2216

(c) One of the following applies: 2217

(i) No person under eighteen years of age is in the motor 2218
vehicle, and either the handgun is in a holster and in plain sight 2219
or the handgun is securely encased by being stored in a closed, 2220
locked glove compartment or in a gun case that is in plain sight 2221
and that is locked. 2222

(ii) One or more persons under eighteen years of age is in 2223
the motor vehicle, the handgun is not on the person of the person 2224
transporting or possessing the handgun, and the handgun is 2225
securely encased by being stored in a closed, locked glove 2226
compartment or in a gun case that is in plain sight and that is 2227
locked. 2228

~~(E) The affirmative defenses contained in divisions (C)(1)~~ 2229
~~and (2) of section 2923.12 of the Revised Code are affirmative~~ 2230
~~defenses to a charge under division (B) or (C) of this section.~~ 2231

(G) It is an affirmative defense to a charge under division 2232
(B) or (C) of this section of improperly handling firearms in a 2233
motor vehicle that all of the following apply: 2234

- (1) The firearm that is the basis of the charge is a handgun. 2235
- (2) A temporary protection order or civil protection order 2236
has been issued for the benefit or protection of the actor not 2237
more than forty-five days before the date on which the 2238
transportation or possession occurred, and, at the time of the 2239
transportation or possession charged, the temporary protection 2240
order or civil protection order is in effect, and the actor is 2241
carrying a copy of the temporary protection order or civil 2242
protection order. 2243
- (3) If at the time of the transportation or possession 2244
charged, the motor vehicle in which the actor is transporting or 2245
has the handgun has been stopped as a result of a traffic stop or 2246
a stop for another law enforcement purpose, the actor promptly 2247
informs any law enforcement officer who approaches the vehicle 2248
while stopped that the actor is transporting or has the handgun in 2249
the vehicle and shows the officer the copy of the order described 2250
in division (G)(2) of this section. 2251
- (4) One of the following applies: 2252
- (a) No person under eighteen years of age is in the motor 2253
vehicle at the time of the transportation or possession charged, 2254
and either the handgun is in a holster and in plain sight, or the 2255
handgun is securely encased by being stored in a closed, locked 2256
glove compartment or in a gun case that is in plain sight and is 2257
locked. 2258
- (b) One or more persons under eighteen years of age is in the 2259
motor vehicle at the time of the transportation or possession 2260
charged, the handgun is not on the person of the actor, and the 2261
handgun is securely encased by being stored in a closed, locked 2262
glove compartment or in a gun case that is in plain sight and is 2263
locked. 2264
- (H) No person who is charged with a violation of division 2265

(B), (C), or (D) of this section shall be required to obtain a 2266
license to carry a concealed handgun under section 2923.125 of the 2267
Revised Code as a condition for the dismissal of the charge. 2268

~~(F)~~(I) Whoever violates this section is guilty of improperly 2269
handling firearms in a motor vehicle. Violation of division (A) ~~or~~ 2270
~~(B)~~ of this section is a ~~misdemeanor~~ felony of the ~~first~~ fourth 2271
degree. Violation of division (C) of this section is a misdemeanor 2272
of the fourth degree. A violation of division (D) of this section 2273
is a felony of the fifth degree. A violation of division (E)(1) of 2274
this section is a misdemeanor of the fourth degree. A violation of 2275
division (E)(2) of this section is a misdemeanor of the first 2276
degree or, if the offender previously has been convicted of or 2277
pleaded guilty to a violation of division (E)(2) of this section, 2278
a felony of the fifth degree. A violation of division (B) of this 2279
section is whichever of the following is applicable: 2280

(1) If, at the time of the transportation or possession in 2281
violation of division (B) of this section, the offender was 2282
carrying a valid license to carry a concealed handgun issued to 2283
the offender under section 2923.125 of the Revised Code or a 2284
license to carry a concealed handgun that was issued by another 2285
state with which the attorney general has entered into a 2286
reciprocity agreement under section 109.69 of the Revised Code and 2287
the offender was not recklessly in a place described in division 2288
(B) of section 2923.125 of the Revised Code, the violation is a 2289
misdemeanor of the first degree or, if the offender previously has 2290
been convicted of or pleaded guilty to a violation of division (B) 2291
of this section, a felony of the fourth degree. 2292

(2) If division (H)(1) of this section does not apply, a 2293
felony of the fourth degree. 2294

~~(G)~~(J) As used in this section: 2295

(1) "Motor vehicle," "street," and "highway" have the same 2296

meanings as in section 4511.01 of the Revised Code. 2297

(2) "Occupied structure" has the same meaning as in section 2298
2909.01 of the Revised Code. 2299

(3) "Agriculture" has the same meaning as in section 519.01 2300
of the Revised Code. 2301

(4) "Tenant" has the same meaning as in section 1531.01 of 2302
the Revised Code. 2303

(5) "Unloaded" means, with respect to a firearm employing a 2304
percussion cap, flintlock, or other obsolete ignition system, when 2305
the weapon is uncapped or when the priming charge is removed from 2306
the pan. 2307

(6) "Civil protection order" and "temporary protection order" 2308
have the same meanings as in section 2923.124 of the Revised Code. 2309

Sec. 2923.25. Each federally licensed firearms dealer who 2310
sells any firearm, at the time of the sale of the firearm, shall 2311
offer for sale to the purchaser of the firearm a trigger lock, gun 2312
lock, or gun locking device that is appropriate for that firearm. 2313
Each federally licensed firearms dealer shall post in a 2314
conspicuous location in the dealer's place of business the poster 2315
furnished to the dealer pursuant to section 181.521 of the Revised 2316
Code and shall make available to all purchasers of firearms from 2317
the dealer the brochure furnished to the dealer pursuant to that 2318
section. 2319

As used in this section, "federally licensed firearms dealer" 2320
has the same meaning as in section 181.251 of the Revised Code. 2321

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 2322
(D)(2), (D)(3), (D)(4), or (G) of this section and except in 2323
relation to an offense for which a sentence of death or life 2324
imprisonment is to be imposed, if the court imposing a sentence 2325

upon an offender for a felony elects or is required to impose a 2326
prison term on the offender pursuant to this chapter and is not 2327
prohibited by division (G)(1) of section 2929.13 of the Revised 2328
Code from imposing a prison term on the offender, the court shall 2329
impose a definite prison term that shall be one of the following: 2330

(1) For a felony of the first degree, the prison term shall 2331
be three, four, five, six, seven, eight, nine, or ten years. 2332

(2) For a felony of the second degree, the prison term shall 2333
be two, three, four, five, six, seven, or eight years. 2334

(3) For a felony of the third degree, the prison term shall 2335
be one, two, three, four, or five years. 2336

(4) For a felony of the fourth degree, the prison term shall 2337
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2338
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2339

(5) For a felony of the fifth degree, the prison term shall 2340
be six, seven, eight, nine, ten, eleven, or twelve months. 2341

(B) Except as provided in division (C), (D)(1), (D)(2), 2342
(D)(3), or (G) of this section, in section 2907.02 of the Revised 2343
Code, or in Chapter 2925. of the Revised Code, if the court 2344
imposing a sentence upon an offender for a felony elects or is 2345
required to impose a prison term on the offender, the court shall 2346
impose the shortest prison term authorized for the offense 2347
pursuant to division (A) of this section, unless one or more of 2348
the following applies: 2349

(1) The offender was serving a prison term at the time of the 2350
offense, or the offender previously had served a prison term. 2351

(2) The court finds on the record that the shortest prison 2352
term will demean the seriousness of the offender's conduct or will 2353
not adequately protect the public from future crime by the 2354
offender or others. 2355

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

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

(i) A prison term of six years if the specification is of the type described in section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on 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 2387
the felony. 2388

(b) If a court imposes a prison term on an offender under 2389
division (D)(1)(a) of this section, the prison term shall not be 2390
reduced pursuant to section 2929.20, section 2967.193, or any 2391
other provision of Chapter 2967. or Chapter 5120. of the Revised 2392
Code. A court shall not impose more than one prison term on an 2393
offender under division (D)(1)(a) of this section for felonies 2394
committed as part of the same act or transaction. 2395

(c) Except as provided in division (D)(1)(e) of this section, 2396
if an offender who is convicted of or pleads guilty to a violation 2397
of section 2923.161 of the Revised Code or to a felony that 2398
includes, as an essential element, purposely or knowingly causing 2399
or attempting to cause the death of or physical harm to another, 2400
also is convicted of or pleads guilty to a specification of the 2401
type described in section 2941.146 of the Revised Code that 2402
charges the offender with committing the offense by discharging a 2403
firearm from a motor vehicle other than a manufactured home, the 2404
court, after imposing a prison term on the offender for the 2405
violation of section 2923.161 of the Revised Code or for the other 2406
felony offense under division (A), (D)(2), or (D)(3) of this 2407
section, shall impose an additional prison term of five years upon 2408
the offender that shall not be reduced pursuant to section 2409
2929.20, section 2967.193, or any other provision of Chapter 2967. 2410
or Chapter 5120. of the Revised Code. A court shall not impose 2411
more than one additional prison term on an offender under division 2412
(D)(1)(c) of this section for felonies committed as part of the 2413
same act or transaction. If a court imposes an additional prison 2414
term on an offender under division (D)(1)(c) of this section 2415
relative to an offense, the court also shall impose a prison term 2416
under division (D)(1)(a) of this section relative to the same 2417
offense, provided the criteria specified in that division for 2418

imposing an additional prison term are satisfied relative to the 2419
offender and the offense. 2420

