

As Introduced

**125th General Assembly
Regular Session
2003-2004**

S. B. No. 24

**Senators Wachtmann, Amstutz, Blessing, Carey, Mumper, Schuler, Jordan,
Nein, Harris**

A B I L L

To amend sections 1547.69, 2921.13, 2923.12, 1
2923.121, 2923.123, 2923.16, and 2953.32 and to 2
enact sections 109.579, 109.731, 2923.124, 3
2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 4
2923.1210, 2923.1211, and 2923.1212 of the Revised 5
Code to authorize county sheriffs to issue 6
licenses to carry concealed handguns to certain 7
persons and to create the offenses of 8
falsification to obtain a concealed handgun 9
license, falsification of a concealed handgun 10
license, and possessing a revoked or suspended 11
concealed handgun license. 12

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

Section 1. That sections 1547.69, 2921.13, 2923.12, 2923.121, 13
2923.123, 2923.16, and 2953.32 be amended and sections 109.579, 14
109.731, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 15
2923.129, 2923.1210, 2923.1211, and 2923.1212 of the Revised Code 16
be enacted to read as follows: 17

Sec. 109.579. (A) Upon receipt of a request for a criminal records check under division (C) of section 2923.125 of the Revised Code or a request for a criminal records check under division (F) of that section, the superintendent of the bureau of criminal identification and investigation shall conduct or cause to be conducted a criminal records check to determine whether the bureau has any information that indicates that the person who is the subject of the request fails to meet the criteria described in division (D)(1) of section 2923.125 of the Revised Code. Within ten days after receipt of a request for a criminal records check under either of those divisions, the superintendent also shall request from the federal bureau of investigation all relevant information that it has with respect to the person who is the subject of the request and shall review or cause to be reviewed the information received from that bureau to determine whether the information indicates that that person fails to meet the criteria described in division (D)(1) of section 2923.125 of the Revised Code.

(B)(1) After the conduct of a criminal records check under division (A) of this section, the superintendent promptly shall report to the sheriff who made the request for the records check all information, other than information the dissemination of which is prohibited by federal law, that the superintendent believes may be relevant to the sheriff's determination of whether the person who is the subject of the request fails to meet the criteria described in division (D)(1) of section 2923.125 of the Revised Code.

(2) If, after the conduct of a criminal records check under division (A) of this section, the superintendent concludes that no information was found that may be relevant to the sheriff's determination of whether the person who is the subject of the

request fails to meet the criteria described in division (D)(1) of 49
section 2923.125 of the Revised Code, the superintendent promptly 50
shall notify the sheriff who made the request for the records 51
check of that conclusion. Within twenty days after so notifying 52
the sheriff and, when required by section 2923.127 of the Revised 53
Code, within the twenty-day period described in that section, the 54
superintendent shall destroy or cause a designated employee of the 55
bureau of criminal identification and investigation to destroy all 56
records that were made or received by the bureau in connection 57
with the criminal records check. 58

(C) If division (B)(2) of this section applies to a 59
particular criminal records check, neither the superintendent nor 60
an employee of the bureau of criminal identification and 61
investigation designated by the superintendent to destroy records 62
under that division shall fail to destroy or cause to be destroyed 63
within the applicable twenty-day period specified in that division 64
all records made or received by the bureau in connection with the 65
particular criminal records check. 66

(D) Whoever violates division (C) of this section is guilty 67
of failure to destroy records, a felony of the fourth degree. 68

(E) As used in this section, "handgun" has the same meaning 69
as in section 2923.11 of the Revised Code. 70

Sec. 109.731. (A) The Ohio peace officer training commission 71
shall prescribe, and shall make available to sheriffs, both of the 72
following: 73

(1) An application form that is to be used under section 74
2923.125 of the Revised Code by a person who applies for a license 75
to carry a concealed handgun or for the renewal of a license of 76
that nature and that conforms substantially to the form prescribed 77
in section 2923.1210 of the Revised Code; 78

(2) A form for the license to carry a concealed handgun that 79
is to be issued by sheriffs to persons who qualify for a license 80
to carry a concealed handgun under section 2923.125 of the Revised 81
Code and that conforms to the following requirements: 82

(a) It has space for the licensee's full name, residence 83
address, and date of birth and for a color photograph of the 84
licensee. 85

(b) It has space for the date of issuance of the license, its 86
expiration date, its county of issuance, and the name of the 87
sheriff who issues the license. 88

(c) It has space for the signature of the licensee and the 89
signature or a facsimile signature of the sheriff who issues the 90
license. 91

(d) It does not require the licensee to include serial 92
numbers of handguns, other identification related to handguns, or 93
similar data that is not pertinent or relevant to obtaining the 94
license and that could be used as a de facto means of registration 95
of handguns owned by the licensee. 96

(B) The Ohio peace officer training commission shall prepare 97
a pamphlet that contains the text of the firearms laws of this 98
state and shall make copies of the pamphlet available to sheriffs 99
for distribution to applicants under section 2923.125 of the 100
Revised Code for a license to carry a concealed handgun and 101
applicants under that section for the renewal of a license to 102
carry a concealed handgun. 103

(C) The Ohio peace officer training commission shall 104
prescribe a fee to be paid by an applicant under section 2923.125 105
of the Revised Code for a license to carry a concealed handgun in 106
an amount that does not exceed twenty-five dollars and shall 107
specify the portion of the fee that will be used to pay each 108
particular cost of the issuance of the license. The commission 109
also shall prescribe a fee to be paid by an applicant under that 110
section for the renewal of a license to carry a concealed handgun 111
in an amount that does not exceed twenty-five dollars and shall 112
specify the portion of the fee that will be used to pay each 113
particular cost of the license renewal. 114

(D) The Ohio peace officer training commission shall maintain 115
statistics with respect to the issuance, renewal, suspension, 116
revocation, and denial of licenses to carry a concealed handgun 117
and the suspension of applications for those licenses as reported 118
by the sheriffs pursuant to division (C) of section 2923.129 of 119
the Revised Code. Not later than the first day of March in each 120
year, the commission shall submit a statistical report to the 121
governor, the president of the senate, and the speaker of the 122
house of representatives indicating the number of those licenses 123
that were issued, renewed, suspended, revoked, and denied in the 124
previous calendar year and the number of applications for those 125
licenses for which processing was suspended in accordance with 126
division (D)(3) of section 2923.125 of the Revised Code in the 127
previous calendar year. 128

(E) As used in this section, "handgun" has the same meaning 129
as in section 2923.11 of the Revised Code. 130

Sec. 1547.69. (A) As used in this section: 131

(1) "Firearm" ~~has~~ and "handgun" have the same ~~meaning~~ 132
meanings as in section 2923.11 of the Revised Code. 133

(2) "Unloaded" has the same meaning as in section 2923.16 of the Revised Code. 134
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(B) No person shall knowingly discharge a firearm while in or on a vessel. 136
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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. 138
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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: 141
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(1) In a closed package, box, or case; 144

(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. 145
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(E) The affirmative defenses ~~contained~~ authorized in divisions (C)(1) ~~and~~, (2), and (5) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (C) or (D) of this section. 148
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(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. 152
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(G) No person shall operate or permit to be operated any vessel on the waters in this state in violation of this section. 162
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(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, unless the person knowingly is in a place on the vessel described in division (B) of section 2923.126 of the Revised Code.

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

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

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

(3) The statement is made with purpose to mislead a public official in performing the public official's official function.

