

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 184

Senator Buehrer

**Cosponsors: Senators Faber, Grendell, Niehaus, Stivers, Padgett, Carey,
Goodman, Mumper, Clancy, Schuring, Schaffer, Schuler, Cafaro, Kearney,
Gardner, Austria, Seitz, Bocchieri, Cates, Fedor, Harris, Spada, Wagoner,
Wilson**

Representatives Uecker, Peterson, Mandel, Dyer

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A B I L L

To amend sections 2307.60, 2901.05, 2923.12, 1
2923.121, 2923.122, 2923.125, 2923.126, 2923.128, 2
2923.129, 2923.1210, 2923.1212, 2923.1213, 3
2923.16, and 2929.14 and to enact sections 4
2307.601, 2901.09, and 2923.163 of the Revised 5
Code to bar recovery of damages in tort actions 6
commenced by criminal offenders in specified 7
circumstances even if the offender has not been 8
charged with or convicted of any offense based on 9
the offender's criminal conduct; to create a 10
rebuttable presumption that a person acted in self 11
defense or defense of another when using defensive 12
force that is intended or likely to cause death or 13
great bodily harm to another if the person against 14
whom the defensive force is used is in the process 15
of entering or has entered, unlawfully and without 16
privilege to do so, the residence or vehicle 17
occupied by the person using the defensive force; 18
to provide in specified circumstances exemptions 19

from illegal possession of firearm in liquor	20
permit premises for the principal permit holder	21
and the holder's agents and employees who are	22
off-duty peace officers; to relocate the penalty	23
for carrying a concealed firearm in liquor permit	24
premises; to provide an exemption from illegal	25
conveyance or possession or deadly weapon or	26
dangerous ordnance in a school safety zone for a	27
concealed carry licensee immediately in the	28
process of picking up or dropping off a child; to	29
change when a concealed carry licensee cannot	30
carry in a government facility; to specify that a	31
concealed carry licensee's carrying of a concealed	32
handgun on a private, posted parking lot is not	33
criminal trespass; to conform the OVI-related	34
portion of improperly handling firearms in a motor	35
vehicle to R.C. 4511.19; to revise how a concealed	36
carry licensee may carry a handgun in a vehicle;	37
to specify when carrying concealed weapons does	38
not apply to transporting or storing a firearm in	39
a motor vehicle or storing or possessing a firearm	40
in the home; to redefine "unloaded" for purposes	41
of improperly handling firearms in a motor vehicle	42
and to revise the elements of that offense as they	43
apply to an unloaded firearm; to alter the	44
requirements for renewing a concealed carry	45
license; to provide that an applicant's	46
convictions or delinquent child adjudications that	47
are sealed or expunged or for which relief from	48
disability has been granted cannot be considered	49
in determining eligibility for a concealed handgun	50
license or whether to suspend or revoke such a	51
license; to remove the requirement for a retired	52

peace officer identification card that the officer 53
have a nonforfeitable right to retirement 54
benefits; to provide that a retired police 55
officer's successful completion of a firearms 56
requalification program requalifies the peace 57
officer for five years for purposes of obtaining 58
the rights of a concealed carry licensee; to 59
prohibit a landlord from prohibiting a concealed 60
carry licensee who is a tenant or guest from 61
lawfully carrying or possessing handguns in 62
residential premises; to require that the 63
integrity and identity of a firearm seized from a 64
person by a law enforcement officer be maintained 65
so that if returned it can be identified and 66
returned in the same condition as when seized; to 67
require a court that finds that a law enforcement 68
officer failed to return a seized firearm upon 69
demand and that orders the officer to return it to 70
the person to award reasonable costs and 71
attorney's fees to the person who sought the 72
order; to make other firearms law-related changes; 73
to prohibit the imposition of a gun specification 74
prison term if the base offense is any of three 75
specified firearms-related offenses; and to remove 76
current sentencing restrictions and impose new 77
sentencing requirements when a court sentences an 78
offender convicted of multiple felonies and 79
multiple gun specifications. 80

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

Section 1. That sections 2307.60, 2901.05, 2923.12, 2923.121, 85
2923.122, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1210, 86
2923.1212, 2923.1213, 2923.16, and 2929.14 be amended and sections 87
2307.601, 2901.09, and 2923.163 of the Revised Code be enacted to 88
read as follows: 89

Sec. 2307.60. (A)(1) Anyone injured in person or property by 90
a criminal act has, and may recover full damages in, a civil 91
action unless specifically excepted by law, may recover the costs 92
of maintaining the civil action and attorney's fees if authorized 93
by any provision of the Rules of Civil Procedure or another 94
section of the Revised Code or under the common law of this state, 95
and may recover punitive or exemplary damages if authorized by 96
section 2315.21 or another section of the Revised Code. 97

(2) A final judgment of a trial court that has not been 98
reversed on appeal or otherwise set aside, nullified, or vacated, 99
entered after a trial or upon a plea of guilty, but not upon a 100
plea of no contest or the equivalent plea from another 101
jurisdiction, that adjudges an offender guilty of an offense of 102
violence punishable by death or imprisonment in excess of one 103
year, when entered as evidence in any subsequent civil proceeding 104
based on the criminal act, shall preclude the offender from 105
denying in the subsequent civil proceeding any fact essential to 106
sustaining that judgment, unless the offender can demonstrate that 107
extraordinary circumstances prevented the offender from having a 108
full and fair opportunity to litigate the issue in the criminal 109
proceeding or other extraordinary circumstances justify affording 110
the offender an opportunity to relitigate the issue. The offender 111
may introduce evidence of the offender's pending appeal of the 112
final judgment of the trial court, if applicable, and the court 113

may consider that evidence in determining the liability of the 114
offender. 115

(B)(1) As used in division (B) of this section, ~~"tort:~~ 116

(a) "Tort action" means a civil action for damages for 117
injury, death, or loss to person or property other than a civil 118
action for damages for a breach of contract or another agreement 119
between persons. "Tort action" includes, but is not limited to, a 120
product liability claim, as defined in section 2307.71 of the 121
Revised Code, and an asbestos claim, as defined in section 2307.91 122
of the Revised Code, an action for wrongful death under Chapter 123
2125. of the Revised Code, and an action based on derivative 124
claims for relief. 125

(b) "Residence" has the same meaning as in section 2901.05 of 126
the Revised Code. 127

(2) Recovery on a claim for relief in a tort action is barred 128
to any person or the person's legal representative if ~~the~~ any of 129
the following apply: 130

(a) The person has been convicted of or has pleaded guilty to 131
a felony, or to a misdemeanor that is an offense of violence, 132
arising out of criminal conduct that was a proximate cause of the 133
injury or loss for which relief is claimed in the tort action. 134

~~(3) Division~~ (b) The person engaged in conduct that, if 135
prosecuted, would constitute a felony, a misdemeanor that is an 136
offense of violence, an attempt to commit a felony, or an attempt 137
to commit a misdemeanor that is an offense of violence and that 138
conduct was a proximate cause of the injury or loss for which 139
relief is claimed in the tort action, regardless of whether the 140
person has been convicted of or pleaded guilty to or has been 141
charged with committing the felony, the misdemeanor, or the 142
attempt to commit the felony or misdemeanor. 143

(c) The person suffered the injury or loss for which relief 144

is claimed in the tort action as a proximate result of the victim 145
of conduct that, if prosecuted, would constitute a felony, a 146
misdemeanor that is an offense of violence, an attempt to commit a 147
felony, or an attempt to commit a misdemeanor that is an offense 148
of violence acting against the person in self-defense, defense of 149
another, or defense of the victim's residence, regardless of 150
whether the person has been convicted of or pleaded guilty to or 151
has been charged with committing the felony, the misdemeanor, or 152
the attempt to commit the felony or misdemeanor. Division 153
(B)(2)(c) of this section does not apply if the person who 154
suffered the injury or loss, at the time of the victim's act of 155
self-defense, defense of another, or defense of residence, was an 156
innocent bystander who had no connection with the underlying 157
conduct that prompted the victim's exercise of self-defense, 158
defense of another, or defense of residence. 159

(3) Recovery against a victim of conduct that, if prosecuted, 160
would constitute a felony, a misdemeanor that is an offense of 161
violence, an attempt to commit a felony, or an attempt to commit a 162
misdemeanor that is an offense of violence, on a claim for relief 163
in a tort action is barred to any person or the person's legal 164
representative if conduct the person engaged in against that 165
victim was a proximate cause of the injury or loss for which 166
relief is claimed in the tort action and that conduct, if 167
prosecuted, would constitute a felony, a misdemeanor that is an 168
offense of violence, an attempt to commit a felony, or an attempt 169
to commit a misdemeanor that is an offense of violence, regardless 170
of whether the person has been convicted of or pleaded guilty to 171
or has been charged with committing the felony, the misdemeanor, 172
or the attempt to commit the felony or misdemeanor. 173

(4) Divisions (B)(1) to (3) of this section ~~does~~ do not apply 174
to civil claims based upon alleged intentionally tortious conduct, 175
alleged violations of the United States Constitution, or alleged 176

violations of statutes of the United States pertaining to civil 177
rights. For purposes of division (B)(4) of this section, a 178
person's act of self-defense, defense of another, or defense of 179
the person's residence does not constitute intentionally tortious 180
conduct. 181

Sec. 2307.601. (A) As used in this section: 182

(1) "Residence" and "vehicle" have the same meanings as in 183
section 2901.05 of the Revised Code. 184

(2) "Tort action" has the same meaning as in section 2307.60 185
of the Revised Code. 186

(B) For purposes of determining the potential liability of a 187
person in a tort action related to the person's use of force 188
alleged to be in self-defense, defense of another, or defense of 189
the person's residence, if the person lawfully is in that person's 190
residence, the person has no duty to retreat before using force in 191
self-defense, defense of another, or defense of that person's 192
residence, and, if the person lawfully is an occupant of that 193
person's vehicle or lawfully is an occupant in a vehicle owned by 194
an immediate family member of the person, the person has no duty 195
to retreat before using force in self-defense or defense of 196
another. 197

Sec. 2901.05. (A) Every person accused of an offense is 198
presumed innocent until proven guilty beyond a reasonable doubt, 199
and the burden of proof for all elements of the offense is upon 200
the prosecution. The burden of going forward with the evidence of 201
an affirmative defense, and the burden of proof, by a 202
preponderance of the evidence, for an affirmative defense, is upon 203
the accused. 204

(B)(1) Subject to division (B)(2) of this section, a person 205
is presumed to have acted in self defense or defense of another 206

when using defensive force that is intended or likely to cause 207
death or great bodily harm to another if the person against whom 208
the defensive force is used is in the process of unlawfully and 209
without privilege to do so entering, or has unlawfully and without 210
privilege to do so entered, the residence or vehicle occupied by 211
the person using the defensive force. 212

(2)(a) The presumption set forth in division (B)(1) of this 213
section does not apply if the person against whom the defensive 214
force is used has a right to be in, or is a lawful resident of, 215
the residence or vehicle. 216

(b) The presumption set forth in division (B)(1) of this 217
section does not apply if the person who uses the defensive force 218
uses it while in a residence or vehicle and the person is 219
unlawfully, and without privilege to be, in that residence or 220
vehicle. 221

(3) The presumption set forth in division (B)(1) of this 222
section is a rebuttable presumption and may be rebutted by a 223
preponderance of the evidence. 224

(C) As part of its charge to the jury in a criminal case, the 225
court shall read the definitions of "reasonable doubt" and "proof 226
beyond a reasonable doubt," contained in division (D) of this 227
section. 228

~~(C)~~(D) As used in this section, an: 229

(1) An "affirmative defense" is either of the following: 230

~~(1)~~(a) A defense expressly designated as affirmative; 231

~~(2)~~(b) A defense involving an excuse or justification 232
peculiarly within the knowledge of the accused, on which ~~he~~ the 233
accused can fairly be required to adduce supporting evidence. 234

(2) "Dwelling" means a building or conveyance of any kind 235
that has a roof over it and that is designed to be occupied by 236

people lodging in the building or conveyance at night, regardless 237
of whether the building or conveyance is temporary or permanent or 238
is mobile or immobile. As used in this division, a building or 239
conveyance includes, but is not limited to, an attached porch, and 240
a building or conveyance with a roof over it includes, but is not 241
limited to, a tent. 242