(d) If an offender who is convicted of or pleads guilty to an 2421
offense of violence that is a felony also is convicted of or 2422
pleads guilty to a specification of the type described in section 2423
2941.1411 of the Revised Code that charges the offender with 2424
wearing or carrying body armor while committing the felony offense 2425
of violence, the court shall impose on the offender a prison term 2426
of two years. The prison term so imposed shall not be reduced 2427
pursuant to section 2929.20, section 2967.193, or any other 2428
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2429
court shall not impose more than one prison term on an offender 2430
under division (D)(1)(d) of this section for felonies committed as 2431
part of the same act or transaction. If a court imposes an 2432
additional prison term under division (D)(1)(a) or (c) of this 2433
section, the court is not precluded from imposing an additional 2434
prison term under division (D)(1)(d) of this section. 2435

(e) The court shall not impose any of the prison terms 2436
described in division (D)(1)(a) of this section or any of the 2437
additional prison terms described in division (D)(1)(c) of this 2438
section upon an offender for a violation of section 2923.12 or 2439
2923.123 of the Revised Code. The court shall not impose any of 2440
the prison terms described in division (D)(1)(a) of this section 2441
or any of the additional prison terms described in division 2442
(D)(1)(c) of this section upon an offender for a violation of 2443
section 2923.13 of the Revised Code unless all of the following 2444
apply: 2445

(i) The offender previously has been convicted of aggravated 2446
murder, murder, or any felony of the first or second degree. 2447

(ii) Less than five years have passed since the offender was 2448
released from prison or post-release control, whichever is later, 2449
for the prior offense. 2450

(f) If an offender is convicted of or pleads guilty to a
felony that includes, as an essential element, causing or
attempting to cause the death of or physical harm to another and
also is convicted of or pleads guilty to a specification of the
type described in section 2941.1412 of the Revised Code that
charges the offender with committing the offense by discharging a
firearm at a peace officer as defined in section 2935.01 of the
Revised Code or a corrections officer as defined in section
2941.1412 of the Revised Code, the court, after imposing a prison
term on the offender for the felony offense under division (A),
(D)(2), or (D)(3) of this section, shall impose an additional
prison term of seven years upon the offender that 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 additional prison
term on an offender under division (D)(1)(f) of this section for
felonies committed as part of the same act or transaction. If a
court imposes an additional prison term on an offender under
division (D)(1)(f) of this section relative to an offense, the
court shall not impose a prison term under division (D)(1)(a) or
(c) of this section relative to the same offense.

(2)(a) 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 2941.149 of the Revised Code that
the offender is a repeat violent offender, the court shall impose
a prison term from the range of terms authorized for the offense
under division (A) of this section that may be the longest term in
the range and that 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. If the court finds that the
repeat violent offender, in committing the offense, caused any
physical harm that carried a substantial risk of death to a person

or that involved substantial permanent incapacity or substantial 2483
permanent disfigurement of a person, the court shall impose the 2484
longest prison term from the range of terms authorized for the 2485
offense under division (A) of this section. 2486

(b) If the court imposing a prison term on a repeat violent 2487
offender imposes the longest prison term from the range of terms 2488
authorized for the offense under division (A) of this section, the 2489
court may impose on the offender an additional definite prison 2490
term of one, two, three, four, five, six, seven, eight, nine, or 2491
ten years if the court finds that both of the following apply with 2492
respect to the prison terms imposed on the offender pursuant to 2493
division (D)(2)(a) of this section and, if applicable, divisions 2494
(D)(1) and (3) of this section: 2495

(i) The terms so imposed are inadequate to punish the 2496
offender and protect the public from future crime, because the 2497
applicable factors under section 2929.12 of the Revised Code 2498
indicating a greater likelihood of recidivism outweigh the 2499
applicable factors under that section indicating a lesser 2500
likelihood of recidivism. 2501

(ii) The terms so imposed are demeaning to the seriousness of 2502
the offense, because one or more of the factors under section 2503
2929.12 of the Revised Code indicating that the offender's conduct 2504
is more serious than conduct normally constituting the offense are 2505
present, and they outweigh the applicable factors under that 2506
section indicating that the offender's conduct is less serious 2507
than conduct normally constituting the offense. 2508

(3)(a) Except when an offender commits a violation of section 2509
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2510
the violation is life imprisonment or commits a violation of 2511
section 2903.02 of the Revised Code, if the offender commits a 2512
violation of section 2925.03 or 2925.11 of the Revised Code and 2513
that section classifies the offender as a major drug offender and 2514

requires the imposition of a ten-year prison term on the offender, 2515
if the offender commits a felony violation of section 2925.02, 2516
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2517
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2518
division (C) of section 4729.51, or division (J) of section 2519
4729.54 of the Revised Code that includes the sale, offer to sell, 2520
or possession of a schedule I or II controlled substance, with the 2521
exception of marihuana, and the court imposing sentence upon the 2522
offender finds that the offender is guilty of a specification of 2523
the type described in section 2941.1410 of the Revised Code 2524
charging that the offender is a major drug offender, if the court 2525
imposing sentence upon an offender for a felony finds that the 2526
offender is guilty of corrupt activity with the most serious 2527
offense in the pattern of corrupt activity being a felony of the 2528
first degree, or if the offender is guilty of an attempted 2529
violation of section 2907.02 of the Revised Code and, had the 2530
offender completed the violation of section 2907.02 of the Revised 2531
Code that was attempted, the offender would have been subject to a 2532
sentence of life imprisonment or life imprisonment without parole 2533
for the violation of section 2907.02 of the Revised Code, the 2534
court shall impose upon the offender for the felony violation a 2535
ten-year prison term that cannot be reduced pursuant to section 2536
2929.20 or Chapter 2967. or 5120. of the Revised Code. 2537

(b) The court imposing a prison term on an offender under 2538
division (D)(3)(a) of this section may impose an additional prison 2539
term of one, two, three, four, five, six, seven, eight, nine, or 2540
ten years, if the court, with respect to the term imposed under 2541
division (D)(3)(a) of this section and, if applicable, divisions 2542
(D)(1) and (2) of this section, makes both of the findings set 2543
forth in divisions (D)(2)(b)(i) and (ii) of this section. 2544

(4) If the offender is being sentenced for a third or fourth 2545
degree felony OMVI offense under division (G)(2) of section 2546

2929.13 of the Revised Code, the sentencing court shall impose 2547
upon the offender a mandatory prison term in accordance with that 2548
division. In addition to the mandatory prison term, the sentencing 2549
court may sentence the offender to an additional prison term of 2550
any duration specified in division (A)(3) of this section minus 2551
the sixty or one hundred twenty days imposed upon the offender as 2552
the mandatory prison term. The total of the additional prison term 2553
imposed under division (D)(4) of this section plus the sixty or 2554
one hundred twenty days imposed as the mandatory prison term shall 2555
equal one of the authorized prison terms specified in division 2556
(A)(3) of this section. If the court imposes an additional prison 2557
term under division (D)(4) of this section, the offender shall 2558
serve the additional prison term after the offender has served the 2559
mandatory prison term required for the offense. The court shall 2560
not sentence the offender to a community control sanction under 2561
section 2929.16 or 2929.17 of the Revised Code. 2562

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 2563
mandatory prison term is imposed upon an offender pursuant to 2564
division (D)(1)(a) of this section for having a firearm on or 2565
about the offender's person or under the offender's control while 2566
committing a felony, if a mandatory prison term is imposed upon an 2567
offender pursuant to division (D)(1)(c) of this section for 2568
committing a felony specified in that division by discharging a 2569
firearm from a motor vehicle, or if both types of mandatory prison 2570
terms are imposed, the offender shall serve any mandatory prison 2571
term imposed under either division consecutively to any other 2572
mandatory prison term imposed under either division or under 2573
division (D)(1)(d) of this section, consecutively to and prior to 2574
any prison term imposed for the underlying felony pursuant to 2575
division (A), (D)(2), or (D)(3) of this section or any other 2576
section of the Revised Code, and consecutively to any other prison 2577
term or mandatory prison term previously or subsequently imposed 2578
upon the offender. 2579

(b) If a mandatory prison term is imposed upon an offender 2580
pursuant to division (D)(1)(d) of this section for wearing or 2581
carrying body armor while committing an offense of violence that 2582
is a felony, the offender shall serve the mandatory term so 2583
imposed consecutively to any other mandatory prison term imposed 2584
under that division or under division (D)(1)(a) or (c) of this 2585
section, consecutively to and prior to any prison term imposed for 2586
the underlying felony under division (A), (D)(2), or (D)(3) of 2587
this section or any other section of the Revised Code, and 2588
consecutively to any other prison term or mandatory prison term 2589
previously or subsequently imposed upon the offender. 2590

(c) If a mandatory prison term is imposed upon an offender 2591
pursuant to division (D)(1)(f) of this section, the offender shall 2592
serve the mandatory prison term so imposed consecutively to and 2593
prior to any prison term imposed for the underlying felony under 2594
division (A), (D)(2), or (D)(3) of this section or any other 2595
section of the Revised Code, and consecutively to any other prison 2596
term or mandatory prison term previously or subsequently imposed 2597
upon the offender. 2598

(2) If an offender who is an inmate in a jail, prison, or 2599
other residential detention facility violates section 2917.02, 2600
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2601
who is under detention at a detention facility commits a felony 2602
violation of section 2923.131 of the Revised Code, or if an 2603
offender who is an inmate in a jail, prison, or other residential 2604
detention facility or is under detention at a detention facility 2605
commits another felony while the offender is an escapee in 2606
violation of section 2921.34 of the Revised Code, any prison term 2607
imposed upon the offender for one of those violations shall be 2608
served by the offender consecutively to the prison term or term of 2609
imprisonment the offender was serving when the offender committed 2610
that offense and to any other prison term previously or 2611

subsequently imposed upon the offender. 2612

(3) If a prison term is imposed for a violation of division 2613
(B) of section 2911.01 of the Revised Code, a violation of 2614
division (A) of section 2913.02 of the Revised Code in which the 2615
stolen property is a firearm or dangerous ordnance, or if a prison 2616
term is imposed for a felony violation of division (B) of section 2617
2921.331 of the Revised Code, the offender shall serve that prison 2618
term consecutively to any other prison term or mandatory prison 2619
term previously or subsequently imposed upon the offender. 2620