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

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

(6) The statement is sworn or affirmed before a notary public	194
or another person empowered to administer oaths.	195
(7) The statement is in writing on or in connection with a	196
report or return that is required or authorized by law.	197
(8) The statement is in writing and is made with purpose to	198
induce another to extend credit to or employ the offender, to	199
confer any degree, diploma, certificate of attainment, award of	200
excellence, or honor on the offender, or to extend to or bestow	201
upon the offender any other valuable benefit or distinction, when	202
the person to whom the statement is directed relies upon it to	203
that person's detriment.	204
(9) The statement is made with purpose to commit or	205
facilitate the commission of a theft offense.	206
(10) The statement is knowingly made to a probate court in	207
connection with any action, proceeding, or other matter within its	208
jurisdiction, either orally or in a written document, including,	209
but not limited to, an application, petition, complaint, or other	210
pleading, or an inventory, account, or report.	211
(11) The statement is made on an account, form, record,	212
stamp, label, or other writing that is required by law.	213
(12) The statement is made in connection with the purchase of	214
a firearm, as defined in section 2923.11 of the Revised Code, and	215
in conjunction with the furnishing to the seller of the firearm of	216
a fictitious or altered driver's or commercial driver's license or	217
permit, a fictitious or altered identification card, or any other	218
document that contains false information about the purchaser's	219
identity.	220
(13) The statement is made in a document or instrument of	221
writing that purports to be a judgment, lien, or claim of	222
indebtedness and is filed or recorded with the secretary of state,	223

a county recorder, or the clerk of a court of record. 224

(14) The statement is made in an application filed with a 225
county sheriff pursuant to section 2923.125 of the Revised Code in 226
order to obtain or renew a license to carry a concealed handgun. 227

(B) No person, in connection with the purchase of a firearm, 228
as defined in section 2923.11 of the Revised Code, shall knowingly 229
furnish to the seller of the firearm a fictitious or altered 230
driver's or commercial driver's license or permit, a fictitious or 231
altered identification card, or any other document that contains 232
false information about the purchaser's identity. 233

(C) No person, in an attempt to obtain a license to carry a 234
concealed handgun under section 2923.125 of the Revised Code, 235
shall knowingly present to a sheriff a fictitious or altered 236
document that purports to be certification of the person's 237
competence in handling a handgun as described in division (B)(3) 238
of section 2923.125 of the Revised Code. 239

(D) It is no defense to a charge under division (A)(4) of 240
this section that the oath or affirmation was administered or 241
taken in an irregular manner. 242

~~(D)~~(E) If contradictory statements relating to the same fact 243
are made by the offender within the period of the statute of 244
limitations for falsification, it is not necessary for the 245
prosecution to prove which statement was false but only that one 246
or the other was false. 247

~~(E)~~(F)(1) Whoever violates division (A)(1), (2), (3), (4), 248
(5), (6), (7), (8), (10), (11), or (13) of this section is guilty 249
of falsification, a misdemeanor of the first degree. 250

(2) Whoever violates division (A)(9) of this section is 251
guilty of falsification in a theft offense. Except as otherwise 252
provided in this division, falsification in a theft offense is a 253
misdemeanor of the first degree. If the value of the property or 254

services stolen is five hundred dollars or more and is less than 255
five thousand dollars, falsification in a theft offense is a 256
felony of the fifth degree. If the value of the property or 257
services stolen is five thousand dollars or more and is less than 258
one hundred thousand dollars, falsification in a theft offense is 259
a felony of the fourth degree. If the value of the property or 260
services stolen is one hundred thousand dollars or more, 261
falsification in a theft offense is a felony of the third degree. 262

(3) Whoever violates division (A)(12) or (B) of this section 263
is guilty of falsification to purchase a firearm, a felony of the 264
fifth degree. 265

~~(F)~~(4) Whoever violates division (A)(14) or (C) of this 266
section is guilty of falsification to obtain a concealed handgun 267
license, a felony of the fifth degree. 268

(G) A person who violates this section is liable in a civil 269
action to any person harmed by the violation for injury, death, or 270
loss to person or property incurred as a result of the commission 271
of the offense and for reasonable attorney's fees, court costs, 272
and other expenses incurred as a result of prosecuting the civil 273
action commenced under this division. A civil action under this 274
division is not the exclusive remedy of a person who incurs 275
injury, death, or loss to person or property as a result of a 276
violation of this section. 277

Sec. 2923.12. (A) No person shall knowingly carry or have, 278
concealed on ~~his or her~~ the person's person or concealed ready at 279
hand, any of the following: 280

(1) A deadly weapon ~~or~~ other than a handgun; 281

(2) A handgun other than a dangerous ordnance; 282

(3) A dangerous ordnance. 283

(B) This section does not apply to officers, agents, or 284

employees of this or any other state or the United States, or to 285
law enforcement officers, authorized to carry concealed weapons or 286
dangerous ordnance, and acting within the scope of their duties. 287
Division (A)(2) of this section does not apply to a person who, at 288
the time of the alleged carrying or possession of a handgun, is 289
carrying a valid license to carry a concealed handgun issued to 290
the person under section 2923.125 of the Revised Code, unless the 291
person knowingly is in a place described in division (B) of 292
section 2923.126 of the Revised Code. 293

(C) It is an affirmative defense to a charge under this 294
section of carrying or having control of a weapon other than 295
dangerous ordnance, that the actor was not otherwise prohibited by 296
law from having the weapon, and that any of the following apply: 297

(1) The weapon was carried or kept ready at hand by the actor 298
for defensive purposes, while the actor was engaged in or was 299
going to or from the actor's lawful business or occupation, which 300
business or occupation was of ~~such~~ a character or was necessarily 301
carried on in ~~such~~ a manner or at ~~such~~ a time or place as to 302
render the actor particularly susceptible to criminal attack, such 303
as would justify a prudent person in going armed. 304

(2) The weapon was carried or kept ready at hand by the actor 305
for defensive purposes, while the actor was engaged in a lawful 306
activity and had reasonable cause to fear a criminal attack upon 307
the actor ~~or~~, a member of the actor's family, or ~~upon~~ the actor's 308
home, such as would justify a prudent person in going armed. 309

(3) The weapon was carried or kept ready at hand by the actor 310
for any lawful purpose and while in the actor's own home. 311

(4) The weapon was being transported in a motor vehicle for 312
any lawful purpose, ~~and~~ was not on the actor's person, and, if the 313
weapon was a firearm, was carried in compliance with the 314
applicable requirements of division (C) of section 2923.16 of the 315

Revised Code. 316

(5) The actor, at the time of the alleged carrying or 317
possession of a handgun, met all of the requirements for a license 318
to carry a concealed handgun under division (D)(1) of section 319
2923.125 of the Revised Code. An affirmative defense under this 320
division does not apply to a person who knowingly was in a place 321
described in division (B) of section 2923.126 of the Revised Code 322
at the time of the alleged carrying or possession of a concealed 323
handgun. 324

~~(D)(1) Whoever violates this section is guilty of carrying 325~~
~~concealed weapons, a misdemeanor of the first degree. If the 326~~
~~offender previously has been convicted of a violation of this 327~~
~~section or of any offense of violence, if the weapon involved is a 328~~
~~firearm that is either loaded or for which the offender has 329~~
~~ammunition ready at hand, or if the weapon involved is dangerous 330~~
~~ordnance, carrying concealed weapons is a felony of the fourth 331~~
~~degree. If the weapon involved is a firearm and the violation of 332~~
~~this section is committed at premises for which a D permit has 333~~
~~been issued under Chapter 4303. of the Revised Code or if the 334~~
~~offense is committed aboard an aircraft, or with purpose to carry 335~~
~~a concealed weapon aboard an aircraft, regardless of the weapon 336~~
~~involved. Except as otherwise provided in division (D)(2), (3), or 337~~
~~(4) of this section, carrying concealed weapons is a felony 338~~
~~misdemeanor of the ~~third~~ first degree. 339~~

(2) Carrying concealed weapons is a misdemeanor of the third 340
degree if all of the following apply: 341

(a) The weapon involved is a handgun. 342

(b) At the time of the commission of the offense, the offender met the requirements for a license to carry a concealed handgun under divisions (D)(1)(b) to (i) of section 2923.125 of the Revised Code but did not meet the requirement for a license to carry a concealed handgun under division (D)(1)(j) of section 2923.125 of the Revised Code. 343
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(c) At the time of the commission of the offense, the person was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code. 349
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(3) Carrying concealed weapons is a felony of the fourth degree if any of the following apply: 352
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(a) The offender previously has been convicted of any offense of violence. 354
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(b) The weapon involved is a firearm, other than a handgun, that is either loaded or for which the offender has ammunition ready at hand. 356
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(c) The weapon involved is dangerous ordnance. 359

