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Am. H. B. No. 450

Representative Goodwin

**Cosponsors: Representatives Wachtmann, Barrett, Peterson, McGregor, J.,
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Letson, Core, Carmichael, Uecker, Blessing, Dyer, Williams, S., Aslanides,
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Otterman, J., Patton, Sayre, Schindel, Schlichter, Schneider, Sears, Setzer,
Stewart, J., Webster, Zehringer**

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A B I L L

To amend sections 2923.125 and 2923.211 of the 1
Revised Code to permit a member of the armed 2
services or the Ohio National Guard who is between 3
the ages of 18 and 21 to purchase a handgun if the 4
person has received firearms training and to 5
clarify the residency criterion for the issuance 6
of a concealed carry license for persons who are 7
absent from, or who are present in, the state in 8
compliance with military or naval orders. 9
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2923.125 and 2923.211 of the Revised 11
Code be amended to read as follows: 12

Sec. 2923.125. (A) Upon the request of a person who wishes to 13
obtain a license to carry a concealed handgun or to renew a 14
license to carry a concealed handgun, a sheriff, as provided in 15
division (I) of this section, shall provide to the person free of 16
charge an application form and a copy of the pamphlet described in 17
division (B) of section 109.731 of the Revised Code. A sheriff 18
shall accept a completed application form and the fee, items, 19
materials, and information specified in divisions (B)(1) to (5) of 20
this section at the times and in the manners described in division 21
(I) of this section. 22

(B) An applicant for a license to carry a concealed handgun 23
shall submit a completed application form and all of the following 24
to the sheriff of the county in which the applicant resides or to 25
the sheriff of any county adjacent to the county in which the 26
applicant resides: 27

(1) A nonrefundable license fee prescribed by the Ohio peace 28
officer training commission pursuant to division (C) of section 29
109.731 of the Revised Code, except that the sheriff shall waive 30
the payment of the license fee in connection with an initial or 31
renewal application for a license that is submitted by an 32
applicant who is a retired peace officer, a retired person 33
described in division (B)(1)(b) of section 109.77 of the Revised 34
Code, or a retired federal law enforcement officer who, prior to 35
retirement, was authorized under federal law to carry a firearm in 36
the course of duty, unless the retired peace officer, person, or 37
federal law enforcement officer retired as the result of a mental 38
disability; 39

(2) A color photograph of the applicant that was taken within 40
thirty days prior to the date of the application; 41

(3) One or more of the following competency certifications, 42
each of which shall reflect that, regarding a certification 43

described in division (B)(3)(a), (b), (c), (e), or (f) of this 44
section, within the three years immediately preceding the 45
application the applicant has performed that to which the 46
competency certification relates and that, regarding a 47
certification described in division (B)(3)(d) of this section, the 48
applicant currently is an active or reserve member of the armed 49
forces of the United States or within the six years immediately 50
preceding the application the honorable discharge or retirement to 51
which the competency certification relates occurred: 52

(a) An original or photocopy of a certificate of completion 53
of a firearms safety, training, or requalification or firearms 54
safety instructor course, class, or program that was offered by or 55
under the auspices of the national rifle association and that 56
complies with the requirements set forth in division (G) of this 57
section; 58

(b) An original or photocopy of a certificate of completion 59
of a firearms safety, training, or requalification or firearms 60
safety instructor course, class, or program that satisfies all of 61
the following criteria: 62

(i) It was open to members of the general public. 63

(ii) It utilized qualified instructors who were certified by 64
the national rifle association, the executive director of the Ohio 65
peace officer training commission pursuant to section 109.75 or 66
109.78 of the Revised Code, or a governmental official or entity 67
of another state. 68

(iii) It was offered by or under the auspices of a law 69
enforcement agency of this or another state or the United States, 70
a public or private college, university, or other similar 71
postsecondary educational institution located in this or another 72
state, a firearms training school located in this or another 73
state, or another type of public or private entity or organization 74

located in this or another state. 75

(iv) It complies with the requirements set forth in division 76
(G) of this section. 77