(4) If multiple prison terms are imposed on an offender for 2621
convictions of multiple offenses, the court may require the 2622
offender to serve the prison terms consecutively if the court 2623
finds that the consecutive service is necessary to protect the 2624
public from future crime or to punish the offender and that 2625
consecutive sentences are not disproportionate to the seriousness 2626
of the offender's conduct and to the danger the offender poses to 2627
the public, and if the court also finds any of the following: 2628

(a) The offender committed one or more of the multiple 2629
offenses while the offender was awaiting trial or sentencing, was 2630
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2631
2929.18 of the Revised Code, or was under post-release control for 2632
a prior offense. 2633

(b) At least two of the multiple offenses were committed as 2634
part of one or more courses of conduct, and the harm caused by two 2635
or more of the multiple offenses so committed was so great or 2636
unusual that no single prison term for any of the offenses 2637
committed as part of any of the courses of conduct adequately 2638
reflects the seriousness of the offender's conduct. 2639

(c) The offender's history of criminal conduct demonstrates 2640
that consecutive sentences are necessary to protect the public 2641
from future crime by the offender. 2642

(5) When consecutive prison terms are imposed pursuant to 2643
division (E)(1), (2), (3), or (4) of this section, the term to be 2644
served is the aggregate of all of the terms so imposed. 2645

(F) If a court imposes a prison term of a type described in 2646
division (B) of section 2967.28 of the Revised Code, it shall 2647
include in the sentence a requirement that the offender be subject 2648
to a period of post-release control after the offender's release 2649
from imprisonment, in accordance with that division. If a court 2650
imposes a prison term of a type described in division (C) of that 2651
section, it shall include in the sentence a requirement that the 2652
offender be subject to a period of post-release control after the 2653
offender's release from imprisonment, in accordance with that 2654
division, if the parole board determines that a period of 2655
post-release control is necessary. 2656

(G) If a person is convicted of or pleads guilty to a 2657
sexually violent offense and also is convicted of or pleads guilty 2658
to a sexually violent predator specification that was included in 2659
the indictment, count in the indictment, or information charging 2660
that offense, the court shall impose sentence upon the offender in 2661
accordance with section 2971.03 of the Revised Code, and Chapter 2662
2971. of the Revised Code applies regarding the prison term or 2663
term of life imprisonment without parole imposed upon the offender 2664
and the service of that term of imprisonment. 2665

(H) If a person who has been convicted of or pleaded guilty 2666
to a felony is sentenced to a prison term or term of imprisonment 2667
under this section, sections 2929.02 to 2929.06 of the Revised 2668
Code, section 2971.03 of the Revised Code, or any other provision 2669
of law, section 5120.163 of the Revised Code applies regarding the 2670
person while the person is confined in a state correctional 2671
institution. 2672

(I) If an offender who is convicted of or pleads guilty to a 2673

felony that is an offense of violence also is convicted of or 2674
pleads guilty to a specification of the type described in section 2675
2941.142 of the Revised Code that charges the offender with having 2676
committed the felony while participating in a criminal gang, the 2677
court shall impose upon the offender an additional prison term of 2678
one, two, or three years. 2679

(J) If an offender who is convicted of or pleads guilty to 2680
aggravated murder, murder, or a felony of the first, second, or 2681
third degree that is an offense of violence also is convicted of 2682
or pleads guilty to a specification of the type described in 2683
section 2941.143 of the Revised Code that charges the offender 2684
with having committed the offense in a school safety zone or 2685
towards a person in a school safety zone, the court shall impose 2686
upon the offender an additional prison term of two years. The 2687
offender shall serve the additional two years consecutively to and 2688
prior to the prison term imposed for the underlying offense. 2689

(K) At the time of sentencing, the court may recommend the 2690
offender for placement in a program of shock incarceration under 2691
section 5120.031 of the Revised Code or for placement in an 2692
intensive program prison under section 5120.032 of the Revised 2693
Code, disapprove placement of the offender in a program of shock 2694
incarceration or an intensive program prison of that nature, or 2695
make no recommendation on placement of the offender. In no case 2696
shall the department of rehabilitation and correction place the 2697
offender in a program or prison of that nature unless the 2698
department determines as specified in section 5120.031 or 5120.032 2699
of the Revised Code, whichever is applicable, that the offender is 2700
eligible for the placement. 2701

If the court disapproves placement of the offender in a 2702
program or prison of that nature, the department of rehabilitation 2703
and correction shall not place the offender in any program of 2704
shock incarceration or intensive program prison. 2705

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

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

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

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of the Revised Code, a first offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing

of the conviction record. Application may be made at the 2737
expiration of three years after the offender's final discharge if 2738
convicted of a felony, or at the expiration of one year after the 2739
offender's final discharge if convicted of a misdemeanor. 2740

(2) Any person who has been arrested for any misdemeanor 2741
offense and who has effected a bail forfeiture may apply to the 2742
court in which the misdemeanor criminal case was pending when bail 2743
was forfeited for the sealing of the record of the case. Except as 2744
provided in section 2953.61 of the Revised Code, the application 2745
may be filed at any time after the expiration of one year from the 2746
date on which the bail forfeiture was entered upon the minutes of 2747
the court or the journal, whichever entry occurs first. 2748

(B) Upon the filing of an application under this section, the 2749
court shall set a date for a hearing and shall notify the 2750
prosecutor for the case of the hearing on the application. The 2751
prosecutor may object to the granting of the application by filing 2752
an objection with the court prior to the date set for the hearing. 2753
The prosecutor shall specify in the objection the reasons for 2754
believing a denial of the application is justified. The court 2755
shall direct its regular probation officer, a state probation 2756
officer, or the department of probation of the county in which the 2757
applicant resides to make inquiries and written reports as the 2758
court requires concerning the applicant. 2759

(C)(1) The court shall do each of the following: 2760

(a) Determine whether the applicant is a first offender or 2761
whether the forfeiture of bail was agreed to by the applicant and 2762
the prosecutor in the case. If the applicant applies as a first 2763
offender pursuant to division (A)(1) of this section and has two 2764
or three convictions that result from the same indictment, 2765
information, or complaint, from the same plea of guilty, or from 2766
the same official proceeding, and result from related criminal 2767

acts that were committed within a three-month period but do not 2768
result from the same act or from offenses committed at the same 2769
time, in making its determination under this division, the court 2770
initially shall determine whether it is not in the public interest 2771
for the two or three convictions to be counted as one conviction. 2772
If the court determines that it is not in the public interest for 2773
the two or three convictions to be counted as one conviction, the 2774
court shall determine that the applicant is not a first offender; 2775
if the court does not make that determination, the court shall 2776
determine that the offender is a first offender. 2777

(b) Determine whether criminal proceedings are pending 2778
against the applicant; 2779

(c) If the applicant is a first offender who applies pursuant 2780
to division (A)(1) of this section, determine whether the 2781
applicant has been rehabilitated to the satisfaction of the court; 2782

(d) If the prosecutor has filed an objection in accordance 2783
with division (B) of this section, consider the reasons against 2784
granting the application specified by the prosecutor in the 2785
objection; 2786

(e) Weigh the interests of the applicant in having the 2787
records pertaining to the applicant's conviction sealed against 2788
the legitimate needs, if any, of the government to maintain those 2789
records. 2790

(2) If the court determines, after complying with division 2791
(C)(1) of this section, that the applicant is a first offender or 2792
the subject of a bail forfeiture, that no criminal proceeding is 2793
pending against the applicant, and that the interests of the 2794
applicant in having the records pertaining to the applicant's 2795
conviction or bail forfeiture sealed are not outweighed by any 2796
legitimate governmental needs to maintain those records, and that 2797
the rehabilitation of an applicant who is a first offender 2798

applying pursuant to division (A)(1) of this section has been 2799
attained to the satisfaction of the court, the court, except as 2800
provided in division (G) of this section, shall order all official 2801
records pertaining to the case sealed and, except as provided in 2802
division (F) of this section, all index references to the case 2803
deleted and, in the case of bail forfeitures, shall dismiss the 2804
charges in the case. The proceedings in the case shall be 2805
considered not to have occurred and the conviction or bail 2806
forfeiture of the person who is the subject of the proceedings 2807
shall be sealed, except that upon conviction of a subsequent 2808
offense, the sealed record of prior conviction or bail forfeiture 2809
may be considered by the court in determining the sentence or 2810
other appropriate disposition, including the relief provided for 2811
in sections 2953.31 to 2953.33 of the Revised Code. 2812

(3) Upon the filing of an application under this section, the 2813
applicant, unless indigent, shall pay a fee of fifty dollars. The 2814
court shall pay thirty dollars of the fee into the state treasury. 2815
It shall pay twenty dollars of the fee into the county general 2816
revenue fund if the sealed conviction or bail forfeiture was 2817
pursuant to a state statute, or into the general revenue fund of 2818
the municipal corporation involved if the sealed conviction or 2819
bail forfeiture was pursuant to a municipal ordinance. 2820

(D) Inspection of the sealed records included in the order 2821
may be made only by the following persons or for the following 2822
purposes: 2823

(1) By a law enforcement officer or prosecutor, or the 2824
assistants of either, to determine whether the nature and 2825
character of the offense with which a person is to be charged 2826
would be affected by virtue of the person's previously having been 2827
convicted of a crime; 2828

(2) By the parole or probation officer of the person who is 2829
the subject of the records, for the exclusive use of the officer 2830

in supervising the person while on parole or probation and in 2831
making inquiries and written reports as requested by the court or 2832
adult parole authority; 2833

(3) Upon application by the person who is the subject of the 2834
records, by the persons named in the application; 2835

(4) By a law enforcement officer who was involved in the 2836
case, for use in the officer's defense of a civil action arising 2837
out of the officer's involvement in that case; 2838