(3) "Residence" means a dwelling in which a person resides 243
either temporarily or permanently or is visiting as a guest. 244

(4) "Vehicle" means a conveyance of any kind, whether or not 245
motorized, that is designed to transport people or property. 246

~~(D)~~(E) "Reasonable doubt" is present when the jurors, after 247
they have carefully considered and compared all the evidence, 248
cannot say they are firmly convinced of the truth of the charge. 249
It is a doubt based on reason and common sense. Reasonable doubt 250
is not mere possible doubt, because everything relating to human 251
affairs or depending on moral evidence is open to some possible or 252
imaginary doubt. "Proof beyond a reasonable doubt" is proof of 253
such character that an ordinary person would be willing to rely 254
and act upon it in the most important of ~~his~~ the person's own 255
affairs. 256

Sec. 2901.09. (A) As used in this section, "residence" and 257
"vehicle" have the same meanings as in section 2901.05 of the 258
Revised Code. 259

(B) For purposes of any section of the Revised Code that sets 260
forth a criminal offense, a person who lawfully is in that 261
person's residence has no duty to retreat before using force in 262
self-defense, defense of another, or defense of that person's 263
residence, and a person who lawfully is an occupant of that 264
person's vehicle or who lawfully is an occupant in a vehicle owned 265
by an immediate family member of the person has no duty to retreat 266
before using force in self-defense or defense of another. 267

Sec. 2923.12. (A) No person shall knowingly carry or have,	268
concealed on the person's person or concealed ready at hand, any	269
of the following:	270
(1) A deadly weapon other than a handgun;	271
(2) A handgun other than a dangerous ordnance;	272
(3) A dangerous ordnance.	273
(B) No person who has been issued a license or temporary	274
emergency license to carry a concealed handgun under section	275
2923.125 or 2923.1213 of the Revised Code or a license to carry a	276
concealed handgun that was issued by another state with which the	277
attorney general has entered into a reciprocity agreement under	278
section 109.69 of the Revised Code shall do any of the following:	279
(1) If the person is stopped for a law enforcement purpose	280
and is carrying a concealed handgun, fail to promptly inform any	281
law enforcement officer who approaches the person after the person	282
has been stopped that the person has been issued a license or	283
temporary emergency license to carry a concealed handgun and that	284
the person then is carrying a concealed handgun;	285
(2) If the person is stopped for a law enforcement purpose	286
and if the person is carrying a concealed handgun, knowingly fail	287
to keep the person's hands in plain sight at any time after any	288
law enforcement officer begins approaching the person while	289
stopped and before the law enforcement officer leaves, unless the	290
failure is pursuant to and in accordance with directions given by	291
a law enforcement officer;	292
(3) If the person is stopped for a law enforcement purpose,	293
if the person is carrying a concealed handgun, and if the person	294
is approached by any law enforcement officer while stopped,	295
knowingly remove or attempt to remove the loaded handgun from the	296
holster, pocket, or other place in which the person is carrying	297

it, knowingly grasp or hold the loaded handgun, or knowingly have 298
contact with the loaded handgun by touching it with the person's 299
hands or fingers at any time after the law enforcement officer 300
begins approaching and before the law enforcement officer leaves, 301
unless the person removes, attempts to remove, grasps, holds, or 302
has contact with the loaded handgun pursuant to and in accordance 303
with directions given by the law enforcement officer; 304

(4) If the person is stopped for a law enforcement purpose 305
and if the person is carrying a concealed handgun, knowingly 306
disregard or fail to comply with any lawful order of any law 307
enforcement officer given while the person is stopped, including, 308
but not limited to, a specific order to the person to keep the 309
person's hands in plain sight. 310

(C)(1) This section does not apply to any of the following: 311

(a) An officer, agent, or employee of this or any other state 312
or the United States, or to a law enforcement officer, who is 313
authorized to carry concealed weapons or dangerous ordnance or is 314
authorized to carry handguns and is acting within the scope of the 315
officer's, agent's, or employee's duties; 316

(b) Any person who is employed in this state, who is 317
authorized to carry concealed weapons or dangerous ordnance or is 318
authorized to carry handguns, and who is subject to and in 319
compliance with the requirements of section 109.801 of the Revised 320
Code, unless the appointing authority of the person has expressly 321
specified that the exemption provided in division (C)(1)(b) of 322
this section does not apply to the person; 323

(c) A person's transportation or storage of a firearm, other 324
than a firearm described in divisions (G) to (M) of section 325
2923.11 of the Revised Code, in a motor vehicle for any lawful 326
purpose if the firearm is not on the actor's person; 327

(d) A person's storage or possession of a firearm, other than 328

a firearm described in divisions (G) to (M) of section 2923.11 of 329
the Revised Code, in the actor's own home for any lawful purpose. 330

(2) Division (A)(2) of this section does not apply to any 331
person who, at the time of the alleged carrying or possession of a 332
handgun, is carrying a valid license or temporary emergency 333
license to carry a concealed handgun issued to the person under 334
section 2923.125 or 2923.1213 of the Revised Code or a license to 335
carry a concealed handgun that was issued by another state with 336
which the attorney general has entered into a reciprocity 337
agreement under section 109.69 of the Revised Code, unless the 338
person knowingly is in a place described in division (B) of 339
section 2923.126 of the Revised Code. 340

(D) It is an affirmative defense to a charge under division 341
(A)(1) of this section of carrying or having control of a weapon 342
other than a handgun and other than a dangerous ordnance that the 343
actor was not otherwise prohibited by law from having the weapon 344
and that any of the following applies: 345

(1) The weapon was carried or kept ready at hand by the actor 346
for defensive purposes while the actor was engaged in or was going 347
to or from the actor's lawful business or occupation, which 348
business or occupation was of a character or was necessarily 349
carried on in a manner or at a time or place as to render the 350
actor particularly susceptible to criminal attack, such as would 351
justify a prudent person in going armed. 352

(2) The weapon was carried or kept ready at hand by the actor 353
for defensive purposes while the actor was engaged in a lawful 354
activity and had reasonable cause to fear a criminal attack upon 355
the actor, a member of the actor's family, or the actor's home, 356
such as would justify a prudent person in going armed. 357

(3) The weapon was carried or kept ready at hand by the actor 358
for any lawful purpose and while in the actor's own home. 359

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

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

~~(F) No person who is charged with a violation of this section shall be required to obtain a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code as a condition for the dismissal of the charge.~~

~~(G)(F)(1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or division (G)(F)(2) of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or division (G)(F)(2) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed~~

weapons in violation of division (A) of this section is a felony 392
of the fourth degree. Except as otherwise provided in division 393
~~(C)(F)~~(2) of this section, ~~if the weapon involved is a firearm and~~ 394
~~the violation of this section is committed at premises for which a~~ 395
~~D permit has been issued under Chapter 4303. of the Revised Code~~ 396
~~or~~ if the offense is committed aboard an aircraft, or with purpose 397
to carry a concealed weapon aboard an aircraft, regardless of the 398
weapon involved, carrying concealed weapons in violation of 399
division (A) of this section is a felony of the third degree. 400

(2) If a person being arrested for a violation of division 401
(A)(2) of this section promptly produces a valid license or 402
temporary emergency license to carry a concealed handgun issued 403
under section 2923.125 or 2923.1213 of the Revised Code or a 404
license to carry a concealed handgun that was issued by another 405
state with which the attorney general has entered into a 406
reciprocity agreement under section 109.69 of the Revised Code, 407
and if at the time of the violation the person was not knowingly 408
in a place described in division (B) of section 2923.126 of the 409
Revised Code, the officer shall not arrest the person for a 410
violation of that division. If the person is not able to promptly 411
produce any of those types of license and if the person is not in 412
a place described in that section, the officer may arrest the 413
person for a violation of that division, and the offender shall be 414
punished as follows: 415

(a) The offender shall be guilty of a minor misdemeanor if 416
both of the following apply: 417

(i) Within ten days after the arrest, the offender presents a 418
license or temporary emergency license to carry a concealed 419
handgun issued under section 2923.125 or 2923.1213 of the Revised 420
Code or a license to carry a concealed handgun that was issued by 421
another state with which the attorney general has entered into a 422
reciprocity agreement under section 109.69 of the Revised Code, 423

which license was valid at the time of the arrest to the law 424
enforcement agency that employs the arresting officer. 425

(ii) At the time of the arrest, the offender was not 426
knowingly in a place described in division (B) of section 2923.126 427
of the Revised Code. 428

(b) The offender shall be guilty of a misdemeanor and shall 429
be fined five hundred dollars if all of the following apply: 430

(i) The offender previously had been issued a license to 431
carry a concealed handgun under section 2923.125 of the Revised 432
Code or a license to carry a concealed handgun that was issued by 433
another state with which the attorney general has entered into a 434
reciprocity agreement under section 109.69 of the Revised Code and 435
that was similar in nature to a license issued under section 436
2923.125 of the Revised Code, and that license expired within the 437
two years immediately preceding the arrest. 438

(ii) Within forty-five days after the arrest, the offender 439
presents any type of license identified in division 440
~~(G)~~(F)(2)(a)(i) of this section to the law enforcement agency that 441
employed the arresting officer, and the offender waives in writing 442
the offender's right to a speedy trial on the charge of the 443
violation that is provided in section 2945.71 of the Revised Code. 444

(iii) At the time of the commission of the offense, the 445
offender was not knowingly in a place described in division (B) of 446
section 2923.126 of the Revised Code. 447

(c) If neither division ~~(G)~~(F)(2)(a) nor (b) of this section 448
applies, the offender shall be punished under division ~~(G)~~(F)(1) 449
of this section. 450

(3) ~~Carrying~~ Except as otherwise provided in this division, 451
carrying concealed weapons in violation of division (B)(1) of this 452
section is a misdemeanor of the first degree, and, in addition to 453
any other penalty or sanction imposed for a violation of division 454

(B)(1) of this section, the offender's license or temporary
emergency license to carry a concealed handgun shall be suspended
pursuant to division (A)(2) of section 2923.128 of the Revised
Code. If, at the time of the stop of the offender for a law
enforcement purpose that was the basis of the violation, any law
enforcement officer involved with the stop had actual knowledge
that the offender has been issued a license or temporary emergency
license to carry a concealed handgun, carrying concealed weapons
in violation of division (B)(1) of this section is a minor
misdemeanor, and the offender's license or temporary emergency
license to carry a concealed handgun shall not be suspended
pursuant to division (A)(2) of section 2923.128 of the Revised
Code.

(4) Carrying concealed weapons in violation of division
(B)(2) or (4) of this section 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)(2) or (4) of this section, a
felony of the fifth degree. In addition to any other penalty or
sanction imposed for a misdemeanor violation of division (B)(2) or
(4) of this section, the offender's license or temporary emergency
license to carry a concealed handgun shall be suspended pursuant
to division (A)(2) of section 2923.128 of the Revised Code.

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

~~(H)~~(G) If a law enforcement officer stops a person to
question the person regarding a possible violation of this
section, for a traffic stop, or for any other law enforcement
purpose, if the person 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 487
the person at the termination of the stop. If a court orders a law 488
enforcement officer to return a firearm to a person pursuant to 489
the requirement set forth in this division, division (B) of 490
section 2923.163 of the Revised Code applies. 491

Sec. 2923.121. (A) No person shall possess a firearm in any 492
room in which any person is consuming liquor ~~is being dispensed~~ in 493
premises for which a D permit has been issued under Chapter 4303. 494
of the Revised Code or in an open air arena for which a permit of 495
that nature has been issued. 496

(B)(1) This section does not apply to any of the following: 497

(a) An officer, agent, or employee of this or any other state 498
or the United States, or to a law enforcement officer, who is 499
authorized to carry firearms and is acting within the scope of the 500
officer's, agent's, or employee's duties; 501

(b) Any person who is employed in this state, who is 502
authorized to carry firearms, and who is subject to and in 503
compliance with the requirements of section 109.801 of the Revised 504
Code, unless the appointing authority of the person has expressly 505
specified that the exemption provided in division (B)(1)(b) of 506
this section does not apply to the person; 507

~~(2) This section does not apply to any~~ (c) Any room used for 508
the accommodation of guests of a hotel, as defined in section 509
4301.01 of the Revised Code; 510

(d) The principal holder of a D permit issued for premises or 511
an open air arena under Chapter 4303. of the Revised Code while in 512
the premises or open air arena for which the permit was issued if 513
the principal holder of the D permit also possesses a valid 514
license or temporary emergency license to carry a concealed 515
handgun issued to the principal holder under section 2923.125 or 516

2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued to the principal holder by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code and as long as the principal holder is not consuming liquor or under the influence of alcohol or a drug of abuse, or any agent or employee of that holder who also is a peace officer, as defined in section 2151.3515 of the Revised Code, who is off duty, and who otherwise is authorized to carry firearms while in the course of the officer's official duties and while in the premises or open air arena for which the permit was issued and as long as the agent or employee of that holder is not consuming liquor or under the influence of alcohol or a drug of abuse.

