

As Introduced

**127th General Assembly
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H. B. No. 225

Representative Adams

**Cosponsors: Representatives Brinkman, Seitz, Bubp, Fessler, Wachtmann,
Huffman, Uecker, Goodwin**

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A B I L L

To amend sections 1547.69, 2923.12, 2923.122, 1
2923.123, 2923.124, 2923.125, 2923.126, 2923.128, 2
2923.129, 2923.1212, and 2923.16 of the Revised 3
Code to authorize a person to carry a concealed 4
handgun without obtaining a license to the same 5
extent as if the person had obtained such a 6
license if the person qualifies for a concealed 7
carry license and is legally permitted to purchase 8
a handgun; to remove the requirements that a 9
concealed carry licensee must be carrying the 10
license in order to carry a concealed handgun, 11
must inform approaching law enforcement officers 12
that the person has a license and is carrying the 13
handgun when the person is carrying a concealed 14
handgun, and must submit a new or renewed 15
competency certification when renewing the 16
license; to eliminate as premises in which a 17
concealed carry licensee may not carry a concealed 18
handgun public or private institutions of higher 19
education, places of worship, day-care centers and 20
homes, and government buildings other than 21
schools, courthouses, law enforcement offices, and 22

correctional facilities; to replace the 23
prohibitions that apply only to a concealed carry 24
licensee who is carrying a handgun in a motor 25
vehicle with a prohibition against a licensee who 26
is in a motor vehicle that is stopped by a law 27
enforcement officer knowingly menacing or 28
threatening an officer with a loaded handgun or 29
knowingly pointing a loaded handgun at an officer; 30
to remove the "in plain sight or secure 31
encasement" criterion that a concealed carry 32
licensee must satisfy to legally possess a handgun 33
in a motor vehicle; to provide a self-defense 34
exemption from the prohibitions against 35
discharging a firearm in or on a vessel or motor 36
vehicle; to repeal the "journalist exception" to 37
the provision that otherwise makes confidential 38
the records a sheriff possesses regarding 39
concealed handgun licenses and applications for 40
such licenses; and to amend the version of section 41
2923.129 of the Revised Code that is scheduled to 42
take effect September 29, 2007, to continue the 43
provisions of this act on and after that effective 44
date. 45

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

Section 1. That sections 1547.69, 2923.12, 2923.122, 46
2923.123, 2923.124, 2923.125, 2923.126, 2923.128, 2923.129, 47
2923.1212, and 2923.16 of the Revised Code be amended to read as 48
follows: 49

Sec. 1547.69. (A) As used in this section: 50

(1) "Firearm" and "handgun" have the same meanings as in 51

section 2923.11 of the Revised Code. 52

(2) "Unloaded" has the same meaning as in section 2923.16 of 53
the Revised Code. 54

(B) No person shall knowingly discharge a firearm while in or 55
on a vessel. 56

(C) No person shall knowingly transport or have a loaded 57
firearm in a vessel in a manner that the firearm is accessible to 58
the operator or any passenger. 59

(D) No person shall knowingly transport or have a firearm in 60
a vessel unless it is unloaded and is carried in one of the 61
following ways: 62

(1) In a closed package, box, or case; 63

(2) In plain sight with the action opened or the weapon 64
stripped, or, if the firearm is of a type on which the action will 65
not stay open or that cannot easily be stripped, in plain sight. 66

(E)(1) The affirmative defenses authorized in divisions 67
~~(D)~~(C)(1) and (2) of section 2923.12 of the Revised Code are 68
affirmative defenses to a charge under division (C) or (D) of this 69
section that involves a firearm other than a handgun. It is an 70
affirmative defense to a charge under division (C) or (D) of this 71
section of transporting or having a firearm of any type, including 72
a handgun, in a vessel that the actor transported or had the 73
firearm in the vessel for any lawful purpose and while the vessel 74
was on the actor's own property, provided that this affirmative 75
defense is not available unless the actor, prior to arriving at 76
the vessel on the actor's own property, did not transport or 77
possess the firearm in the vessel or in a motor vehicle in a 78
manner prohibited by this section or division (B) or (C) of 79
section 2923.16 of the Revised Code while the vessel was being 80
operated on a waterway that was not on the actor's own property or 81
while the motor vehicle was being operated on a street, highway, 82

or other public or private property used by the public for 83
vehicular traffic. 84

(2) No person who is charged with a violation of division (C) 85
or (D) of this section shall be required to obtain a license or 86
temporary emergency license to carry a concealed handgun under 87
section 2923.125 or 2923.1213 of the Revised Code as a condition 88
for the dismissal of the charge. 89

(F) Divisions (B), (C), and (D) of this section do not apply 90
to the possession or discharge of a United States coast guard 91
approved signaling device required to be carried aboard a vessel 92
under section 1547.251 of the Revised Code when the signaling 93
device is possessed or used for the purpose of giving a visual 94
distress signal. No person shall knowingly transport or possess 95
any signaling device of that nature in or on a vessel in a loaded 96
condition at any time other than immediately prior to the 97
discharge of the signaling device for the purpose of giving a 98
visual distress signal. 99

(G) No person shall operate or permit to be operated any 100
vessel on the waters in this state in violation of this section. 101

(H)(1) This section does not apply to any of the following: 102

(a) An officer, agent, or employee of this or any other state 103
or of the United States, or to a law enforcement officer, when 104
authorized to carry or have loaded or accessible firearms in a 105
vessel and acting within the scope of the officer's, agent's, or 106
employee's duties; 107

(b) Any person who is employed in this state, who is 108
authorized to carry or have loaded or accessible firearms in a 109
vessel, and who is subject to and in compliance with the 110
requirements of section 109.801 of the Revised Code, unless the 111
appointing authority of the person has expressly specified that 112
the exemption provided in division (H)(1)(b) of this section does 113

not apply to the person; 114

(c) Any person legally engaged in hunting. 115

(2) Division (B) of this section does not apply to a person 116
who discharges a firearm in self-defense while in or on a vessel. 117

(3) Divisions (C) and (D) of this section do not apply to a 118
any of the following: 119

(a) A person who transports or possesses a handgun in a 120
vessel and who, at the time of that transportation or possession, 121
is carrying a valid, who has been issued a license or temporary 122
emergency license to carry a concealed handgun issued to the 123
person under section 2923.125 or 2923.1213 of the Revised Code or 124
a license to carry a concealed handgun that was issued by another 125
state with which the attorney general has entered into a 126
reciprocity agreement under section 109.69 of the Revised Code, 127
unless the person whose license or temporary emergency license 128
issued as described in this division is valid at the time of the 129
alleged transportation or possession of the handgun, and who at 130
the time of the alleged transportation or possession of the 131
handgun is not knowingly is in a place on the vessel described in 132
division (B) of section 2923.126 of the Revised Code. The 133
exemption provided in division (H)(3)(a) of this section applies 134
to a person who has been issued a license or temporary emergency 135
license as described in division (H)(3)(a) of this section and who 136
satisfies the criteria specified for the exemption regardless of 137
whether the person, at the time of the alleged transportation or 138
possession of the handgun, is carrying that license or temporary 139
emergency license. 140

(b) A person who transports or possesses a handgun in a 141
vessel and who, at the time of the alleged transportation or 142
possession of the handgun, is legally permitted to purchase a 143
firearm under the laws of this state and the United States, would 144

meet all the requirements for a license to carry a concealed handgun under division (D)(1) of section 2923.125 of the Revised Code if the person had submitted an application for a license to carry a concealed handgun at that time, and is not knowingly in a place described in division (B) of section 2923.126 of the Revised Code. For purposes of division (H)(3)(b) of this section, a person would meet the requirement for a license that is specified in division (D)(1)(1) of section 2923.125 of the Revised Code if the person has a competency certification of any type described in division (B)(3) of that section, and the person has read the pamphlet described in division (B)(4) of that section, regardless of whether the person has submitted to another person certifications of the types described in divisions (B)(3) and (4) of that section.

(I) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

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

- (1) A deadly weapon other than a handgun;
- (2) A handgun other than a dangerous ordnance;
- (3) A dangerous ordnance.

(B) ~~No person who has been issued a license or temporary~~

~~emergency license to carry a concealed handgun under section 175
2923.125 or 2923.1213 of the Revised Code or a license to carry a 176
concealed handgun that was issued by another state with which the 177
attorney general has entered into a reciprocity agreement under 178
section 109.69 of the Revised Code shall do any of the following: 179~~

~~(1) If the person is stopped for a law enforcement purpose 180
and is carrying a concealed handgun, fail to promptly inform any 181
law enforcement officer who approaches the person after the person 182
has been stopped that the person has been issued a license or 183
temporary emergency license to carry a concealed handgun and that 184
the person then is carrying a concealed handgun; 185~~

~~(2) If the person is stopped for a law enforcement purpose 186
and if the person is carrying a concealed handgun, knowingly fail 187
to keep the person's hands in plain sight at any time after any 188
law enforcement officer begins approaching the person while 189
stopped and before the law enforcement officer leaves, unless the 190
failure is pursuant to and in accordance with directions given by 191
a law enforcement officer; 192~~

~~(3) If the person is stopped for a law enforcement purpose, 193
if the person is carrying a concealed handgun, and if the person 194
is approached by any law enforcement officer while stopped, 195
knowingly remove or attempt to remove the loaded handgun from the 196
holster, pocket, or other place in which the person is carrying 197
it, knowingly grasp or hold the loaded handgun, or knowingly have 198
contact with the loaded handgun by touching it with the person's 199
hands or fingers at any time after the law enforcement officer 200
begins approaching and before the law enforcement officer leaves, 201
unless the person removes, attempts to remove, grasps, holds, or 202
has contact with the loaded handgun pursuant to and in accordance 203
with directions given by the law enforcement officer; 204~~

~~(4) If the person is stopped for a law enforcement purpose 205
and if the person is carrying a concealed handgun, knowingly 206~~

~~disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.~~ 207-210

~~(C)~~(1) This section does not apply to any of the following: 211

(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties; 212-216

(b) Any person who is employed in this state, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division ~~(C)~~(B)(1)(b) of this section does not apply to the person. 217-223

(2) Division (A)(2) of this section does not apply to any of the following: 224-225

~~(a) A person who, at the time of the alleged carrying or possession of a handgun, is carrying a valid~~ has been issued a license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 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 whose license or temporary emergency license issued as described in this division is valid at the time of the alleged carrying or possession of a handgun, and who at the time of the alleged carrying or possession of the handgun is not knowingly is in a place described in division (B) 226-237

of section 2923.126 of the Revised Code. The exemption provided in 238
division (B)(2)(a) of this section applies to a person who has 239
been issued a license or temporary emergency license as described 240
in division (B)(2)(a) of this section and who satisfies the other 241
criteria specified for the exemption regardless of whether the 242
person, at the time of the alleged carrying or possession of the 243
handgun, is carrying that license or temporary emergency license. 244

(b) A person who, at the time of the alleged carrying or 245
possession of a handgun, is legally permitted to purchase a 246
firearm under the laws of this state and the United States, would 247
meet all the requirements for a license to carry a concealed 248
handgun under division (D)(1) of section 2923.125 of the Revised 249
Code if the person had submitted an application for a license to 250
carry a concealed handgun at that time, and is not knowingly in a 251
place described in division (B) of section 2923.126 of the Revised 252
Code. For purposes of division (B)(2)(b) of this section, a person 253
would meet the requirement for a license that is specified in 254
division (D)(1)(1) of section 2923.125 of the Revised Code if the 255
person has a competency certification of any type described in 256
division (B)(3) of that section, and the person has read the 257
pamphlet described in division (B)(4) of that section, regardless 258
of whether the person has submitted to another person 259
certifications of the types described in divisions (B)(3) and (4) 260
of that section. 261

~~(D)~~(C) It is an affirmative defense to a charge under 262
division (A)(1) of this section of carrying or having control of a 263
weapon other than a handgun and other than a dangerous ordnance 264
that the actor was not otherwise prohibited by law from having the 265
weapon and that any of the following applies: 266

(1) The weapon was carried or kept ready at hand by the actor 267
for defensive purposes while the actor was engaged in or was going 268
to or from the actor's lawful business or occupation, which 269

business or occupation was of a character or was necessarily 270
carried on in a manner or at a time or place as to render the 271
actor particularly susceptible to criminal attack, such as would 272
justify a prudent person in going armed. 273

(2) The weapon was carried or kept ready at hand by the actor 274
for defensive purposes while the actor was engaged in a lawful 275
activity and had reasonable cause to fear a criminal attack upon 276
the actor, a member of the actor's family, or the actor's home, 277
such as would justify a prudent person in going armed. 278

(3) The weapon was carried or kept ready at hand by the actor 279
for any lawful purpose and while in the actor's own home. 280

(4) The weapon was being transported in a motor vehicle for 281
any lawful purpose, was not on the actor's person, and, if the 282
weapon was a firearm, was carried in compliance with the 283
applicable requirements of division (C) of section 2923.16 of the 284
Revised Code. 285

~~(E)~~(D) It is an affirmative defense to a charge under 286
division (A) of this section of carrying or having control of a 287
handgun other than a dangerous ordnance that the actor was not 288
otherwise prohibited by law from having the handgun and that the 289
handgun was carried or kept ready at hand by the actor for any 290
lawful purpose and while in the actor's own home, provided that 291
this affirmative defense is not available unless the actor, prior 292
to arriving at the actor's own home, did not transport or possess 293
the handgun in a motor vehicle in a manner prohibited by division 294
(B) or (C) of section 2923.16 of the Revised Code while the motor 295
vehicle was being operated on a street, highway, or other public 296
or private property used by the public for vehicular traffic. 297

~~(F)~~(E) No person who is charged with a violation of this 298
section shall be required to obtain a license or temporary 299
emergency license to carry a concealed handgun under section 300