(5) By a prosecuting attorney or the prosecuting attorney's 2839
assistants to determine a defendant's eligibility to enter a 2840
pre-trial diversion program established pursuant to section 2841
2935.36 of the Revised Code; 2842

(6) By any law enforcement agency or any authorized employee 2843
of a law enforcement agency or by the department of rehabilitation 2844
and correction as part of a background investigation of a person 2845
who applies for employment with the agency as a law enforcement 2846
officer or with the department as a corrections officer; 2847

(7) By any law enforcement agency or any authorized employee 2848
of a law enforcement agency, for the purposes set forth in, and in 2849
the manner provided in, section 2953.321 of the Revised Code; 2850

(8) By the bureau of criminal identification and 2851
investigation or any authorized employee of the bureau for the 2852
purpose of providing information to a board or person pursuant to 2853
division (F) or (G) of section 109.57 of the Revised Code; 2854

(9) By the bureau of criminal identification and 2855
investigation or any authorized employee of the bureau for the 2856
purpose of performing a criminal history records check on a person 2857
to whom a certificate as prescribed in section 109.77 of the 2858
Revised Code is to be awarded; 2859

(10) By the bureau of criminal identification and 2860

investigation, an authorized employee of the bureau, a sheriff, or 2861
an authorized employee of the sheriff in connection with a 2862
criminal records check described in section 311.41 of the Revised 2863
Code. 2864

When the nature and character of the offense with which a 2865
person is to be charged would be affected by the information, it 2866
may be used for the purpose of charging the person with an 2867
offense. 2868

(E) In any criminal proceeding, proof of any otherwise 2869
admissible prior conviction may be introduced and proved, 2870
notwithstanding the fact that for any such prior conviction an 2871
order of sealing previously was issued pursuant to sections 2872
2953.31 to 2953.36 of the Revised Code. 2873

The person or governmental agency, office, or department that 2874
maintains sealed records pertaining to convictions or bail 2875
forfeitures that have been sealed pursuant to this section may 2876
maintain a manual or computerized index to the sealed records. The 2877
index shall contain only the name of, and alphanumeric identifiers 2878
that relate to, the persons who are the subject of the sealed 2879
records, the word "sealed," and the name of the person, agency, 2880
office, or department that has custody of the sealed records, and 2881
shall not contain the name of the crime committed. The index shall 2882
be made available by the person who has custody of the sealed 2883
records only for the purposes set forth in divisions (C), (D), and 2884
(E) of this section. 2885

(G) Notwithstanding any provision of this section or section 2886
2953.33 of the Revised Code that requires otherwise, a board of 2887
education of a city, local, exempted village, or joint vocational 2888
school district that maintains records of an individual who has 2889
been permanently excluded under sections 3301.121 and 3313.662 of 2890
the Revised Code is permitted to maintain records regarding a 2891

conviction that was used as the basis for the individual's 2892
permanent exclusion, regardless of a court order to seal the 2893
record. An order issued under this section to seal the record of a 2894
conviction does not revoke the adjudication order of the 2895
superintendent of public instruction to permanently exclude the 2896
individual who is the subject of the sealing order. An order 2897
issued under this section to seal the record of a conviction of an 2898
individual may be presented to a district superintendent as 2899
evidence to support the contention that the superintendent should 2900
recommend that the permanent exclusion of the individual who is 2901
the subject of the sealing order be revoked. Except as otherwise 2902
authorized by this division and sections 3301.121 and 3313.662 of 2903
the Revised Code, any school employee in possession of or having 2904
access to the sealed conviction records of an individual that were 2905
the basis of a permanent exclusion of the individual is subject to 2906
section 2953.35 of the Revised Code. 2907

Sec. 4749.10. (A) No class A, B, or C licensee and no 2908
registered employee of a class A, B, or C licensee shall carry a 2909
firearm, as defined in section 2923.11 of the Revised Code, in the 2910
course of engaging in the business of private investigation, the 2911
business of security services, or both businesses, unless all of 2912
the following apply: 2913

(1) The licensee or employee either has successfully 2914
completed a basic firearm training program at a training school 2915
approved by the Ohio peace officer training commission, which 2916
program includes twenty hours of training in handgun use and, if 2917
any firearm other than a handgun is to be used, five hours of 2918
training in the use of other firearms, and has received a 2919
certificate of satisfactory completion of that program from the 2920
executive director of the commission; the licensee or employee 2921
has, within three years prior ~~to the effective date of this~~ 2922
~~section~~ November 27, 1985, satisfactorily completed firearms 2923

training that has been approved by the commission as being 2924
equivalent to such a program and has received written evidence of 2925
approval of that training from the executive director of the 2926
commission; or the licensee or employee is a former peace officer, 2927
as defined in section 109.71 of the Revised Code, who previously 2928
had successfully completed a firearms training course at a 2929
training school approved by the Ohio peace officer training 2930
commission and has received a certificate or other evidence of 2931
satisfactory completion of that course from the executive director 2932
of the commission. 2933

(2) The licensee or employee submits an application to the 2934
director of commerce, on a form prescribed by the director, in 2935
which the licensee or employee requests registration as a class A, 2936
B, or C licensee or employee who may carry a firearm. The 2937
application shall be accompanied by a copy of the certificate or 2938
the written evidence or other evidence described in division 2939
(A)(1) of this section, the identification card issued pursuant to 2940
section 4749.03 or 4749.06 of the Revised Code if one has 2941
previously been issued, a statement of the duties that will be 2942
performed while the licensee or employee is armed, and a fee of 2943
ten dollars. In the case of a registered employee, the statement 2944
shall be prepared by the employing class A, B, or C licensee. 2945

(3) The licensee or employee receives a notation on the 2946
licensee's or employee's identification card that the licensee or 2947
employee is a firearm-bearer and carries the identification card 2948
whenever the licensee or employee carries a firearm in the course 2949
of engaging in the business of private investigation, the business 2950
of security services, or both businesses. 2951

(4) At any time within the immediately preceding twelve-month 2952
period, the licensee or employee has requalified in firearms use 2953
on a firearms training range at a firearms requalification program 2954
certified by the Ohio peace officer training commission or on a 2955

firearms training range under the supervision of an instructor 2956
certified by the commission and has received a certificate of 2957
satisfactory requalification from the certified program or 2958
certified instructor, provided that this division does not apply 2959
to any licensee or employee prior to the expiration of eighteen 2960
months after the licensee's or employee's completion of the 2961
program described in division (A)(1) of this section. A 2962
certificate of satisfactory requalification is valid and remains 2963
in effect for twelve months from the date of the requalification. 2964

(5) If division (A)(4) of this section applies to the 2965
licensee or employee, the licensee or employee carries the 2966
certificate of satisfactory requalification that then is in effect 2967
or any other evidence of requalification issued or provided by the 2968
director. 2969

(B)(1) The director of commerce shall register an applicant 2970
under division (A) of this section who satisfies divisions (A)(1) 2971
and (2) of this section, and place a notation on the applicant's 2972
identification card indicating that the applicant is a 2973
firearm-bearer and the date on which the applicant completed the 2974
program described in division (A)(1) of this section. 2975

(2) A firearms requalification training program or instructor 2976
certified by the commission for the annual requalification of 2977
class A, B, or C licensees or employees who are authorized to 2978
carry a firearm under section 4749.10 of the Revised Code shall 2979
award a certificate of satisfactory requalification to each class 2980
A, B, or C licensee or registered employee of a class A, B, or C 2981
licensee who satisfactorily requalifies in firearms training. The 2982
certificate shall identify the licensee or employee and indicate 2983
the date of the requalification. A licensee or employee who 2984
receives such a certificate shall submit a copy of it to the 2985
director of commerce. A licensee shall submit the copy of the 2986
requalification certificate at the same time that the licensee 2987

makes application for renewal of the licensee's class A, B, or C 2988
license. The director shall keep a record of all copies of 2989
requalification certificates the director receives under this 2990
division and shall establish a procedure for the updating of 2991
identification cards to provide evidence of compliance with the 2992
annual requalification requirement. The procedure for the updating 2993
of identification cards may provide for the issuance of a new card 2994
containing the evidence, the entry of a new notation containing 2995
the evidence on the existing card, the issuance of a separate card 2996
or paper containing the evidence, or any other procedure 2997
determined by the director to be reasonable. Each person who is 2998
issued a requalification certificate under this division promptly 2999
shall pay to the Ohio peace officer training commission 3000
established by section 109.71 of the Revised Code a fee of five 3001
dollars, which fee shall be transmitted to the treasurer of state 3002
for deposit in the peace officer private security fund established 3003
by section 109.78 of the Revised Code. 3004

(C) Nothing in this section prohibits a private investigator 3005
or a security guard provider from carrying a concealed handgun if 3006
the private investigator or security guard provider complies with 3007
sections 2923.124 to 2923.1212 of the Revised Code. 3008

Sec. 5122.311. (A) Notwithstanding any provision of the 3009
Revised Code to the contrary, if, on or after the effective date 3010
of this section, an individual is found by a court to be a 3011
mentally ill person subject to hospitalization by court order or 3012
becomes an involuntary patient other than one who is a patient 3013
only for purposes of observation, the probate judge who made the 3014
adjudication or the chief clinical officer of the hospital, 3015
agency, or facility in which the person is an involuntary patient 3016
shall notify the bureau of criminal identification and 3017
investigation, on the form described in division (C) of this 3018
section, of the identity of the individual. The notification shall 3019

be transmitted by the judge or the chief clinical officer not 3020
later than seven days after the adjudication or commitment. 3021

(B) The bureau of criminal identification and investigation 3022
shall compile and maintain the notices it receives under division 3023
(A) of this section and shall use them for the purpose of 3024
conducting incompetency records checks pursuant to section 311.41 3025
of the Revised Code. The notices and the information they contain 3026
are confidential, except as provided in this division, and are not 3027
public records. 3028