(4) Carrying concealed weapons is a felony of the third degree if any of the following apply: 360
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(a) The weapon involved is a handgun, and, at the time of the commission of the offense, the offender did not meet one or more of the requirements to be eligible for a license to carry a concealed handgun under divisions (D)(1)(b) to (i) of section 2923.125 of the Revised Code and did not meet the requirement to be eligible for a license to carry a concealed handgun under division (D)(1)(j) of section 2923.125 of the Revised Code. 362
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(b) The weapon involved is a handgun, and the offender either used the handgun in the commission of an offense of violence or knowingly carried the handgun for the purpose of committing an offense of violence. 369
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(c) The weapon involved is a firearm, and the violation is 373
committed at premises for which a D permit has been issued under 374
Chapter 4303. of the Revised Code. 375

(d) The offense is committed aboard an aircraft or with 376
purpose to carry a concealed weapon aboard an aircraft regardless 377
of the weapon involved. 378

Sec. 2923.121. (A) No person shall possess a firearm in any 379
room in which liquor is being dispensed in premises for which a D 380
permit has been issued under Chapter 4303. of the Revised Code. 381

(B)(1) This section does not apply to officers, agents, or 382
employees of this or any other state or the United States, or to 383
law enforcement officers, authorized to carry firearms, and acting 384
within the scope of their duties. 385

(2) This section does not apply to any room used for the 386
accommodation of guests of a hotel, as defined in section 4301.01 387
of the Revised Code. 388

(3) This section does not prohibit any person who is a member 389
of a veteran's organization, as defined in section 2915.01 of the 390
Revised Code, from possessing a rifle in any room in any premises 391
owned, leased, or otherwise under the control of the veteran's 392
organization, if the rifle is not loaded with live ammunition and 393
if the person otherwise is not prohibited by law from having the 394
rifle. 395

(4) This section does not apply to any person possessing or 396
displaying firearms in any room used to exhibit unloaded firearms 397
for sale or trade in a soldiers' memorial established pursuant to 398
Chapter 345. of the Revised Code, in a convention center, or in 399
any other public meeting place, if the person is an exhibitor, 400
trader, purchaser, or seller of firearms and is not otherwise 401
prohibited by law from possessing, trading, purchasing, or selling 402

the firearms. 403

(5) This section does not apply to a person who possesses a handgun in a room in which liquor is being dispensed in premises for which a D permit has been issued under Chapter 4303. of the Revised Code and who, at the time of that possession, is carrying a valid license to carry a concealed handgun issued to the person under section 2923.125 of the Revised Code. 404
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(C) It is an affirmative defense to a charge under this section of illegal possession of a firearm in liquor permit premises, that the actor was not otherwise prohibited by law from having the firearm, and that any of the following apply: 410
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(1) The firearm was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed. 414
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(2) The firearm was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon the actor or a member of the actor's family, or upon the actor's home, such as would justify a prudent person in going armed. 421
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(3) The firearm in question was a handgun, and the actor, at the time of the alleged possession of the handgun, met all of the requirements for a license to carry a concealed handgun under division (D)(1) of section 2923.125 of the Revised Code. An affirmative defense under this division does not apply to a person who knowingly was in a place described in division (B) of section 2923.126 of the Revised Code at the time of the alleged possession 427
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of the handgun. 434

(D) Whoever violates this section is guilty of illegal 435
possession of a firearm in liquor permit premises, a felony of the 436
fifth degree. 437

Sec. 2923.123. (A) No person shall knowingly convey or 438
attempt to convey a deadly weapon or dangerous ordnance into a 439
courthouse or into another building or structure in which a 440
courtroom is located. 441

(B) No person shall knowingly possess or have under the 442
person's control a deadly weapon or dangerous ordnance in a 443
courthouse or in another building or structure in which a 444
courtroom is located. 445

(C) This section does not apply to any of the following: 446

(1) A judge of a court of record of this state or a 447
magistrate, unless a rule of superintendence or another type of 448
rule adopted by the supreme court pursuant to Article IV, Ohio 449
Constitution, or an applicable local rule of court prohibits all 450
persons from conveying or attempting to convey a deadly weapon or 451
dangerous ordnance into a courthouse or into another building or 452
structure in which a courtroom is located or from possessing or 453
having under one's control a deadly weapon or dangerous ordnance 454
in a courthouse or in another building or structure in which a 455
courtroom is located; 456

(2) A peace officer, or an officer of a law enforcement 457
agency of another state, a political subdivision of another state, 458
or the United States, who is authorized to carry a deadly weapon 459
or dangerous ordnance, who possesses or has under that 460
individual's control a deadly weapon or dangerous ordnance as a 461
requirement of that individual's duties, and who is acting within 462
the scope of that individual's duties at the time of that 463

possession or control, unless a rule of superintendence or another 464
type of rule adopted by the supreme court pursuant to Article IV, 465
Ohio Constitution, or an applicable local rule of court prohibits 466
all persons from conveying or attempting to convey a deadly weapon 467
or dangerous ordnance into a courthouse or into another building 468
or structure in which a courtroom is located or from possessing or 469
having under one's control a deadly weapon or dangerous ordnance 470
in a courthouse or in another building or structure in which a 471
courtroom is located; 472

(3) A person who conveys, attempts to convey, possesses, or 473
has under the person's control a deadly weapon or dangerous 474
ordnance that is to be used as evidence in a pending criminal or 475
civil action or proceeding; 476

(4) A bailiff or deputy bailiff of a court of record of this 477
state who is authorized to carry a firearm pursuant to section 478
109.77 of the Revised Code, who possesses or has under that 479
individual's control a firearm as a requirement of that 480
individual's duties, and who is acting within the scope of that 481
individual's duties at the time of that possession or control, 482
unless a rule of superintendence or another type of rule adopted 483
by the supreme court pursuant to Article IV, Ohio Constitution, or 484
an applicable local rule of court prohibits all persons from 485
conveying or attempting to convey a deadly weapon or dangerous 486
ordnance into a courthouse or into another building or structure 487
in which a courtroom is located or from possessing or having under 488
one's control a deadly weapon or dangerous ordnance in a 489
courthouse or in another building or structure in which a 490
courtroom is located; 491

(5) A prosecutor, or a secret service officer appointed by a 492
county prosecuting attorney, who is authorized to carry a deadly 493
weapon or dangerous ordnance in the performance of the 494
individual's duties, who possesses or has under that individual's 495

control a deadly weapon or dangerous ordnance as a requirement of 496
that individual's duties, and who is acting within the scope of 497
that individual's duties at the time of that possession or 498
control, unless a rule of superintendence or another type of rule 499
adopted by the supreme court pursuant to Article IV of the Ohio 500
Constitution or an applicable local rule of court prohibits all 501
persons from conveying or attempting to convey a deadly weapon or 502
dangerous ordnance into a courthouse or into another building or 503
structure in which a courtroom is located or from possessing or 504
having under one's control a deadly weapon or dangerous ordnance 505
in a courthouse or in another building or structure in which a 506
courtroom is located; 507

(6) A person who conveys or attempts to convey a handgun into 508
a courthouse or into another building or structure in which a 509
courtroom is located, who, at the time of the conveyance or 510
attempt, is carrying a valid license to carry a concealed handgun 511
issued to the person under section 2923.125 of the Revised Code, 512
and who transfers possession of the handgun to the sheriff or 513
sheriff's designee who has charge of the courthouse or building. 514
The sheriff shall secure the handgun until the licensee is 515
prepared to leave the premises. The exemption described in this 516
division does not apply if a rule of superintendence or another 517
type of rule adopted by the supreme court pursuant to Article IV, 518
Ohio Constitution, or if an applicable local rule of court 519
prohibits all persons from conveying or attempting to convey a 520
deadly weapon or dangerous ordnance into a courthouse or into 521
another building or structure in which a courtroom is located or 522
from possessing or having under one's control a deadly weapon or 523
dangerous ordnance in a courthouse or in another building or 524
structure in which a courtroom is located. 525