2923.125 or 2923.1213 of the Revised Code as a condition for the 301
dismissal of the charge. 302

~~(G)(1)(F)~~ Whoever violates this section is guilty of carrying 303
concealed weapons. Except as otherwise provided in this division 304
~~or division (G)(2) of this section~~, carrying concealed weapons in 305
violation of division (A) of this section is a misdemeanor of the 306
first degree. Except as otherwise provided in this division ~~or~~ 307
~~division (G)(2) of this section~~, if the offender previously has 308
been convicted of a violation of this section or of any offense of 309
violence, if the weapon involved is a firearm that is either 310
loaded or for which the offender has ammunition ready at hand, or 311
if the weapon involved is dangerous ordnance, carrying concealed 312
weapons ~~in violation of division (A) of this section~~ is a felony 313
of the fourth degree. ~~Except as otherwise provided in division~~ 314
~~(G)(2) of this section~~, if If the weapon involved is a firearm and 315
the violation of this section is committed at premises for which a 316
D permit has been issued under Chapter 4303. of the Revised Code 317
or if the offense is committed aboard an aircraft, or with purpose 318
to carry a concealed weapon aboard an aircraft, regardless of the 319
weapon involved, carrying concealed weapons ~~in violation of~~ 320
~~division (A) of this section~~ is a felony of the third degree. 321

~~(2) If a person being arrested for a violation of division~~ 322
~~(A)(2) of this section promptly produces a valid license or~~ 323
~~temporary emergency license to carry a concealed handgun issued~~ 324
~~under section 2923.125 or 2923.1213 of the Revised Code or a~~ 325
~~license to carry a concealed handgun that was issued by another~~ 326
~~state with which the attorney general has entered into a~~ 327
~~reciprocity agreement under section 109.69 of the Revised Code,~~ 328
~~and if at the time of the violation the person was not knowingly~~ 329
~~in a place described in division (B) of section 2923.126 of the~~ 330
~~Revised Code, the officer shall not arrest the person for a~~ 331
~~violation of that division. If the person is not able to promptly~~ 332

~~produce any of those types of license and if the person is not in 333
a place described in that section, the officer may arrest the 334
person for a violation of that division, and the offender shall be 335
punished as follows: 336~~

~~(a) The offender shall be guilty of a minor misdemeanor if 337
both of the following apply: 338~~

~~(i) Within ten days after the arrest, the offender presents a 339
license or temporary emergency license to carry a concealed 340
handgun issued under section 2923.125 or 2923.1213 of the Revised 341
Code or a license to carry a concealed handgun that was issued by 342
another state with which the attorney general has entered into a 343
reciprocity agreement under section 109.69 of the Revised Code, 344
which license was valid at the time of the arrest to the law 345
enforcement agency that employs the arresting officer. 346~~

~~(ii) At the time of the arrest, the offender was not 347
knowingly in a place described in division (B) of section 2923.126 348
of the Revised Code. 349~~

~~(b) The offender shall be guilty of a misdemeanor and shall 350
be fined five hundred dollars if all of the following apply: 351~~

~~(i) The offender previously had been issued a license to 352
carry a concealed handgun under section 2923.125 of the Revised 353
Code or a license to carry a concealed handgun that was issued by 354
another state with which the attorney general has entered into a 355
reciprocity agreement under section 109.69 of the Revised Code and 356
that was similar in nature to a license issued under section 357
2923.125 of the Revised Code, and that license expired within the 358
two years immediately preceding the arrest. 359~~

~~(ii) Within forty five days after the arrest, the offender 360
presents any type of license identified in division (G)(2)(a)(i) 361
of this section to the law enforcement agency that employed the 362
arresting officer, and the offender waives in writing the 363~~

~~offender's right to a speedy trial on the charge of the violation 364
that is provided in section 2945.71 of the Revised Code. 365~~

~~(iii) At the time of the commission of the offense, the 366
offender was not knowingly in a place described in division (B) of 367
section 2923.126 of the Revised Code. 368~~

~~(c) If neither division (G)(2)(a) nor (b) of this section 369
applies, the offender shall be punished under division (G)(1) of 370
this section. 371~~

~~(3) Carrying concealed weapons in violation of division 372
(B)(1) of this section is a misdemeanor of the first degree, and, 373
in addition to any other penalty or sanction imposed for a 374
violation of division (B)(1) of this section, the offender's 375
license or temporary emergency license to carry a concealed 376
handgun shall be suspended pursuant to division (A)(2) of section 377
2923.128 of the Revised Code. 378~~

~~(4) Carrying concealed weapons in violation of division 379
(B)(2) or (4) of this section is a misdemeanor of the first degree 380
or, if the offender previously has been convicted of or pleaded 381
guilty to a violation of division (B)(2) or (4) of this section, a 382
felony of the fifth degree. In addition to any other penalty or 383
sanction imposed for a misdemeanor violation of division (B)(2) or 384
(4) of this section, the offender's license or temporary emergency 385
license to carry a concealed handgun shall be suspended pursuant 386
to division (A)(2) of section 2923.128 of the Revised Code. 387~~

~~(5) Carrying concealed weapons in violation of division 388
(B)(3) of this section is a felony of the fifth degree. 389~~

~~(H)(G) If a law enforcement officer stops a person to 390
question the person regarding a possible violation of this 391
section, for a traffic stop, or for any other law enforcement 392
purpose, if the person surrenders a firearm to the officer, either 393
voluntarily or pursuant to a request or demand of the officer, and 394~~

if the officer does not charge the person with a violation of this 395
section or arrest the person for any offense, the person is not 396
otherwise prohibited by law from possessing the firearm, and the 397
firearm is not contraband, the officer shall return the firearm to 398
the person at the termination of the stop. 399

Sec. 2923.122. (A) No person shall knowingly convey, or 400
attempt to convey, a deadly weapon or dangerous ordnance into a 401
school safety zone. 402

(B) No person shall knowingly possess a deadly weapon or 403
dangerous ordnance in a school safety zone. 404

(C) No person shall knowingly possess an object in a school 405
safety zone if both of the following apply: 406

(1) The object is indistinguishable from a firearm, whether 407
or not the object is capable of being fired. 408

(2) The person indicates that the person possesses the object 409
and that it is a firearm, or the person knowingly displays or 410
brandishes the object and indicates that it is a firearm. 411

(D)(1) This section does not apply to any of the following: 412

(a) An officer, agent, or employee of this or any other state 413
or the United States, or a law enforcement officer, who is 414
authorized to carry deadly weapons or dangerous ordnance and is 415
acting within the scope of the officer's, agent's, or employee's 416
duties, a security officer employed by a board of education or 417
governing body of a school during the time that the security 418
officer is on duty pursuant to that contract of employment, or any 419
other person who has written authorization from the board of 420
education or governing body of a school to convey deadly weapons 421
or dangerous ordnance into a school safety zone or to possess a 422
deadly weapon or dangerous ordnance in a school safety zone and 423
who conveys or possesses the deadly weapon or dangerous ordnance 424

in accordance with that authorization; 425

(b) Any person who is employed in this state, who is 426
authorized to carry deadly weapons or dangerous ordnance, and who 427
is subject to and in compliance with the requirements of section 428
109.801 of the Revised Code, unless the appointing authority of 429
the person has expressly specified that the exemption provided in 430
division (D)(1)(b) of this section does not apply to the person. 431

(2) Division (C) of this section does not apply to premises 432
upon which home schooling is conducted. Division (C) of this 433
section also does not apply to a school administrator, teacher, or 434
employee who possesses an object that is indistinguishable from a 435
firearm for legitimate school purposes during the course of 436
employment, a student who uses an object that is indistinguishable 437
from a firearm under the direction of a school administrator, 438
teacher, or employee, or any other person who with the express 439
prior approval of a school administrator possesses an object that 440
is indistinguishable from a firearm for a legitimate purpose, 441
including the use of the object in a ceremonial activity, a play, 442
reenactment, or other dramatic presentation, or a ROTC activity or 443
another similar use of the object. 444

(3) This section does not apply to a person who conveys or 445
attempts to convey a handgun into, or possesses a handgun in, a 446
school safety zone if, at the time of that conveyance, attempted 447
conveyance, or possession of the handgun, all of the following 448
apply: 449

(a) The person does not enter into a school building or onto 450
school premises and is not at a school activity. 451

(b) One of the following applies: 452

(i) The person ~~is carrying~~ has been issued a ~~valid~~ license or 453
temporary emergency license to carry a concealed handgun ~~issued to~~ 454
~~the person~~ under section 2923.125 or 2923.1213 of the Revised Code 455

or a license to carry a concealed handgun ~~that was~~ issued by 456
another state with which the attorney general has entered into a 457
reciprocity agreement under section 109.69 of the Revised Code, 458
and the person's license or temporary emergency license issued as 459
described in this division is valid at the time of the conveyance, 460
attempted conveyance, or possession of the handgun. The exemption 461
provided in division (D)(3) of this section applies to a person 462
who has been issued a license or temporary emergency license as 463
described in division (D)(3)(b)(i) of this section and who 464
satisfies the other criteria specified for the exemption 465
regardless of whether the person, at the time of the conveyance, 466
attempted conveyance, or possession of the handgun, is carrying 467
that license or temporary emergency license. 468

(ii) At the time of the conveyance, attempted conveyance, or 469
possession of the handgun, the person is legally permitted to 470
purchase a firearm under the laws of this state and the United 471
States, and the person would meet all the requirements for a 472
license to carry a concealed handgun under division (D)(1) of 473
section 2923.125 of the Revised Code if the person had submitted 474
an application for a license to carry a concealed handgun at that 475
time. For purposes of division (D)(3)(b)(ii) of this section, a 476
person would meet the requirement for a license that is specified 477
in division (D)(1)(1) of section 2923.125 of the Revised Code if 478
the person has a competency certification of any type described in 479
division (B)(3) of that section, and the person has read the 480
pamphlet described in division (B)(4) of that section, regardless 481
of whether the person has submitted to another person 482
certifications of the types described in divisions (B)(3) and (4) 483
of that section. 484

(c) The person is in the school safety zone in accordance 485
with 18 U.S.C. 922(q)(2)(B). 486

(d) The person is not knowingly in a place described in 487

division (B)(1) or (B)(3) to ~~(10)~~(6) of section 2923.126 of the Revised Code. 488
489

(E)(1) Whoever violates division (A) or (B) of this section 490
is guilty of illegal conveyance or possession of a deadly weapon 491
or dangerous ordnance in a school safety zone. Except as otherwise 492
provided in this division, illegal conveyance or possession of a 493
deadly weapon or dangerous ordnance in a school safety zone is a 494
felony of the fifth degree. If the offender previously has been 495
convicted of a violation of this section, illegal conveyance or 496
possession of a deadly weapon or dangerous ordnance in a school 497
safety zone is a felony of the fourth degree. 498

(2) Whoever violates division (C) of this section is guilty 499
of illegal possession of an object indistinguishable from a 500
firearm in a school safety zone. Except as otherwise provided in 501
this division, illegal possession of an object indistinguishable 502
from a firearm in a school safety zone is a misdemeanor of the 503
first degree. If the offender previously has been convicted of a 504
violation of this section, illegal possession of an object 505
indistinguishable from a firearm in a school safety zone is a 506
felony of the fifth degree. 507

(F)(1) In addition to any other penalty imposed upon a person 508
who is convicted of or pleads guilty to a violation of this 509
section and subject to division (F)(2) of this section, if the 510
offender has not attained nineteen years of age, regardless of 511
whether the offender is attending or is enrolled in a school 512
operated by a board of education or for which the state board of 513
education prescribes minimum standards under section 3301.07 of 514
the Revised Code, the court shall impose upon the offender a class 515
four suspension of the offender's probationary driver's license, 516
restricted license, driver's license, commercial driver's license, 517
temporary instruction permit, or probationary commercial driver's 518
license that then is in effect from the range specified in 519

division (A)(4) of section 4510.02 of the Revised Code and shall 520
deny the offender the issuance of any permit or license of that 521
type during the period of the suspension. 522

If the offender is not a resident of this state, the court 523
shall impose a class four suspension of the nonresident operating 524
privilege of the offender from the range specified in division 525
(A)(4) of section 4510.02 of the Revised Code. 526

(2) If the offender shows good cause why the court should not 527
suspend one of the types of licenses, permits, or privileges 528
specified in division (F)(1) of this section or deny the issuance 529
of one of the temporary instruction permits specified in that 530
division, the court in its discretion may choose not to impose the 531
suspension, revocation, or denial required in that division. 532

(G) As used in this section, "object that is 533
indistinguishable from a firearm" means an object made, 534
constructed, or altered so that, to a reasonable person without 535
specialized training in firearms, the object appears to be a 536
firearm. 537

Sec. 2923.123. (A) No person shall knowingly convey or 538
attempt to convey a deadly weapon or dangerous ordnance into a 539
courthouse or into another building or structure in which a 540
courtroom is located. 541

(B) No person shall knowingly possess or have under the 542
person's control a deadly weapon or dangerous ordnance in a 543
courthouse or in another building or structure in which a 544
courtroom is located. 545

(C) This section does not apply to any of the following: 546

(1) Except as provided in division (E) of this section, a 547
judge of a court of record of this state or a magistrate; 548

(2) A peace officer, officer of a law enforcement agency, or 549

person who is in either of the following categories: 550

(a) Except as provided in division (E) of this section, a 551
peace officer, or an officer of a law enforcement agency of 552
another state, a political subdivision of another state, or the 553
United States, who is authorized to carry a deadly weapon or 554
dangerous ordnance, who possesses or has under that individual's 555
control a deadly weapon or dangerous ordnance as a requirement of 556
that individual's duties, and who is acting within the scope of 557
that individual's duties at the time of that possession or 558
control; 559