(C) The attorney general, by rule adopted under Chapter 119. 3029
of the Revised Code, shall prescribe and make available to all 3030
probate judges and all chief clinical officers a form to be used 3031
by them for the purpose of making the notifications required by 3032
division (A) of this section. 3033

Section 2. That existing sections 1547.69, 2911.21, 2913.02, 3034
2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.13, 3035
2923.16, 2929.14, 2953.32, and 4749.10 of the Revised Code are 3036
hereby repealed. 3037

Section 3. That the versions of sections 2923.122, 2929.14, 3038
and 2953.32 of the Revised Code that are scheduled to take effect 3039
January 1, 2004, be amended to read as follows: 3040

Sec. 2923.122. (A) No person shall knowingly convey, or 3041
attempt to convey, a deadly weapon or dangerous ordnance into a 3042
school safety zone. 3043

(B) No person shall knowingly possess a deadly weapon or 3044
dangerous ordnance in a school safety zone. 3045

(C) No person shall knowingly possess an object in a school 3046
safety zone if both of the following apply: 3047

(1) The object is indistinguishable from a firearm, whether 3048
or not the object is capable of being fired. 3049

(2) The person indicates that the person possesses the object 3050
and that it is a firearm, or the person knowingly displays or 3051
brandishes the object and indicates that it is a firearm. 3052

(D)(1) This section does not apply to officers, agents, or 3053
employees of this or any other state or the United States, or to 3054
law enforcement officers, authorized to carry deadly weapons or 3055
dangerous ordnance and acting within the scope of their duties, to 3056
any security officer employed by a board of education or governing 3057
body of a school during the time that the security officer is on 3058
duty pursuant to that contract of employment, or to any other 3059
person who has written authorization from the board of education 3060
or governing body of a school to convey deadly weapons or 3061
dangerous ordnance into a school safety zone or to possess a 3062
deadly weapon or dangerous ordnance in a school safety zone and 3063
who conveys or possesses the deadly weapon or dangerous ordnance 3064
in accordance with that authorization. 3065

(2) Division (C) of this section does not apply to premises 3066
upon which home schooling is conducted. Division (C) of this 3067
section also does not apply to a school administrator, teacher, or 3068
employee who possesses an object that is indistinguishable from a 3069
firearm for legitimate school purposes during the course of 3070
employment, a student who uses an object that is indistinguishable 3071
from a firearm under the direction of a school administrator, 3072
teacher, or employee, or any other person who with the express 3073
prior approval of a school administrator possesses an object that 3074
is indistinguishable from a firearm for a legitimate purpose, 3075
including the use of the object in a ceremonial activity, a play, 3076
reenactment, or other dramatic presentation, or a ROTC activity or 3077
another similar use of the object. 3078

(3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply: 3079
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(a) The person does not enter into a school building or onto school premises and is not at a school activity. 3084
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(b) The person is carrying a valid license to carry a concealed handgun issued to the person under section 2923.125 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code. 3086
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(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B). 3092
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(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to (10) of section 2923.126 of the Revised Code. 3094
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(E)(1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree. 3097
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(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable 3106
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from a firearm in a school safety zone is a misdemeanor of the 3110
first degree. If the offender previously has been convicted of a 3111
violation of this section, illegal possession of an object 3112
indistinguishable from a firearm in a school safety zone is a 3113
felony of the fifth degree. 3114

(F)(1) In addition to any other penalty imposed upon a person 3115
who is convicted of or pleads guilty to a violation of this 3116
section and subject to division (F)(2) of this section, if the 3117
offender has not attained nineteen years of age, regardless of 3118
whether the offender is attending or is enrolled in a school 3119
operated by a board of education or for which the state board of 3120
education prescribes minimum standards under section 3301.07 of 3121
the Revised Code, the court shall impose upon the offender a class 3122
four suspension of the offender's probationary driver's license, 3123
restricted license, driver's license, commercial driver's license, 3124
temporary instruction permit, or probationary commercial driver's 3125
license that then is in effect from the range specified in 3126
division (A)(4) of section 4510.02 of the Revised Code and shall 3127
deny the offender the issuance of any permit or license of that 3128
type during the period of the suspension. 3129

If the offender is not a resident of this state, the court 3130
shall impose a class four suspension of the nonresident operating 3131
privilege of the offender from the range specified in division 3132
(A)(4) of section 4510.02 of the Revised Code. 3133

(2) If the offender shows good cause why the court should not 3134
suspend one of the types of licenses, permits, or privileges 3135
specified in division (F)(1) of this section or deny the issuance 3136
of one of the temporary instruction permits specified in that 3137
division, the court in its discretion may choose not to impose the 3138
suspension, revocation, or denial required in that division. 3139

(G) As used in this section, "object that is 3140
indistinguishable from a firearm" means an object made, 3141

constructed, or altered so that, to a reasonable person without 3142
specialized training in firearms, the object appears to be a 3143
firearm. 3144

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 3145
(D)(2), (D)(3), (D)(4), or (G) of this section and except in 3146
relation to an offense for which a sentence of death or life 3147
imprisonment is to be imposed, if the court imposing a sentence 3148
upon an offender for a felony elects or is required to impose a 3149
prison term on the offender pursuant to this chapter and is not 3150
prohibited by division (G)(1) of section 2929.13 of the Revised 3151
Code from imposing a prison term on the offender, the court shall 3152
impose a definite prison term that shall be one of the following: 3153

(1) For a felony of the first degree, the prison term shall 3154
be three, four, five, six, seven, eight, nine, or ten years. 3155

(2) For a felony of the second degree, the prison term shall 3156
be two, three, four, five, six, seven, or eight years. 3157

(3) For a felony of the third degree, the prison term shall 3158
be one, two, three, four, or five years. 3159

(4) For a felony of the fourth degree, the prison term shall 3160
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3161
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3162

(5) For a felony of the fifth degree, the prison term shall 3163
be six, seven, eight, nine, ten, eleven, or twelve months. 3164

(B) Except as provided in division (C), (D)(1), (D)(2), 3165
(D)(3), or (G) of this section, in section 2907.02 of the Revised 3166
Code, or in Chapter 2925. of the Revised Code, if the court 3167
imposing a sentence upon an offender for a felony elects or is 3168
required to impose a prison term on the offender, the court shall 3169
impose the shortest prison term authorized for the offense 3170
pursuant to division (A) of this section, unless one or more of 3171

the following applies: 3172

(1) The offender was serving a prison term at the time of the 3173
offense, or the offender previously had served a prison term. 3174

(2) The court finds on the record that the shortest prison 3175
term will demean the seriousness of the offender's conduct or will 3176
not adequately protect the public from future crime by the 3177
offender or others. 3178

(C) Except as provided in division (G) of this section or in 3179
Chapter 2925. of the Revised Code, the court imposing a sentence 3180
upon an offender for a felony may impose the longest prison term 3181
authorized for the offense pursuant to division (A) of this 3182
section only upon offenders who committed the worst forms of the 3183
offense, upon offenders who pose the greatest likelihood of 3184
committing future crimes, upon certain major drug offenders under 3185
division (D)(3) of this section, and upon certain repeat violent 3186
offenders in accordance with division (D)(2) of this section. 3187

(D)(1)(a) Except as provided in division (D)(1)(e) of this 3188
section, if an offender who is convicted of or pleads guilty to a 3189
felony also is convicted of or pleads guilty to a specification of 3190
the type described in section 2941.141, 2941.144, or 2941.145 of 3191
the Revised Code, the court shall impose on the offender one of 3192
the following prison terms: 3193

(i) A prison term of six years if the specification is of the 3194
type described in section 2941.144 of the Revised Code that 3195
charges the offender with having a firearm that is an automatic 3196
firearm or that was equipped with a firearm muffler or silencer on 3197
or about the offender's person or under the offender's control 3198
while committing the felony; 3199

(ii) A prison term of three years if the specification is of 3200
the type described in section 2941.145 of the Revised Code that 3201
charges the offender with having a firearm on or about the 3202

offender's person or under the offender's control while committing 3203
the offense and displaying the firearm, brandishing the firearm, 3204
indicating that the offender possessed the firearm, or using it to 3205
facilitate the offense; 3206

(iii) A prison term of one year if the specification is of 3207
the type described in section 2941.141 of the Revised Code that 3208
charges the offender with having a firearm on or about the 3209
offender's person or under the offender's control while committing 3210
the felony. 3211

(b) If a court imposes a prison term on an offender under 3212
division (D)(1)(a) of this section, the prison term shall not be 3213
reduced pursuant to section 2929.20, section 2967.193, or any 3214
other provision of Chapter 2967. or Chapter 5120. of the Revised 3215
Code. A court shall not impose more than one prison term on an 3216
offender under division (D)(1)(a) of this section for felonies 3217
committed as part of the same act or transaction. 3218

(c) Except as provided in division (D)(1)(e) of this section, 3219
if an offender who is convicted of or pleads guilty to a violation 3220
of section 2923.161 of the Revised Code or to a felony that 3221
includes, as an essential element, purposely or knowingly causing 3222
or attempting to cause the death of or physical harm to another, 3223
also is convicted of or pleads guilty to a specification of the 3224
type described in section 2941.146 of the Revised Code that 3225
charges the offender with committing the offense by discharging a 3226
firearm from a motor vehicle other than a manufactured home, the 3227
court, after imposing a prison term on the offender for the 3228
violation of section 2923.161 of the Revised Code or for the other 3229
felony offense under division (A), (D)(2), or (D)(3) of this 3230
section, shall impose an additional prison term of five years upon 3231
the offender that shall not be reduced pursuant to section 3232
2929.20, section 2967.193, or any other provision of Chapter 2967. 3233
or Chapter 5120. of the Revised Code. A court shall not impose 3234

more than one additional prison term on an offender under division 3235
(D)(1)(c) of this section for felonies committed as part of the 3236
same act or transaction. If a court imposes an additional prison 3237
term on an offender under division (D)(1)(c) of this section 3238
relative to an offense, the court also shall impose a prison term 3239
under division (D)(1)(a) of this section relative to the same 3240
offense, provided the criteria specified in that division for 3241
imposing an additional prison term are satisfied relative to the 3242
offender and the offense. 3243