(c) An original or photocopy of a certificate of completion 78
of a state, county, municipal, or department of natural resources 79
peace officer training school that is approved by the executive 80
director of the Ohio peace officer training commission pursuant to 81
section 109.75 of the Revised Code and that complies with the 82
requirements set forth in division (G) of this section, or the 83
applicant has satisfactorily completed and been issued a 84
certificate of completion of a basic firearms training program, a 85
firearms requalification training program, or another basic 86
training program described in section 109.78 or 109.801 of the 87
Revised Code that complies with the requirements set forth in 88
division (G) of this section; 89

(d) A document that evidences both of the following: 90

(i) That the applicant is an active or reserve member of the 91
armed forces of the United States, was honorably discharged from 92
military service in the active or reserve armed forces of the 93
United States, is a retired trooper of the state highway patrol, 94
or is a retired peace officer or federal law enforcement officer 95
described in division (B)(1) of this section or a retired person 96
described in division (B)(1)(b) of section 109.77 of the Revised 97
Code and division (B)(1) of this section; 98

(ii) That, through participation in the military service or 99
through the former employment described in division (B)(3)(d)(i) 100
of this section, the applicant acquired experience with handling 101
handguns or other firearms, and the experience so acquired was 102
equivalent to training that the applicant could have acquired in a 103
course, class, or program described in division (B)(3)(a), (b), or 104
(c) of this section. 105

(e) A certificate or another similar document that evidences 106
satisfactory completion of a firearms training, safety, or 107
requalification or firearms safety instructor course, class, or 108
program that is not otherwise described in division (B)(3)(a), 109
(b), (c), or (d) of this section, that was conducted by an 110
instructor who was certified by an official or entity of the 111
government of this or another state or the United States or by the 112
national rifle association, and that complies with the 113
requirements set forth in division (G) of this section; 114

(f) An affidavit that attests to the applicant's satisfactory 115
completion of a course, class, or program described in division 116
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 117
by the applicant's instructor or an authorized representative of 118
the entity that offered the course, class, or program or under 119
whose auspices the course, class, or program was offered. 120

(4) A certification by the applicant that the applicant has 121
read the pamphlet prepared by the Ohio peace officer training 122
commission pursuant to section 109.731 of the Revised Code that 123
reviews firearms, dispute resolution, and use of deadly force 124
matters. 125

(5) A set of fingerprints of the applicant provided as 126
described in section 311.41 of the Revised Code through use of an 127
electronic fingerprint reading device or, if the sheriff to whom 128
the application is submitted does not possess and does not have 129
ready access to the use of such a reading device, on a standard 130
impression sheet prescribed pursuant to division (C)(2) of section 131
109.572 of the Revised Code. 132

(C) Upon receipt of an applicant's completed application 133
form, supporting documentation, and, if not waived, license fee, a 134
sheriff, in the manner specified in section 311.41 of the Revised 135
Code, shall conduct or cause to be conducted the criminal records 136
check and the incompetency records check described in section 137

311.41 of the Revised Code. 138

(D)(1) Except as provided in division (D)(3), (4), or (5) of 139
this section, within forty-five days after a sheriff's receipt of 140
an applicant's completed application form for a license to carry a 141
concealed handgun, the supporting documentation, and, if not 142
waived, the license fee, the sheriff shall make available through 143
the law enforcement automated data system in accordance with 144
division (H) of this section the information described in that 145
division and, upon making the information available through the 146
system, shall issue to the applicant a license to carry a 147
concealed handgun that shall expire as described in division 148
(D)(2)(a) of this section if all of the following apply: 149

(a) The applicant is legally living in the United States, has 150
been a resident of this state for at least forty-five days, and 151
has been a resident of the county in which the person seeks the 152
license or a county adjacent to the county in which the person 153
seeks the license for at least thirty days. For purposes of 154
division (D)(1)(a) of this section: 155