(b) Except as provided in division (E) of this section, a 560
person who is employed in this state, who is authorized to carry a 561
deadly weapon or dangerous ordnance, who possesses or has under 562
that individual's control a deadly weapon or dangerous ordnance as 563
a requirement of that person's duties, and who is subject to and 564
in compliance with the requirements of section 109.801 of the 565
Revised Code, unless the appointing authority of the person has 566
expressly specified that the exemption provided in division 567
(C)(2)(b) of this section does not apply to the person. 568

(3) A person who conveys, attempts to convey, possesses, or 569
has under the person's control a deadly weapon or dangerous 570
ordnance that is to be used as evidence in a pending criminal or 571
civil action or proceeding; 572

(4) Except as provided in division (E) of this section, a 573
bailiff or deputy bailiff of a court of record of this state who 574
is authorized to carry a firearm pursuant to section 109.77 of the 575
Revised Code, who possesses or has under that individual's control 576
a firearm as a requirement of that individual's duties, and who is 577
acting within the scope of that individual's duties at the time of 578
that possession or control; 579

(5) Except as provided in division (E) of this section, a 580

prosecutor, or a secret service officer appointed by a county 581
prosecuting attorney, who is authorized to carry a deadly weapon 582
or dangerous ordnance in the performance of the individual's 583
duties, who possesses or has under that individual's control a 584
deadly weapon or dangerous ordnance as a requirement of that 585
individual's duties, and who is acting within the scope of that 586
individual's duties at the time of that possession or control; 587

(6)(a) Except as provided in division (E) of this section and 588
subject to division (C)(6)(b) of this section, a person who 589
conveys or attempts to convey a handgun into a courthouse or into 590
another building or structure in which a courtroom is located, 591
~~who, at the time of the conveyance or attempt, is carrying a valid~~ 592
~~license or temporary emergency license to carry a concealed~~ 593
~~handgun issued to the person under section 2923.125 or 2923.1213~~ 594
~~of the Revised Code or a license to carry a concealed handgun that~~ 595
~~was issued by another state with which the attorney general has~~ 596
~~entered into a reciprocity agreement under section 109.69 of the~~ 597
~~Revised Code, and who~~ transfers possession of the handgun to the 598
officer or officer's designee who has charge of the courthouse or 599
building. The, and to whom either of the following applies: 600

(i) The person has been issued a license or temporary 601
emergency license to carry a concealed handgun under section 602
2923.125 or 2923.1213 of the Revised Code or a license to carry a 603
concealed handgun issued by another state with which the attorney 604
general has entered into a reciprocity agreement under section 605
109.68 of the Revised Code, and the person's license or temporary 606
emergency license issued as described in division (C)(6)(a)(i) of 607
this section is valid at the time of the conveyance or attempted 608
conveyance of the handgun. The exemption provided in division 609
(C)(6)(a) of this section applies to a person who has been issued 610
a license or temporary emergency license as described in division 611
(C)(6)(a)(i) of this section and who satisfies the other criteria 612

specified for the exemption regardless of whether the person, at 613
the time of the conveyance or attempted conveyance of the handgun, 614
is carrying that license or temporary emergency license. 615

(ii) At the time of the conveyance or attempted conveyance of 616
the handgun, the person is legally permitted to purchase a firearm 617
under the law of this state and the United States, and the person 618
would meet all the requirements for a license to carry a concealed 619
handgun under division (D)(1) of section 2923.125 of the Revised 620
Code if the person had submitted an application for a license to 621
carry a concealed handgun at that time. For purposes of division 622
(C)(6)(a)(ii) of this section, a person would meet the requirement 623
for a license that is specified in division (D)(1)(1) of section 624
2923.125 of the Revised Code if the person has a competency 625
certification of any type described in division (B)(3) of that 626
section, and the person has read the pamphlet described in 627
division (B)(4) of that section, regardless of whether the person 628
has submitted to another person certifications of the types 629
described in divisions (B)(3) and (4) of that section. 630

(b) The officer to whom a person transfers possession of a 631
handgun under division (C)(6)(a) of this section shall secure the 632
handgun so transferred until the licensee person who transferred 633
the handgun is prepared to leave the premises. The exemption 634
described in this division (C)(6)(a) of this section applies only 635
if the officer who has charge of the courthouse or building 636
provides services of the nature described in this division and 637
division (C)(6)(a) of this section. An officer who has charge of 638
the courthouse or building is not required to offer services of 639
the nature described in this division and division (C)(6)(a) of 640
this section. 641

(D)(1) Whoever violates division (A) of this section is 642
guilty of illegal conveyance of a deadly weapon or dangerous 643
ordnance into a courthouse. Except as otherwise provided in this 644

division, illegal conveyance of a deadly weapon or dangerous 645
ordnance into a courthouse is a felony of the fifth degree. If the 646
offender previously has been convicted of a violation of division 647
(A) or (B) of this section, illegal conveyance of a deadly weapon 648
or dangerous ordnance into a courthouse is a felony of the fourth 649
degree. 650

(2) Whoever violates division (B) of this section is guilty 651
of illegal possession or control of a deadly weapon or dangerous 652
ordnance in a courthouse. Except as otherwise provided in this 653
division, illegal possession or control of a deadly weapon or 654
dangerous ordnance in a courthouse is a felony of the fifth 655
degree. If the offender previously has been convicted of a 656
violation of division (A) or (B) of this section, illegal 657
possession or control of a deadly weapon or dangerous ordnance in 658
a courthouse is a felony of the fourth degree. 659

(E) The exemptions described in divisions (C)(1), (2)(a), 660
(2)(b), (4), (5), and (6) of this section do not apply to any 661
judge, magistrate, peace officer, officer of a law enforcement 662
agency, bailiff, deputy bailiff, prosecutor, secret service 663
officer, or other person described in any of those divisions if a 664
rule of superintendence or another type of rule adopted by the 665
supreme court pursuant to Article IV, Ohio Constitution, or an 666
applicable local rule of court prohibits all persons from 667
conveying or attempting to convey a deadly weapon or dangerous 668
ordnance into a courthouse or into another building or structure 669
in which a courtroom is located or from possessing or having under 670
one's control a deadly weapon or dangerous ordnance in a 671
courthouse or in another building or structure in which a 672
courtroom is located. 673

(F) As used in this section: 674

(1) "Magistrate" means an individual who is appointed by a 675
court of record of this state and who has the powers and may 676

perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40. 677
678

(2) "Peace officer" and "prosecutor" have the same meanings 679
as in section 2935.01 of the Revised Code. 680

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 681
the Revised Code: 682

(A) "Application form" means the application form prescribed 683
pursuant to division (A)(1) of section 109.731 of the Revised Code 684
and includes a copy of that form. 685

(B) "Competency certification" and "competency certificate" 686
mean a document of the type described in division (B)(3) of 687
section 2923.125 of the Revised Code. 688

(C) "Detention facility" has the same meaning as in section 689
2921.01 of the Revised Code. 690

(D) "Licensee" means a person to whom a license to carry a 691
concealed handgun has been issued under section 2923.125 of the 692
Revised Code and, except when the context clearly indicates 693
otherwise, includes a person to whom a temporary emergency license 694
to carry a concealed handgun has been issued under section 695
2923.1213 of the Revised Code. 696

(E) "License fee" or "license renewal fee" means the fee for 697
a license to carry a concealed handgun or the fee to renew that 698
license that is prescribed pursuant to division (C) of section 699
109.731 of the Revised Code and that is to be paid by an applicant 700
for a license of that type. 701

(F) "Peace officer" has the same meaning as in section 702
2935.01 of the Revised Code. 703

(G) "State correctional institution" has the same meaning as 704
in section 2967.01 of the Revised Code. 705

(H) "Valid license" means a license or temporary emergency license to carry a concealed handgun that has been issued under section 2923.125 or 2923.1213 of the Revised Code, that is currently valid, that is not under a suspension under division (A)(1) of section 2923.128 or under section 2923.1213 of the Revised Code, and that has not been revoked under division (B)(1) of section 2923.128 or under section 2923.1213 of the Revised Code.

(I) "Civil protection order" means a protection order issued, or consent agreement approved, under section 2903.214 or 3113.31 of the Revised Code.

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

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

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

~~(M) "Type C family day care home" means a family day care home authorized to provide child care by Sub. H.B. 62 of the 121st general assembly, as amended by Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 of the 123rd general assembly.~~

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

~~(O) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.~~

~~(P) "Motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code.~~

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 736
license to carry a concealed handgun, a sheriff, as provided in 737
division (I) of this section, shall provide to the person free of 738
charge an application form and a copy of the pamphlet described in 739
division (B) of section 109.731 of the Revised Code. A sheriff 740
shall accept a completed application form and the fee, items, 741
materials, and information specified in divisions (B)(1) to (5) of 742
this section at the times and in the manners described in division 743
(I) of this section. 744

(B) An applicant for a license to carry a concealed handgun 745
shall submit a completed application form and all of the following 746
to the sheriff of the county in which the applicant resides or to 747
the sheriff of any county adjacent to the county in which the 748
applicant resides: 749

(1) A nonrefundable license fee prescribed by the Ohio peace 750
officer training commission pursuant to division (C) of section 751
109.731 of the Revised Code, except that the sheriff shall waive 752
the payment of the license fee in connection with an initial or 753
renewal application for a license that is submitted by an 754
applicant who is a retired peace officer, a retired person 755
described in division (B)(1)(b) of section 109.77 of the Revised 756
Code, or a retired federal law enforcement officer who, prior to 757
retirement, was authorized under federal law to carry a firearm in 758
the course of duty, unless the retired peace officer, person, or 759
federal law enforcement officer retired as the result of a mental 760
disability; 761

(2) A color photograph of the applicant that was taken within 762
thirty days prior to the date of the application; 763

(3) One or more of the following competency certifications, 764
each of which shall reflect that, regarding a certification 765
described in division (B)(3)(a), (b), (c), (e), or (f) of this 766
section, within the three years immediately preceding the 767

application the applicant has performed that to which the 768
competency certification relates and that, regarding a 769
certification described in division (B)(3)(d) of this section, the 770
applicant currently is an active or reserve member of the armed 771
forces of the United States or within the six years immediately 772
preceding the application the honorable discharge or retirement to 773
which the competency certification relates occurred: 774

(a) An original or photocopy of a certificate of completion 775
of a firearms safety, training, or requalification or firearms 776
safety instructor course, class, or program that was offered by or 777
under the auspices of the national rifle association and that 778
complies with the requirements set forth in division (G) of this 779
section; 780

(b) An original or photocopy of a certificate of completion 781
of a firearms safety, training, or requalification or firearms 782
safety instructor course, class, or program that satisfies all of 783
the following criteria: 784

(i) It was open to members of the general public. 785

(ii) It utilized qualified instructors who were certified by 786
the national rifle association, the executive director of the Ohio 787
peace officer training commission pursuant to section 109.75 or 788
109.78 of the Revised Code, or a governmental official or entity 789
of another state. 790

(iii) It was offered by or under the auspices of a law 791
enforcement agency of this or another state or the United States, 792
a public or private college, university, or other similar 793
postsecondary educational institution located in this or another 794
state, a firearms training school located in this or another 795
state, or another type of public or private entity or organization 796
located in this or another state. 797

(iv) It complies with the requirements set forth in division 798

(G) of this section. 799

(c) An original or photocopy of a certificate of completion 800
of a state, county, municipal, or department of natural resources 801
peace officer training school that is approved by the executive 802
director of the Ohio peace officer training commission pursuant to 803
section 109.75 of the Revised Code and that complies with the 804
requirements set forth in division (G) of this section, or the 805
applicant has satisfactorily completed and been issued a 806
certificate of completion of a basic firearms training program, a 807
firearms requalification training program, or another basic 808
training program described in section 109.78 or 109.801 of the 809
Revised Code that complies with the requirements set forth in 810
division (G) of this section; 811

(d) A document that evidences both of the following: 812

(i) That the applicant is an active or reserve member of the 813
armed forces of the United States, was honorably discharged from 814
military service in the active or reserve armed forces of the 815
United States, is a retired trooper of the state highway patrol, 816
or is a retired peace officer or federal law enforcement officer 817
described in division (B)(1) of this section or a retired person 818
described in division (B)(1)(b) of section 109.77 of the Revised 819
Code and division (B)(1) of this section; 820

(ii) That, through participation in the military service or 821
through the former employment described in division (B)(3)(d)(i) 822
of this section, the applicant acquired experience with handling 823
handguns or other firearms, and the experience so acquired was 824
equivalent to training that the applicant could have acquired in a 825
course, class, or program described in division (B)(3)(a), (b), or 826
(c) of this section. 827

(e) A certificate or another similar document that evidences 828
satisfactory completion of a firearms training, safety, or 829

requalification or firearms safety instructor course, class, or 830
program that is not otherwise described in division (B)(3)(a), 831
(b), (c), or (d) of this section, that was conducted by an 832
instructor who was certified by an official or entity of the 833
government of this or another state or the United States or by the 834
national rifle association, and that complies with the 835
requirements set forth in division (G) of this section; 836

(f) An affidavit that attests to the applicant's satisfactory 837
completion of a course, class, or program described in division 838
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 839
by the applicant's instructor or an authorized representative of 840
the entity that offered the course, class, or program or under 841
whose auspices the course, class, or program was offered. 842

(4) A certification by the applicant that the applicant has 843
read the pamphlet prepared by the Ohio peace officer training 844
commission pursuant to section 109.731 of the Revised Code that 845
reviews firearms, dispute resolution, and use of deadly force 846
matters. 847

(5) A set of fingerprints of the applicant provided as 848
described in section 311.41 of the Revised Code through use of an 849
electronic fingerprint reading device or, if the sheriff to whom 850
the application is submitted does not possess and does not have 851
ready access to the use of such a reading device, on a standard 852
impression sheet prescribed pursuant to division (C)(2) of section 853
109.572 of the Revised Code. 854