(d) If an offender who is convicted of or pleads guilty to an 3244
offense of violence that is a felony also is convicted of or 3245
pleads guilty to a specification of the type described in section 3246
2941.1411 of the Revised Code that charges the offender with 3247
wearing or carrying body armor while committing the felony offense 3248
of violence, the court shall impose on the offender a prison term 3249
of two years. The prison term so imposed shall not be reduced 3250
pursuant to section 2929.20, section 2967.193, or any other 3251
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 3252
court shall not impose more than one prison term on an offender 3253
under division (D)(1)(d) of this section for felonies committed as 3254
part of the same act or transaction. If a court imposes an 3255
additional prison term under division (D)(1)(a) or (c) of this 3256
section, the court is not precluded from imposing an additional 3257
prison term under division (D)(1)(d) of this section. 3258

(e) The court shall not impose any of the prison terms 3259
described in division (D)(1)(a) of this section or any of the 3260
additional prison terms described in division (D)(1)(c) of this 3261
section upon an offender for a violation of section 2923.12 or 3262
2923.123 of the Revised Code. The court shall not impose any of 3263
the prison terms described in division (D)(1)(a) of this section 3264
or any of the additional prison terms described in division 3265
(D)(1)(c) of this section upon an offender for a violation of 3266

section 2923.13 of the Revised Code unless all of the following 3267
apply: 3268

(i) The offender previously has been convicted of aggravated 3269
murder, murder, or any felony of the first or second degree. 3270

(ii) Less than five years have passed since the offender was 3271
released from prison or post-release control, whichever is later, 3272
for the prior offense. 3273

(f) If an offender is convicted of or pleads guilty to a 3274
felony that includes, as an essential element, causing or 3275
attempting to cause the death of or physical harm to another and 3276
also is convicted of or pleads guilty to a specification of the 3277
type described in section 2941.1412 of the Revised Code that 3278
charges the offender with committing the offense by discharging a 3279
firearm at a peace officer as defined in section 2935.01 of the 3280
Revised Code or a corrections officer as defined in section 3281
2941.1412 of the Revised Code, the court, after imposing a prison 3282
term on the offender for the felony offense under division (A), 3283
(D)(2), or (D)(3) of this section, shall impose an additional 3284
prison term of seven years upon the offender that shall not be 3285
reduced pursuant to section 2929.20, section 2967.193, or any 3286
other provision of Chapter 2967. or Chapter 5120. of the Revised 3287
Code. A court shall not impose more than one additional prison 3288
term on an offender under division (D)(1)(f) of this section for 3289
felonies committed as part of the same act or transaction. If a 3290
court imposes an additional prison term on an offender under 3291
division (D)(1)(f) of this section relative to an offense, the 3292
court shall not impose a prison term under division (D)(1)(a) or 3293
(c) of this section relative to the same offense. 3294

(2)(a) If an offender who is convicted of or pleads guilty to 3295
a felony also is convicted of or pleads guilty to a specification 3296
of the type described in section 2941.149 of the Revised Code that 3297
the offender is a repeat violent offender, the court shall impose 3298

a prison term from the range of terms authorized for the offense 3299
under division (A) of this section that may be the longest term in 3300
the range and that shall not be reduced pursuant to section 3301
2929.20, section 2967.193, or any other provision of Chapter 2967. 3302
or Chapter 5120. of the Revised Code. If the court finds that the 3303
repeat violent offender, in committing the offense, caused any 3304
physical harm that carried a substantial risk of death to a person 3305
or that involved substantial permanent incapacity or substantial 3306
permanent disfigurement of a person, the court shall impose the 3307
longest prison term from the range of terms authorized for the 3308
offense under division (A) of this section. 3309

(b) If the court imposing a prison term on a repeat violent 3310
offender imposes the longest prison term from the range of terms 3311
authorized for the offense under division (A) of this section, the 3312
court may impose on the offender an additional definite prison 3313
term of one, two, three, four, five, six, seven, eight, nine, or 3314
ten years if the court finds that both of the following apply with 3315
respect to the prison terms imposed on the offender pursuant to 3316
division (D)(2)(a) of this section and, if applicable, divisions 3317
(D)(1) and (3) of this section: 3318

(i) The terms so imposed are inadequate to punish the 3319
offender and protect the public from future crime, because the 3320
applicable factors under section 2929.12 of the Revised Code 3321
indicating a greater likelihood of recidivism outweigh the 3322
applicable factors under that section indicating a lesser 3323
likelihood of recidivism. 3324

(ii) The terms so imposed are demeaning to the seriousness of 3325
the offense, because one or more of the factors under section 3326
2929.12 of the Revised Code indicating that the offender's conduct 3327
is more serious than conduct normally constituting the offense are 3328
present, and they outweigh the applicable factors under that 3329
section indicating that the offender's conduct is less serious 3330

than conduct normally constituting the offense. 3331

(3)(a) Except when an offender commits a violation of section 3332
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 3333
the violation is life imprisonment or commits a violation of 3334
section 2903.02 of the Revised Code, if the offender commits a 3335
violation of section 2925.03 or 2925.11 of the Revised Code and 3336
that section classifies the offender as a major drug offender and 3337
requires the imposition of a ten-year prison term on the offender, 3338
if the offender commits a felony violation of section 2925.02, 3339
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 3340
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 3341
division (C) of section 4729.51, or division (J) of section 3342
4729.54 of the Revised Code that includes the sale, offer to sell, 3343
or possession of a schedule I or II controlled substance, with the 3344
exception of marihuana, and the court imposing sentence upon the 3345
offender finds that the offender is guilty of a specification of 3346
the type described in section 2941.1410 of the Revised Code 3347
charging that the offender is a major drug offender, if the court 3348
imposing sentence upon an offender for a felony finds that the 3349
offender is guilty of corrupt activity with the most serious 3350
offense in the pattern of corrupt activity being a felony of the 3351
first degree, or if the offender is guilty of an attempted 3352
violation of section 2907.02 of the Revised Code and, had the 3353
offender completed the violation of section 2907.02 of the Revised 3354
Code that was attempted, the offender would have been subject to a 3355
sentence of life imprisonment or life imprisonment without parole 3356
for the violation of section 2907.02 of the Revised Code, the 3357
court shall impose upon the offender for the felony violation a 3358
ten-year prison term that cannot be reduced pursuant to section 3359
2929.20 or Chapter 2967. or 5120. of the Revised Code. 3360

(b) The court imposing a prison term on an offender under 3361
division (D)(3)(a) of this section may impose an additional prison 3362

term of one, two, three, four, five, six, seven, eight, nine, or 3363
ten years, if the court, with respect to the term imposed under 3364
division (D)(3)(a) of this section and, if applicable, divisions 3365
(D)(1) and (2) of this section, makes both of the findings set 3366
forth in divisions (D)(2)(b)(i) and (ii) of this section. 3367

(4) If the offender is being sentenced for a third or fourth 3368
degree felony OVI offense under division (G)(2) of section 2929.13 3369
of the Revised Code, the sentencing court shall impose upon the 3370
offender a mandatory prison term in accordance with that division. 3371
In addition to the mandatory prison term, if the offender is being 3372
sentenced for a fourth degree felony OVI offense, the court, 3373
notwithstanding division (A)(4) of this section, may sentence the 3374
offender to a definite prison term of not less than six months and 3375
not more than thirty months, and if the offender is being 3376
sentenced for a third degree felony OVI offense, the sentencing 3377
court may sentence the offender to an additional prison term of 3378
any duration specified in division (A)(3) of this section. In 3379
either case, the additional prison term imposed shall be reduced 3380
by the sixty or one hundred twenty days imposed upon the offender 3381
as the mandatory prison term. The total of the additional prison 3382
term imposed under division (D)(4) of this section plus the sixty 3383
or one hundred twenty days imposed as the mandatory prison term 3384
shall equal a definite term in the range of six months to thirty 3385
months for a fourth degree felony OVI offense and shall equal one 3386
of the authorized prison terms specified in division (A)(3) of 3387
this section for a third degree felony OVI offense. If the court 3388
imposes an additional prison term under division (D)(4) of this 3389
section, the offender shall serve the additional prison term after 3390
the offender has served the mandatory prison term required for the 3391
offense. The court shall not sentence the offender to a community 3392
control sanction under section 2929.16 or 2929.17 of the Revised 3393
Code. 3394

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

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

(c) If a mandatory prison term is imposed upon an offender
pursuant to division (D)(1)(f) of this section, the offender shall
serve the mandatory prison term so imposed consecutively to and
prior to any prison term imposed for the underlying felony under

division (A), (D)(2), or (D)(3) of this section or any other 3427
section of the Revised Code, and consecutively to any other prison 3428
term or mandatory prison term previously or subsequently imposed 3429
upon the offender. 3430

(2) If an offender who is an inmate in a jail, prison, or 3431
other residential detention facility violates section 2917.02, 3432
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 3433
who is under detention at a detention facility commits a felony 3434
violation of section 2923.131 of the Revised Code, or if an 3435
offender who is an inmate in a jail, prison, or other residential 3436
detention facility or is under detention at a detention facility 3437
commits another felony while the offender is an escapee in 3438
violation of section 2921.34 of the Revised Code, any prison term 3439
imposed upon the offender for one of those violations shall be 3440
served by the offender consecutively to the prison term or term of 3441
imprisonment the offender was serving when the offender committed 3442
that offense and to any other prison term previously or 3443
subsequently imposed upon the offender. 3444