(e) Any person who is carrying a valid 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 to the person by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code and who possesses the firearm in a retail store with D-6 and D-8 permits issued for that store under sections 4303.182 and 4303.184 of the Revised Code or a D-8 permit issued for that store under section 4303.184 of the Revised Code, as long as the person is not consuming liquor or under the influence of alcohol or a drug of abuse.

~~(3)~~(2) This section does not prohibit any person who is a member of a veteran's organization, as defined in section 2915.01 of the Revised Code, from possessing a rifle in any room in any premises owned, leased, or otherwise under the control of the veteran's organization, if the rifle is not loaded with live ammunition and if the person otherwise is not prohibited by law from having the rifle.

~~(4)~~(3) This section does not apply to any person possessing 549
or displaying firearms in any room used to exhibit unloaded 550
firearms for sale or trade in a soldiers' memorial established 551
pursuant to Chapter 345. of the Revised Code, in a convention 552
center, or in any other public meeting place, if the person is an 553
exhibitor, trader, purchaser, or seller of firearms and is not 554
otherwise prohibited by law from possessing, trading, purchasing, 555
or selling the firearms. 556

(C) It is an affirmative defense to a charge under this 557
section of illegal possession of a firearm in liquor permit 558
premises that involves the possession of a firearm other than a 559
handgun, that the actor was not otherwise prohibited by law from 560
having the firearm, and that any of the following apply: 561

(1) The firearm was carried or kept ready at hand by the 562
actor for defensive purposes, while the actor was engaged in or 563
was going to or from the actor's lawful business or occupation, 564
which business or occupation was of such character or was 565
necessarily carried on in such manner or at such a time or place 566
as to render the actor particularly susceptible to criminal 567
attack, such as would justify a prudent person in going armed. 568

(2) The firearm was carried or kept ready at hand by the 569
actor for defensive purposes, while the actor was engaged in a 570
lawful activity, and had reasonable cause to fear a criminal 571
attack upon the actor or a member of the actor's family, or upon 572
the actor's home, such as would justify a prudent person in going 573
armed. 574

(D) No person who is charged with a violation of this section 575
shall be required to obtain a license or temporary emergency 576
license to carry a concealed handgun under section 2923.125 or 577
2923.1213 of the Revised Code as a condition for the dismissal of 578
the charge. 579

(E) Whoever violates this section is guilty of illegal possession of a firearm in liquor permit premises⁷. Except as otherwise provided in this division, illegal possession of a firearm in liquor permit premises is a felony of the fifth degree. If the offender commits the violation of this section by knowingly carrying or having the firearm concealed on the offender's person or concealed ready at hand, illegal possession of a firearm in liquor permit premises is a felony of the third degree.

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

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

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

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

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

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

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons

or dangerous ordnance into a school safety zone or to possess a 610
deadly weapon or dangerous ordnance in a school safety zone and 611
who conveys or possesses the deadly weapon or dangerous ordnance 612
in accordance with that authorization; 613

(b) Any person who is employed in this state, who is 614
authorized to carry deadly weapons or dangerous ordnance, and who 615
is subject to and in compliance with the requirements of section 616
109.801 of the Revised Code, unless the appointing authority of 617
the person has expressly specified that the exemption provided in 618
division (D)(1)(b) of this section does not apply to the person. 619

(2) Division (C) of this section does not apply to premises 620
upon which home schooling is conducted. Division (C) of this 621
section also does not apply to a school administrator, teacher, or 622
employee who possesses an object that is indistinguishable from a 623
firearm for legitimate school purposes during the course of 624
employment, a student who uses an object that is indistinguishable 625
from a firearm under the direction of a school administrator, 626
teacher, or employee, or any other person who with the express 627
prior approval of a school administrator possesses an object that 628
is indistinguishable from a firearm for a legitimate purpose, 629
including the use of the object in a ceremonial activity, a play, 630
reenactment, or other dramatic presentation, or a ROTC activity or 631
another similar use of the object. 632

(3) This section does not apply to a person who conveys or 633
attempts to convey a handgun into, or possesses a handgun in, a 634
school safety zone if, at the time of that conveyance, attempted 635
conveyance, or possession of the handgun, all of the following 636
apply: 637

(a) The person does not enter into a school building or onto 638
school premises and is not at a school activity. 639

(b) The person is carrying a valid license or temporary 640

emergency license to carry a concealed handgun issued to the 641
person under section 2923.125 or 2923.1213 of the Revised Code or 642
a license to carry a concealed handgun that was issued by another 643
state with which the attorney general has entered into a 644
reciprocity agreement under section 109.69 of the Revised Code. 645

(c) The person is in the school safety zone in accordance 646
with 18 U.S.C. 922(q)(2)(B). 647

(d) The person is not knowingly in a place described in 648
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 649
Revised Code. 650

(4) This section does not apply to a person who conveys or 651
attempts to convey a handgun into, or possesses a handgun in, a 652
school safety zone if at the time of that conveyance, attempted 653
conveyance, or possession of the handgun all of the following 654
apply: 655

(a) The person is carrying a valid license or temporary 656
emergency license to carry a concealed handgun issued to the 657
person under section 2923.125 or 2923.1213 of the Revised Code or 658
a license to carry a concealed handgun that was issued by another 659
state with which the attorney general has entered into a 660
reciprocity agreement under section 109.69 of the Revised Code. 661

(b) The person is the driver or passenger in a motor vehicle 662
and is in the school safety zone while immediately in the process 663
of picking up or dropping off a child. 664

(c) The person is not in violation of section 2923.16 of the 665
Revised Code. 666

(E)(1) Whoever violates division (A) or (B) of this section 667
is guilty of illegal conveyance or possession of a deadly weapon 668
or dangerous ordnance in a school safety zone. Except as otherwise 669
provided in this division, illegal conveyance or possession of a 670
deadly weapon or dangerous ordnance in a school safety zone is a 671

felony of the fifth degree. If the offender previously has been 672
convicted of a violation of this section, illegal conveyance or 673
possession of a deadly weapon or dangerous ordnance in a school 674
safety zone is a felony of the fourth degree. 675

(2) Whoever violates division (C) of this section is guilty 676
of illegal possession of an object indistinguishable from a 677
firearm in a school safety zone. Except as otherwise provided in 678
this division, illegal possession of an object indistinguishable 679
from a firearm in a school safety zone is a misdemeanor of the 680
first degree. If the offender previously has been convicted of a 681
violation of this section, illegal possession of an object 682
indistinguishable from a firearm in a school safety zone is a 683
felony of the fifth degree. 684

(F)(1) In addition to any other penalty imposed upon a person 685
who is convicted of or pleads guilty to a violation of this 686
section and subject to division (F)(2) of this section, if the 687
offender has not attained nineteen years of age, regardless of 688
whether the offender is attending or is enrolled in a school 689
operated by a board of education or for which the state board of 690
education prescribes minimum standards under section 3301.07 of 691
the Revised Code, the court shall impose upon the offender a class 692
four suspension of the offender's probationary driver's license, 693
restricted license, driver's license, commercial driver's license, 694
temporary instruction permit, or probationary commercial driver's 695
license that then is in effect from the range specified in 696
division (A)(4) of section 4510.02 of the Revised Code and shall 697
deny the offender the issuance of any permit or license of that 698
type during the period of the suspension. 699

If the offender is not a resident of this state, the court 700
shall impose a class four suspension of the nonresident operating 701
privilege of the offender from the range specified in division 702
(A)(4) of section 4510.02 of the Revised Code. 703

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

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

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

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

(1) A nonrefundable license fee prescribed by the Ohio peace officer training commission pursuant to division (C) of section 109.731 of the Revised Code, except that the sheriff shall waive the payment of the license fee in connection with an initial or renewal application for a license that is submitted by an

applicant who is a retired peace officer, a retired person 735
described in division (B)(1)(b) of section 109.77 of the Revised 736
Code, or a retired federal law enforcement officer who, prior to 737
retirement, was authorized under federal law to carry a firearm in 738
the course of duty, unless the retired peace officer, person, or 739
federal law enforcement officer retired as the result of a mental 740
disability; 741

(2) A color photograph of the applicant that was taken within 742
thirty days prior to the date of the application; 743

(3) One or more of the following competency certifications, 744
each of which shall reflect that, regarding a certification 745
described in division (B)(3)(a), (b), (c), (e), or (f) of this 746
section, within the three years immediately preceding the 747
application the applicant has performed that to which the 748
competency certification relates and that, regarding a 749
certification described in division (B)(3)(d) of this section, the 750
applicant currently is an active or reserve member of the armed 751
forces of the United States or within the six years immediately 752
preceding the application the honorable discharge or retirement to 753
which the competency certification relates occurred: 754

(a) An original or photocopy of a certificate of completion 755
of a firearms safety, training, or requalification or firearms 756
safety instructor course, class, or program that was offered by or 757
under the auspices of the national rifle association and that 758
complies with the requirements set forth in division (G) of this 759
section; 760

(b) An original or photocopy of a certificate of completion 761
of a firearms safety, training, or requalification or firearms 762
safety instructor course, class, or program that satisfies all of 763
the following criteria: 764

(i) It was open to members of the general public. 765

(ii) It utilized qualified instructors who were certified by 766
the national rifle association, the executive director of the Ohio 767
peace officer training commission pursuant to section 109.75 or 768
109.78 of the Revised Code, or a governmental official or entity 769
of another state. 770

(iii) It was offered by or under the auspices of a law 771
enforcement agency of this or another state or the United States, 772
a public or private college, university, or other similar 773
postsecondary educational institution located in this or another 774
state, a firearms training school located in this or another 775
state, or another type of public or private entity or organization 776
located in this or another state. 777

(iv) It complies with the requirements set forth in division 778
(G) of this section. 779

(c) An original or photocopy of a certificate of completion 780
of a state, county, municipal, or department of natural resources 781
peace officer training school that is approved by the executive 782
director of the Ohio peace officer training commission pursuant to 783
section 109.75 of the Revised Code and that complies with the 784
requirements set forth in division (G) of this section, or the 785
applicant has satisfactorily completed and been issued a 786
certificate of completion of a basic firearms training program, a 787
firearms requalification training program, or another basic 788
training program described in section 109.78 or 109.801 of the 789
Revised Code that complies with the requirements set forth in 790
division (G) of this section; 791

(d) A document that evidences both of the following: 792

(i) That the applicant is an active or reserve member of the 793
armed forces of the United States, was honorably discharged from 794
military service in the active or reserve armed forces of the 795
United States, is a retired trooper of the state highway patrol, 796

or is a retired peace officer or federal law enforcement officer 797
described in division (B)(1) of this section or a retired person 798
described in division (B)(1)(b) of section 109.77 of the Revised 799
Code and division (B)(1) of this section; 800

(ii) That, through participation in the military service or 801
through the former employment described in division (B)(3)(d)(i) 802
of this section, the applicant acquired experience with handling 803
handguns or other firearms, and the experience so acquired was 804
equivalent to training that the applicant could have acquired in a 805
course, class, or program described in division (B)(3)(a), (b), or 806
(c) of this section. 807

(e) A certificate or another similar document that evidences 808
satisfactory completion of a firearms training, safety, or 809
requalification or firearms safety instructor course, class, or 810
program that is not otherwise described in division (B)(3)(a), 811
(b), (c), or (d) of this section, that was conducted by an 812
instructor who was certified by an official or entity of the 813
government of this or another state or the United States or by the 814
national rifle association, and that complies with the 815
requirements set forth in division (G) of this section; 816