(D)(1) Whoever violates division (A) of this section is 526
guilty of illegal conveyance of a deadly weapon or dangerous 527

rdnance into a courthouse. Except as otherwise provided in this 528
division, illegal conveyance of a deadly weapon or dangerous 529
ordnance into a courthouse is a felony of the fifth degree. If the 530
offender previously has been convicted of a violation of division 531
(A) or (B) of this section, illegal conveyance of a deadly weapon 532
or dangerous ordnance into a courthouse is a felony of the fourth 533
degree. 534

(2) Whoever violates division (B) of this section is guilty 535
of illegal possession or control of a deadly weapon or dangerous 536
ordnance in a courthouse. Except as otherwise provided in this 537
division, illegal possession or control of a deadly weapon or 538
dangerous ordnance in a courthouse is a felony of the fifth 539
degree. If the offender previously has been convicted of a 540
violation of division (A) or (B) of this section, illegal 541
possession or control of a deadly weapon or dangerous ordnance in 542
a courthouse is a felony of the fourth degree. 543

(E) As used in this section: 544

(1) "Magistrate" means an individual who is appointed by a 545
court of record of this state and who has the powers and may 546
perform the functions specified in Civil Rule 53, Criminal Rule 547
19, or Juvenile Rule 40. 548

(2) "Peace officer" and "prosecutor" have the same meanings 549
as in section 2935.01 of the Revised Code. 550

Sec. 2923.124. As used in sections 2923.124 to 2923.1212 of 551
the Revised Code: 552

(A) "Application form" means the application form prescribed 553
pursuant to division (A)(1) of section 109.731 of the Revised Code 554
and includes a copy of that form. 555

(B) "Competency certification" and "competency certificate" 556
mean a document of the type described in division (B)(3) of 557

section 2923.125 of the Revised Code. 558

(C) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code. 559
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(D) "Licensee" means a person to whom a license to carry a concealed handgun has been issued under section 2923.125 of the Revised Code. 561
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(E) "License fee" or "license renewal fee" means the fee for a license to carry a concealed handgun or the fee to renew that license that is prescribed pursuant to division (C) of section 109.731 of the Revised Code and that is to be paid by an applicant for a license of that type. 564
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(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 569
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(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code. 571
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(H) "Valid license" means a license to carry a concealed handgun that has been issued under section 2923.125 of the Revised Code, that is currently valid, that is not under a suspension under division (A)(1) of section 2923.128 of the Revised Code, and that has not been revoked under division (B)(1) of section 2923.128 of the Revised Code. 573
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Sec. 2923.125. (A) Upon the request of a person who wishes to obtain a license to carry a concealed handgun or to renew a license to carry a concealed handgun, a sheriff shall provide to the person free of charge an application form and a copy of the pamphlet described in division (B) of section 109.731 of the Revised Code. 579
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(B) An applicant for a license to carry a concealed handgun shall submit a completed application form and all of the following to the sheriff of the county in which the applicant resides: 585
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(1) A nonrefundable license fee, except that the sheriff shall waive the payment of the license fee in connection with an initial application for a license that is submitted by an applicant who is a retired peace officer, a retired person described in division (A)(1)(b) of section 109.77 of the Revised Code, or a retired federal law enforcement officer who, prior to retirement, was authorized under federal law to carry a firearm in the course of duty; 588
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(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application; 596
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(3) One or more of the following competency certifications: 598

(a) An original or photocopy of a certificate of completion of a firearms safety, training, or regualification course, class, or program that was offered by or under the auspices of the national rifle association; 599
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(b) An original or photocopy of a certificate of completion of a firearms safety, training, or regualification course, class, or program that was open to members of the general public, that utilized qualified instructors who were certified by the national rifle association, the executive director of the Ohio peace officer training commission pursuant to section 109.75 or 109.78 of the Revised Code, or a governmental official or entity of another state, and that was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state; 603
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(c) An original or photocopy of a certificate of completion of a state, county, municipal, or department of natural resources 617
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peace officer training school approved by the executive director 619
of the Ohio peace officer training commission pursuant to section 620
109.75 of the Revised Code, or the applicant has satisfactorily 621
completed and been issued a certificate of completion of a basic 622
firearms training program, a firearms requalification training 623
program, or another basic training program described in section 624
109.78 or 109.801 of the Revised Code; 625

(d) A document that evidences both of the following: 626

(i) That the applicant is an active or reserve member of the 627
armed forces of the United States, was honorably discharged from 628
military service in the active or reserve armed forces of the 629
United States, has participated in organized shooting 630
competitions, or has held a valid hunting license in this state or 631
another state for a period of not less than three years; 632

(ii) That, through participation in the military service, 633
shooting competitions, or hunting activity described in division 634
(B)(3)(d)(i) of this section, the applicant acquired experience 635
with handling handguns or other firearms, and the experience so 636
acquired was equivalent to training that the applicant could have 637
acquired in a course, class, or program described in division 638
(B)(3)(a), (b), or (c) of this section; 639

(e) A certificate or another similar document that evidences 640
satisfactory completion of a firearms training, safety, or 641
requalification course, class, or program that is not otherwise 642
described in division (B)(3)(a), (b), (c), or (d) of this section 643
and that was conducted by an instructor who was certified by an 644
official or entity of the government of this or another state or 645
the United States or by the national rifle association; 646

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

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

(C) Upon receipt of an applicant's completed application form, supporting documentation, and, if not waived, license fee, a sheriff shall request the superintendent of the bureau of criminal identification and investigation to conduct or cause to be conducted the criminal records check described in division (A) of section 109.579 of the Revised Code.

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

(a) The superintendent of the bureau of criminal identification and investigation concludes that no information was found during the criminal records check under section 109.579 of the Revised Code that may be relevant to the sheriff's determination of whether the applicant is eligible to be licensed to carry a concealed handgun.

(b) The applicant has been a resident of this state for at least sixty days and a resident of the county in which the person seeks the license for at least thirty days. 677
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(c) The applicant is at least twenty-one years of age. 680

(d) The applicant is not a fugitive from justice, provided that this requirement does not apply to an applicant in relation to any nonfelony violation of Chapter 4511. or 4513. of the Revised Code or any nonfelony violation of any ordinance, resolution, or regulation enacted by a political subdivision pursuant to section 4511.07 or Chapter 4521. of the Revised Code. 681
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(e) The applicant is not under indictment for, has not been convicted of, and has not pleaded guilty to a felony and has not been adjudicated a delinquent child for an act that would be a felony if committed by an adult. 687
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(f) The applicant is not under indictment for or otherwise charged with, has not been convicted of, and has not pleaded guilty to an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or trafficking in a drug of abuse and has not been adjudicated a delinquent child for an act that would be an offense of that nature if committed by an adult. 691
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(g) The applicant is not under indictment for or otherwise charged with a misdemeanor that is an offense of violence or a misdemeanor violation of section 2923.1211 of the Revised Code, has not been convicted of or pleaded guilty to a misdemeanor of that nature within three years of the date of the application, and has not been adjudicated a delinquent child within three years of the date of the application for an act that would be a misdemeanor of that nature if committed by an adult. 698
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(h) The applicant is not under an adjudication of mental incompetence and has not been involuntarily institutionalized or hospitalized. 706
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(i) 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. 709
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(j) The applicant submits a competency certification of the type described in division (B)(3) of this section. 712
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(2) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant and, if applicable, shall comply with division (D)(4) of this section. 714
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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 offense that would disqualify the applicant from holding the license, the sheriff shall suspend the processing of the application until the disposition of the case arising from the arrest or charge. 719
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(4)(a) If a sheriff determines that an applicant for a license under this section does not meet the criteria described in division (D)(1) of this section for reasons other than the information provided by the superintendent of the bureau of criminal identification and investigation under section 109.579 of the Revised Code, the sheriff shall file a petition in the court of common pleas of the sheriff's county that requests the court to review the applicant's application and supporting documentation and other relevant information that the sheriff submits and that was acquired in connection with the application and that requests the court to authorize the sheriff to deny the requested license. 726
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(b) If the court determines that the sheriff who filed a petition under division (D)(4)(a) of this section established by clear and convincing evidence that the applicant does not satisfy the requirements described in division (D)(1) of this section for reasons other than the information provided by the superintendent, the court shall authorize the sheriff to deny the requested license. If the court determines that the sheriff has not sustained that burden of proof, it shall order the sheriff to issue the requested license. 737
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(E) If a license to carry a concealed handgun issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. 746
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(F) A licensee who wishes to renew a license to carry a concealed handgun shall do so on or before the expiration date of the license by filing with the sheriff of the county in which the applicant resides an application for renewal of the license obtained pursuant to division (A) of this section, a new color photograph of the licensee that was taken within thirty days prior to the date of the renewal application, and a nonrefundable license renewal fee. The licensee is not required to submit a new competency certificate. 751
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Upon receipt of a completed renewal application, color photograph, and license renewal fee, a sheriff shall request the superintendent of the bureau of criminal identification and investigation to conduct or cause to be conducted the criminal records check described in division (A) of section 109.579 of the Revised Code and to report to the sheriff in accordance with division (B)(1) or (2) of that section. After receiving the superintendent's report, the sheriff shall renew the license if the sheriff determines that the applicant continues to satisfy the 760
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requirements described in division (D)(1) of this section. A 769
renewed license is valid for four years from the date of issuance 770
and is subject to division (E) of this section and sections 771
2923.126 and 2923.128 of the Revised Code. A sheriff shall comply 772
with divisions (D)(3) and (4) of this section when the 773
circumstances described in those divisions apply to a requested 774
license renewal. 775