(i) If a person is absent from the United States, from this 156
state, or from a particular county in this state in compliance 157
with military or naval orders as an active or reserve member of 158
the armed forces of the United States and if prior to leaving this 159
state in compliance with those orders the person was legally 160
living in the United States and was a resident of this state, the 161
person, solely by reason of that absence, shall not be considered 162
to have lost the person's status as living in the United States or 163
the person's residence in this state or in the county in which the 164
person was a resident prior to leaving this state in compliance 165
with those orders, without regard to whether or not the person 166
intends to return to this state or to that county, shall not be 167
considered to have acquired a residence in any other state, and 168
shall not be considered to have become a resident of any other 169

state. 170

(ii) If a person is present in this state in compliance with 171
military or naval orders as an active or reserve member of the 172
armed forces of the United States for at least forty-five days, 173
the person shall be considered to have been a resident of this 174
state for that period of at least forty-five days, and, if a 175
person is present in a county of this state in compliance with 176
military or naval orders as an active or reserve member of the 177
armed forces of the United States for at least thirty days, the 178
person shall be considered to have been a resident of that county 179
for that period of at least thirty days. 180

(b) The applicant is at least twenty-one years of age. 181

(c) The applicant is not a fugitive from justice. 182

(d) The applicant is not under indictment for or otherwise 183
charged with a felony; an offense under Chapter 2925., 3719., or 184
4729. of the Revised Code that involves the illegal possession, 185
use, sale, administration, or distribution of or trafficking in a 186
drug of abuse; a misdemeanor offense of violence; or a violation 187
of section 2903.14 or 2923.1211 of the Revised Code. 188

(e) The applicant has not been convicted of or pleaded guilty 189
to a felony or an offense under Chapter 2925., 3719., or 4729. of 190
the Revised Code that involves the illegal possession, use, sale, 191
administration, or distribution of or trafficking in a drug of 192
abuse; has not been adjudicated a delinquent child for committing 193
an act that if committed by an adult would be a felony or would be 194
an offense under Chapter 2925., 3719., or 4729. of the Revised 195
Code that involves the illegal possession, use, sale, 196
administration, or distribution of or trafficking in a drug of 197
abuse; and has not been convicted of, pleaded guilty to, or 198
adjudicated a delinquent child for committing a violation of 199
section 2903.13 of the Revised Code when the victim of the 200

violation is a peace officer, regardless of whether the applicant 201
was sentenced under division (C)(3) of that section. 202

(f) The applicant, within three years of the date of the 203
application, has not been convicted of or pleaded guilty to a 204
misdemeanor offense of violence other than a misdemeanor violation 205
of section 2921.33 of the Revised Code or a violation of section 206
2903.13 of the Revised Code when the victim of the violation is a 207
peace officer, or a misdemeanor violation of section 2923.1211 of 208
the Revised Code; and has not been adjudicated a delinquent child 209
for committing an act that if committed by an adult would be a 210
misdemeanor offense of violence other than a misdemeanor violation 211
of section 2921.33 of the Revised Code or a violation of section 212
2903.13 of the Revised Code when the victim of the violation is a 213
peace officer or for committing an act that if committed by an 214
adult would be a misdemeanor violation of section 2923.1211 of the 215
Revised Code. 216

(g) Except as otherwise provided in division (D)(1)(e) of 217
this section, the applicant, within five years of the date of the 218
application, has not been convicted of, pleaded guilty to, or 219
adjudicated a delinquent child for committing two or more 220
violations of section 2903.13 or 2903.14 of the Revised Code. 221

(h) The applicant, within ten years of the date of the 222
application, has not been convicted of, pleaded guilty to, or 223
adjudicated a delinquent child for committing a violation of 224
section 2921.33 of the Revised Code. 225

(i) The applicant has not been adjudicated as a mental 226
defective, has not been committed to any mental institution, is 227
not under adjudication of mental incompetence, has not been found 228
by a court to be a mentally ill person subject to hospitalization 229
by court order, and is not an involuntary patient other than one 230
who is a patient only for purposes of observation. As used in this 231
division, "mentally ill person subject to hospitalization by court 232

order" and "patient" have the same meanings as in section 5122.01 233
of the Revised Code. 234

(j) The applicant is not currently subject to a civil 235
protection order, a temporary protection order, or a protection 236
order issued by a court of another state. 237

(k) The applicant certifies that the applicant desires a 238
legal means to carry a concealed handgun for defense of the 239
applicant or a member of the applicant's family while engaged in 240
lawful activity. 241