(f) An affidavit that attests to the applicant's satisfactory 817
completion of a course, class, or program described in division 818
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 819
by the applicant's instructor or an authorized representative of 820
the entity that offered the course, class, or program or under 821
whose auspices the course, class, or program was offered. 822

(4) A certification by the applicant that the applicant has 823
read the pamphlet prepared by the Ohio peace officer training 824
commission pursuant to section 109.731 of the Revised Code that 825
reviews firearms, dispute resolution, and use of deadly force 826
matters. 827

(5) A set of fingerprints of the applicant provided as 828
described in section 311.41 of the Revised Code through use of an 829
electronic fingerprint reading device or, if the sheriff to whom 830
the application is submitted does not possess and does not have 831
ready access to the use of such a reading device, on a standard 832
impression sheet prescribed pursuant to division (C)(2) of section 833
109.572 of the Revised Code. 834

(C) Upon receipt of an applicant's completed application 835
form, supporting documentation, and, if not waived, license fee, a 836
sheriff, in the manner specified in section 311.41 of the Revised 837
Code, shall conduct or cause to be conducted the criminal records 838
check and the incompetency records check described in section 839
311.41 of the Revised Code. 840

(D)(1) Except as provided in division (D)(3), or (4), ~~or (5)~~ 841
of this section, within forty-five days after a sheriff's receipt 842
of an applicant's completed application form for a license to 843
carry a concealed handgun, the supporting documentation, and, if 844
not waived, the license fee, the sheriff shall make available 845
through the law enforcement automated data system in accordance 846
with division (H) of this section the information described in 847
that division and, upon making the information available through 848
the system, shall issue to the applicant a license to carry a 849
concealed handgun that shall expire as described in division 850
(D)(2)(a) of this section if all of the following apply: 851

(a) The applicant is legally living in the United States, has 852
been a resident of this state for at least forty-five days, and 853
has been a resident of the county in which the person seeks the 854
license or a county adjacent to the county in which the person 855
seeks the license for at least thirty days. 856

(b) The applicant is at least twenty-one years of age. 857

(c) The applicant is not a fugitive from justice. 858

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

(e) ~~The~~ Except as otherwise provided in division (D)(5) of this section, the applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, regardless of whether the applicant was sentenced under division (C)(3) of that section.

(f) ~~The~~ Except as otherwise provided in division (D)(5) of this section, the applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code; and has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section

2903.13 of the Revised Code when the victim of the violation is a 891
peace officer or for committing an act that if committed by an 892
adult would be a misdemeanor violation of section 2923.1211 of the 893
Revised Code. 894

(g) Except as otherwise provided in division (D)(1)(e) of 895
this section, the applicant, within five years of the date of the 896
application, has not been convicted of, pleaded guilty to, or 897
adjudicated a delinquent child for committing two or more 898
violations of section 2903.13 or 2903.14 of the Revised Code. 899

(h) The Except as otherwise provided in division (D)(5) of 900
this section, the applicant, within ten years of the date of the 901
application, has not been convicted of, pleaded guilty to, or 902
adjudicated a delinquent child for committing a violation of 903
section 2921.33 of the Revised Code. 904

(i) The applicant has not been adjudicated as a mental 905
defective, has not been committed to any mental institution, is 906
not under adjudication of mental incompetence, has not been found 907
by a court to be a mentally ill person subject to hospitalization 908
by court order, and is not an involuntary patient other than one 909
who is a patient only for purposes of observation. As used in this 910
division, "mentally ill person subject to hospitalization by court 911
order" and "patient" have the same meanings as in section 5122.01 912
of the Revised Code. 913

(j) The applicant is not currently subject to a civil 914
protection order, a temporary protection order, or a protection 915
order issued by a court of another state. 916

(k) The applicant certifies that the applicant desires a 917
legal means to carry a concealed handgun for defense of the 918
applicant or a member of the applicant's family while engaged in 919
lawful activity. 920

(l) The applicant submits a competency certification of the 921

type described in division (B)(3) of this section and submits a 922
certification of the type described in division (B)(4) of this 923
section regarding the applicant's reading of the pamphlet prepared 924
by the Ohio peace officer training commission pursuant to section 925
109.731 of the Revised Code. 926

(m) The applicant currently is not subject to a suspension 927
imposed under division (A)(2) of section 2923.128 of the Revised 928
Code of a license to carry a concealed handgun, or a temporary 929
emergency license to carry a concealed handgun, that previously 930
was issued to the applicant under this section or section 931
2923.1213 of the Revised Code. 932

(2)(a) A license to carry a concealed handgun that a sheriff 933
issues under division (D)(1) of this section on or after ~~the~~ 934
~~effective date of this amendment~~ March 14, 2007, shall expire five 935
years after the date of issuance. A license to carry a concealed 936
handgun that a sheriff issued under division (D)(1) of this 937
section prior to ~~the effective date of this amendment~~ March 14, 938
2007, shall expire four years after the date of issuance. 939

If a sheriff issues a license under this section, the sheriff 940
shall place on the license a unique combination of letters and 941
numbers identifying the license in accordance with the procedure 942
prescribed by the Ohio peace officer training commission pursuant 943
to section 109.731 of the Revised Code. 944

(b) If a sheriff denies an application under this section 945
because the applicant does not satisfy the criteria described in 946
division (D)(1) of this section, the sheriff shall specify the 947
grounds for the denial in a written notice to the applicant. The 948
applicant may appeal the denial pursuant to section 119.12 of the 949
Revised Code in the county served by the sheriff who denied the 950
application. If the denial was as a result of the criminal records 951
check conducted pursuant to section 311.41 of the Revised Code and 952
if, pursuant to section 2923.127 of the Revised Code, the 953

applicant challenges the criminal records check results using the 954
appropriate challenge and review procedure specified in that 955
section, the time for filing the appeal pursuant to section 119.12 956
of the Revised Code and this division is tolled during the 957
pendency of the request or the challenge and review. If the court 958
in an appeal under section 119.12 of the Revised Code and this 959
division enters a judgment sustaining the sheriff's refusal to 960
grant to the applicant a license to carry a concealed handgun, the 961
applicant may file a new application beginning one year after the 962
judgment is entered. If the court enters a judgment in favor of 963
the applicant, that judgment shall not restrict the authority of a 964
sheriff to suspend or revoke the license pursuant to section 965
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 966
the license for any proper cause that may occur after the date the 967
judgment is entered. In the appeal, the court shall have full 968
power to dispose of all costs. 969

(3) If the sheriff with whom an application for a license to 970
carry a concealed handgun was filed under this section becomes 971
aware that the applicant has been arrested for or otherwise 972
charged with an offense that would disqualify the applicant from 973
holding the license, the sheriff shall suspend the processing of 974
the application until the disposition of the case arising from the 975
arrest or charge. 976

(4) If the sheriff determines that the applicant is legally 977
living in the United States and is a resident of the county in 978
which the applicant seeks the license or of an adjacent county but 979
does not yet meet the residency requirements described in division 980
(D)(1)(a) of this section, the sheriff shall not deny the license 981
because of the residency requirements but shall not issue the 982
license until the applicant meets those residency requirements. 983

(5) If an applicant has been convicted of or pleaded guilty 984
to an offense identified in division (D)(1)(e), (f), or (h) of 985

this section or has been adjudicated a delinquent child for 986
committing an act or violation identified in any of those 987
divisions, and if a court has ordered the sealing or expungement 988
of the records of that conviction, guilty plea, or adjudication 989
pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 990
2953.36 of the Revised Code or a court has granted the applicant 991
relief pursuant to section 2923.14 of the Revised Code from the 992
disability imposed pursuant to section 2923.13 of the Revised Code 993
relative to that conviction, guilty plea, or adjudication, the 994
sheriff with whom the application was submitted shall not consider 995
the conviction, guilty plea, or adjudication in making a 996
determination under division (D)(1) or (F) of this section or, in 997
relation to an application for a temporary emergency license to 998
carry a concealed handgun submitted under section 2923.1213 of the 999
Revised Code, in making a determination under division (B)(2) of 1000
that section. 1001

(E) If a license to carry a concealed handgun issued under 1002
this section is lost or is destroyed, the licensee may obtain from 1003
the sheriff who issued that license a duplicate license upon the 1004
payment of a fee of fifteen dollars and the submission of an 1005
affidavit attesting to the loss or destruction of the license. The 1006
sheriff, in accordance with the procedures prescribed in section 1007
109.731 of the Revised Code, shall place on the replacement 1008
license a combination of identifying numbers different from the 1009
combination on the license that is being replaced. 1010

(F)(1) A licensee who wishes to renew a license to carry a 1011
concealed handgun issued under this section shall do so not 1012
earlier than ninety days before the expiration date of the license 1013
~~and not later than thirty days~~ or at any time after the expiration 1014
date of the license by filing with the sheriff of the county in 1015
which the applicant resides or with the sheriff of an adjacent 1016
county an application for renewal of the license obtained pursuant 1017

to division (D) of this section, ~~a new color photograph of the~~ 1018
~~licensee that was taken within thirty days prior to the date of~~ 1019
~~the renewal application,~~ a certification by the applicant that, 1020
subsequent to the issuance of the license, the applicant has 1021
reread the pamphlet prepared by the Ohio peace officer training 1022
commission pursuant to section 109.731 of the Revised Code that 1023
reviews firearms, dispute resolution, and use of deadly force 1024
matters, ~~a new set of fingerprints provided in the manner~~ 1025
~~specified in division (B)(5) of this section regarding initial~~ 1026
~~applications for a license to carry a concealed handgun, and a~~ 1027
nonrefundable license renewal fee unless the fee is waived. ~~The,~~ 1028
and one of the following: 1029

(a) If the licensee previously has not renewed a license to 1030
carry a concealed handgun issued under this section, proof that 1031
the licensee also shall submit at one time had a competency 1032
certification of the type described in division (B)(3) of this 1033
section ~~that is not older than six years or.~~ A valid license is 1034
prima-facie evidence that the licensee at one time had a 1035
competency certification of the type described in division (B)(3) 1036
of this section. 1037

(b) If the licensee previously has renewed a license to carry 1038
a concealed handgun issued under this section, a renewed 1039
competency certification of the type described in division (G)(4) 1040
of this section ~~that is not older than six years.~~ A 1041

(2) A sheriff shall accept a completed renewal application 1042
~~and,~~ the license renewal fee, items, materials, and information 1043
specified in ~~this~~ division (F)(1) of this section at the times and 1044
in the manners described in division (I) of this section. Upon 1045

~~Upon~~ receipt of a completed renewal application, ~~color~~ 1046
~~photograph,~~ of certification that the applicant has reread the 1047
specified pamphlet prepared by the Ohio peace officer training 1048
commission, ~~new set of fingerprints,~~ of proof of a prior 1049

competency certification for an initial renewal or of a renewed 1050
competency certification for a second or subsequent renewal, and 1051
of a license renewal fee unless the fee is waived, a sheriff, in 1052
the manner specified in section 311.41 of the Revised Code shall 1053
conduct or cause to be conducted the criminal records check and 1054
the incompetency records check described in section 311.41 of the 1055
Revised Code. The sheriff shall renew the license if the sheriff 1056
determines that the applicant continues to satisfy the 1057
requirements described in division (D)(1) of this section, except 1058
that the applicant is not required to ~~submit a renewed competency~~ 1059
~~certification only in the circumstances described in~~ meet the 1060
requirements of division ~~(G)(4)~~ (D)(1)(1) of this section. A 1061
renewed license that is renewed on or after ~~the effective date of~~ 1062
~~this amendment~~ March 14, 2007, shall expire five years after the 1063
date of issuance, and a renewed license that is renewed prior to 1064
~~the effective date of this amendment~~ March 14, 2007, shall expire 1065
four years after the date of issuance. A renewed license is 1066
subject to division (E) of this section and sections 2923.126 and 1067
2923.128 of the Revised Code. A sheriff shall comply with 1068
divisions (D)(2) to (4) of this section when the circumstances 1069
described in those divisions apply to a requested license renewal. 1070
If a sheriff denies the renewal of a license to carry a concealed 1071
handgun, the applicant may appeal the denial, or challenge the 1072
criminal record check results that were the basis of the denial if 1073
applicable, in the same manner as specified in division (D)(2)(b) 1074
of this section and in section 2923.127 of the Revised Code, 1075
regarding the denial of a license under this section. 1076