(3) If a prison term is imposed for a violation of division 3445
(B) of section 2911.01 of the Revised Code, a violation of 3446
division (A) of section 2913.02 of the Revised Code in which the 3447
stolen property is a firearm or dangerous ordnance, or if a prison 3448
term is imposed for a felony violation of division (B) of section 3449
2921.331 of the Revised Code, the offender shall serve that prison 3450
term consecutively to any other prison term or mandatory prison 3451
term previously or subsequently imposed upon the offender. 3452

(4) If multiple prison terms are imposed on an offender for 3453
convictions of multiple offenses, the court may require the 3454
offender to serve the prison terms consecutively if the court 3455
finds that the consecutive service is necessary to protect the 3456
public from future crime or to punish the offender and that 3457
consecutive sentences are not disproportionate to the seriousness 3458

of the offender's conduct and to the danger the offender poses to 3459
the public, and if the court also finds any of the following: 3460

(a) The offender committed one or more of the multiple 3461
offenses while the offender was awaiting trial or sentencing, was 3462
under a sanction imposed pursuant to section 2929.16, 2929.17, or 3463
2929.18 of the Revised Code, or was under post-release control for 3464
a prior offense. 3465

(b) At least two of the multiple offenses were committed as 3466
part of one or more courses of conduct, and the harm caused by two 3467
or more of the multiple offenses so committed was so great or 3468
unusual that no single prison term for any of the offenses 3469
committed as part of any of the courses of conduct adequately 3470
reflects the seriousness of the offender's conduct. 3471

(c) The offender's history of criminal conduct demonstrates 3472
that consecutive sentences are necessary to protect the public 3473
from future crime by the offender. 3474

(5) When consecutive prison terms are imposed pursuant to 3475
division (E)(1), (2), (3), or (4) of this section, the term to be 3476
served is the aggregate of all of the terms so imposed. 3477

(F) If a court imposes a prison term of a type described in 3478
division (B) of section 2967.28 of the Revised Code, it shall 3479
include in the sentence a requirement that the offender be subject 3480
to a period of post-release control after the offender's release 3481
from imprisonment, in accordance with that division. If a court 3482
imposes a prison term of a type described in division (C) of that 3483
section, it shall include in the sentence a requirement that the 3484
offender be subject to a period of post-release control after the 3485
offender's release from imprisonment, in accordance with that 3486
division, if the parole board determines that a period of 3487
post-release control is necessary. 3488

(G) If a person is convicted of or pleads guilty to a 3489

sexually violent offense and also is convicted of or pleads guilty 3490
to a sexually violent predator specification that was included in 3491
the indictment, count in the indictment, or information charging 3492
that offense, the court shall impose sentence upon the offender in 3493
accordance with section 2971.03 of the Revised Code, and Chapter 3494
2971. of the Revised Code applies regarding the prison term or 3495
term of life imprisonment without parole imposed upon the offender 3496
and the service of that term of imprisonment. 3497

(H) If a person who has been convicted of or pleaded guilty 3498
to a felony is sentenced to a prison term or term of imprisonment 3499
under this section, sections 2929.02 to 2929.06 of the Revised 3500
Code, section 2971.03 of the Revised Code, or any other provision 3501
of law, section 5120.163 of the Revised Code applies regarding the 3502
person while the person is confined in a state correctional 3503
institution. 3504

(I) If an offender who is convicted of or pleads guilty to a 3505
felony that is an offense of violence also is convicted of or 3506
pleads guilty to a specification of the type described in section 3507
2941.142 of the Revised Code that charges the offender with having 3508
committed the felony while participating in a criminal gang, the 3509
court shall impose upon the offender an additional prison term of 3510
one, two, or three years. 3511

(J) If an offender who is convicted of or pleads guilty to 3512
aggravated murder, murder, or a felony of the first, second, or 3513
third degree that is an offense of violence also is convicted of 3514
or pleads guilty to a specification of the type described in 3515
section 2941.143 of the Revised Code that charges the offender 3516
with having committed the offense in a school safety zone or 3517
towards a person in a school safety zone, the court shall impose 3518
upon the offender an additional prison term of two years. The 3519
offender shall serve the additional two years consecutively to and 3520
prior to the prison term imposed for the underlying offense. 3521

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

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

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

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

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the

Revised Code, whichever is applicable, that the offender is 3553
eligible for placement in a program or prison of that nature, the 3554
department shall screen the offender and determine if there is an 3555
available program of shock incarceration or an intensive program 3556
prison for which the offender is suited. If there is an available 3557
program of shock incarceration or an intensive program prison for 3558
which the offender is suited, the department shall notify the 3559
court of the proposed placement of the offender as specified in 3560
section 5120.031 or 5120.032 of the Revised Code and shall include 3561
with the notice a brief description of the placement. The court 3562
shall have ten days from receipt of the notice to disapprove the 3563
placement. 3564

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 3565
the Revised Code, a first offender may apply to the sentencing 3566
court if convicted in this state, or to a court of common pleas if 3567
convicted in another state or in a federal court, for the sealing 3568
of the conviction record. Application may be made at the 3569
expiration of three years after the offender's final discharge if 3570
convicted of a felony, or at the expiration of one year after the 3571
offender's final discharge if convicted of a misdemeanor. 3572

(2) Any person who has been arrested for any misdemeanor 3573
offense and who has effected a bail forfeiture may apply to the 3574
court in which the misdemeanor criminal case was pending when bail 3575
was forfeited for the sealing of the record of the case. Except as 3576
provided in section 2953.61 of the Revised Code, the application 3577
may be filed at any time after the expiration of one year from the 3578
date on which the bail forfeiture was entered upon the minutes of 3579
the court or the journal, whichever entry occurs first. 3580

(B) Upon the filing of an application under this section, the 3581
court shall set a date for a hearing and shall notify the 3582
prosecutor for the case of the hearing on the application. The 3583

prosecutor may object to the granting of the application by filing 3584
an objection with the court prior to the date set for the hearing. 3585
The prosecutor shall specify in the objection the reasons for 3586
believing a denial of the application is justified. The court 3587
shall direct its regular probation officer, a state probation 3588
officer, or the department of probation of the county in which the 3589
applicant resides to make inquiries and written reports as the 3590
court requires concerning the applicant. 3591

(C)(1) The court shall do each of the following: 3592

(a) Determine whether the applicant is a first offender or 3593
whether the forfeiture of bail was agreed to by the applicant and 3594
the prosecutor in the case. If the applicant applies as a first 3595
offender pursuant to division (A)(1) of this section and has two 3596
or three convictions that result from the same indictment, 3597
information, or complaint, from the same plea of guilty, or from 3598
the same official proceeding, and result from related criminal 3599
acts that were committed within a three-month period but do not 3600
result from the same act or from offenses committed at the same 3601
time, in making its determination under this division, the court 3602
initially shall determine whether it is not in the public interest 3603
for the two or three convictions to be counted as one conviction. 3604
If the court determines that it is not in the public interest for 3605
the two or three convictions to be counted as one conviction, the 3606
court shall determine that the applicant is not a first offender; 3607
if the court does not make that determination, the court shall 3608
determine that the offender is a first offender. 3609

(b) Determine whether criminal proceedings are pending 3610
against the applicant; 3611

(c) If the applicant is a first offender who applies pursuant 3612
to division (A)(1) of this section, determine whether the 3613
applicant has been rehabilitated to the satisfaction of the court; 3614

(d) If the prosecutor has filed an objection in accordance 3615
with division (B) of this section, consider the reasons against 3616
granting the application specified by the prosecutor in the 3617
objection; 3618

(e) Weigh the interests of the applicant in having the 3619
records pertaining to the applicant's conviction sealed against 3620
the legitimate needs, if any, of the government to maintain those 3621
records. 3622

(2) If the court determines, after complying with division 3623
(C)(1) of this section, that the applicant is a first offender or 3624
the subject of a bail forfeiture, that no criminal proceeding is 3625
pending against the applicant, and that the interests of the 3626
applicant in having the records pertaining to the applicant's 3627
conviction or bail forfeiture sealed are not outweighed by any 3628
legitimate governmental needs to maintain those records, and that 3629
the rehabilitation of an applicant who is a first offender 3630
applying pursuant to division (A)(1) of this section has been 3631
attained to the satisfaction of the court, the court, except as 3632
provided in division (G) of this section, shall order all official 3633
records pertaining to the case sealed and, except as provided in 3634
division (F) of this section, all index references to the case 3635
deleted and, in the case of bail forfeitures, shall dismiss the 3636
charges in the case. The proceedings in the case shall be 3637
considered not to have occurred and the conviction or bail 3638
forfeiture of the person who is the subject of the proceedings 3639
shall be sealed, except that upon conviction of a subsequent 3640
offense, the sealed record of prior conviction or bail forfeiture 3641
may be considered by the court in determining the sentence or 3642
other appropriate disposition, including the relief provided for 3643
in sections 2953.31 to 2953.33 of the Revised Code. 3644

(3) Upon the filing of an application under this section, the 3645
applicant, unless indigent, shall pay a fee of fifty dollars. The 3646

court shall pay thirty dollars of the fee into the state treasury. 3647
It shall pay twenty dollars of the fee into the county general 3648
revenue fund if the sealed conviction or bail forfeiture was 3649
pursuant to a state statute, or into the general revenue fund of 3650
the municipal corporation involved if the sealed conviction or 3651
bail forfeiture was pursuant to a municipal ordinance. 3652

(D) Inspection of the sealed records included in the order 3653
may be made only by the following persons or for the following 3654
purposes: 3655

(1) By a law enforcement officer or prosecutor, or the 3656
assistants of either, to determine whether the nature and 3657
character of the offense with which a person is to be charged 3658
would be affected by virtue of the person's previously having been 3659
convicted of a crime; 3660

(2) By the parole or probation officer of the person who is 3661
the subject of the records, for the exclusive use of the officer 3662
in supervising the person while on parole or under a community 3663
control sanction or a post-release control sanction, and in making 3664
inquiries and written reports as requested by the court or adult 3665
parole authority; 3666