(C) Upon receipt of an applicant's completed application 855
form, supporting documentation, and, if not waived, license fee, a 856
sheriff, in the manner specified in section 311.41 of the Revised 857
Code, shall conduct or cause to be conducted the criminal records 858
check and the incompetency records check described in section 859
311.41 of the Revised Code. 860

(D)(1) Except as provided in division (D)(3), (4), or (5) of 861
this section, within forty-five days after a sheriff's receipt of 862
an applicant's completed application form for a license to carry a 863
concealed handgun, the supporting documentation, and, if not 864
waived, the license fee, the sheriff shall make available through 865
the law enforcement automated data system in accordance with 866
division (H) of this section the information described in that 867
division and, upon making the information available through the 868
system, shall issue to the applicant a license to carry a 869
concealed handgun that shall expire as described in division 870
(D)(2)(a) of this section if all of the following apply: 871

(a) The applicant is legally living in the United States, has 872
been a resident of this state for at least forty-five days, and 873
has been a resident of the county in which the person seeks the 874
license or a county adjacent to the county in which the person 875
seeks the license for at least thirty days. 876

(b) The applicant is at least twenty-one years of age. 877

(c) The applicant is not a fugitive from justice. 878

(d) The applicant is not under indictment for or otherwise 879
charged with a felony; an offense under Chapter 2925., 3719., or 880
4729. of the Revised Code that involves the illegal possession, 881
use, sale, administration, or distribution of or trafficking in a 882
drug of abuse; a misdemeanor offense of violence; or a violation 883
of section 2903.14 or 2923.1211 of the Revised Code. 884

(e) The applicant has not been convicted of or pleaded guilty 885
to a felony or an offense under Chapter 2925., 3719., or 4729. of 886
the Revised Code that involves the illegal possession, use, sale, 887
administration, or distribution of or trafficking in a drug of 888
abuse; has not been adjudicated a delinquent child for committing 889
an act that if committed by an adult would be a felony or would be 890
an offense under Chapter 2925., 3719., or 4729. of the Revised 891

Code that involves the illegal possession, use, sale, 892
administration, or distribution of or trafficking in a drug of 893
abuse; and has not been convicted of, pleaded guilty to, or 894
adjudicated a delinquent child for committing a violation of 895
section 2903.13 of the Revised Code when the victim of the 896
violation is a peace officer, regardless of whether the applicant 897
was sentenced under division (C)(3) of that section. 898

(f) The applicant, within three years of the date of the 899
application, has not been convicted of or pleaded guilty to a 900
misdemeanor offense of violence other than a misdemeanor violation 901
of section 2921.33 of the Revised Code or a violation of section 902
2903.13 of the Revised Code when the victim of the violation is a 903
peace officer, or a misdemeanor violation of section 2923.1211 of 904
the Revised Code; and has not been adjudicated a delinquent child 905
for committing an act that if committed by an adult would be a 906
misdemeanor offense of violence other than a misdemeanor violation 907
of section 2921.33 of the Revised Code or a violation of section 908
2903.13 of the Revised Code when the victim of the violation is a 909
peace officer or for committing an act that if committed by an 910
adult would be a misdemeanor violation of section 2923.1211 of the 911
Revised Code. 912

(g) Except as otherwise provided in division (D)(1)(e) of 913
this section, the applicant, within five years of the date of the 914
application, has not been convicted of, pleaded guilty to, or 915
adjudicated a delinquent child for committing two or more 916
violations of section 2903.13 or 2903.14 of the Revised Code. 917

(h) The applicant, within ten years of the date of the 918
application, has not been convicted of, pleaded guilty to, or 919
adjudicated a delinquent child for committing a violation of 920
section 2921.33 of the Revised Code. 921

(i) The applicant has not been adjudicated as a mental 922
defective, has not been committed to any mental institution, is 923

not under adjudication of mental incompetence, has not been found 924
by a court to be a mentally ill person subject to hospitalization 925
by court order, and is not an involuntary patient other than one 926
who is a patient only for purposes of observation. As used in this 927
division, "mentally ill person subject to hospitalization by court 928
order" and "patient" have the same meanings as in section 5122.01 929
of the Revised Code. 930

(j) The applicant is not currently subject to a civil 931
protection order, a temporary protection order, or a protection 932
order issued by a court of another state. 933

(k) The applicant certifies that the applicant desires a 934
legal means to carry a concealed handgun for defense of the 935
applicant or a member of the applicant's family while engaged in 936
lawful activity. 937

(l) The applicant submits a competency certification of the 938
type described in division (B)(3) of this section and submits a 939
certification of the type described in division (B)(4) of this 940
section regarding the applicant's reading of the pamphlet prepared 941
by the Ohio peace officer training commission pursuant to section 942
109.731 of the Revised Code. 943

(m) The applicant currently is not subject to a suspension 944
imposed under division (A)(2) of section 2923.128 of the Revised 945
Code of a license to carry a concealed handgun, or a temporary 946
emergency license to carry a concealed handgun, that previously 947
was issued to the applicant under this section or section 948
2923.1213 of the Revised Code. 949

(2)(a) A license to carry a concealed handgun that a sheriff 950
issues under division (D)(1) of this section on or after ~~the~~ 951
~~effective date of this amendment~~ March 14, 2007, shall expire five 952
years after the date of issuance. A license to carry a concealed 953
handgun that a sheriff issued under division (D)(1) of this 954

section prior to ~~the effective date of this amendment~~ March 14, 955
2007, shall expire four years after the date of issuance. 956

If a sheriff issues a license under this section, the sheriff 957
shall place on the license a unique combination of letters and 958
numbers identifying the license in accordance with the procedure 959
prescribed by the Ohio peace officer training commission pursuant 960
to section 109.731 of the Revised Code. 961

(b) If a sheriff denies an application under this section 962
because the applicant does not satisfy the criteria described in 963
division (D)(1) of this section, the sheriff shall specify the 964
grounds for the denial in a written notice to the applicant. The 965
applicant may appeal the denial pursuant to section 119.12 of the 966
Revised Code in the county served by the sheriff who denied the 967
application. If the denial was as a result of the criminal records 968
check conducted pursuant to section 311.41 of the Revised Code and 969
if, pursuant to section 2923.127 of the Revised Code, the 970
applicant challenges the criminal records check results using the 971
appropriate challenge and review procedure specified in that 972
section, the time for filing the appeal pursuant to section 119.12 973
of the Revised Code and this division is tolled during the 974
pendency of the request or the challenge and review. If the court 975
in an appeal under section 119.12 of the Revised Code and this 976
division enters a judgment sustaining the sheriff's refusal to 977
grant to the applicant a license to carry a concealed handgun, the 978
applicant may file a new application beginning one year after the 979
judgment is entered. If the court enters a judgment in favor of 980
the applicant, that judgment shall not restrict the authority of a 981
sheriff to suspend or revoke the license pursuant to section 982
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 983
the license for any proper cause that may occur after the date the 984
judgment is entered. In the appeal, the court shall have full 985
power to dispose of all costs. 986

(3) If the sheriff with whom an application for a license to carry a concealed handgun was filed under this section 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.

(4) If the sheriff determines that the applicant is legally living in the United States and is a resident of the county in which the applicant seeks the license or of an adjacent county but does not yet meet the residency requirements described in division (D)(1)(a) of this section, the sheriff shall not deny the license because of the residency requirements but shall not issue the license until the applicant meets those residency requirements.

(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. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(F) A licensee who wishes to renew a license to carry a concealed handgun issued under this section shall do so not earlier than ninety days before the expiration date of the license and not later than thirty days after the expiration date of the license by filing with the sheriff of the county in which the applicant resides or with the sheriff of an adjacent county an application for renewal of the license obtained pursuant to division (D) of this section, a new color photograph of the licensee that was taken within thirty days prior to the date of

the renewal application, a certification by the applicant that, 1019
subsequent to the issuance of the license, the applicant has 1020
reread the pamphlet prepared by the Ohio peace officer training 1021
commission pursuant to section 109.731 of the Revised Code that 1022
reviews firearms, dispute resolution, and use of deadly force 1023
matters, a new set of fingerprints provided in the manner 1024
specified in division (B)(5) of this section regarding initial 1025
applications for a license to carry a concealed handgun, and a 1026
nonrefundable license renewal fee unless the fee is waived. ~~The~~ 1027
~~licensee also shall submit a competency certification of the type~~ 1028
~~described in division (B)(3) of this section that is not older~~ 1029
~~than six years or a renewed competency certification of the type~~ 1030
~~described in division (C)(4) of this section that is not older~~ 1031
~~than six years.~~ A sheriff shall accept a completed renewal 1032
application and the fee, items, materials, and information 1033
specified in this division at the times and in the manners 1034
described in division (I) of this section. 1035

Upon receipt of a completed renewal application, color 1036
photograph, certification that the applicant has reread the 1037
specified pamphlet prepared by the Ohio peace officer training 1038
commission, new set of fingerprints, ~~competency certification or~~ 1039
~~renewed competency certification,~~ and license renewal fee unless 1040
the fee is waived, a sheriff, in the manner specified in section 1041
311.41 of the Revised Code shall conduct or cause to be conducted 1042
the criminal records check and the incompetency records check 1043
described in section 311.41 of the Revised Code. The sheriff shall 1044
renew the license if the sheriff determines that the applicant 1045
continues to satisfy the requirements described in division (D)(1) 1046
of this section, except that the applicant is not required to 1047
submit a ~~renewed~~ competency certification ~~only in the~~ 1048
~~circumstances described in division (C)(4) of this section for~~ 1049
renewal. A renewed license that is renewed on or after ~~the~~ 1050
~~effective date of this amendment~~ March 14, 2007, shall expire five 1051

years after the date of issuance, and a renewed license that is renewed prior to ~~the effective date of this amendment~~ March 14, 2007, shall expire four years after the date of issuance. A renewed license is subject to division (E) of this section and sections 2923.126 and 2923.128 of the Revised Code. A sheriff shall comply with divisions (D)(2) to (4) of this section when the circumstances described in those divisions apply to a requested license renewal. If a sheriff denies the renewal of a license to carry a concealed handgun, the applicant may appeal the denial, or challenge the criminal record check results that were the basis of the denial if applicable, in the same manner as specified in division (D)(2)(b) of this section and in section 2923.127 of the Revised Code, regarding the denial of a license under this section.

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

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

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

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

(iii) The ability to demonstrate the knowledge, skills, and

attitude necessary to shoot a handgun in a safe manner; 1083

(iv) Gun handling training. 1084

(b) At least two hours of training that consists of range 1085
time and live-fire training. 1086

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

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

(b) A physical demonstration of competence in the use of a 1094
handgun and in the rules for safe handling and storage of a 1095
handgun and a physical demonstration of the attitude necessary to 1096
shoot a handgun in a safe manner. 1097

(3) The competency certification described in division 1098
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 1099
shall attest that the course, class, or program the applicant 1100
successfully completed met the requirements described in division 1101
(G)(1) of this section and that the applicant passed the 1102
competency examination described in division (G)(2) of this 1103
section. 1104

~~(4) A person who has received a competency certification as 1105
described in division (B)(3) of this section, or who previously 1106
has received a renewed competency certification as described in 1107
this division, may obtain a renewed competency certification 1108
pursuant to this division. If the person has received a competency 1109
certification within the preceding six years, or previously has 1110
received a renewed competency certification within the preceding 1111
six years, the person may obtain a renewed competency 1112
certification from an entity that offers a course, class, or 1113~~

~~program described in division (B)(3)(a), (b), (c), or (e) of this 1114
section by passing a competency examination of the type described 1115
in division (G)(2) of this section. In these circumstances, the 1116
person is not required to attend the course, class, or program in 1117
order to be eligible to take the competency examination for the 1118
renewed competency certification. If more than six years has 1119
elapsed since the person last received a competency certification 1120
or a renewed competency certification, in order for the person to 1121
obtain a renewed competency certification, the person shall both 1122
satisfactorily complete a course, class, or program described in 1123
division (B)(3)(a), (b), (c), or (e) of this section and pass a 1124
competency examination of the type described in division (G)(2) of 1125
this section. A renewed competency certification issued under this 1126
division shall be dated and shall attest that the applicant passed 1127
the competency examination of the type described in division 1128
(G)(2) of this section and, if applicable, that the person 1129
successfully completed a course, class, or program that met the 1130
requirements described in division (G)(1) of this section. 1131~~

(H) Upon deciding to issue a license, deciding to issue a 1132
replacement license, or deciding to renew a license to carry a 1133
concealed handgun pursuant to this section, and before actually 1134
issuing or renewing the license, the sheriff shall make available 1135
through the law enforcement automated data system all information 1136
contained on the license. If the license subsequently is suspended 1137
under division (A)(1) or (2) of section 2923.128 of the Revised 1138
Code, revoked pursuant to division (B)(1) of section 2923.128 of 1139
the Revised Code, or lost or destroyed, the sheriff also shall 1140
make available through the law enforcement automated data system a 1141
notation of that fact. The superintendent of the state highway 1142
patrol shall ensure that the law enforcement automated data system 1143
is so configured as to permit the transmission through the system 1144
of the information specified in this division. 1145

(I) A sheriff shall accept a completed application form or 1146
renewal application, and the fee, items, materials, and 1147
information specified in divisions (B)(1) to (5) or division (F) 1148
of this section, whichever is applicable, and shall provide an 1149
application form or renewal application and a copy of the pamphlet 1150
described in division (B) of section 109.731 of the Revised Code 1151
to any person during at least fifteen hours a week. The sheriff 1152
shall post notice of the hours during which the sheriff is 1153
available to accept or provide the information described in this 1154
division. 1155