Sec. 2923.126. (A) A license to carry a concealed handgun 776
that is issued under section 2923.125 of the Revised Code is valid 777
for four years from the date of issuance. Except as provided in 778
division (B) of this section, the licensee may carry a concealed 779
handgun anywhere in this state if the licensee also carries a 780
valid license and valid identification when the licensee is in 781
actual possession of a concealed handgun. The licensee shall give 782
notice of any change in the licensee's residence address to the 783
sheriff who issued the license within forty-five days after that 784
change. 785

(B) A valid license does not authorize the licensee to carry 786
a concealed handgun into any of the following places: 787

(1) A police station, sheriff's office, state highway patrol 788
station, state correctional institution, jail, workhouse, other 789
detention facility, or airport passenger terminal; 790

(2) A school safety zone, in violation of section 2923.122 of 791
the Revised Code; 792

(3) A courthouse or another building or structure in which a 793
courtroom is located, in violation of section 2923.123 of the 794
Revised Code; 795

(4) A place in which federal law prohibits the carrying of 796
handguns. 797

(C) A person who holds a license to carry a concealed handgun 798

that was issued pursuant to the law of another state may carry a 799
concealed handgun in this state pursuant to the laws of this 800
state. 801

Sec. 2923.127. (A) If a sheriff denies an application for a 802
license to carry a concealed handgun or denies the renewal of a 803
license to carry a concealed handgun as a result of information 804
reported by the superintendent of the bureau of criminal 805
identification and investigation to the sheriff pursuant to 806
division (B)(1) of section 109.579 of the Revised Code and if the 807
applicant believes the denial was based on incorrect information 808
reported by the superintendent, the applicant may file a written 809
request with the superintendent requesting the bureau to conduct 810
another criminal records check with respect to the applicant, to 811
correct all erroneous information in the bureau's records that 812
relates to the applicant and that may be relevant to the 813
applicant's eligibility for a license to carry a concealed 814
handgun, and to transmit the corrected information to the sheriff. 815

If the bureau fails to perform those functions within 816
fourteen days or denies the applicant's request, the applicant may 817
file in the court of common pleas of the applicant's county of 818
residence a complaint that requests the court to order the bureau 819
to perform those functions. The court shall order the bureau to 820
perform the requested functions if the applicant establishes by 821
clear and convincing evidence all of the following: 822

(1) The bureau's records contain erroneous information that 823
relates to the applicant and that may be relevant to a sheriff's 824
determination as to the applicant's eligibility for a license. 825

(2) The erroneous information should be corrected. 826

(3) The bureau's records as so corrected contain, and the 827
criminal records check otherwise contained, no information that 828
may be relevant to a sheriff's determination as to the applicant's 829

eligibility for a license. 830

(B) If a court enters an order of the type described in 831
division (A) of this section, within twenty days after the bureau 832
transmits corrected information to the sheriff who denied the 833
issuance or renewal of the license, the destruction of records 834
provisions of divisions (B)(2) and (C) of section 109.579 of the 835
Revised Code shall apply to the superintendent or an employee of 836
the bureau designated by the superintendent. 837

Sec. 2923.128. (A)(1) If a licensee holding a valid license 838
is arrested for or otherwise charged with a felony, a misdemeanor 839
that is an offense of violence, a violation of section 2923.1211 840
or 2923.15 of the Revised Code, or an offense described in 841
division (D)(1)(f) of section 2923.125 of the Revised Code, the 842
sheriff who issued the license shall suspend it and shall comply 843
with division (A)(3) of this section upon becoming aware of the 844
arrest or charge. 845

(2) A suspension under division (A)(1) of this section shall 846
be considered as beginning on the date that the licensee is 847
arrested for or otherwise charged with an offense described in 848
that division, irrespective of when the sheriff notifies the 849
licensee under division (A)(3) of this section. The suspension 850
shall end on the date on which the charges are dismissed or the 851
licensee is found not guilty of the offense described in division 852
(A)(1) of this section. If the suspension so ends, the sheriff 853
shall return the license to the licensee. 854

(3) Upon becoming aware of an arrest or charge described in 855
division (A)(1) of this section with respect to a licensee, the 856
sheriff who issued the licensee's license to carry a concealed 857
handgun shall notify the licensee, by certified mail, return 858
receipt requested, at the licensee's last known residence address 859
that the license has been suspended and that the licensee is 860

required to surrender the license at the sheriff's office within 861
ten days of the date on which the notice was mailed. 862

(B)(1) A sheriff who issues a license to carry a concealed 863
handgun to a licensee shall revoke the license in accordance with 864
division (B)(2) of this section upon becoming aware that the 865
licensee satisfies any of the following: 866

(a) The licensee is under twenty-one years of age. 867

(b) At the time of the issuance of the license, the licensee 868
did not satisfy the eligibility requirements of division 869
(D)(1)(e), (f), or (g) of section 2923.125 of the Revised Code. 870

(c) On or after the date on which the license was issued, the 871
licensee is convicted of or pleads guilty to a violation of 872
section 2923.15 of the Revised Code or an offense described in 873
division (D)(1)(e), (f), or (g) of section 2923.125 of the Revised 874
Code. 875

(d) The licensee knowingly carries a concealed handgun into a 876
place that the licensee knows is an unauthorized place specified 877
in division (B) of section 2923.126 of the Revised Code. 878

(2) Upon becoming aware of any circumstance listed in 879
division (B)(1) of this section that applies to a particular 880
licensee, the sheriff who issued the license to carry a concealed 881
handgun to the licensee shall notify the licensee, by certified 882
mail, return receipt requested, at the licensee's last known 883
residence address that the license is subject to revocation and 884
that the licensee may come to the sheriff's office and contest the 885
sheriff's proposed revocation within fourteen days of the date on 886
which the notice was mailed. After the fourteen-day period and 887
after consideration of any information that the licensee provides 888
during that period, if the sheriff determines on the basis of the 889
information of which the sheriff is aware that the licensee is 890
described in division (B)(1) of this section and no longer 891

satisfies the requirements described in division (D)(1) of section 892
2923.125 of the Revised Code, the sheriff shall revoke the 893
license, notify the licensee of that fact, and require the 894
licensee to surrender the license. 895