(3) Upon application by the person who is the subject of the 3667
records, by the persons named in the application; 3668

(4) By a law enforcement officer who was involved in the 3669
case, for use in the officer's defense of a civil action arising 3670
out of the officer's involvement in that case; 3671

(5) By a prosecuting attorney or the prosecuting attorney's 3672
assistants, to determine a defendant's eligibility to enter a 3673
pre-trial diversion program established pursuant to section 3674
2935.36 of the Revised Code; 3675

(6) By any law enforcement agency or any authorized employee 3676
of a law enforcement agency or by the department of rehabilitation 3677

and correction as part of a background investigation of a person 3678
who applies for employment with the agency as a law enforcement 3679
officer or with the department as a corrections officer; 3680

(7) By any law enforcement agency or any authorized employee 3681
of a law enforcement agency, for the purposes set forth in, and in 3682
the manner provided in, section 2953.321 of the Revised Code; 3683

(8) By the bureau of criminal identification and 3684
investigation or any authorized employee of the bureau for the 3685
purpose of providing information to a board or person pursuant to 3686
division (F) or (G) of section 109.57 of the Revised Code; 3687

(9) By the bureau of criminal identification and 3688
investigation or any authorized employee of the bureau for the 3689
purpose of performing a criminal history records check on a person 3690
to whom a certificate as prescribed in section 109.77 of the 3691
Revised Code is to be awarded; 3692

(10) By the bureau of criminal identification and 3693
investigation, an authorized employee of the bureau, a sheriff, or 3694
an authorized employee of a sheriff in connection with a criminal 3695
records check described in section 311.41 of the Revised Code. 3696

When the nature and character of the offense with which a 3697
person is to be charged would be affected by the information, it 3698
may be used for the purpose of charging the person with an 3699
offense. 3700

(E) In any criminal proceeding, proof of any otherwise 3701
admissible prior conviction may be introduced and proved, 3702
notwithstanding the fact that for any such prior conviction an 3703
order of sealing previously was issued pursuant to sections 3704
2953.31 to 2953.36 of the Revised Code. 3705

(F) The person or governmental agency, office, or department 3706
that maintains sealed records pertaining to convictions or bail 3707
forfeitures that have been sealed pursuant to this section may 3708

maintain a manual or computerized index to the sealed records. The 3709
index shall contain only the name of, and alphanumeric identifiers 3710
that relate to, the persons who are the subject of the sealed 3711
records, the word "sealed," and the name of the person, agency, 3712
office, or department that has custody of the sealed records, and 3713
shall not contain the name of the crime committed. The index shall 3714
be made available by the person who has custody of the sealed 3715
records only for the purposes set forth in divisions (C), (D), and 3716
(E) of this section. 3717

(G) Notwithstanding any provision of this section or section 3718
2953.33 of the Revised Code that requires otherwise, a board of 3719
education of a city, local, exempted village, or joint vocational 3720
school district that maintains records of an individual who has 3721
been permanently excluded under sections 3301.121 and 3313.662 of 3722
the Revised Code is permitted to maintain records regarding a 3723
conviction that was used as the basis for the individual's 3724
permanent exclusion, regardless of a court order to seal the 3725
record. An order issued under this section to seal the record of a 3726
conviction does not revoke the adjudication order of the 3727
superintendent of public instruction to permanently exclude the 3728
individual who is the subject of the sealing order. An order 3729
issued under this section to seal the record of a conviction of an 3730
individual may be presented to a district superintendent as 3731
evidence to support the contention that the superintendent should 3732
recommend that the permanent exclusion of the individual who is 3733
the subject of the sealing order be revoked. Except as otherwise 3734
authorized by this division and sections 3301.121 and 3313.662 of 3735
the Revised Code, any school employee in possession of or having 3736
access to the sealed conviction records of an individual that were 3737
the basis of a permanent exclusion of the individual is subject to 3738
section 2953.35 of the Revised Code. 3739

Section 4. That existing versions of sections 2923.122, 3740

2929.14, and 2953.32 of the Revised Code that are scheduled to 3741
take effect January 1, 2004, are hereby repealed. 3742

Section 5. Sections 3 and 4 of this act shall take effect on 3743
January 1, 2004. 3744

Section 6. In amending sections 1547.69, 2911.21, 2921.13, 3745
2923.12, 2923.121, 2923.123, 2923.13, 2923.16, 2953.32, and 3746
4749.10 of the Revised Code and in enacting sections 109.69, 3747
109.731, 311.41, 311.42, and 2923.124 to 2923.1212 of the Revised 3748
Code in this act, the General Assembly hereby declares its intent 3749
to recognize both of the following: 3750

(A) The inalienable and fundamental right of an individual to 3751
defend the individual's person and the members of the individual's 3752
family; 3753

(B) The fact that the right described in division (A) of this 3754
section predates the adoption of the United States Constitution, 3755
the adoption of the Ohio Constitution, and the enactment of all 3756
statutory laws by the General Assembly and may not be infringed by 3757
any enactment of the General Assembly. 3758

Section 7. In enacting sections 109.69, 109.731, 311.41, 3760
311.42, and 2923.124 to 2923.1212 of the Revised Code in this act 3761
and in amending sections 1547.69, 2911.21, 2921.13, 2923.12, 3762
2923.121, 2923.123, 2923.13, 2923.16, 2953.32, and 4749.10 of the 3763
Revised Code in this act relative to licenses to carry a concealed 3764
handgun, the General Assembly hereby declares that it is not its 3765
intent to declare or otherwise give the impression that, prior to 3766
the effective date of this act, an individual did not have an 3767
inalienable and fundamental right, or a right under the Ohio 3768
Constitution or the United States Constitution, to carry a 3769

concealed handgun or other firearm for the defense of the 3770
individual's person or a member of the individual's family while 3771
engaged in lawful activity. Further, the General Assembly declares 3772
that it is not its intent to invalidate any prior convictions for 3773
violating any section of the Revised Code or a municipal ordinance 3774
prior to the effective date of this act or to prevent the 3775
prosecution of any violation committed prior to the effective date 3776
of this act. 3777

Section 8. Within thirty days after the effective date of 3778
this act, the Ohio Peace Officer Training Commission shall submit 3779
the rules required under section 109.731 of the Revised Code to 3780
the Joint Committee on Agency Rule Review. Within thirty days 3781
after those rules take effect, the Commission shall prepare and 3782
make available to the sheriffs of this state the application and 3783
license forms described in division (A) of section 109.731 of the 3784
Revised Code and the pamphlet described in division (B) of that 3785
section and shall prescribe the license fee described in division 3786
(C) of that section. The Commission shall submit its first annual 3787
statistical report described in division (D) of that section not 3788
later than fifteen months after the effective date of this act. 3789

Section 9. The General Assembly finds that licenses to carry 3790
concealed handguns are a matter of statewide concern and wishes to 3791
ensure uniformity throughout the state regarding the 3792
qualifications for a person to hold a license to carry a concealed 3793
handgun and the authority granted to a person holding a license of 3794
that nature. It is the intent of the General Assembly in amending 3795
sections 1547.69, 2911.21, 2921.13, 2923.12, 2923.121, 2923.123, 3796
2923.16, 2953.32, and 4749.10 and enacting sections 109.69, 3797
109.731, 311.41, 311.42, and 2923.124 to 2923.1212 of the Revised 3798
Code to enact laws of a general nature, and, by enacting those 3799

laws of a general nature, the state occupies and preempts the 3800
field of issuing licenses to carry a concealed handgun and the 3801
validity of licenses of that nature. No municipal corporation may 3802
adopt or continue in existence any ordinance, and no township may 3803
adopt or continue in existence any resolution, that is in conflict 3804
with those sections, including, but not limited to, any ordinance 3805
or resolution that attempts to restrict the places where a person 3806
possessing a valid license to carry a concealed handgun may carry 3807
a handgun concealed. 3808

Section 10. If any provision of sections 1547.69, 2911.21, 3809
2913.02, 2921.13, 2923.12, 2923.121, 2923.123, 2923.16, 2929.14, 3810
2953.32, and 4749.10 of the Revised Code, as amended by this act, 3811
any provision of sections 109.69, 109.731, 311.41, 311.42, 3812
2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 3813
2923.1210, 2923.1211, and 2923.1212 of the Revised Code, as 3814
enacted by this act, or the application of any provision of those 3815
sections to any person or circumstance is held invalid, the 3816
invalidity does not affect other provisions or applications of the 3817
particular section or related sections that can be given effect 3818
without the invalid provision or application, and to this end the 3819
provisions of the particular section are severable. 3820

Section 11. (A) Section 2929.14 of the Revised Code, 3821
effective until January 1, 2004, is presented in Section 1 of this 3822
act as a composite of the section as amended by Sub. H.B. 130, Am. 3823
Sub. H.B. 327, and Sub. H.B. 485 of the 124th General Assembly. 3824
The General Assembly, applying the principle stated in division 3825
(B) of section 1.52 of the Revised Code that amendments are to be 3826
harmonized if reasonably capable of simultaneous operation, finds 3827
that the composite is the resulting version of the section in 3828
effect prior to the effective date of the section as presented in 3829
Section 1 of this act. 3830

(B) Section 2929.14 of the Revised Code, effective on January 3831
1, 2004, is presented in Section 3 of this act as a composite of 3832
the section as amended by Sub. H.B. 130, Am. Sub. H.B. 327, Sub. 3833
H.B. 485, and Am. Sub. S.B. 123 of the 124th General Assembly. The 3834
General Assembly, applying the principle stated in division (B) of 3835
section 1.52 of the Revised Code that amendments are to be 3836
harmonized if reasonably capable of simultaneous operation, finds 3837
that the composite is the resulting version of the section in 3838
effect prior to the effective date of the section as presented in 3839
Section 3 of this act. 3840