Sec. 2923.126. (A)(1) A license to carry a concealed handgun 1156
that is issued under section 2923.125 of the Revised Code on or 1157
after ~~the effective date of this amendment~~ March 14, 2007, shall 1158
expire five years after the date of issuance, and a license that 1159
is so issued prior to ~~the effective date of this amendment~~ March 1160
14, 2007, shall expire four years after the date of issuance. A 1161
licensee who has been issued a license under that section shall be 1162
granted a grace period of thirty days after the licensee's license 1163
expires during which the licensee's license remains valid. Except 1164
as provided in divisions (B) and (C) of this section, a licensee 1165
who has been issued a license under section 2923.125 or 2923.1213 1166
of the Revised Code may carry a concealed handgun anywhere in this 1167
state if the licensee also carries ~~a valid license and~~ valid 1168
identification when the licensee is in actual possession of a 1169
concealed handgun. The authority to carry a concealed handgun 1170
granted under this division applies to a licensee who has been 1171
issued a license or temporary emergency license as described in 1172
this division regardless of whether the licensee is carrying that 1173
license or temporary emergency license when in actual possession 1174
of a concealed handgun. The licensee shall give notice of any 1175
change in the licensee's residence address to the sheriff who 1176
issued the license within forty-five days after that change. 1177

~~If a licensee is the driver or an occupant of a motor vehicle that is stopped as the result of a traffic stop or a stop for another law enforcement purpose and if the licensee is transporting or has a loaded handgun in the motor vehicle at that time, the licensee shall promptly inform any law enforcement officer who approaches the vehicle while stopped that the licensee has been issued a license or temporary emergency license to carry a concealed handgun and that the licensee currently possesses or has a loaded handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of division (E) of section 2923.16 of the Revised Code, after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves. Additionally, if a licensee is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in section 5503.04 of the Revised Code and if the licensee is transporting or has a loaded handgun in the commercial motor vehicle at that time, the licensee shall promptly inform the employee of the unit who approaches the vehicle while stopped that the licensee has been issued a license or temporary emergency license to carry a concealed handgun and that the licensee currently possesses or has a loaded handgun.~~

~~If a licensee is stopped for a law enforcement purpose and if the licensee is carrying a concealed handgun at the time the~~

~~officer approaches, the licensee shall promptly inform any law 1211
enforcement officer who approaches the licensee while stopped that 1212
the licensee has been issued a license or temporary emergency 1213
license to carry a concealed handgun and that the licensee 1214
currently is carrying a concealed handgun; the licensee shall not 1215
knowingly disregard or fail to comply with lawful orders of a law 1216
enforcement officer given while the licensee is stopped or 1217
knowingly fail to keep the licensee's hands in plain sight after 1218
any law enforcement officer begins approaching the licensee while 1219
stopped and before the officer leaves, unless directed otherwise 1220
by a law enforcement officer; and the licensee shall not knowingly 1221
remove, attempt to remove, grasp, or hold the loaded handgun or 1222
knowingly have contact with the loaded handgun by touching it with 1223
the licensee's hands or fingers, in any manner in violation of 1224
division (B) of section 2923.12 of the Revised Code, after any law 1225
enforcement officer begins approaching the licensee while stopped 1226
and before the officer leaves. 1227~~

(2) A person who is legally permitted to purchase a firearm 1228
under the laws of this state and the United States and who would 1229
meet all the requirements for a license to carry a concealed 1230
handgun under division (D)(1) of section 2923.125 of the Revised 1231
Code if the person had submitted an application for a license to 1232
carry a concealed handgun may carry a concealed handgun anywhere 1233
in this state, in the same manner and to the same extent as if the 1234
person had been issued a license to carry a concealed handgun 1235
under section 2923.125 of the Revised Code. The restrictions 1236
specified in divisions (B) and (C) of this section that limit the 1237
authority of a licensee to carry a concealed handgun also apply to 1238
a person who is granted authority under this division to carry a 1239
concealed handgun. For purposes of this division, a person would 1240
meet the requirement for a license that is specified in division 1241
(D)(1)(1) of section 2923.125 of the Revised Code if the person 1242
has a competency certification of any type described in division 1243

(B)(3) of that section, and the person has read the pamphlet 1244
described in division (B)(4) of that section, regardless of 1245
whether the person has submitted to another person certifications 1246
of the types described in divisions (B)(3) and (4) of that 1247
section. 1248

(B) A valid license issued under section 2923.125 or 1249
2923.1213 of the Revised Code does not authorize the licensee to 1250
carry a concealed handgun ~~in any manner prohibited under division~~ 1251
~~(B) of section 2923.12 of the Revised Code or~~ in any manner 1252
prohibited under section 2923.16 of the Revised Code. A valid 1253
license does not authorize the licensee to carry a concealed 1254
handgun into any of the following places: 1255

(1) A police station, sheriff's office, or state highway 1256
patrol station, premises controlled by the bureau of criminal 1257
identification and investigation, a state correctional 1258
institution, jail, workhouse, or other detention facility, an 1259
airport passenger terminal, or an institution that is maintained, 1260
operated, managed, and governed pursuant to division (A) of 1261
section 5119.02 of the Revised Code or division (A)(1) of section 1262
5123.03 of the Revised Code; 1263

(2) A school safety zone, in violation of section 2923.122 of 1264
the Revised Code; 1265

(3) A courthouse or another building or structure in which a 1266
courtroom is located, in violation of section 2923.123 of the 1267
Revised Code; 1268

(4) Any room or open air arena in which liquor is being 1269
dispensed in premises for which a D permit has been issued under 1270
Chapter 4303. of the Revised Code, in violation of section 1271
2923.121 of the Revised Code; 1272

(5) ~~Any premises owned or leased by any public or private~~ 1273
~~college, university, or other institution of higher education,~~ 1274

~~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;~~ 1275
1276
1277

~~(6) Any church, synagogue, mosque, or other place of worship,
unless the church, synagogue, mosque, or other place of worship
posts or permits otherwise;~~ 1278
1279
1280

~~(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;~~ 1281
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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;~~ 1291
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1293
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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;~~ 1295
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~~(10)~~(6) A place in which federal law prohibits the carrying
of handguns. 1300
1301

(C)(1) Nothing in this section shall negate or restrict a 1302
rule, policy, or practice of a private employer that is not a 1303
private college, university, or other institution of higher 1304
education concerning or prohibiting the presence of firearms on 1305

the private employer's premises or property, including motor 1306
vehicles owned by the private employer. Nothing in this section 1307
shall require a private employer of that nature to adopt a rule, 1308
policy, or practice concerning or prohibiting the presence of 1309
firearms on the private employer's premises or property, including 1310
motor vehicles owned by the private employer. 1311

(2)(a) A private employer shall be immune from liability in a 1312
civil action for any injury, death, or loss to person or property 1313
that allegedly was caused by or related to a licensee bringing a 1314
handgun onto the premises or property of the private employer, 1315
including motor vehicles owned by the private employer, unless the 1316
private employer acted with malicious purpose. A private employer 1317
is immune from liability in a civil action for any injury, death, 1318
or loss to person or property that allegedly was caused by or 1319
related to the private employer's decision to permit a licensee to 1320
bring, or prohibit a licensee from bringing, a handgun onto the 1321
premises or property of the private employer. As used in this 1322
division, "private employer" includes a private college, 1323
university, or other institution of higher education. 1324

(b) A political subdivision shall be immune from liability in 1325
a civil action, to the extent and in the manner provided in 1326
Chapter 2744. of the Revised Code, for any injury, death, or loss 1327
to person or property that allegedly was caused by or related to a 1328
licensee bringing a handgun onto any premises or property owned, 1329
leased, or otherwise under the control of the political 1330
subdivision. As used in this division, "political subdivision" has 1331
the same meaning as in section 2744.01 of the Revised Code. 1332

(3) The owner or person in control of private land or 1333
premises, and a private person or entity leasing land or premises 1334
owned by the state, the United States, or a political subdivision 1335
of the state or the United States, may post a sign in a 1336
conspicuous location on that land or on those premises prohibiting 1337

persons from carrying firearms or concealed firearms on or onto 1338
that land or those premises. A person who knowingly violates a 1339
posted prohibition of that nature is guilty of criminal trespass 1340
in violation of division (A)(4) of section 2911.21 of the Revised 1341
Code and is guilty of a misdemeanor of the fourth degree. 1342

(D) A person who holds a license to carry a concealed handgun 1343
that was issued pursuant to the law of another state that is 1344
recognized by the attorney general pursuant to a reciprocity 1345
agreement entered into pursuant to section 109.69 of the Revised 1346
Code has the same right to carry a concealed handgun in this state 1347
as a person who was issued a license to carry a concealed handgun 1348
under section 2923.125 of the Revised Code and is subject to the 1349
same restrictions that apply to a person who carries a license 1350
issued under that section. 1351

(E) A peace officer has the same right to carry a concealed 1352
handgun in this state as a person who was issued a license to 1353
carry a concealed handgun under section 2923.125 of the Revised 1354
Code. For purposes of reciprocity with other states, a peace 1355
officer shall be considered to be a licensee in this state. 1356

(F)(1) A qualified retired peace officer who possesses a 1357
retired peace officer identification card issued pursuant to 1358
division (F)(2) of this section and a valid firearms 1359
requalification certification issued pursuant to division (F)(3) 1360
of this section has the same right to carry a concealed handgun in 1361
this state as a person who was issued a license to carry a 1362
concealed handgun under section 2923.125 of the Revised Code and 1363
is subject to the same restrictions that apply to a person who 1364
carries a license issued under that section. For purposes of 1365
reciprocity with other states, a qualified retired peace officer 1366
who possesses a retired peace officer identification card issued 1367
pursuant to division (F)(2) of this section and a valid firearms 1368
requalification certification issued pursuant to division (F)(3) 1369

of this section shall be considered to be a licensee in this 1370
state. 1371

(2)(a) Each public agency of this state or of a political 1372
subdivision of this state that is served by one or more peace 1373
officers shall issue a retired peace officer identification card 1374
to any person who retired from service as a peace officer with 1375
that agency, if the issuance is in accordance with the agency's 1376
policies and procedures and if the person, with respect to the 1377
person's service with that agency, satisfies all of the following: 1378

(i) The person retired in good standing from service as a 1379
peace officer with the public agency, and the retirement was not 1380
for reasons of mental instability. 1381

(ii) Before retiring from service as a peace officer with 1382
that agency, the person was authorized to engage in or supervise 1383
the prevention, detection, investigation, or prosecution of, or 1384
the incarceration of any person for, any violation of law and the 1385
person had statutory powers of arrest. 1386

(iii) At the time of the person's retirement as a peace 1387
officer with that agency, the person was trained and qualified to 1388
carry firearms in the performance of the peace officer's duties. 1389

(iv) Before retiring from service as a peace officer with 1390
that agency, the person was regularly employed as a peace officer 1391
for an aggregate of fifteen years or more, or, in the alternative, 1392
the person retired from service as a peace officer with that 1393
agency, after completing any applicable probationary period of 1394
that service, due to a service-connected disability, as determined 1395
by the agency. 1396

(v) The person has a nonforfeitable right to benefits under 1397
the retirement plan of that agency. 1398

(b) A retired peace officer identification card issued to a 1399
person under division (F)(2)(a) of this section shall identify the 1400

person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section, the public agency may provide the retired peace officer with the opportunity to

attend a firearms requalification program that is approved for 1433
purposes of firearms requalification required under section 1434
109.801 of the Revised Code. The retired peace officer may be 1435
required to pay the cost of the course. 1436

If a retired peace officer who satisfies the criteria set 1437
forth in divisions (F)(2)(a)(i) to (v) of this section attends a 1438
firearms requalification program that is approved for purposes of 1439
firearms requalification required under section 109.801 of the 1440
Revised Code, the retired peace officer's successful completion of 1441
the firearms requalification program requalifies the retired peace 1442
officer for purposes of division (F) of this section for one year 1443
from the date on which the program was successfully completed, and 1444
the requalification is valid during that one-year period. If a 1445
retired peace officer who satisfies the criteria set forth in 1446
divisions (F)(2)(a)(i) to (v) of this section satisfactorily 1447
completes such a firearms requalification program, the retired 1448
peace officer shall be issued a firearms requalification 1449
certification that identifies the retired peace officer by name, 1450
identifies the entity that taught the program, specifies that the 1451
retired peace officer successfully completed the program, 1452
specifies the date on which the course was successfully completed, 1453
and specifies that the requalification is valid for one year from 1454
that date of successful completion. The firearms requalification 1455
certification for a retired peace officer may be included in the 1456
retired peace officer identification card issued to the retired 1457
peace officer under division (F)(2) of this section. 1458

A retired peace officer who attends a firearms 1459
requalification program that is approved for purposes of firearms 1460
requalification required under section 109.801 of the Revised Code 1461
may be required to pay the cost of the program. 1462

(4) As used in division (F) of this section: 1463

(a) "Qualified retired peace officer" means a person who 1464

satisfies all of the following: 1465

(i) The person satisfies the criteria set forth in divisions 1466
(F)(2)(a)(i) to (v) of this section. 1467

(ii) The person is not under the influence of alcohol or 1468
another intoxicating or hallucinatory drug or substance. 1469

(iii) The person is not prohibited by federal law from 1470
receiving firearms. 1471

(b) "Retired peace officer identification card" means an 1472
identification card that is issued pursuant to division (F)(2) of 1473
this section to a person who is a retired peace officer. 1474

Sec. 2923.128. (A)(1)(a) If a licensee holding a valid 1475
license issued under section 2923.125 or 2923.1213 of the Revised 1476
Code is arrested for or otherwise charged with an offense 1477
described in division (D)(1)(d) of section 2923.125 of the Revised 1478
Code or with a violation of section 2923.15 of the Revised Code or 1479
becomes subject to a temporary protection order or to a protection 1480
order issued by a court of another state that is substantially 1481
equivalent to a temporary protection order, the sheriff who issued 1482
the license or temporary emergency license shall suspend it and 1483
shall comply with division (A)(3) of this section upon becoming 1484
aware of the arrest, charge, or protection order. Upon suspending 1485
the license or temporary emergency license, the sheriff also shall 1486
comply with division (H) of section 2923.125 of the Revised Code. 1487