(G)(1) Each course, class, or program described in division 1078
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 1079
person who takes the course, class, or program a copy of the 1080
pamphlet prepared by the Ohio peace officer training commission 1081
pursuant to section 109.731 of the Revised Code that reviews 1082

firearms, dispute resolution, and use of deadly force matters. 1083

Each such course, class, or program described in one of those 1084

divisions shall include at least twelve hours of training in the 1085

safe handling and use of a firearm that shall include all of the 1086

following: 1087

(a) At least ten hours of training on the following matters: 1088

(i) The ability to name, explain, and demonstrate the rules 1089

for safe handling of a handgun and proper storage practices for 1090

handguns and ammunition; 1091

(ii) The ability to demonstrate and explain how to handle 1092

ammunition in a safe manner; 1093

(iii) The ability to demonstrate the knowledge, skills, and 1094

attitude necessary to shoot a handgun in a safe manner; 1095

(iv) Gun handling training. 1096

(b) At least two hours of training that consists of range 1097

time and live-fire training. 1098

(2) To satisfactorily complete the course, class, or program 1099

described in division (B)(3)(a), (b), (c), or (e) of this section, 1100

the applicant shall pass a competency examination that shall 1101

include both of the following: 1102

(a) A written section on the ability to name and explain the 1103

rules for the safe handling of a handgun and proper storage 1104

practices for handguns and ammunition; 1105

(b) A physical demonstration of competence in the use of a 1106

handgun and in the rules for safe handling and storage of a 1107

handgun and a physical demonstration of the attitude necessary to 1108

shoot a handgun in a safe manner. 1109

(3) The competency certification described in division 1110

(B)(3)(a), (b), (c), or (e) of this section shall be dated and 1111

shall attest that the course, class, or program the applicant 1112

successfully completed met the requirements described in division 1113
(G)(1) of this section and that the applicant passed the 1114
competency examination described in division (G)(2) of this 1115
section. 1116

(4) A person who previously has received a competency 1117
certification as described in division (B)(3) of this section, or 1118
who previously has received a renewed competency certification as 1119
described in this division, may obtain a renewed competency 1120
certification pursuant to this division. If the person previously 1121
has received a competency certification ~~within the preceding six~~ 1122
~~years,~~ or previously has received a renewed competency 1123
certification ~~within the preceding six years,~~ the person may 1124
obtain a renewed competency certification from an entity that 1125
offers a course, class, or program described in division 1126
(B)(3)(a), (b), (c), or (e) of this section by passing a 1127
~~competency examination of the type described in division (G)(2) of~~ 1128
~~this section~~ test that demonstrates that the person is range 1129
competent. In these circumstances, the person is not required to 1130
attend the course, class, or program ~~in order to be eligible~~ or to 1131
take the competency examination described in division (G)(2) of 1132
this section for the renewed competency certification in order to 1133
be eligible to receive a renewed competency certification. ~~If more~~ 1134
~~than six years has elapsed since the person last received a~~ 1135
~~competency certification or a renewed competency certification, in~~ 1136
~~order for the person to obtain a renewed competency certification,~~ 1137
~~the person shall both satisfactorily complete a course, class, or~~ 1138
~~program described in division (B)(3)(a), (b), (c), or (e) of this~~ 1139
~~section and pass a competency examination of the type described in~~ 1140
~~division (G)(2) of this section.~~ A renewed competency 1141
certification issued under this division shall be dated and shall 1142
attest that the applicant passed the competency examination of the 1143
type described in division (G)(2) of this section and, if 1144
applicable, that the person successfully completed a course, 1145

~~class, or program that met the requirements described in division 1146
(G)(1) of this section person has demonstrated range competency. 1147~~

1148

(H) Upon deciding to issue a license, deciding to issue a 1149
replacement license, or deciding to renew a license to carry a 1150
concealed handgun pursuant to this section, and before actually 1151
issuing or renewing the license, the sheriff shall make available 1152
through the law enforcement automated data system all information 1153
contained on the license. If the license subsequently is suspended 1154
under division (A)(1) or (2) of section 2923.128 of the Revised 1155
Code, revoked pursuant to division (B)(1) of section 2923.128 of 1156
the Revised Code, or lost or destroyed, the sheriff also shall 1157
make available through the law enforcement automated data system a 1158
notation of that fact. The superintendent of the state highway 1159
patrol shall ensure that the law enforcement automated data system 1160
is so configured as to permit the transmission through the system 1161
of the information specified in this division. 1162

(I) A sheriff shall accept a completed application form or 1163
renewal application, and the fee, items, materials, and 1164
information specified in divisions (B)(1) to (5) or division (F) 1165
of this section, whichever is applicable, and shall provide an 1166
application form or renewal application and a copy of the pamphlet 1167
described in division (B) of section 109.731 of the Revised Code 1168
to any person during at least fifteen hours a week. The sheriff 1169
shall post notice of the hours during which the sheriff is 1170
available to accept or provide the information described in this 1171
division. 1172

Sec. 2923.126. (A) A license to carry a concealed handgun 1173
that is issued under section 2923.125 of the Revised Code on or 1174
~~after the effective date of this amendment~~ March 14, 2007, shall 1175
expire five years after the date of issuance, and a license that 1176

is so issued prior to ~~the effective date of this amendment~~ March 1177
14, 2007, shall expire four years after the date of issuance. A 1178
licensee who has been issued a license under that section shall be 1179
granted a grace period of thirty days after the licensee's license 1180
expires during which the licensee's license remains valid. Except 1181
as provided in divisions (B) and (C) of this section, a licensee 1182
who has been issued a license under section 2923.125 or 2923.1213 1183
of the Revised Code may carry a concealed handgun anywhere in this 1184
state if the licensee also carries a valid license and valid 1185
identification when the licensee is in actual possession of a 1186
concealed handgun. The licensee shall give notice of any change in 1187
the licensee's residence address to the sheriff who issued the 1188
license within forty-five days after that change. 1189

If a licensee is the driver or an occupant of a motor vehicle 1190
that is stopped as the result of a traffic stop or a stop for 1191
another law enforcement purpose and if the licensee is 1192
transporting or has a loaded handgun in the motor vehicle at that 1193
time, the licensee shall promptly inform any law enforcement 1194
officer who approaches the vehicle while stopped that the licensee 1195
has been issued a license or temporary emergency license to carry 1196
a concealed handgun and that the licensee currently possesses or 1197
has a loaded handgun; the licensee shall not knowingly disregard 1198
or fail to comply with lawful orders of a law enforcement officer 1199
given while the motor vehicle is stopped, knowingly fail to remain 1200
in the motor vehicle while stopped, or knowingly fail to keep the 1201
licensee's hands in plain sight after any law enforcement officer 1202
begins approaching the licensee while stopped and before the 1203
officer leaves, unless directed otherwise by a law enforcement 1204
officer; and the licensee shall not knowingly remove, attempt to 1205
remove, grasp, or hold the loaded handgun or knowingly have 1206
contact with the loaded handgun by touching it with the licensee's 1207
hands or fingers, in any manner in violation of division (E) of 1208
section 2923.16 of the Revised Code, after any law enforcement 1209

officer begins approaching the licensee while stopped and before 1210
the officer leaves. Additionally, if a licensee is the driver or 1211
an occupant of a commercial motor vehicle that is stopped by an 1212
employee of the motor carrier enforcement unit for the purposes 1213
defined in section 5503.04 of the Revised Code and if the licensee 1214
is transporting or has a loaded handgun in the commercial motor 1215
vehicle at that time, the licensee shall promptly inform the 1216
employee of the unit who approaches the vehicle while stopped that 1217
the licensee has been issued a license or temporary emergency 1218
license to carry a concealed handgun and that the licensee 1219
currently possesses or has a loaded handgun. 1220

If a licensee is stopped for a law enforcement purpose and if 1221
the licensee is carrying a concealed handgun at the time the 1222
officer approaches, the licensee shall promptly inform any law 1223
enforcement officer who approaches the licensee while stopped that 1224
the licensee has been issued a license or temporary emergency 1225
license to carry a concealed handgun and that the licensee 1226
currently is carrying a concealed handgun; the licensee shall not 1227
knowingly disregard or fail to comply with lawful orders of a law 1228
enforcement officer given while the licensee is stopped or 1229
knowingly fail to keep the licensee's hands in plain sight after 1230
any law enforcement officer begins approaching the licensee while 1231
stopped and before the officer leaves, unless directed otherwise 1232
by a law enforcement officer; and the licensee shall not knowingly 1233
remove, attempt to remove, grasp, or hold the loaded handgun or 1234
knowingly have contact with the loaded handgun by touching it with 1235
the licensee's hands or fingers, in any manner in violation of 1236
division (B) of section 2923.12 of the Revised Code, after any law 1237
enforcement officer begins approaching the licensee while stopped 1238
and before the officer leaves. 1239

(B) A valid license issued under section 2923.125 or 1240
2923.1213 of the Revised Code does not authorize the licensee to 1241

carry a concealed handgun in any manner prohibited under division 1242
(B) of section 2923.12 of the Revised Code or in any manner 1243
prohibited under section 2923.16 of the Revised Code. A valid 1244
license does not authorize the licensee to carry a concealed 1245
handgun into any of the following places: 1246

(1) A police station, sheriff's office, or state highway 1247
patrol station, premises controlled by the bureau of criminal 1248
identification and investigation, a state correctional 1249
institution, jail, workhouse, or other detention facility, an 1250
airport passenger terminal, or an institution that is maintained, 1251
operated, managed, and governed pursuant to division (A) of 1252
section 5119.02 of the Revised Code or division (A)(1) of section 1253
5123.03 of the Revised Code; 1254

(2) A school safety zone, if the licensee's carrying the 1255
concealed handgun is in violation of section 2923.122 of the 1256
Revised Code; 1257

(3) A courthouse or another building or structure in which a 1258
courtroom is located, in violation of section 2923.123 of the 1259
Revised Code; 1260

(4) Any ~~room or open air arena in which liquor is being~~ 1261
~~dispensed in~~ premises or open air arena for which a D permit has 1262
been issued under Chapter 4303. of the Revised Code, if the 1263
licensee's carrying the concealed handgun is in violation of 1264
section 2923.121 of the Revised Code; 1265

(5) Any premises owned or leased by any public or private 1266
college, university, or other institution of higher education, 1267
unless the handgun is in a locked motor vehicle or the licensee is 1268
in the immediate process of placing the handgun in a locked motor 1269
vehicle; 1270

(6) Any church, synagogue, mosque, or other place of worship, 1271
unless the church, synagogue, mosque, or other place of worship 1272

posts or permits otherwise; 1273

(7) A child day-care center, a type A family day-care home, a 1274
type B family day-care home, or a type C family day-care home, 1275
except that this division does not prohibit a licensee who resides 1276
in a type A family day-care home, a type B family day-care home, 1277
or a type C family day-care home from carrying a concealed handgun 1278
at any time in any part of the home that is not dedicated or used 1279
for day-care purposes, or from carrying a concealed handgun in a 1280
part of the home that is dedicated or used for day-care purposes 1281
at any time during which no children, other than children of that 1282
licensee, are in the home; 1283

(8) An aircraft that is in, or intended for operation in, 1284
foreign air transportation, interstate air transportation, 1285
intrastate air transportation, or the transportation of mail by 1286
aircraft; 1287

(9) Any building that is ~~owned by a government facility of~~ 1288
~~this state or any a political subdivision of this state, and all~~ 1289
~~portions of any building that is not owned by any governmental~~ 1290
~~entity listed in this division but that is leased by such a~~ 1291
~~governmental entity listed in this division and that is not a~~ 1292
building that is used primarily as a shelter, restroom, parking 1293
facility for motor vehicles, or rest facility and is not a 1294
courthouse or other building or structure in which a courtroom is 1295
located that is subject to division (B)(3) of this section; 1296