(l) The applicant submits a competency certification of the 242
type described in division (B)(3) of this section and submits a 243
certification of the type described in division (B)(4) of this 244
section regarding the applicant's reading of the pamphlet prepared 245
by the Ohio peace officer training commission pursuant to section 246
109.731 of the Revised Code. 247

(m) The applicant currently is not subject to a suspension 248
imposed under division (A)(2) of section 2923.128 of the Revised 249
Code of a license to carry a concealed handgun, or a temporary 250
emergency license to carry a concealed handgun, that previously 251
was issued to the applicant under this section or section 252
2923.1213 of the Revised Code. 253

(2)(a) A license to carry a concealed handgun that a sheriff 254
issues under division (D)(1) of this section on or after ~~the~~ 255
~~effective date of this amendment~~ March 14, 2007, shall expire five 256
years after the date of issuance. A license to carry a concealed 257
handgun that a sheriff issued under division (D)(1) of this 258
section prior to ~~the effective date of this amendment~~ March 14, 259
2007, shall expire four years after the date of issuance. 260

If a sheriff issues a license under this section, the sheriff 261
shall place on the license a unique combination of letters and 262
numbers identifying the license in accordance with the procedure 263

prescribed by the Ohio peace officer training commission pursuant 264
to section 109.731 of the Revised Code. 265

(b) If a sheriff denies an application under this section 266
because the applicant does not satisfy the criteria described in 267
division (D)(1) of this section, the sheriff shall specify the 268
grounds for the denial in a written notice to the applicant. The 269
applicant may appeal the denial pursuant to section 119.12 of the 270
Revised Code in the county served by the sheriff who denied the 271
application. If the denial was as a result of the criminal records 272
check conducted pursuant to section 311.41 of the Revised Code and 273
if, pursuant to section 2923.127 of the Revised Code, the 274
applicant challenges the criminal records check results using the 275
appropriate challenge and review procedure specified in that 276
section, the time for filing the appeal pursuant to section 119.12 277
of the Revised Code and this division is tolled during the 278
pendency of the request or the challenge and review. If the court 279
in an appeal under section 119.12 of the Revised Code and this 280
division enters a judgment sustaining the sheriff's refusal to 281
grant to the applicant a license to carry a concealed handgun, the 282
applicant may file a new application beginning one year after the 283
judgment is entered. If the court enters a judgment in favor of 284
the applicant, that judgment shall not restrict the authority of a 285
sheriff to suspend or revoke the license pursuant to section 286
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 287
the license for any proper cause that may occur after the date the 288
judgment is entered. In the appeal, the court shall have full 289
power to dispose of all costs. 290

(3) If the sheriff with whom an application for a license to 291
carry a concealed handgun was filed under this section becomes 292
aware that the applicant has been arrested for or otherwise 293
charged with an offense that would disqualify the applicant from 294
holding the license, the sheriff shall suspend the processing of 295

the application until the disposition of the case arising from the 296
arrest or charge. 297

(4) If the sheriff determines that the applicant is legally 298
living in the United States and is a resident of the county in 299
which the applicant seeks the license or of an adjacent county but 300
does not yet meet the residency requirements described in division 301
(D)(1)(a) of this section, the sheriff shall not deny the license 302
because of the residency requirements but shall not issue the 303
license until the applicant meets those residency requirements. 304

(E) If a license to carry a concealed handgun issued under 305
this section is lost or is destroyed, the licensee may obtain from 306
the sheriff who issued that license a duplicate license upon the 307
payment of a fee of fifteen dollars and the submission of an 308
affidavit attesting to the loss or destruction of the license. The 309
sheriff, in accordance with the procedures prescribed in section 310
109.731 of the Revised Code, shall place on the replacement 311
license a combination of identifying numbers different from the 312
combination on the license that is being replaced. 313