(b) A suspension under division (A)(1)(a) of this section 1488
shall be considered as beginning on the date that the licensee is 1489
arrested for or otherwise charged with an offense described in 1490
that division or on the date the appropriate court issued the 1491
protection order described in that division, irrespective of when 1492
the sheriff notifies the licensee under division (A)(3) of this 1493
section. The suspension shall end on the date on which the charges 1494

are dismissed or the licensee is found not guilty of the offense 1495
described in division (A)(1)(a) of this section or, subject to 1496
division (B) of this section, on the date the appropriate court 1497
terminates the protection order described in that division. If the 1498
suspension so ends, the sheriff shall return the license or 1499
temporary emergency license to the licensee. 1500

(2)(a) If a licensee holding a valid license issued under 1501
section 2923.125 or 2923.1213 of the Revised Code is convicted of 1502
or pleads guilty to a misdemeanor violation of ~~division (B)(1),~~ 1503
~~(2), or (4) of section 2923.12 of the Revised Code or of~~ division 1504
(E)~~(3), (4), or (6)~~ of section 2923.16 of the Revised Code, the 1505
sheriff who issued the license or temporary emergency license 1506
shall suspend it and shall comply with division (A)(3) of this 1507
section upon becoming aware of the conviction or guilty plea. Upon 1508
suspending the license or temporary emergency license, the sheriff 1509
also shall comply with division (H) of section 2923.125 of the 1510
Revised Code. 1511

(b) A suspension under division (A)(2)(a) of this section 1512
shall be considered as beginning on the date that the licensee is 1513
convicted of or pleads guilty to the offense described in that 1514
division, irrespective of when the sheriff notifies the licensee 1515
under division (A)(3) of this section. ~~If the~~ The suspension ~~is~~ 1516
~~imposed for a misdemeanor violation of division (B)(1) or (2) of~~ 1517
~~section 2923.12 of the Revised Code or of division (E)(3) or (4)~~ 1518
~~of section 2923.16 of the Revised Code, it shall end of the date~~ 1519
~~that is one year after the date that the licensee is convicted of~~ 1520
~~or pleads guilty to that violation. If the suspension is imposed~~ 1521
~~for a misdemeanor violation of division (B)(4) of section 2923.12~~ 1522
~~of the Revised Code or of division (E)(6) of section 2923.16 of~~ 1523
~~the Revised Code, it shall end on the date that is two years after~~ 1524
the date that the licensee is convicted of or pleads guilty to 1525
~~that violation~~ the offense. If the licensee's license was issued 1526

under section 2923.125 of the Revised Code and the license remains 1527
valid after the suspension ends as described in this division, 1528
when the suspension ends, the sheriff shall return the license to 1529
the licensee. If the licensee's license was issued under section 1530
2923.125 of the Revised Code and the license expires before the 1531
suspension ends as described in this division, or if the 1532
licensee's license was issued under section 2923.1213 of the 1533
Revised Code, the licensee is not eligible to apply for a new 1534
license under section 2923.125 or 2923.1213 of the Revised Code or 1535
to renew the license under section 2923.125 of the Revised Code 1536
until after the suspension ends as described in this division. 1537

(3) Upon becoming aware of an arrest, charge, or protection 1538
order described in division (A)(1)(a) of this section with respect 1539
to a licensee who was issued a license under section 2923.125 or 1540
2923.1213 of the Revised Code, or a conviction of or plea of 1541
guilty to a misdemeanor offense described in division (A)(2)(a) of 1542
this section with respect to a licensee who was issued a license 1543
under either section, the sheriff who issued the licensee's 1544
license or temporary emergency license to carry a concealed 1545
handgun shall notify the licensee, by certified mail, return 1546
receipt requested, at the licensee's last known residence address 1547
that the license or temporary emergency license has been suspended 1548
and that the licensee is required to surrender the license or 1549
temporary emergency license at the sheriff's office within ten 1550
days of the date on which the notice was mailed. If the suspension 1551
is pursuant to division (A)(2) of this section, the notice shall 1552
identify the date on which the suspension ends. 1553

(B)(1) A sheriff who issues a license or temporary emergency 1554
license to carry a concealed handgun to a licensee under section 1555
2923.125 or 2923.1213 of the Revised Code shall revoke the license 1556
or temporary emergency license in accordance with division (B)(2) 1557
of this section upon becoming aware that the licensee satisfies 1558

any of the following:	1559
(a) The licensee is under twenty-one years of age.	1560
(b) At the time of the issuance of the license or temporary emergency license, the licensee did not satisfy the eligibility requirements of division (D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the Revised Code.	1561 1562 1563 1564
(c) On or after the date on which the license or temporary emergency license was issued, the licensee is convicted of or pleads guilty to a violation of section 2923.15 of the Revised Code or an offense described in division (D)(1)(e), (f), (g), or (h) of section 2923.125 of the Revised Code.	1565 1566 1567 1568 1569
(d) On or after the date on which the license or temporary emergency license was issued, the licensee becomes subject to a civil protection order or to a protection order issued by a court of another state that is substantially equivalent to a civil protection order.	1570 1571 1572 1573 1574
(e) The licensee knowingly carries a concealed handgun into a place that the licensee knows is an unauthorized place specified in division (B) of section 2923.126 of the Revised Code.	1575 1576 1577
(f) On or after the date on which the license or temporary emergency license was issued, the licensee is adjudicated as a mental defective or is committed to a mental institution.	1578 1579 1580
(g) At the time of the issuance of the license or temporary emergency license, the licensee did not meet the residency requirements described in division (D)(1) of section 2923.125 of the Revised Code and currently does not meet the residency requirements described in that division.	1581 1582 1583 1584 1585
(h) Regarding a license issued under section 2923.125 of the Revised Code, the competency certificate the licensee submitted was forged or otherwise was fraudulent.	1586 1587 1588

(2) Upon becoming aware of any circumstance listed in 1589
division (B)(1) of this section that applies to a particular 1590
licensee who was issued a license under section 2923.125 or 1591
2923.1213 of the Revised Code, the sheriff who issued the license 1592
or temporary emergency license to carry a concealed handgun to the 1593
licensee shall notify the licensee, by certified mail, return 1594
receipt requested, at the licensee's last known residence address 1595
that the license or temporary emergency license is subject to 1596
revocation and that the licensee may come to the sheriff's office 1597
and contest the sheriff's proposed revocation within fourteen days 1598
of the date on which the notice was mailed. After the fourteen-day 1599
period and after consideration of any information that the 1600
licensee provides during that period, if the sheriff determines on 1601
the basis of the information of which the sheriff is aware that 1602
the licensee is described in division (B)(1) of this section and 1603
no longer satisfies the requirements described in division (D)(1) 1604
of section 2923.125 of the Revised Code that are applicable to the 1605
licensee's type of license, the sheriff shall revoke the license 1606
or temporary emergency license, notify the licensee of that fact, 1607
and require the licensee to surrender the license or temporary 1608
emergency license. Upon revoking the license or temporary 1609
emergency license, the sheriff also shall comply with division (H) 1610
of section 2923.125 of the Revised Code. 1611

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 1612
bureau of criminal identification and investigation, the employees 1613
of the bureau, the Ohio peace officer training commission, or the 1614
employees of the commission make a good faith effort in performing 1615
the duties imposed upon the sheriff, the superintendent, the 1616
bureau's employees, the commission, or the commission's employees 1617
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 1618
Revised Code, in addition to the personal immunity provided by 1619
section 9.86 of the Revised Code or division (A)(6) of section 1620

2744.03 of the Revised Code and the governmental immunity of 1621
sections 2744.02 and 2744.03 of the Revised Code and in addition 1622
to any other immunity possessed by the bureau, the commission, and 1623
their employees, the sheriff, the sheriff's office, the county in 1624
which the sheriff has jurisdiction, the bureau, the superintendent 1625
of the bureau, the bureau's employees, the commission, and the 1626
commission's employees are immune from liability in a civil action 1627
for injury, death, or loss to person or property that allegedly 1628
was caused by or related to any of the following: 1629

(a) The issuance, renewal, suspension, or revocation of a 1630
license to carry a concealed handgun or the issuance, suspension, 1631
or revocation of a temporary emergency license to carry a 1632
concealed handgun; 1633

(b) The failure to issue, renew, suspend, or revoke a license 1634
to carry a concealed handgun or the failure to issue, suspend, or 1635
revoke a temporary emergency license to carry a concealed handgun; 1636

(c) Any action or misconduct with a handgun committed by a 1637
licensee. 1638

(2) Any action of a sheriff relating to the issuance, 1639
renewal, suspension, or revocation of a license to carry a 1640
concealed handgun or the issuance, suspension, or revocation of a 1641
temporary emergency license to carry a concealed handgun shall be 1642
considered to be a governmental function for purposes of Chapter 1643
2744. of the Revised Code. 1644

(3) An entity that or instructor who provides a competency 1645
certification of a type described in division (B)(3) of section 1646
2923.125 of the Revised Code is immune from civil liability that 1647
might otherwise be incurred or imposed for any death or any injury 1648
or loss to person or property that is caused by or related to a 1649
person to whom the entity or instructor has issued the competency 1650
certificate if all of the following apply: 1651

(a) The alleged liability of the entity or instructor relates 1652
to the training provided in the course, class, or program covered 1653
by the competency certificate. 1654

(b) The entity or instructor makes a good faith effort in 1655
determining whether the person has satisfactorily completed the 1656
course, class, or program and makes a good faith effort in 1657
assessing the person in the competency examination conducted 1658
pursuant to division (G)(2) of section 2923.125 of the Revised 1659
Code. 1660

(c) The entity or instructor did not issue the competency 1661
certificate with malicious purpose, in bad faith, or in a wanton 1662
or reckless manner. 1663

~~(4) An entity that or instructor who provides a renewed 1664
competency certification of a type described in division (G)(4) of 1665
section 2923.125 of the Revised Code is immune from civil 1666
liability that might otherwise be incurred or imposed for any 1667
death or any injury or loss to person or property that is caused 1668
by or related to a person to whom the entity or instructor has 1669
issued the renewed competency certificate if all of the following 1670
apply: 1671~~

~~(a) The entity or instructor makes a good faith effort in 1672
assessing the person in the competency examination conducted 1673
pursuant to division (G)(2) of section 2923.125 of the Revised 1674
Code. 1675~~

~~(b) The entity or instructor did not issue the renewed 1676
competency certificate with malicious purpose, in bad faith, or in 1677
a wanton or reckless manner. 1678~~

~~(5) A law enforcement agency that employs a peace officer is 1679
immune from liability in a civil action to recover damages for 1680
injury, death, or loss to person or property allegedly caused by 1681
any act of that peace officer if the act occurred while the peace 1682~~

officer carried a concealed handgun and was off duty and if the 1683
act allegedly involved the peace officer's use of the concealed 1684
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 1685
Code apply to any civil action involving a peace officer's use of 1686
a concealed handgun in the performance of the peace officer's 1687
official duties while the peace officer is off duty. 1688

(B)~~(1)~~ Notwithstanding section 149.43 of the Revised Code, 1689
~~except as provided in division (B)(2) of this section,~~ the records 1690
that a sheriff keeps relative to the issuance, renewal, 1691
suspension, or revocation of a license to carry a concealed 1692
handgun or the issuance, suspension, or revocation of a temporary 1693
emergency license to carry a concealed handgun, including, but not 1694
limited to, completed applications for the issuance or renewal of 1695
a license, completed affidavits submitted regarding an application 1696
for a temporary emergency license, reports of criminal records 1697
checks and incompetency records checks under section 311.41 of the 1698
Revised Code, and applicants' social security numbers and 1699
fingerprints that are obtained under division (A) of section 1700
311.41 of the Revised Code, are confidential and are not public 1701
records. ~~Except as provided in division (B)(2) of this section, no~~ 1702
No person shall release or otherwise disseminate records that are 1703
confidential under this division unless required to do so pursuant 1704
to a court order. 1705

~~(2) Upon a written request made to a sheriff and signed by a~~ 1706
~~journalist on or after the effective date of this section, the~~ 1707
~~sheriff shall disclose to the journalist the name, county of~~ 1708
~~residence, and date of birth of each person to whom the sheriff~~ 1709
~~has issued a license or replacement license to carry a concealed~~ 1710
~~handgun, renewed a license to carry a concealed handgun, or issued~~ 1711
~~a temporary emergency license or replacement temporary emergency~~ 1712
~~license to carry a concealed handgun under section 2923.125 or~~ 1713
~~2923.1213 of the Revised Code. The request shall include the~~ 1714

~~journalist's name and title, shall include the name and address of 1715
the journalist's employer, and shall state that disclosure of the 1716
information sought would be in the public interest. 1717~~

~~As used in division (B)(2) of this section, "journalist" 1718
means a person engaged in, connected with, or employed by any news 1719
medium, including a newspaper, magazine, press association, news 1720
agency, or wire service, a radio or television station, or a 1721
similar medium, for the purpose of gathering, processing, 1722
transmitting, compiling, editing, or disseminating information for 1723
the general public. 1724~~