Sec. 2923.129. (A)(1) If a sheriff makes a good faith effort 896
in performing the duties imposed upon the sheriff by sections 897
2923.124 to 2923.129 of the Revised Code, in addition to the 898
personal immunity provided by division (A)(6) of section 2744.03 899
of the Revised Code and the governmental immunity of sections 900
2744.02 and 2744.03 of the Revised Code, the sheriff, the 901
sheriff's office, and the county in which the sheriff has 902
jurisdiction are immune from liability in a civil action for 903
injury, death, or loss to person or property that allegedly was 904
caused by or related to any of the following: 905

(a) The issuance, renewal, suspension, or revocation of a 906
license to carry a concealed handgun; 907

(b) The failure to issue, renew, suspend, or revoke a license 908
to carry a concealed handgun; 909

(c) Any action or misconduct with a handgun committed by a 910
licensee. 911

(2) Any action of a sheriff relating to the issuance, 912
renewal, suspension, or revocation of a license to carry a 913
concealed handgun shall be considered to be a governmental 914
function for purposes of Chapter 2744. of the Revised Code. 915

(B) Notwithstanding section 149.43 of the Revised Code, the 916
records that a sheriff keeps relative to the issuance, renewal, 917
suspension, or revocation of a license to carry a concealed 918
handgun, including, but not limited to, reports of criminal 919
records checks under section 109.579 of the Revised Code, are not 920
public records. 921

(C) Each sheriff shall report to the Ohio peace officer training commission the number of licenses to carry a concealed handgun that the sheriff issued, renewed, suspended, revoked, or denied during the previous quarter of the calendar year and the number of applications for those licenses that were suspended in accordance with division (D)(3) of section 2923.125 of the Revised Code during the previous quarter of the calendar year. The sheriff shall report that information in a manner that permits the commission to maintain the statistics described in division (D) of section 109.731 of the Revised Code and to timely prepare the statistical report described in that division.

(D) Each county shall establish a concealed handgun fund in the county treasury. The sheriff of that county shall deposit into that fund all fees paid by applicants for the issuance or renewal of a license or a duplicate license to carry a concealed handgun. The moneys in the fund shall be used to cover the sheriff's expenses in performing duties under sections 2923.125 to 2923.129 of the Revised Code.

Sec. 2923.1210. The application for a license to carry a concealed handgun or for the renewal of a license of that nature that is to be used under section 2923.125 of the Revised Code shall conform substantially to the following form:

"Ohio Peace Officer Training Commission APPLICATION FOR A LICENSE TO CARRY A CONCEALED HANDGUN

Please Type or Print in Ink

SECTION I.

This application will not be 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. 948

Name: 949

Last First Middle 950

..... 951

Social Security or Alien Registration Number: 952

Residence: 953

Street City State County Zip 954

..... 955

Mailing Address (If Different From Above): 956

Street City State Zip 957

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Date of Birth Place of Birth Sex Race Residence 959

Telephone

...../...../..... (.....)..... 960

SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO 961

(1) Have you been a resident of Ohio for at YES NO 962

least sixty days and have you been a resident for thirty days of the county with whose sheriff you are filing this application?

(2) Are you at least twenty-one years of age? YES NO 963

(3) Are you a fugitive from justice? Fugitive YES NO 964

status due to nonfelony violations of Chapter 4511. or 4513. of the Ohio Revised Code or non-felony violations of any ordinance, resolution, or regulation enacted by a

political subdivision pursuant to section 4511.07 or Chapter 4521. of the Ohio Revised Code (moving and nonmoving traffic violations) does not apply.

(4) Are you under indictment for a felony, have you ever been convicted of or pleaded guilty to a felony, or have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult? YES NO 965

(5) Are you under indictment for or otherwise charged with, or have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, distribution, 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? YES NO 966

(6) Are you under indictment for or otherwise charged with, or have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of possessing a revoked or suspended concealed handgun license, or have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult? YES NO 967

(7) Are you under an adjudication of mental YES NO 968

incompetence or have you been involuntarily
institutionalized or hospitalized?

SECTION IV. 969

AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR 970
SUBMITS A FALSE DOCUMENT WITH THE APPLICATION MAY BE PROSECUTED 971
FOR FALSIFICATION TO OBTAIN A CONCEALED HANDGUN LICENSE, A FELONY 972
OF THE FIFTH DEGREE, IN VIOLATION OF SECTION 2921.13 OF THE OHIO 973
REVISED CODE. 974

(1) I have been furnished the text of the Ohio firearms laws, and 975
I am knowledgeable of their provisions. 976

(2) I desire a legal means to carry a concealed handgun for 977
defense of myself or a member of my family while engaged in 978
lawful activity. 979

(3) I have never been convicted of or pleaded guilty to a crime of 980
violence in the state of Ohio or elsewhere. I am of sound 981
mind. I hereby certify that the statements contained herein 982
are true and correct to the best of my knowledge and belief. 983
I understand that if I knowingly make any false statements 984
herein I am subject to penalties prescribed by law. I 985
authorize the sheriff or the sheriff's designee to inspect 986
only those records or documents relevant to information 987
required for this application. 988

(4) The information contained in this application and all attached 989
documents are true and correct to the best of my knowledge. 990

..... 991

Signature of Applicant" 992

Sec. 2923.1211. (A) No person shall alter a license to carry 994
a concealed handgun that was issued pursuant to section 2923.125 995
of the Revised Code or create a fictitious document that purports 996
to be a license of that nature. 997

(B) No person, except in the performance of official duties, 998
shall possess a concealed handgun license that was issued pursuant 999
to section 2923.125 of the Revised Code and that has been revoked 1000
or suspended pursuant to section 2923.128 of the Revised Code. 1001

(C) Whoever violates division (A) of this section is guilty 1002
of falsification of a concealed handgun license, a felony of the 1003
fifth degree. Whoever violates division (B) of this section is 1004
guilty of possessing a revoked or suspended concealed handgun 1005
license, a misdemeanor of the third degree. 1006

Sec. 2923.1212. (A) The following persons, boards, and 1007
entities, or designees, shall post in the following locations a 1008
sign that contains a statement in substantially the following 1009
form: "Unless otherwise authorized by law, pursuant to the Ohio 1010
Revised Code, no person shall knowingly possess, have under the 1011
person's control, convey, or attempt to convey a deadly weapon or 1012
dangerous ordnance onto these premises." 1013

(1) The director of public safety or the person or board 1014
charged with the erection, maintenance, or repair of police 1015
stations, municipal jails, and the municipal courthouse and 1016
courtrooms in a conspicuous location at all police stations, 1017
municipal jails, and municipal courthouses and courtrooms; 1018

(2) The sheriff or sheriff's designee who has charge of the 1019
sheriff's office in a conspicuous location in that office; 1020

(3) The superintendent of the state highway patrol, or the 1021
superintendent's designee, in a conspicuous location at all state 1022
highway patrol stations; 1023

(4) Each sheriff, chief of police, or person in charge of 1024
every county, multicounty, municipal, municipal-county, or 1025
multicounty-municipal jail or workhouse, community-based 1026
correctional facility, halfway house, alternative residential 1027

facility, or other local or state correctional institution or 1028
detention facility within the state, or that person's designee, in 1029
a conspicuous location at that facility under that person's 1030
charge; 1031

(5) The board of trustees of a regional airport authority, 1032
chief administrative officer of an airport facility, or other 1033
person in charge of an airport facility in a conspicuous location 1034
at each airport facility under that person's control; 1035

(6) The sheriff or sheriff's designee who has charge of a 1036
courthouse or the building or structure in which a courtroom is 1037
located in a conspicuous location in that building or structure. 1038

(B) The following boards, bodies, and persons, or designees, 1039
shall post in the following locations a sign that contains a 1040
statement in substantially the following form: "Unless otherwise 1041
authorized by law, pursuant to Ohio Revised Code section 2923.122, 1042
no person shall knowingly possess, have under the person's 1043
control, convey, or attempt to convey a deadly weapon or dangerous 1044
ordnance into a school safety zone.": 1045

(1) A board of education of a city, local, exempted village, 1046
or joint vocational school district or that board's designee in a 1047
conspicuous location in each building and on each parcel of real 1048
property owned or controlled by the board; 1049