(F) A licensee who wishes to renew a license to carry a 314
concealed handgun issued under this section shall do so not 315
earlier than ninety days before the expiration date of the license 316
and not later than thirty days after the expiration date of the 317
license by filing with the sheriff of the county in which the 318
applicant resides or with the sheriff of an adjacent county an 319
application for renewal of the license obtained pursuant to 320
division (D) of this section, a new color photograph of the 321
licensee that was taken within thirty days prior to the date of 322
the renewal application, a certification by the applicant that, 323
subsequent to the issuance of the license, the applicant has 324
reread the pamphlet prepared by the Ohio peace officer training 325
commission pursuant to section 109.731 of the Revised Code that 326
reviews firearms, dispute resolution, and use of deadly force 327

matters, a new set of fingerprints provided in the manner 328
specified in division (B)(5) of this section regarding initial 329
applications for a license to carry a concealed handgun, and a 330
nonrefundable license renewal fee unless the fee is waived. The 331
licensee also shall submit a competency certification of the type 332
described in division (B)(3) of this section that is not older 333
than six years or a renewed competency certification of the type 334
described in division (G)(4) of this section that is not older 335
than six years. A sheriff shall accept a completed renewal 336
application and the fee, items, materials, and information 337
specified in this division at the times and in the manners 338
described in division (I) of this section. 339

Upon receipt of a completed renewal application, color 340
photograph, certification that the applicant has reread the 341
specified pamphlet prepared by the Ohio peace officer training 342
commission, new set of fingerprints, competency certification or 343
renewed competency certification, and license renewal fee unless 344
the fee is waived, a sheriff, in the manner specified in section 345
311.41 of the Revised Code shall conduct or cause to be conducted 346
the criminal records check and the incompetency records check 347
described in section 311.41 of the Revised Code. The sheriff shall 348
renew the license if the sheriff determines that the applicant 349
continues to satisfy the requirements described in division (D)(1) 350
of this section, except that the applicant is required to submit a 351
renewed competency certification only in the circumstances 352
described in division (G)(4) of this section. A renewed license 353
that is renewed on or after ~~the effective date of this amendment~~ 354
March 14, 2007, shall expire five years after the date of 355
issuance, and a renewed license that is renewed prior to ~~the~~ 356
~~effective date of this amendment~~ March 14, 2007, shall expire four 357
years after the date of issuance. A renewed license is subject to 358
division (E) of this section and sections 2923.126 and 2923.128 of 359
the Revised Code. A sheriff shall comply with divisions (D)(2) to 360

(4) of this section when the circumstances described in those 361
divisions apply to a requested license renewal. If a sheriff 362
denies the renewal of a license to carry a concealed handgun, the 363
applicant may appeal the denial, or challenge the criminal record 364
check results that were the basis of the denial if applicable, in 365
the same manner as specified in division (D)(2)(b) of this section 366
and in section 2923.127 of the Revised Code, regarding the denial 367
of a license under this section. 368

(G)(1) Each course, class, or program described in division 369
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 370
person who takes the course, class, or program a copy of the 371
pamphlet prepared by the Ohio peace officer training commission 372
pursuant to section 109.731 of the Revised Code that reviews 373
firearms, dispute resolution, and use of deadly force matters. 374
Each such course, class, or program described in one of those 375
divisions shall include at least twelve hours of training in the 376
safe handling and use of a firearm that shall include all of the 377
following: 378

(a) At least ten hours of training on the following matters: 379

(i) The ability to name, explain, and demonstrate the rules 380
for safe handling of a handgun and proper storage practices for 381
handguns and ammunition; 382

(ii) The ability to demonstrate and explain how to handle 383
ammunition in a safe manner; 384

(iii) The ability to demonstrate the knowledge, skills, and 385
attitude necessary to shoot a handgun in a safe manner; 386

(iv) Gun handling training. 387

(b) At least two hours of training that consists of range 388
time and live-fire training. 389

(2) To satisfactorily complete the course, class, or program 390

described in division (B)(3)(a), (b), (c), or (e) of this section, 391
the applicant shall pass a competency examination that shall 392
include both of the following: 393

(a) A written section on the ability to name and explain the 394
rules for the safe handling of a handgun and proper storage 395
practices for handguns and ammunition; 396

(b) A physical demonstration of competence in the use of a 397
handgun and in the rules for safe handling and storage of a 398
handgun and a physical demonstration of the attitude necessary to 399
shoot a handgun in a safe manner. 400