(10) A place in which federal law prohibits the carrying of 1297
handguns. 1298

(C)(1) Nothing in this section shall negate or restrict a 1299
rule, policy, or practice of a private employer that is not a 1300
private college, university, or other institution of higher 1301
education concerning or prohibiting the presence of firearms on 1302
the private employer's premises or property, including motor 1303

vehicles owned by the private employer. Nothing in this section 1304
shall require a private employer of that nature to adopt a rule, 1305
policy, or practice concerning or prohibiting the presence of 1306
firearms on the private employer's premises or property, including 1307
motor vehicles owned by the private employer. 1308

(2)(a) A private employer shall be immune from liability in a 1309
civil action for any injury, death, or loss to person or property 1310
that allegedly was caused by or related to a licensee bringing a 1311
handgun onto the premises or property of the private employer, 1312
including motor vehicles owned by the private employer, unless the 1313
private employer acted with malicious purpose. A private employer 1314
is immune from liability in a civil action for any injury, death, 1315
or loss to person or property that allegedly was caused by or 1316
related to the private employer's decision to permit a licensee to 1317
bring, or prohibit a licensee from bringing, a handgun onto the 1318
premises or property of the private employer. As used in this 1319
division, "private employer" includes a private college, 1320
university, or other institution of higher education. 1321

(b) A political subdivision shall be immune from liability in 1322
a civil action, to the extent and in the manner provided in 1323
Chapter 2744. of the Revised Code, for any injury, death, or loss 1324
to person or property that allegedly was caused by or related to a 1325
licensee bringing a handgun onto any premises or property owned, 1326
leased, or otherwise under the control of the political 1327
subdivision. As used in this division, "political subdivision" has 1328
the same meaning as in section 2744.01 of the Revised Code. 1329

(3) The (a) Except as provided in division (C)(3)(b) of this 1330
section, the owner or person in control of private land or 1331
premises, and a private person or entity leasing land or premises 1332
owned by the state, the United States, or a political subdivision 1333
of the state or the United States, may post a sign in a 1334
conspicuous location on that land or on those premises prohibiting 1335

persons from carrying firearms or concealed firearms on or onto 1336
that land or those premises. A Except as otherwise provided in 1337
this division, a person who knowingly violates a posted 1338
prohibition of that nature is guilty of criminal trespass in 1339
violation of division (A)(4) of section 2911.21 of the Revised 1340
Code and is guilty of a misdemeanor of the fourth degree. If a 1341
person knowingly violates a posted prohibition of that nature and 1342
the posted land or premises primarily was a parking lot or other 1343
parking facility, the person is not guilty of criminal trespass in 1344
violation of division (A)(4) of section 2911.21 of the Revised 1345
Code and instead is subject only to a civil cause of action for 1346
trespass based on the violation. 1347

(b) A landlord may not prohibit or restrict a tenant who is a 1348
licensee and who on or after the effective date of this amendment 1349
enters into a rental agreement with the landlord for the use of 1350
residential premises, and the tenant's quest while the tenant is 1351
present, from lawfully carrying or possessing a handgun on those 1352
residential premises. 1353

(c) As used in division (C)(3) of this section: 1354

(i) "Residential premises" has the same meaning as in section 1355
5321.01 of the Revised Code, except "residential premises" does 1356
not include a dwelling unit that is owned or operated by a college 1357
or university. 1358

(ii) "Landlord," "tenant," and "rental agreement" have the 1359
same meanings as in section 5321.01 of the Revised Code. 1360

(D) A person who holds a license to carry a concealed handgun 1361
that was issued pursuant to the law of another state that is 1362
recognized by the attorney general pursuant to a reciprocity 1363
agreement entered into pursuant to section 109.69 of the Revised 1364
Code has the same right to carry a concealed handgun in this state 1365
as a person who was issued a license to carry a concealed handgun 1366

under section 2923.125 of the Revised Code and is subject to the 1367
same restrictions that apply to a person who carries a license 1368
issued under that section. 1369

(E) A peace officer has the same right to carry a concealed 1370
handgun in this state as a person who was issued a license to 1371
carry a concealed handgun under section 2923.125 of the Revised 1372
Code. For purposes of reciprocity with other states, a peace 1373
officer shall be considered to be a licensee in this state. 1374

(F)(1) A qualified retired peace officer who possesses a 1375
retired peace officer identification card issued pursuant to 1376
division (F)(2) of this section and a valid firearms 1377
requalification certification issued pursuant to division (F)(3) 1378
of this section has the same right to carry a concealed handgun in 1379
this state as a person who was issued a license to carry a 1380
concealed handgun under section 2923.125 of the Revised Code and 1381
is subject to the same restrictions that apply to a person who 1382
carries a license issued under that section. For purposes of 1383
reciprocity with other states, a qualified retired peace officer 1384
who possesses a retired peace officer identification card issued 1385
pursuant to division (F)(2) of this section and a valid firearms 1386
requalification certification issued pursuant to division (F)(3) 1387
of this section shall be considered to be a licensee in this 1388
state. 1389

(2)(a) Each public agency of this state or of a political 1390
subdivision of this state that is served by one or more peace 1391
officers shall issue a retired peace officer identification card 1392
to any person who retired from service as a peace officer with 1393
that agency, if the issuance is in accordance with the agency's 1394
policies and procedures and if the person, with respect to the 1395
person's service with that agency, satisfies all of the following: 1396

(i) The person retired in good standing from service as a 1397
peace officer with the public agency, and the retirement was not 1398

for reasons of mental instability. 1399

(ii) Before retiring from service as a peace officer with 1400
that agency, the person was authorized to engage in or supervise 1401
the prevention, detection, investigation, or prosecution of, or 1402
the incarceration of any person for, any violation of law and the 1403
person had statutory powers of arrest. 1404

(iii) At the time of the person's retirement as a peace 1405
officer with that agency, the person was trained and qualified to 1406
carry firearms in the performance of the peace officer's duties. 1407

(iv) Before retiring from service as a peace officer with 1408
that agency, the person was regularly employed as a peace officer 1409
for an aggregate of fifteen years or more, or, in the alternative, 1410
the person retired from service as a peace officer with that 1411
agency, after completing any applicable probationary period of 1412
that service, due to a service-connected disability, as determined 1413
by the agency. 1414

~~(v) The person has a nonforfeitable right to benefits under 1415
the retirement plan of that agency. 1416~~

(b) A retired peace officer identification card issued to a 1417
person under division (F)(2)(a) of this section shall identify the 1418
person by name, contain a photograph of the person, identify the 1419
public agency of this state or of the political subdivision of 1420
this state from which the person retired as a peace officer and 1421
that is issuing the identification card, and specify that the 1422
person retired in good standing from service as a peace officer 1423
with the issuing public agency and satisfies the criteria set 1424
forth in divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section. In 1425
addition to the required content specified in this division, a 1426
retired peace officer identification card issued to a person under 1427
division (F)(2)(a) of this section may include the firearms 1428
requalification certification described in division (F)(3) of this 1429

section, and if the identification card includes that 1430
certification, the identification card shall serve as the firearms 1431
requalification certification for the retired peace officer. If 1432
the issuing public agency issues credentials to active law 1433
enforcement officers who serve the agency, the agency may comply 1434
with division (F)(2)(a) of this section by issuing the same 1435
credentials to persons who retired from service as a peace officer 1436
with the agency and who satisfy the criteria set forth in 1437
divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section, provided that 1438
the credentials so issued to retired peace officers are stamped 1439
with the word "RETIRED." 1440

(c) A public agency of this state or of a political 1441
subdivision of this state may charge persons who retired from 1442
service as a peace officer with the agency a reasonable fee for 1443
issuing to the person a retired peace officer identification card 1444
pursuant to division (F)(2)(a) of this section. 1445

(3) If a person retired from service as a peace officer with 1446
a public agency of this state or of a political subdivision of 1447
this state and the person satisfies the criteria set forth in 1448
divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section, the public 1449
agency may provide the retired peace officer with the opportunity 1450
to attend a firearms requalification program that is approved for 1451
purposes of firearms requalification required under section 1452
109.801 of the Revised Code. The retired peace officer may be 1453
required to pay the cost of the course. 1454

If a retired peace officer who satisfies the criteria set 1455
forth in divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section attends 1456
a firearms requalification program that is approved for purposes 1457
of firearms requalification required under section 109.801 of the 1458
Revised Code, the retired peace officer's successful completion of 1459
the firearms requalification program requalifies the retired peace 1460
officer for purposes of division (F) of this section for ~~one year~~ 1461

five years from the date on which the program was successfully completed, and the requalification is valid during that ~~one-year~~ five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for ~~one-year~~ five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F)(2) of this section.

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

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

~~(a)~~(1) "Qualified retired peace officer" means a person who satisfies all of the following:

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

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

~~(iii)~~(c) The person is not prohibited by federal law from receiving firearms.

~~(b)~~(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of

this section to a person who is a retired peace officer. 1493

(3) "Government facility of this state or a political 1494
subdivision of this state" means any of the following: 1495

(a) A building or part of a building that is owned or leased 1496
by the government of this state or a political subdivision of this 1497
state and where employees of the government of this state or the 1498
political subdivision regularly are present for the purpose of 1499
performing their official duties as employees of the state or 1500
political subdivision; 1501

(b) The office of a deputy registrar serving pursuant to 1502
Chapter 4503. of the Revised Code that is used to perform deputy 1503
registrar functions. 1504

Sec. 2923.128. (A)(1)(a) If a licensee holding a valid 1505
license issued under section 2923.125 or 2923.1213 of the Revised 1506
Code is arrested for or otherwise charged with an offense 1507
described in division (D)(1)(d) of section 2923.125 of the Revised 1508
Code or with a violation of section 2923.15 of the Revised Code or 1509
becomes subject to a temporary protection order or to a protection 1510
order issued by a court of another state that is substantially 1511
equivalent to a temporary protection order, the sheriff who issued 1512
the license or temporary emergency license shall suspend it and 1513
shall comply with division (A)(3) of this section upon becoming 1514
aware of the arrest, charge, or protection order. Upon suspending 1515
the license or temporary emergency license, the sheriff also shall 1516
comply with division (H) of section 2923.125 of the Revised Code. 1517

(b) A suspension under division (A)(1)(a) of this section 1518
shall be considered as beginning on the date that the licensee is 1519
arrested for or otherwise charged with an offense described in 1520
that division or on the date the appropriate court issued the 1521
protection order described in that division, irrespective of when 1522
the sheriff notifies the licensee under division (A)(3) of this 1523

section. The suspension shall end on the date on which the charges 1524
are dismissed or the licensee is found not guilty of the offense 1525
described in division (A)(1)(a) of this section or, subject to 1526
division (B) of this section, on the date the appropriate court 1527
terminates the protection order described in that division. If the 1528
suspension so ends, the sheriff shall return the license or 1529
temporary emergency license to the licensee. 1530

(2)(a) If a licensee holding a valid license issued under 1531
section 2923.125 or 2923.1213 of the Revised Code is convicted of 1532
or pleads guilty to a misdemeanor violation of division (B)(1), 1533
(2), or (4) of section 2923.12 of the Revised Code or of division 1534
(E)(3), (4), or (6) of section 2923.16 of the Revised Code, except 1535
as provided in division (A)(2)(c) of this section and subject to 1536
division (C) of this section, the sheriff who issued the license 1537
or temporary emergency license shall suspend it and shall comply 1538
with division (A)(3) of this section upon becoming aware of the 1539
conviction or guilty plea. Upon suspending the license or 1540
temporary emergency license, the sheriff also shall comply with 1541
division (H) of section 2923.125 of the Revised Code. 1542

(b) A suspension under division (A)(2)(a) of this section 1543
shall be considered as beginning on the date that the licensee is 1544
convicted of or pleads guilty to the offense described in that 1545
division, irrespective of when the sheriff notifies the licensee 1546
under division (A)(3) of this section. If the suspension is 1547
imposed for a misdemeanor violation of division (B)(1) or (2) of 1548
section 2923.12 of the Revised Code or of division (E)(3) or (4) 1549
of section 2923.16 of the Revised Code, it shall end ~~of~~ on the 1550
date that is one year after the date that the licensee is 1551
convicted of or pleads guilty to that violation. If the suspension 1552
is imposed for a misdemeanor violation of division (B)(4) of 1553
section 2923.12 of the Revised Code or of division (E)(6) of 1554
section 2923.16 of the Revised Code, it shall end on the date that 1555

is two years after the date that the licensee is convicted of or 1556
pleads guilty to that violation. If the licensee's license was 1557
issued under section 2923.125 of the Revised Code and the license 1558
remains valid after the suspension ends as described in this 1559
division, when the suspension ends, the sheriff shall return the 1560
license to the licensee. If the licensee's license was issued 1561
under section 2923.125 of the Revised Code and the license expires 1562
before the suspension ends as described in this division, or if 1563
the licensee's license was issued under section 2923.1213 of the 1564
Revised Code, the licensee is not eligible to apply for a new 1565
license under section 2923.125 or 2923.1213 of the Revised Code or 1566
to renew the license under section 2923.125 of the Revised Code 1567
until after the suspension ends as described in this division. 1568