(C) Each sheriff shall report to the Ohio peace officer 1725
training commission the number of licenses to carry a concealed 1726
handgun that the sheriff issued, renewed, suspended, revoked, or 1727
denied during the previous quarter of the calendar year, the 1728
number of applications for those licenses for which processing was 1729
suspended in accordance with division (D)(3) of section 2923.125 1730
of the Revised Code during the previous quarter of the calendar 1731
year, and the number of temporary emergency licenses to carry a 1732
concealed handgun that the sheriff issued, suspended, revoked, or 1733
denied during the previous quarter of the calendar year. The 1734
sheriff shall not include in the report the name or any other 1735
identifying information of an applicant or licensee. The sheriff 1736
shall report that information in a manner that permits the 1737
commission to maintain the statistics described in division (D) of 1738
section 109.731 of the Revised Code and to timely prepare the 1739
statistical report described in that division. The information 1740
that is received by the commission under this division is a public 1741
record kept by the commission for the purposes of section 149.43 1742
of the Revised Code. 1743

(D) Law enforcement agencies may use the information a 1744
sheriff makes available through the use of the law enforcement 1745
automated data system pursuant to division (H) of section 2923.125 1746

or division (B)(2) or (D) of section 2923.1213 of the Revised Code 1747
for law enforcement purposes only. The information is confidential 1748
and is not a public record. A person who releases or otherwise 1749
disseminates this information obtained through the law enforcement 1750
automated data system in a manner not described in this division 1751
is guilty of a violation of section 2913.04 of the Revised Code. 1752

(E) Whoever violates division (B) of this section is guilty 1753
of illegal release of confidential concealed handgun license 1754
records, a felony of the fifth degree. In addition to any 1755
penalties imposed under Chapter 2929. of the Revised Code for a 1756
violation of division (B) of this section or a violation of 1757
section 2913.04 of the Revised Code described in division (D) of 1758
this section, if the offender is a sheriff, an employee of a 1759
sheriff, or any other public officer or employee, and if the 1760
violation was willful and deliberate, the offender shall be 1761
subject to a civil fine of one thousand dollars. Any person who is 1762
harmed by a violation of division (B) or (C) of this section or a 1763
violation of section 2913.04 of the Revised Code described in 1764
division (D) of this section has a private cause of action against 1765
the offender for any injury, death, or loss to person or property 1766
that is a proximate result of the violation and may recover court 1767
costs and attorney's fees related to the action. 1768

Sec. 2923.1212. (A) The following persons, boards, and 1769
entities, or designees, shall post in the following locations a 1770
sign that contains a statement in substantially the following 1771
form: "Unless otherwise authorized by law, pursuant to the Ohio 1772
Revised Code, no person shall knowingly possess, have under the 1773
person's control, convey, or attempt to convey a deadly weapon or 1774
dangerous ordnance onto these premises.": 1775

(1) The director of public safety or the person or board 1776
charged with the erection, maintenance, or repair of police 1777

stations, municipal jails, and the municipal courthouse and 1778
courtrooms in a conspicuous location at all police stations, 1779
municipal jails, and municipal courthouses and courtrooms; 1780

(2) The sheriff or sheriff's designee who has charge of the 1781
sheriff's office in a conspicuous location in that office; 1782

(3) The superintendent of the state highway patrol or the 1783
superintendent's designee in a conspicuous location at all state 1784
highway patrol stations; 1785

(4) Each sheriff, chief of police, or person in charge of 1786
every county, multicounty, municipal, municipal-county, or 1787
multicounty-municipal jail or workhouse, community-based 1788
correctional facility, halfway house, alternative residential 1789
facility, or other local or state correctional institution or 1790
detention facility within the state, or that person's designee, in 1791
a conspicuous location at that facility under that person's 1792
charge; 1793

(5) The board of trustees of a regional airport authority, 1794
chief administrative officer of an airport facility, or other 1795
person in charge of an airport facility in a conspicuous location 1796
at each airport facility under that person's control; 1797

(6) The officer or officer's designee who has charge of a 1798
courthouse or the building or structure in which a courtroom is 1799
located in a conspicuous location in that building or structure; 1800

(7) The superintendent of the bureau of criminal 1801
identification and investigation or the superintendent's designee 1802
in a conspicuous location in all premises controlled by that 1803
bureau; 1804

~~(8) The owner, administrator, or operator of a child day care 1805
center, a type A family day care home, a type B family day care 1806
home, or a type C family day care home; 1807~~

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

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

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

(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;

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

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

(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is

accessible to the operator or any passenger without leaving the 1838
vehicle. 1839

(C) No person shall knowingly transport or have a firearm in 1840
a motor vehicle, unless it is unloaded and is carried in one of 1841
the following ways: 1842

(1) In a closed package, box, or case; 1843

(2) In a compartment that can be reached only by leaving the 1844
vehicle; 1845

(3) In plain sight and secured in a rack or holder made for 1846
the purpose; 1847

(4) In plain sight with the action open or the weapon 1848
stripped, or, if the firearm is of a type on which the action will 1849
not stay open or which cannot easily be stripped, in plain sight. 1850

(D) No person shall knowingly transport or have a loaded 1851
handgun in a motor vehicle if, at the time of that transportation 1852
or possession, any of the following applies: 1853

(1) The person is under the influence of alcohol, a drug of 1854
abuse, or a combination of them. 1855

(2) The person's whole blood, blood serum or plasma, breath, 1856
or urine contains a concentration of alcohol prohibited for 1857
persons operating a vehicle, as specified in division (A) of 1858
section 4511.19 of the Revised Code, regardless of whether the 1859
person at the time of the transportation or possession as 1860
described in this division is the operator of or a passenger in 1861
the motor vehicle. 1862

(E) No person who has been issued a license or temporary 1863
emergency license to carry a concealed handgun under section 1864
2923.125 or 2923.1213 of the Revised Code ~~shall do any of the~~ 1865
~~following:~~ 1866

~~(1) Knowingly transport or have a loaded handgun in a motor~~ 1867

~~vehicle unless one of the following applies:~~ 1868

~~(a) The loaded handgun is in a holster on the person's
person.~~ 1869
1870

~~(b) The loaded handgun is in a closed case, bag, box, or
other container that is in plain sight and that has a lid, a
cover, or a closing mechanism with a zipper, snap, or buckle,
which lid, cover, or closing mechanism must be opened for a person
to gain access to the handgun.~~ 1871
1872
1873
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~~(c) The loaded handgun is securely encased by being stored in
a closed, locked glove compartment or in a case that is locked.~~ 1876
1877

~~(2) If the person is transporting or has a loaded handgun in
a motor vehicle in a manner authorized under division (E)(1) of
this section, knowingly remove or attempt to remove the loaded
handgun from the holster, case, bag, box, container, or glove
compartment, knowingly grasp or hold the loaded handgun, or
knowingly have contact with the loaded handgun by touching it with
the person's hands or fingers while the motor vehicle is being
operated on a street, highway, or public property unless the
person removes, attempts to remove, grasps, holds, or has the
contact with the loaded handgun pursuant to and in accordance with
directions given by a law enforcement officer;~~ 1878
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~~(3) If the person is the driver or an occupant of a motor
vehicle that is stopped as a result of a traffic stop or a stop
for another law enforcement purpose or is the driver or an
occupant of a commercial motor vehicle that is stopped by an
employee of the motor carrier enforcement unit for the purposes
defined in section 5503.34 of the Revised Code, and if the person
is transporting or has a loaded handgun in the motor vehicle or
commercial motor vehicle in any manner, fail to do any of the
following that is applicable:~~ 1889
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~~(a) If the person is the driver or an occupant of a motor~~ 1898

~~vehicle stopped as a result of a traffic stop or a stop for 1899
another law enforcement purpose, fail to promptly inform any law 1900
enforcement officer who approaches the vehicle while stopped that 1901
the person has been issued a license or temporary emergency 1902
license to carry a concealed handgun and that the person then 1903
possesses or has a loaded handgun in the motor vehicle; 1904~~

~~(b) If the person is the driver or an occupant of a 1905
commercial motor vehicle stopped by an employee of the motor 1906
carrier enforcement unit for any of the defined purposes, fail to 1907
promptly inform the employee of the unit who approaches the 1908
vehicle while stopped that the person has been issued a license or 1909
temporary emergency license to carry a concealed handgun and that 1910
the person then possesses or has a loaded handgun in the 1911
commercial motor vehicle. 1912~~

~~(4) If the person is the driver or an occupant of a motor 1913
vehicle that is stopped as a result of a traffic stop or a stop 1914
for another law enforcement purpose and if the person is 1915
transporting or has a loaded handgun in the motor vehicle in any 1916
manner, knowingly fail to remain in the motor vehicle while 1917
stopped or knowingly fail to keep the person's hands in plain 1918
sight at any time after any law enforcement officer begins 1919
approaching the person while stopped and before the law 1920
enforcement officer leaves, unless the failure is pursuant to and 1921
in accordance with directions given by a law enforcement officer; 1922~~

~~(5) If the person or is described in division (F)(5)(b) of 1923
this section, who is the driver or an occupant of a motor vehicle 1924
that is stopped as a result of a traffic stop or a stop for 1925
another law enforcement purpose, if the person and who is 1926
transporting or has a loaded handgun in the motor vehicle in a 1927
manner authorized under division (E)(1) of this section, and if 1928
the person is approached by any law enforcement officer while 1929
stopped, knowingly remove or attempt to remove the loaded handgun 1930~~

~~from the holster, case, bag, box, container, or glove compartment,~~ 1931
~~knowingly grasp or hold the loaded handgun, or knowingly have~~ 1932
~~contact with the loaded handgun by touching it with the person's~~ 1933
~~hands or fingers in the motor vehicle at any time after the law~~ 1934
~~enforcement officer begins approaching and before the law~~ 1935
~~enforcement officer leaves shall, while stopped, knowingly~~ 1936
~~brandish the loaded handgun in a menacing manner while a law~~ 1937
~~enforcement officer is approaching the vehicle or in a law~~ 1938
~~enforcement officer's presence, knowingly threaten a law~~ 1939
~~enforcement officer with the loaded handgun, knowingly point the~~ 1940
~~loaded handgun at a law enforcement officer, or otherwise~~ 1941
~~knowingly cause a law enforcement officer to believe that the~~ 1942
~~person will cause or attempt to cause physical harm to a law~~ 1943
~~enforcement officer with the handgun, unless the person ~~removes,~~~~ 1944
~~attempts to remove, grasps, holds, or has contact with the loaded~~ 1945
~~handgun engages in the conduct pursuant to and in accordance with~~ 1946
directions given by the law enforcement officer; 1947

~~(6) If the person is the driver or an occupant of a motor~~ 1948
~~vehicle that is stopped as a result of a traffic stop or a stop~~ 1949
~~for another law enforcement purpose and if the person is~~ 1950
~~transporting or has a loaded handgun in the motor vehicle in any~~ 1951
~~manner, knowingly disregard or fail to comply with any lawful~~ 1952
~~order of any law enforcement officer given while the motor vehicle~~ 1953
~~is stopped, including, but not limited to, a specific order to the~~ 1954
~~person to keep the person's hands in plain sight.~~ 1955

(F)(1) Divisions (A), (B), (C), and (E) of this section do 1956
not apply to any of the following: 1957

(a) An officer, agent, or employee of this or any other state 1958
or the United States, or a law enforcement officer, when 1959
authorized to carry or have loaded or accessible firearms in motor 1960
vehicles and acting within the scope of the officer's, agent's, or 1961
employee's duties; 1962

(b) Any person who is employed in this state, who is 1963
authorized to carry or have loaded or accessible firearms in motor 1964
vehicles, and who is subject to and in compliance with the 1965
requirements of section 109.801 of the Revised Code, unless the 1966
appointing authority of the person has expressly specified that 1967
the exemption provided in division (F)(1)(b) of this section does 1968
not apply to the person. 1969

(2) Division (A) of this section does not apply to a person 1970
if all of the following circumstances apply: 1971

(a) The person discharges a firearm from a motor vehicle at a 1972
coyote or groundhog, the discharge is not during the deer gun 1973
hunting season as set by the chief of the division of wildlife of 1974
the department of natural resources, and the discharge at the 1975
coyote or groundhog, but for the operation of this section, is 1976
lawful. 1977

(b) The motor vehicle from which the person discharges the 1978
firearm is on real property that is located in an unincorporated 1979
area of a township and that either is zoned for agriculture or is 1980
used for agriculture. 1981

(c) The person owns the real property described in division 1982
(F)(2)(b) of this section, is the spouse or a child of another 1983
person who owns that real property, is a tenant of another person 1984
who owns that real property, or is the spouse or a child of a 1985
tenant of another person who owns that real property. 1986

(d) The person does not discharge the firearm in any of the 1987
following manners: 1988

(i) While under the influence of alcohol, a drug of abuse, or 1989
alcohol and a drug of abuse; 1990

(ii) In the direction of a street, highway, or other public 1991
or private property used by the public for vehicular traffic or 1992
parking; 1993

(iii) At or into an occupied structure that is a permanent or temporary habitation; 1994
1995

(iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle. 1996
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(3) Division (A) of this section does not apply to a person who discharges a firearm in self-defense while in or on a motor vehicle. 2001
2002
2003

(4) Divisions (B) and (C) of this section do not apply to a person if all of the following circumstances apply: 2004
2005

(a) At the time of the alleged violation of either of those divisions, the person is the operator of or a passenger in a motor vehicle. 2006
2007
2008

(b) The motor vehicle is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture. 2009
2010
2011

(c) The person owns the real property described in division ~~(D)~~~~(3)~~(F)(4)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property. 2012
2013
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2016

(d) The person, prior to arriving at the real property described in division ~~(D)~~~~(3)~~(F)(4)(b) of this section, did not transport or possess a firearm in the motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic or parking. 2017
2018
2019
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2023

~~(4)(5)~~ Divisions (B) and (C) of this section do not apply to 2024
a any of the following: 2025

(a) A person who transports or possesses a handgun in a motor 2026
vehicle if, ~~at the time of that transportation or possession, all 2027~~
~~of the following apply:~~ 2028