(3) The competency certification described in division 401
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 402
shall attest that the course, class, or program the applicant 403
successfully completed met the requirements described in division 404
(G)(1) of this section and that the applicant passed the 405
competency examination described in division (G)(2) of this 406
section. 407

(4) A person who has received a competency certification as 408
described in division (B)(3) of this section, or who previously 409
has received a renewed competency certification as described in 410
this division, may obtain a renewed competency certification 411
pursuant to this division. If the person has received a competency 412
certification within the preceding six years, or previously has 413
received a renewed competency certification within the preceding 414
six years, the person may obtain a renewed competency 415
certification from an entity that offers a course, class, or 416
program described in division (B)(3)(a), (b), (c), or (e) of this 417
section by passing a competency examination of the type described 418
in division (G)(2) of this section. In these circumstances, the 419
person is not required to attend the course, class, or program in 420
order to be eligible to take the competency examination for the 421
renewed competency certification. If more than six years has 422

elapsed since the person last received a competency certification 423
or a renewed competency certification, in order for the person to 424
obtain a renewed competency certification, the person shall both 425
satisfactorily complete a course, class, or program described in 426
division (B)(3)(a), (b), (c), or (e) of this section and pass a 427
competency examination of the type described in division (G)(2) of 428
this section. A renewed competency certification issued under this 429
division shall be dated and shall attest that the applicant passed 430
the competency examination of the type described in division 431
(G)(2) of this section and, if applicable, that the person 432
successfully completed a course, class, or program that met the 433
requirements described in division (G)(1) of this section. 434

(H) Upon deciding to issue a license, deciding to issue a 435
replacement license, or deciding to renew a license to carry a 436
concealed handgun pursuant to this section, and before actually 437
issuing or renewing the license, the sheriff shall make available 438
through the law enforcement automated data system all information 439
contained on the license. If the license subsequently is suspended 440
under division (A)(1) or (2) of section 2923.128 of the Revised 441
Code, revoked pursuant to division (B)(1) of section 2923.128 of 442
the Revised Code, or lost or destroyed, the sheriff also shall 443
make available through the law enforcement automated data system a 444
notation of that fact. The superintendent of the state highway 445
patrol shall ensure that the law enforcement automated data system 446
is so configured as to permit the transmission through the system 447
of the information specified in this division. 448

(I) A sheriff shall accept a completed application form or 449
renewal application, and the fee, items, materials, and 450
information specified in divisions (B)(1) to (5) or division (F) 451
of this section, whichever is applicable, and shall provide an 452
application form or renewal application and a copy of the pamphlet 453
described in division (B) of section 109.731 of the Revised Code 454

to any person during at least fifteen hours a week. The sheriff 455
shall post notice of the hours during which the sheriff is 456
available to accept or provide the information described in this 457
division. 458

Sec. 2923.211. (A) No person under eighteen years of age 459
shall purchase or attempt to purchase a firearm. 460

(B) No person under twenty-one years of age shall purchase or 461
attempt to purchase a handgun, provided that this division does 462
not apply to the purchase or attempted purchase of a handgun by a 463
person eighteen years of age or older and under twenty-one years 464
of age if ~~the~~ either of the following apply: 465

(1) The person eighteen years of age or older and under 466
twenty one years of age is a law enforcement officer who is 467
properly appointed or employed as a law enforcement officer and 468
has received firearms training approved by the Ohio peace officer 469
training council or equivalent firearms training. 470

(2) The person is an active or reserve member of the armed 471
services of the United States or the Ohio national guard who has 472
received firearms training from the armed services or the national 473
guard or equivalent firearms training. 474

(C) Whoever violates division (A) of this section is guilty 475
of underage purchase of a firearm, a delinquent act that would be 476
a felony of the fourth degree if it could be committed by an 477
adult. Whoever violates division (B) of this section is guilty of 478
underage purchase of a handgun, a misdemeanor of the second 479
degree. 480

Section 2. That existing sections 2923.125 and 2923.211 of 481
the Revised Code are hereby repealed. 482