(2) A governing body of a school for which the state board of 1050
education prescribes minimum standards under section 3301.07 of 1051
the Revised Code or that body's designee in a conspicuous location 1052
in each building and on each parcel of real property owned or 1053
controlled by the board; 1054

(3) The principal or chief administrative officer of a 1055
nonpublic school in a conspicuous location on property owned or 1056
controlled by that nonpublic school. 1057

Sec. 2923.16. (A) No person shall knowingly discharge a 1058
firearm while in or on a motor vehicle. 1059

(B) No person shall knowingly transport or have a loaded 1060
firearm in a motor vehicle in ~~such~~ a manner that the firearm is 1061
accessible to the operator or any passenger without leaving the 1062
vehicle. 1063

(C) No person shall knowingly transport or have a firearm in 1064
a motor vehicle, unless it is unloaded and is carried in one of 1065
the following ways: 1066

(1) In a closed package, box, or case; 1067

(2) In a compartment that can be reached only by leaving the 1068
vehicle; 1069

(3) In plain sight and secured in a rack or holder made for 1070
the purpose; 1071

(4) In plain sight with the action open or the weapon 1072
stripped, or, if the firearm is of a type on which the action will 1073
not stay open or which cannot easily be stripped, in plain sight. 1074

(D)(1) This section does not apply to officers, agents, or 1075
employees of this or any other state or the United States, or to 1076
law enforcement officers, when authorized to carry or have loaded 1077
or accessible firearms in motor vehicles and acting within the 1078
scope of their duties. 1079

(2) Division (A) of this section does not apply to a person 1080
if all of the following circumstances apply: 1081

(a) The person discharges a firearm from a motor vehicle at a 1082
coyote or groundhog, the discharge is not during the deer gun 1083
hunting season as set by the chief of the division of wildlife of 1084
the department of natural resources, and the discharge at the 1085
coyote or groundhog, but for the operation of this section, is 1086

awful. 1087

(b) The motor vehicle from which the person discharges the 1088
firearm is on real property that is located in an unincorporated 1089
area of a township and that either is zoned for agriculture or is 1090
used for agriculture. 1091

(c) The person owns the real property described in division 1092
(D)(2)(b) of this section, is the spouse or a child of another 1093
person who owns that real property, is a tenant of another person 1094
who owns that real property, or is the spouse or a child of a 1095
tenant of another person who owns that real property. 1096

(d) The person does not discharge the firearm in any of the 1097
following manners: 1098

(i) While under the influence of alcohol, a drug of abuse, or 1099
alcohol and a drug of abuse; 1100

(ii) In the direction of a street, highway, or other public 1101
or private property used by the public for vehicular traffic or 1102
parking; 1103

(iii) At or into an occupied structure that is a permanent or 1104
temporary habitation; 1105

(iv) In the commission of any violation of law, including, 1106
but not limited to, a felony that includes, as an essential 1107
element, purposely or knowingly causing or attempting to cause the 1108
death of or physical harm to another and that was committed by 1109
discharging a firearm from a motor vehicle. 1110

(3) Divisions (B) and (C) of this section do not apply to a 1111
person if all of the following circumstances apply: 1112

(a) At the time of the alleged violation of either of those 1113
divisions, the person is the operator of or a passenger in a motor 1114
vehicle. 1115

(b) The motor vehicle is on real property that is located in 1116

an unincorporated area of a township and that either is zoned for 1117
agriculture or is used for agriculture. 1118

(c) The person owns the real property described in division 1119
(D)(3)(b) of this section, is the spouse or a child of another 1120
person who owns that real property, is a tenant of another person 1121
who owns that real property, or is the spouse or a child of a 1122
tenant of another person who owns that real property. 1123

(d) The person, prior to arriving at the real property 1124
described in division (D)(3)(b) of this section, did not transport 1125
or possess a firearm in the motor vehicle in a manner prohibited 1126
by division (B) or (C) of this section while the motor vehicle was 1127
being operated on a street, highway, or other public or private 1128
property used by the public for vehicular traffic or parking. 1129

(4) Divisions (B) and (C) of this section do not apply to a 1130
person who transports or possesses a handgun in a motor vehicle 1131
and who, at the time of that transportation or possession, is 1132
carrying a valid license to carry a concealed handgun issued to 1133
the person under section 2923.125 of the Revised Code, unless the 1134
person knowingly is in a place described in division (B) of 1135
section 2923.126 of the Revised Code. 1136

(E) The affirmative defenses ~~contained~~ authorized in 1137
divisions (C)(1) ~~and~~, (2), and (5) of section 2923.12 of the 1138
Revised Code are affirmative defenses to a charge under division 1139
(B) or (C) of this section. 1140

(F) Whoever violates this section is guilty of improperly 1141
handling firearms in a motor vehicle. Violation of division (A) or 1142
(B) of this section is a misdemeanor of the first degree. 1143
Violation of division (C) of this section is a misdemeanor of the 1144
fourth degree. 1145

(G) As used in this section: 1146

(1) "Motor vehicle," "street," and "highway" have the same 1147

meanings as in section 4511.01 of the Revised Code. 1148

(2) "Occupied structure" has the same meaning as in section 1149
2909.01 of the Revised Code. 1150

(3) "Agriculture" has the same meaning as in section 519.01 1151
of the Revised Code. 1152

(4) "Tenant" has the same meaning as in section 1531.01 of 1153
the Revised Code. 1154

(5) "Unloaded" means, with respect to a firearm employing a 1155
percussion cap, flintlock, or other obsolete ignition system, when 1156
the weapon is uncapped or when the priming charge is removed from 1157
the pan. 1158

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 1159
the Revised Code, a first offender may apply to the sentencing 1160
court if convicted in this state, or to a court of common pleas if 1161
convicted in another state or in a federal court, for the sealing 1162
of the conviction record. Application may be made at the 1163
expiration of three years after the offender's final discharge if 1164
convicted of a felony, or at the expiration of one year after the 1165
offender's final discharge if convicted of a misdemeanor. 1166

(2) Any person who has been arrested for any misdemeanor 1167
offense and who has effected a bail forfeiture may apply to the 1168
court in which the misdemeanor criminal case was pending when bail 1169
was forfeited for the sealing of the record of the case. Except as 1170
provided in section 2953.61 of the Revised Code, the application 1171
may be filed at any time after the expiration of one year from the 1172
date on which the bail forfeiture was entered upon the minutes of 1173
the court or the journal, whichever entry occurs first. 1174

(B) Upon the filing of an application under this section, the 1175
court shall set a date for a hearing and shall notify the 1176
prosecutor for the case of the hearing on the application. The 1177

prosecutor may object to the granting of the application by filing 1178
an objection with the court prior to the date set for the hearing. 1179
The prosecutor shall specify in the objection the reasons for 1180
believing a denial of the application is justified. The court 1181
shall direct its regular probation officer, a state probation 1182
officer, or the department of probation of the county in which the 1183
applicant resides to make inquiries and written reports as the 1184
court requires concerning the applicant. 1185

(C)(1) The court shall do each of the following: 1186

(a) Determine whether the applicant is a first offender or 1187
whether the forfeiture of bail was agreed to by the applicant and 1188
the prosecutor in the case. If the applicant applies as a first 1189
offender pursuant to division (A)(1) of this section and has two 1190
or three convictions that result from the same indictment, 1191
information, or complaint, from the same plea of guilty, or from 1192
the same official proceeding, and result from related criminal 1193
acts that were committed within a three-month period but do not 1194
result from the same act or from offenses committed at the same 1195
time, in making its determination under this division, the court 1196
initially shall determine whether it is not in the public interest 1197
for the two or three convictions to be counted as one conviction. 1198
If the court determines that it is not in the public interest for 1199
the two or three convictions to be counted as one conviction, the 1200
court shall determine that the applicant is not a first offender; 1201
if the court does not make that determination, the court shall 1202
determine that the offender is a first offender. 1203

(b) Determine whether criminal proceedings are pending 1204
against the applicant; 1205

(c) If the applicant is a first offender who applies pursuant 1206
to division (A)(1) of this section, determine whether the 1207
applicant has been rehabilitated to the satisfaction of the court; 1208