(c) The license of a licensee who is convicted of or pleads 1569
guilty to a violation of division (B)(1) of section 2923.12 or 1570
division (E)(3) of section 2923.16 of the Revised Code shall not 1571
be suspended pursuant to division (A)(2)(a) of this section if, at 1572
the time of the stop of the licensee for a law enforcement 1573
purpose, for a traffic stop, or for a purpose defined in section 1574
5503.34 of the Revised Code that was the basis of the violation, 1575
any law enforcement officer involved with the stop or the employee 1576
of the motor carrier enforcement unit who made the stop had actual 1577
knowledge of the licensee's status as a licensee. 1578

(3) Upon becoming aware of an arrest, charge, or protection 1579
order described in division (A)(1)(a) of this section with respect 1580
to a licensee who was issued a license under section 2923.125 or 1581
2923.1213 of the Revised Code, or a conviction of or plea of 1582
guilty to a misdemeanor offense described in division (A)(2)(a) of 1583
this section with respect to a licensee who was issued a license 1584
under either section and with respect to which division (A)(2)(c) 1585
of this section does not apply, subject to division (C) of this 1586
section, the sheriff who issued the licensee's license or 1587

temporary emergency license to carry a concealed handgun shall 1588
notify the licensee, by certified mail, return receipt requested, 1589
at the licensee's last known residence address that the license or 1590
temporary emergency license has been suspended and that the 1591
licensee is required to surrender the license or temporary 1592
emergency license at the sheriff's office within ten days of the 1593
date on which the notice was mailed. If the suspension is pursuant 1594
to division (A)(2) of this section, the notice shall identify the 1595
date on which the suspension ends. 1596

(B)(1) A sheriff who issues a license or temporary emergency 1597
license to carry a concealed handgun to a licensee under section 1598
2923.125 or 2923.1213 of the Revised Code shall revoke the license 1599
or temporary emergency license in accordance with division (B)(2) 1600
of this section upon becoming aware that the licensee satisfies 1601
any of the following: 1602

(a) The licensee is under twenty-one years of age. 1603

(b) ~~At~~ Subject to division (C) of this section, at the time 1604
of the issuance of the license or temporary emergency license, the 1605
licensee did not satisfy the eligibility requirements of division 1606
(D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the 1607
Revised Code. 1608

(c) ~~On~~ Subject to division (C) of this section, on or after 1609
the date on which the license or temporary emergency license was 1610
issued, the licensee is convicted of or pleads guilty to a 1611
violation of section 2923.15 of the Revised Code or an offense 1612
described in division (D)(1)(e), (f), (g), or (h) of section 1613
2923.125 of the Revised Code. 1614

(d) On or after the date on which the license or temporary 1615
emergency license was issued, the licensee becomes subject to a 1616
civil protection order or to a protection order issued by a court 1617
of another state that is substantially equivalent to a civil 1618

protection order. 1619

(e) The licensee knowingly carries a concealed handgun into a 1620
place that the licensee knows is an unauthorized place specified 1621
in division (B) of section 2923.126 of the Revised Code. 1622

(f) On or after the date on which the license or temporary 1623
emergency license was issued, the licensee is adjudicated as a 1624
mental defective or is committed to a mental institution. 1625

(g) At the time of the issuance of the license or temporary 1626
emergency license, the licensee did not meet the residency 1627
requirements described in division (D)(1) of section 2923.125 of 1628
the Revised Code and currently does not meet the residency 1629
requirements described in that division. 1630

(h) Regarding a license issued under section 2923.125 of the 1631
Revised Code, the competency certificate the licensee submitted 1632
was forged or otherwise was fraudulent. 1633

(2) Upon becoming aware of any circumstance listed in 1634
division (B)(1) of this section that applies to a particular 1635
licensee who was issued a license under section 2923.125 or 1636
2923.1213 of the Revised Code, subject to division (C) of this 1637
section, the sheriff who issued the license or temporary emergency 1638
license to carry a concealed handgun to the licensee shall notify 1639
the licensee, by certified mail, return receipt requested, at the 1640
licensee's last known residence address that the license or 1641
temporary emergency license is subject to revocation and that the 1642
licensee may come to the sheriff's office and contest the 1643
sheriff's proposed revocation within fourteen days of the date on 1644
which the notice was mailed. After the fourteen-day period and 1645
after consideration of any information that the licensee provides 1646
during that period, if the sheriff determines on the basis of the 1647
information of which the sheriff is aware that the licensee is 1648
described in division (B)(1) of this section and no longer 1649

satisfies the requirements described in division (D)(1) of section 1650
2923.125 of the Revised Code that are applicable to the licensee's 1651
type of license, the sheriff shall revoke the license or temporary 1652
emergency license, notify the licensee of that fact, and require 1653
the licensee to surrender the license or temporary emergency 1654
license. Upon revoking the license or temporary emergency license, 1655
the sheriff also shall comply with division (H) of section 1656
2923.125 of the Revised Code. 1657

(C) If a sheriff who issues a license or temporary emergency 1658
license to carry a concealed handgun to a licensee under section 1659
2923.125 or 2923.1213 of the Revised Code becomes aware that at 1660
the time of the issuance of the license or temporary emergency 1661
license the licensee had been convicted of or pleaded guilty to an 1662
offense identified in division (D)(1)(e), (f), or (h) of section 1663
2923.125 of the Revised Code or had been adjudicated a delinquent 1664
child for committing an act or violation identified in any of 1665
those divisions or becomes aware that on or after the date on 1666
which the license or temporary emergency license was issued the 1667
licensee has been convicted of or pleaded guilty to an offense 1668
identified in division (A)(2)(a) or (B)(1)(c) of this section, the 1669
sheriff shall not consider that conviction, guilty plea, or 1670
adjudication as having occurred for purposes of divisions (A)(2), 1671
(A)(3), (B)(1), and (B)(2) of this section if a court has ordered 1672
the sealing or expungement of the records of that conviction, 1673
guilty plea, or adjudication pursuant to sections 2151.355 to 1674
2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a 1675
court has granted the licensee relief pursuant to section 2923.14 1676
of the Revised Code from the disability imposed pursuant to 1677
section 2923.13 of the Revised Code relative to that conviction, 1678
guilty plea, or adjudication. 1679

(D) As used in this section, "motor carrier enforcement unit" 1680
has the same meaning as in section 2923.16 of the Revised Code. 1681

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 to any other immunity possessed by the bureau, the commission, and their employees, the sheriff, the sheriff's office, the county in which the sheriff has jurisdiction, the bureau, the superintendent of the bureau, the bureau's employees, the commission, and the commission's employees are immune from liability in a civil action for injury, death, or loss to person or property that allegedly was caused by or related to any of the following:

(a) 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;

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

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

(2) Any action of a sheriff relating 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 shall be

considered to be a governmental function for purposes of Chapter 1713
2744. of the Revised Code. 1714

(3) An entity that or instructor who provides a competency 1715
certification of a type described in division (B)(3) of section 1716
2923.125 of the Revised Code is immune from civil liability that 1717
might otherwise be incurred or imposed for any death or any injury 1718
or loss to person or property that is caused by or related to a 1719
person to whom the entity or instructor has issued the competency 1720
certificate if all of the following apply: 1721

(a) The alleged liability of the entity or instructor relates 1722
to the training provided in the course, class, or program covered 1723
by the competency certificate. 1724

(b) The entity or instructor makes a good faith effort in 1725
determining whether the person has satisfactorily completed the 1726
course, class, or program and makes a good faith effort in 1727
assessing the person in the competency examination conducted 1728
pursuant to division (G)(2) of section 2923.125 of the Revised 1729
Code. 1730

(c) The entity or instructor did not issue the competency 1731
certificate with malicious purpose, in bad faith, or in a wanton 1732
or reckless manner. 1733

(4) An entity that or instructor who provides a renewed 1734
competency certification of a type described in division (G)(4) of 1735
section 2923.125 of the Revised Code is immune from civil 1736
liability that might otherwise be incurred or imposed for any 1737
death or any injury or loss to person or property that is caused 1738
by or related to a person to whom the entity or instructor has 1739
issued the renewed competency certificate if all of the following 1740
apply: 1741

(a) The entity or instructor makes a good faith effort in 1742
assessing the person in the physical demonstrations or the 1743

competency examination conducted pursuant to division (G)~~(2)~~(4) of 1744
section 2923.125 of the Revised Code. 1745

(b) The entity or instructor did not issue the renewed 1746
competency certificate with malicious purpose, in bad faith, or in 1747
a wanton or reckless manner. 1748

(5) A law enforcement agency that employs a peace officer is 1749
immune from liability in a civil action to recover damages for 1750
injury, death, or loss to person or property allegedly caused by 1751
any act of that peace officer if the act occurred while the peace 1752
officer carried a concealed handgun and was off duty and if the 1753
act allegedly involved the peace officer's use of the concealed 1754
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 1755
Code apply to any civil action involving a peace officer's use of 1756
a concealed handgun in the performance of the peace officer's 1757
official duties while the peace officer is off duty. 1758

(B)(1) Notwithstanding section 149.43 of the Revised Code, 1759
except as provided in division (B)(2) of this section, the records 1760
that a sheriff keeps relative to the issuance, renewal, 1761
suspension, or revocation of a license to carry a concealed 1762
handgun or the issuance, suspension, or revocation of a temporary 1763
emergency license to carry a concealed handgun, including, but not 1764
limited to, completed applications for the issuance or renewal of 1765
a license, completed affidavits submitted regarding an application 1766
for a temporary emergency license, reports of criminal records 1767
checks and incompetency records checks under section 311.41 of the 1768
Revised Code, and applicants' social security numbers and 1769
fingerprints that are obtained under division (A) of section 1770
311.41 of the Revised Code, are confidential and are not public 1771
records. Except as provided in division (B)(2) of this section, no 1772
person shall release or otherwise disseminate records that are 1773
confidential under this division unless required to do so pursuant 1774
to a court order. 1775

(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 1808
suspended in accordance with division (D)(3) of section 2923.125 1809
of the Revised Code during the previous quarter of the calendar 1810
year, and the number of temporary emergency licenses to carry a 1811
concealed handgun that the sheriff issued, suspended, revoked, or 1812
denied during the previous quarter of the calendar year. The 1813
sheriff shall not include in the report the name or any other 1814
identifying information of an applicant or licensee. The sheriff 1815
shall report that information in a manner that permits the 1816
commission to maintain the statistics described in division (D) of 1817
section 109.731 of the Revised Code and to timely prepare the 1818
statistical report described in that division. The information 1819
that is received by the commission under this division is a public 1820
record kept by the commission for the purposes of section 149.43 1821
of the Revised Code. 1822

(D) Law enforcement agencies may use the information a 1823
sheriff makes available through the use of the law enforcement 1824
automated data system pursuant to division (H) of section 2923.125 1825
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 1826
for law enforcement purposes only. The information is confidential 1827
and is not a public record. A person who releases or otherwise 1828
disseminates this information obtained through the law enforcement 1829
automated data system in a manner not described in this division 1830
is guilty of a violation of section 2913.04 of the Revised Code. 1831

(E) Whoever violates division (B) of this section is guilty 1832
of illegal release of confidential concealed handgun license 1833
records, a felony of the fifth degree. In addition to any 1834
penalties imposed under Chapter 2929. of the Revised Code for a 1835
violation of division (B) of this section or a violation of 1836
section 2913.04 of the Revised Code described in division (D) of 1837
this section, if the offender is a sheriff, an employee of a 1838
sheriff, or any other public officer or employee, and if the 1839

Social Security Number: 1860

Current Residence: 1861

Street	City	State	County	Zip
.....