~~(a) The person transporting or possessing the handgun is 2029~~
~~carrying a valid, who has been issued a license or temporary 2030~~
emergency license to carry a concealed handgun ~~issued to the 2031~~
~~person~~ under section 2923.125 or 2923.1213 of the Revised Code or 2032
a license to carry a concealed handgun ~~that was~~ issued by another 2033
state with which the attorney general has entered into a 2034
reciprocity agreement under section 109.69 of the Revised Code. 2035

~~(b) The person transporting or possessing the handgun, whose 2036~~
license or temporary emergency license issued as described in this 2037
division is valid at the time of the transportation or possession 2038
of the handgun, and who at the time of the transportation or 2039
possession of the handgun is not knowingly in a place described in 2040
division (B) of section 2923.126 of the Revised Code. The 2041
exemption provided in division (F)(5)(a) of this section applies 2042
to a person who has been issued a license or temporary emergency 2043
license as described in division (F)(5)(a) of this section and who 2044
satisfies the other criteria specified for the exemption 2045
regardless of whether the person, at the time of the 2046
transportation or possession of the handgun, is carrying that 2047
license or temporary emergency license. 2048

~~(c) One of the following applies:~~ 2049

~~(i) The handgun is in a holster on the person's person. 2050~~

~~(ii) The handgun is in a closed case, bag, box, or other 2051~~
container that is in plain sight and that has a lid, a cover, or a 2052
closing mechanism with a zipper, snap, or buckle, which lid, 2053
cover, or closing mechanism must be opened for a person to gain 2054

access to the handgun. 2055

~~(iii) The handgun is securely encased by being stored in a 2056
closed, locked glove compartment or in a case that is locked. 2057~~

(b) A person who, at the time of the transportation or 2058
possession of the handgun, is legally permitted to purchase a 2059
firearm under the laws of this state and the United States, would 2060
meet all the requirements for a license to carry a concealed 2061
handgun under division (D)(1) of section 2923.125 of the Revised 2062
Code if the person had submitted an application for a license to 2063
carry a concealed handgun at that time, and is not knowingly in a 2064
place described in division (B) of section 2923.126 of the Revised 2065
Code. For purposes of division (F)(5)(b) of this section, a person 2066
would meet the requirement for a license that is specified in 2067
division (D)(1)(1) of section 2923.125 of the Revised Code if the 2068
person has a competency certification of any type described in 2069
division (B)(3) of that section, and the person has read the 2070
pamphlet described in division (B)(4) of that section, regardless 2071
of whether the person has submitted to another person 2072
certifications of the types described in divisions (B)(3) and (4) 2073
of that section. 2074

(G)(1) The affirmative defenses authorized in divisions 2075
~~(D)(C)~~(1) and (2) of section 2923.12 of the Revised Code are 2076
affirmative defenses to a charge under division (B) or (C) of this 2077
section that involves a firearm other than a handgun. 2078

(2) It is an affirmative defense to a charge under division 2079
(B) or (C) of this section of improperly handling firearms in a 2080
motor vehicle that the actor transported or had the firearm in the 2081
motor vehicle for any lawful purpose and while the motor vehicle 2082
was on the actor's own property, provided that this affirmative 2083
defense is not available unless the person, prior to arriving at 2084
the actor's own property, did not transport or possess the firearm 2085
in a motor vehicle in a manner prohibited by division (B) or (C) 2086

of this section while the motor vehicle was being operated on a 2087
street, highway, or other public or private property used by the 2088
public for vehicular traffic. 2089

(H) No person who is charged with a violation of division 2090
(B), (C), or (D) of this section shall be required to obtain a 2091
license or temporary emergency license to carry a concealed 2092
handgun under section 2923.125 or 2923.1213 of the Revised Code as 2093
a condition for the dismissal of the charge. 2094

(I) Whoever violates this section is guilty of improperly 2095
handling firearms in a motor vehicle. Violation of division (A) of 2096
this section is a felony of the fourth degree. Violation of 2097
division (C) of this section is a misdemeanor of the fourth 2098
degree. A violation of division (D) of this section is a felony of 2099
the fifth degree or, if the loaded handgun is concealed on the 2100
person's person, a felony of the fourth degree. ~~A violation of~~ 2101
~~division (E)(3) of this section is a misdemeanor of the first~~ 2102
~~degree, and, in addition to any other penalty or sanction imposed~~ 2103
~~for the violation, the offender's license or temporary emergency~~ 2104
~~license to carry a concealed handgun shall be suspended pursuant~~ 2105
~~to division (A)(2) of section 2923.128 of the Revised Code. A~~ 2106
~~violation of division (E)(1), (2), or (5) of this section is a~~ 2107
~~felony of the fifth degree. A violation of division (E)(4) or (6)~~ 2108
of this section is a misdemeanor of the first degree or, if the 2109
offender previously has been convicted of or pleaded guilty to a 2110
violation of ~~division (E)(4) or (6) of~~ this section, a felony of 2111
the ~~fifth~~ fourth degree. ~~In addition to any other penalty or~~ 2112
~~sanction imposed for a misdemeanor violation of division (E)(4) or~~ 2113
~~(6) of this section, the offender's license or temporary emergency~~ 2114
~~license to carry a concealed handgun shall be suspended pursuant~~ 2115
~~to division (A)(2) of section 2923.128 of the Revised Code. A~~ 2116
violation of division (B) of this section is ~~whichever of the~~ 2117
~~following is applicable:~~ 2118

~~(1) If, at the time of the transportation or possession in violation of division (B) of this section, the offender was carrying a valid license or temporary emergency license to carry a concealed handgun issued to the offender under section 2923.125 or 2923.1213 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 the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the violation is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (B) of this section, a felony of the fourth degree.~~

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

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

(K) As used in this section:

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

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

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

(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code. 2150
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(5) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan. 2152
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~~(6) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.~~ 2156
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~~(7) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the department of public safety, division of state highway patrol, that is created by section 5503.34 of the Revised Code.~~ 2158
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Section 2. That existing sections 1547.69, 2923.12, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1212, and 2923.16 of the Revised Code are hereby repealed. 2162
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Section 3. That the version of section 2923.129 of the Revised Code that is scheduled to take effect September 29, 2007, be amended to read as follows: 2165
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Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the bureau of criminal identification and investigation, the employees of the bureau, the Ohio peace officer training commission, or the employees of the commission make a good faith effort in performing the duties imposed upon the sheriff, the superintendent, the bureau's employees, the commission, or the commission's employees by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the Revised Code, in addition to the personal immunity provided by section 9.86 of the Revised Code or division (A)(6) of section 2744.03 of the Revised Code and the governmental immunity of sections 2744.02 and 2744.03 of the Revised Code and in addition 2168
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to any other immunity possessed by the bureau, the commission, and 2179
their employees, the sheriff, the sheriff's office, the county in 2180
which the sheriff has jurisdiction, the bureau, the superintendent 2181
of the bureau, the bureau's employees, the commission, and the 2182
commission's employees are immune from liability in a civil action 2183
for injury, death, or loss to person or property that allegedly 2184
was caused by or related to any of the following: 2185

(a) The issuance, renewal, suspension, or revocation of a 2186
license to carry a concealed handgun or the issuance, suspension, 2187
or revocation of a temporary emergency license to carry a 2188
concealed handgun; 2189

(b) The failure to issue, renew, suspend, or revoke a license 2190
to carry a concealed handgun or the failure to issue, suspend, or 2191
revoke a temporary emergency license to carry a concealed handgun; 2192

(c) Any action or misconduct with a handgun committed by a 2193
licensee. 2194

(2) Any action of a sheriff relating to the issuance, 2195
renewal, suspension, or revocation of a license to carry a 2196
concealed handgun or the issuance, suspension, or revocation of a 2197
temporary emergency license to carry a concealed handgun shall be 2198
considered to be a governmental function for purposes of Chapter 2199
2744. of the Revised Code. 2200

(3) An entity that or instructor who provides a competency 2201
certification of a type described in division (B)(3) of section 2202
2923.125 of the Revised Code is immune from civil liability that 2203
might otherwise be incurred or imposed for any death or any injury 2204
or loss to person or property that is caused by or related to a 2205
person to whom the entity or instructor has issued the competency 2206
certificate if all of the following apply: 2207

(a) The alleged liability of the entity or instructor relates 2208
to the training provided in the course, class, or program covered 2209

by the competency certificate. 2210

(b) The entity or instructor makes a good faith effort in 2211
determining whether the person has satisfactorily completed the 2212
course, class, or program and makes a good faith effort in 2213
assessing the person in the competency examination conducted 2214
pursuant to division (G)(2) of section 2923.125 of the Revised 2215
Code. 2216

(c) The entity or instructor did not issue the competency 2217
certificate with malicious purpose, in bad faith, or in a wanton 2218
or reckless manner. 2219

~~(4) An entity that or instructor who provides a renewed 2220
competency certification of a type described in division (G)(4) of 2221
section 2923.125 of the Revised Code is immune from civil 2222
liability that might otherwise be incurred or imposed for any 2223
death or any injury or loss to person or property that is caused 2224
by or related to a person to whom the entity or instructor has 2225
issued the renewed competency certificate if all of the following 2226
apply: 2227~~

~~(a) The entity or instructor makes a good faith effort in 2228
assessing the person in the competency examination conducted 2229
pursuant to division (G)(2) of section 2923.125 of the Revised 2230
Code. 2231~~

~~(b) The entity or instructor did not issue the renewed 2232
competency certificate with malicious purpose, in bad faith, or in 2233
a wanton or reckless manner. 2234~~

~~(5) A law enforcement agency that employs a peace officer is 2235
immune from liability in a civil action to recover damages for 2236
injury, death, or loss to person or property allegedly caused by 2237
any act of that peace officer if the act occurred while the peace 2238
officer carried a concealed handgun and was off duty and if the 2239
act allegedly involved the peace officer's use of the concealed 2240~~

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.

~~(B)(1)~~ Notwithstanding section 149.43 of the Revised Code, ~~except as provided in division (B)(2) of this section,~~ the records that a sheriff keeps relative to the issuance, renewal, suspension, or revocation of a license to carry a concealed handgun or the issuance, suspension, or revocation of a temporary emergency license to carry a concealed handgun, including, but not limited to, completed applications for the issuance or renewal of a license, completed affidavits submitted regarding an application for a temporary emergency license, reports of criminal records checks and incompetency records checks under section 311.41 of the Revised Code, and applicants' social security numbers and fingerprints that are obtained under division (A) of section 311.41 of the Revised Code, are confidential and are not public records. ~~Except as provided in division (B)(2) of this section, no~~ No person shall release or otherwise disseminate records that are confidential under this division unless required to do so pursuant to a court order.

~~(2)(a) A journalist, on or after April 8, 2004, may submit to a sheriff a signed, written request to view the name, county of residence, and date of birth of each person to whom the sheriff has issued a license or replacement license to carry a concealed handgun, renewed a license to carry a concealed handgun, or issued a temporary emergency license or replacement temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code, or a signed, written request to view the name, county of residence, and date of birth of each person for whom the sheriff has suspended or revoked a license to carry a concealed handgun or a temporary emergency license to~~

~~carry a concealed handgun under section 2923.128 of the Revised Code. The request shall include the journalist's name and title, shall include the name and address of the journalist's employer, and shall state that disclosure of the information sought would be in the public interest. If a journalist submits a signed, written request to the sheriff to view the information described in this division, the sheriff shall grant the journalist's request. The journalist shall not copy the name, county of residence, or date of birth of each person to or for whom the sheriff has issued, suspended, or revoked a license described in this division.~~

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

(C) Each sheriff shall report to the Ohio peace officer training commission the number of licenses to carry a concealed handgun that the sheriff issued, renewed, suspended, revoked, or denied during the previous quarter of the calendar year, the number of applications for those licenses for which processing was suspended in accordance with division (D)(3) of section 2923.125 of the Revised Code during the previous quarter of the calendar year, and the number of temporary emergency licenses to carry a concealed handgun that the sheriff issued, suspended, revoked, or denied during the previous quarter of the calendar year. The sheriff shall not include in the report the name or any other identifying information of an applicant or licensee. The sheriff shall report that information in a manner that permits the commission to maintain the statistics described in division (D) of section 109.731 of the Revised Code and to timely prepare the

statistical report described in that division. The information 2305
that is received by the commission under this division is a public 2306
record kept by the commission for the purposes of section 149.43 2307
of the Revised Code. 2308

(D) Law enforcement agencies may use the information a 2309
sheriff makes available through the use of the law enforcement 2310
automated data system pursuant to division (H) of section 2923.125 2311
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 2312
for law enforcement purposes only. The information is confidential 2313
and is not a public record. A person who releases or otherwise 2314
disseminates this information obtained through the law enforcement 2315
automated data system in a manner not described in this division 2316
is guilty of a violation of section 2913.04 of the Revised Code. 2317

(E) Whoever violates division (B) of this section is guilty 2318
of illegal release of confidential concealed handgun license 2319
records, a felony of the fifth degree. In addition to any 2320
penalties imposed under Chapter 2929. of the Revised Code for a 2321
violation of division (B) of this section or a violation of 2322
section 2913.04 of the Revised Code described in division (D) of 2323
this section, if the offender is a sheriff, an employee of a 2324
sheriff, or any other public officer or employee, and if the 2325
violation was willful and deliberate, the offender shall be 2326
subject to a civil fine of one thousand dollars. Any person who is 2327
harmed by a violation of division (B) or (C) of this section or a 2328
violation of section 2913.04 of the Revised Code described in 2329
division (D) of this section has a private cause of action against 2330
the offender for any injury, death, or loss to person or property 2331
that is a proximate result of the violation and may recover court 2332
costs and attorney's fees related to the action. 2333

Section 4. That the existing version of section 2923.129 of 2334
the Revised Code that is to take effect September 29, 2007, is 2335
hereby repealed. 2336