(d) If the prosecutor has filed an objection in accordance 1209
with division (B) of this section, consider the reasons against 1210
granting the application specified by the prosecutor in the 1211
objection; 1212

(e) Weigh the interests of the applicant in having the 1213
records pertaining to the applicant's conviction sealed against 1214
the legitimate needs, if any, of the government to maintain those 1215
records. 1216

(2) If the court determines, after complying with division 1217
(C)(1) of this section, that the applicant is a first offender or 1218
the subject of a bail forfeiture, that no criminal proceeding is 1219
pending against the applicant, and that the interests of the 1220
applicant in having the records pertaining to the applicant's 1221
conviction or bail forfeiture sealed are not outweighed by any 1222
legitimate governmental needs to maintain those records, and that 1223
the rehabilitation of an applicant who is a first offender 1224
applying pursuant to division (A)(1) of this section has been 1225
attained to the satisfaction of the court, the court, except as 1226
provided in division (G) of this section, shall order all official 1227
records pertaining to the case sealed and, except as provided in 1228
division (F) of this section, all index references to the case 1229
deleted and, in the case of bail forfeitures, shall dismiss the 1230
charges in the case. The proceedings in the case shall be 1231
considered not to have occurred and the conviction or bail 1232
forfeiture of the person who is the subject of the proceedings 1233
shall be sealed, except that upon conviction of a subsequent 1234
offense, the sealed record of prior conviction or bail forfeiture 1235
may be considered by the court in determining the sentence or 1236
other appropriate disposition, including the relief provided for 1237
in sections 2953.31 to 2953.33 of the Revised Code. 1238

(3) Upon the filing of an application under this section, the 1239
applicant, unless indigent, shall pay a fee of fifty dollars. The 1240

court shall pay thirty dollars of the fee into the state treasury. 1241
It shall pay twenty dollars of the fee into the county general 1242
revenue fund if the sealed conviction or bail forfeiture was 1243
pursuant to a state statute, or into the general revenue fund of 1244
the municipal corporation involved if the sealed conviction or 1245
bail forfeiture was pursuant to a municipal ordinance. 1246

(D) Inspection of the sealed records included in the order 1247
may be made only by the following persons or for the following 1248
purposes: 1249

(1) By a law enforcement officer or prosecutor, or the 1250
assistants of either, to determine whether the nature and 1251
character of the offense with which a person is to be charged 1252
would be affected by virtue of the person's previously having been 1253
convicted of a crime; 1254

(2) By the parole or probation officer of the person who is 1255
the subject of the records, for the exclusive use of the officer 1256
in supervising the person while on parole or probation and in 1257
making inquiries and written reports as requested by the court or 1258
adult parole authority; 1259

(3) Upon application by the person who is the subject of the 1260
records, by the persons named in the application; 1261

(4) By a law enforcement officer who was involved in the 1262
case, for use in the officer's defense of a civil action arising 1263
out of the officer's involvement in that case; 1264

(5) By a prosecuting attorney or the prosecuting attorney's 1265
assistants to determine a defendant's eligibility to enter a 1266
pre-trial diversion program established pursuant to section 1267
2935.36 of the Revised Code; 1268

(6) By any law enforcement agency or any authorized employee 1269
of a law enforcement agency or by the department of rehabilitation 1270
and correction as part of a background investigation of a person 1271

who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer; 1272
1273

(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code; 1274
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(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code; 1277
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(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded; 1281
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(10) By the bureau of criminal identification and investigation or an authorized employee of the bureau in connection with a criminal records check described in section 109.574 of the Revised Code. 1286
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When the nature and character of the offense with which a person is to be charged would be affected by the information, it may be used for the purpose of charging the person with an offense. 1290
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(E) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing previously was issued pursuant to sections 2953.31 to 2953.36 of the Revised Code. 1294
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(F) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to this section may maintain a manual or computerized index to the sealed records. The 1299
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index shall contain only the name of, and alphanumeric identifiers 1303
that relate to, the persons who are the subject of the sealed 1304
records, the word "sealed," and the name of the person, agency, 1305
office, or department that has custody of the sealed records, and 1306
shall not contain the name of the crime committed. The index shall 1307
be made available by the person who has custody of the sealed 1308
records only for the purposes set forth in divisions (C), (D), and 1309
(E) of this section. 1310

(G) Notwithstanding any provision of this section or section 1311
2953.33 of the Revised Code that requires otherwise, a board of 1312
education of a city, local, exempted village, or joint vocational 1313
school district that maintains records of an individual who has 1314
been permanently excluded under sections 3301.121 and 3313.662 of 1315
the Revised Code is permitted to maintain records regarding a 1316
conviction that was used as the basis for the individual's 1317
permanent exclusion, regardless of a court order to seal the 1318
record. An order issued under this section to seal the record of a 1319
conviction does not revoke the adjudication order of the 1320
superintendent of public instruction to permanently exclude the 1321
individual who is the subject of the sealing order. An order 1322
issued under this section to seal the record of a conviction of an 1323
individual may be presented to a district superintendent as 1324
evidence to support the contention that the superintendent should 1325
recommend that the permanent exclusion of the individual who is 1326
the subject of the sealing order be revoked. Except as otherwise 1327
authorized by this division and sections 3301.121 and 3313.662 of 1328
the Revised Code, any school employee in possession of or having 1329
access to the sealed conviction records of an individual that were 1330
the basis of a permanent exclusion of the individual is subject to 1331
section 2953.35 of the Revised Code. 1332

Section 2. That existing sections 1547.69, 2921.13, 2923.12, 1333
2923.121, 2923.123, 2923.16, and 2953.32 of the Revised Code are 1334

hereby repealed. 1335

Section 3. In amending sections 1547.69, 2921.13, 2923.12, 1336
2923.121, 2923.123, 2923.16, and 2953.32 of the Revised Code and 1337
in enacting sections 109.579, 109.731, and 2923.124 to 2923.1212 1338
of the Revised Code in this act, the General Assembly hereby 1339
declares its intent to recognize both of the following: 1340

(A) The inalienable and fundamental right of an individual to 1341
defend the individual's person and the members of the individual's 1342
family; 1343

(B) The fact that the right described in division (A) of this 1344
section predates the adoption of the United States Constitution, 1345
the adoption of the Ohio Constitution, and the enactment of all 1346
statutory laws by the General Assembly and may not be infringed by 1347
any enactment of the General Assembly. 1348

Section 4. In enacting sections 109.579, 109.731, and 1350
2923.124 to 2923.1212 of the Revised Code in this act and in 1351
amending sections 1547.69, 2921.13, 2923.12, 2923.121, 2923.123, 1352
2923.16, and 2953.32 of the Revised Code in this act relative to 1353
licenses to carry a concealed handgun, the General Assembly hereby 1354
declares that it is not its intent to declare or otherwise give 1355
the impression that, prior to the effective date of this act, an 1356
individual did not have an inalienable and fundamental right, or a 1357
right under the Ohio Constitution or the United States 1358
Constitution, to carry a concealed handgun or other firearm for 1359
the defense of the individual's person or a member of the 1360
individual's family while engaged in lawful activity. 1361

Section 5. The Ohio Peace Officer Training Commission shall 1362
prepare and make available to the sheriffs of this state the 1363
application and license forms described in division (A) of section 1364

109.731 of the Revised Code and the Ohio firearms laws pamphlet 1365
described in division (B) of that section and shall prescribe the 1366
license fee and renewal license fees described in division (C) of 1367
that section. The Ohio Peace Officer Training Commission shall 1368
submit its first annual statistical report described in division 1369
(D) of that section no later than fifteen months after the 1370
effective date of this act. 1371

Section 6. It is the intent of the General Assembly in 1372
enacting sections 2923.124 to 2923.1212 of the Revised Code to 1373
enact laws of a general nature. No municipal corporation may adopt 1374
or continue in existence any ordinance, and no township may adopt 1375
or continue in existence, any resolution that is in conflict with 1376
those sections. 1377