1863

Mailing Address (If Different From Above): 1864

Street	City	State	Zip
.....

1865

1866

Date of Birth	Place of Birth	Sex	Race	Residence	Telephone
...../...../.....	(...)

1867

1868

SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO 1869

(1)(a) Are you legally living in the United States? YES NO 1870

(b) Have you been a resident of Ohio for at least forty-five days and have you been a resident for thirty days of the county with whose sheriff you are filing this application or of a county adjacent to that county? YES NO 1871

(2) Are you at least twenty-one years of age? YES NO 1872

(3) Are you a fugitive from justice? YES NO 1873

(4) Are you under indictment for a felony, or, YES NO 1874

except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to a felony, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the

Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult?

(5) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult? YES NO 1875

Revised Code, have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult?

(6) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of YES NO 1876

Revised Code, have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of

possessing a revoked or suspended concealed handgun license, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult?

(7) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting arrest? YES NO 1877

(8)(a) Are you under indictment for or otherwise charged with assault or negligent assault? YES NO 1878

(b) Have you been convicted of, pleaded guilty to, or adjudicated a delinquent child two or more times for committing assault or negligent assault within five years of the date of this application?	.... YES	.... NO	1879
(c) <u>Have Except for a conviction, guilty plea, or delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of, pleaded guilty to, or adjudicated a delinquent child for assaulting a peace officer?</u>	.... YES	.... NO	1880
(9)(a) Have you ever been adjudicated as a mental defective?	.... YES	.... NO	1881
(b) Have you ever been committed to a mental institution?	.... YES	.... NO	1882
(10) Are you currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state?	.... YES	.... NO	1883
(11) Are you currently subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a license to carry a concealed handgun, or a temporary emergency license to carry a concealed handgun, that previously was issued to you?	.... YES	.... NO	1884
SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY			1885
PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH			1886
PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU			1887
ATTAINED EIGHTEEN YEARS OF AGE AND UNTIL YOU COMMENCED YOUR			1888
RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM,			1889

AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED 1890
MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT 1891
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT 1892
AT THE END OF THIS SECTION. 1893

Residence 1: 1894

Street City State County Zip 1895

..... 1896

Dates of residence at this address 1897

Residence 2: 1898

Street City State County Zip 1899

..... 1900

Dates of residence at this address 1901

Residence 3: 1902

Street City State County Zip 1903

..... 1904

Dates of residence at this address 1905

Residence 4: 1906

Street City State County Zip 1907

..... 1908

Dates of residence at this address 1909

SECTION V. 1910

YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY ANSWERING THE 1911
QUESTION POSED IN PART (1) AND, IF THE ANSWER TO THE QUESTION IS 1912
"YES," BY PROVIDING IN PART (2) THE INFORMATION SPECIFIED. IF YOU 1913
NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT 1914
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT 1915
AT THE END OF THIS SECTION. 1916

(1) Have you previously applied in any county YES NO 1917
in Ohio or in any other state for a license to
carry a concealed handgun or a temporary
emergency license to carry a concealed

handgun?

(2) If your answer to the question in part (1) of this section of 1918
the application is "yes," you must complete this part by listing 1919
each county in Ohio, and each other state, in which you previously 1920
applied for either type of license and, to the best of your 1921
knowledge, the date on which you made the application. 1922

Previous application made in (insert name of Ohio 1923
county or other state) on (insert date of 1924
application.) 1925

Previous application made in (insert name of Ohio 1926
county or other state) on (insert date of 1927
application.) 1928

Previous application made in (insert name of Ohio 1929
county or other state) on (insert date of 1930
application.) 1931

Previous application made in (insert name of Ohio 1932
county or other state) on (insert date of 1933
application.) 1934

SECTION VI. 1935

AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR 1936
SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE 1937
APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A 1938
CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN 1939
VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE. 1940

(1) I have been furnished, and have read, the pamphlet that 1941
explains the Ohio firearms laws, that provides instruction in 1942
dispute resolution and explains the Ohio laws related to that 1943
matter, and that provides information regarding all aspects 1944
of the use of deadly force with a firearm, and I am 1945
knowledgeable of the provisions of those laws and of the 1946
information on those matters. 1947

(2) I desire a legal means to carry a concealed handgun for 1948
defense of myself or a member of my family while engaged in 1949
lawful activity. 1950

(3) I have never been convicted of or pleaded guilty to a crime of 1951
violence in the state of Ohio or elsewhere (if you have been 1952
convicted of or pleaded guilty to such a crime, but the 1953
records of that conviction or guilty plea have been sealed or 1954
expunged by court order or a court has granted relief 1955
pursuant to section 2923.14 of the Revised Code from the 1956
disability imposed pursuant to section 2923.13 of the Revised 1957
Code relative to that conviction or guilty plea, you may 1958
treat the conviction or guilty plea for purposes of this 1959
paragraph as if it never had occurred). I am of sound mind. I 1960
hereby certify that the statements contained herein are true 1961
and correct to the best of my knowledge and belief. I 1962
understand that if I knowingly make any false statements 1963
herein I am subject to penalties prescribed by law. I 1964
authorize the sheriff or the sheriff's designee to inspect 1965
only those records or documents relevant to information 1966
required for this application. 1967

(4) The information contained in this application and all attached 1968
documents are true and correct to the best of my knowledge. 1969
..... 1970
Signature of Applicant" 1971

Sec. 2923.1212. (A) The following persons, boards, and 1972
entities, or designees, shall post in the following locations a 1973
sign that contains a statement in substantially the following 1974
form: "Unless otherwise authorized by law, pursuant to the Ohio 1975
Revised Code, no person shall knowingly possess, have under the 1976
person's control, convey, or attempt to convey a deadly weapon or 1977
dangerous ordnance onto these premises.": 1978

(1) The director of public safety or the person or board	1979
charged with the erection, maintenance, or repair of police	1980
stations, municipal jails, and the municipal courthouse and	1981
courtrooms in a conspicuous location at all police stations,	1982
municipal jails, and municipal courthouses and courtrooms;	1983
(2) The sheriff or sheriff's designee who has charge of the	1984
sheriff's office in a conspicuous location in that office;	1985
(3) The superintendent of the state highway patrol or the	1986
superintendent's designee in a conspicuous location at all state	1987
highway patrol stations;	1988
(4) Each sheriff, chief of police, or person in charge of	1989
every county, multicounty, municipal, municipal-county, or	1990
multicounty-municipal jail or workhouse, community-based	1991
correctional facility, halfway house, alternative residential	1992
facility, or other local or state correctional institution or	1993
detention facility within the state, or that person's designee, in	1994
a conspicuous location at that facility under that person's	1995
charge;	1996
(5) The board of trustees of a regional airport authority,	1997
chief administrative officer of an airport facility, or other	1998
person in charge of an airport facility in a conspicuous location	1999
at each airport facility under that person's control;	2000
(6) The officer or officer's designee who has charge of a	2001
courthouse or the building or structure in which a courtroom is	2002
located in a conspicuous location in that building or structure;	2003
(7) The superintendent of the bureau of criminal	2004
identification and investigation or the superintendent's designee	2005
in a conspicuous location in all premises controlled by that	2006
bureau;	2007
(8) The owner, administrator, or operator of a child day-care	2008
center, a type A family day-care home, a type B family day-care	2009

home, or a type C family day-care home; 2010

(9) The officer of this state or of ~~the~~ a political 2011
subdivision of this state, or the officer's designee, who has 2012
charge of a building that is ~~owned by a government facility of~~ 2013
this state or the political subdivision of this state, ~~or who has~~ 2014
~~charge of the portion of a building that is not owned by any~~ 2015
~~governmental entity listed in this division but that is leased by~~ 2016
~~a governmental entity listed in this division, as defined in~~ 2017
section 2923.126 of the Revised Code, and that is not a building 2018
that is used primarily as a shelter, restroom, parking facility 2019
for motor vehicles, or rest facility and is not a courthouse or 2020
other building or structure in which a courtroom is located that 2021
is subject to division (B)(3) of that section. 2022

(B) The following boards, bodies, and persons, or designees, 2023
shall post in the following locations a sign that contains a 2024
statement in substantially the following form: "Unless otherwise 2025
authorized by law, pursuant to Ohio Revised Code section 2923.122, 2026
no person shall knowingly possess, have under the person's 2027
control, convey, or attempt to convey a deadly weapon or dangerous 2028
ordnance into a school safety zone.": 2029

(1) A board of education of a city, local, exempted village, 2030
or joint vocational school district or that board's designee in a 2031
conspicuous location in each building and on each parcel of real 2032
property owned or controlled by the board; 2033

(2) A governing body of a school for which the state board of 2034
education prescribes minimum standards under section 3301.07 of 2035
the Revised Code or that body's designee in a conspicuous location 2036
in each building and on each parcel of real property owned or 2037
controlled by the school; 2038

(3) The principal or chief administrative officer of a 2039
nonpublic school in a conspicuous location on property owned or 2040

controlled by that nonpublic school. 2041

Sec. 2923.1213. (A) As used in this section: 2042

(1) "Evidence of imminent danger" means any of the following: 2043

(a) A statement sworn by the person seeking to carry a 2044
concealed handgun that is made under threat of perjury and that 2045
states that the person has reasonable cause to fear a criminal 2046
attack upon the person or a member of the person's family, such as 2047
would justify a prudent person in going armed; 2048

(b) A written document prepared by a governmental entity or 2049
public official describing the facts that give the person seeking 2050
to carry a concealed handgun reasonable cause to fear a criminal 2051
attack upon the person or a member of the person's family, such as 2052
would justify a prudent person in going armed. Written documents 2053
of this nature include, but are not limited to, any temporary 2054
protection order, civil protection order, protection order issued 2055
by another state, or other court order, any court report, and any 2056
report filed with or made by a law enforcement agency or 2057
prosecutor. 2058

(2) "Prosecutor" has the same meaning as in section 2935.01 2059
of the Revised Code. 2060

(B)(1) A person seeking a temporary emergency license to 2061
carry a concealed handgun shall submit to the sheriff of the 2062
county in which the person resides all of the following: 2063

(a) Evidence of imminent danger to the person or a member of 2064
the person's family; 2065

(b) A sworn affidavit that contains all of the information 2066
required to be on the license and attesting that the person is 2067
legally living in the United States; is at least twenty-one years 2068
of age; is not a fugitive from justice; is not under indictment 2069
for or otherwise charged with an offense identified in division 2070

(D)(1)(d) of section 2923.125 of the Revised Code; has not been 2071
convicted of or pleaded guilty to an offense, and has not been 2072
adjudicated a delinquent child for committing an act, identified 2073
in division (D)(1)(e) of that section and to which division (B)(3) 2074
of this section does not apply; within three years of the date of 2075
the submission, has not been convicted of or pleaded guilty to an 2076
offense, and has not been adjudicated a delinquent child for 2077
committing an act, identified in division (D)(1)(f) of that 2078
section and to which division (B)(3) of this section does not 2079
apply; within five years of the date of the submission, has not 2080
been convicted of, pleaded guilty, or adjudicated a delinquent 2081
child for committing two or more violations identified in division 2082
(D)(1)(g) of that section; within ten years of the date of the 2083
submission, has not been convicted of, pleaded guilty, or 2084
adjudicated a delinquent child for committing a violation 2085
identified in division (D)(1)(h) of that section and to which 2086
division (B)(3) of this section does not apply; has not been 2087
adjudicated as a mental defective, has not been committed to any 2088
mental institution, is not under adjudication of mental 2089
incompetence, has not been found by a court to be a mentally ill 2090
person subject to hospitalization by court order, and is not an 2091
involuntary patient other than one who is a patient only for 2092
purposes of observation, as described in division (D)(1)(i) of 2093
that section; is not currently subject to a civil protection 2094
order, a temporary protection order, or a protection order issued 2095
by a court of another state, as described in division (D)(1)(j) of 2096
that section; and is not currently subject to a suspension imposed 2097
under division (A)(2) of section 2923.128 of the Revised Code of a 2098
license to carry a concealed handgun, or a temporary emergency 2099
license to carry a concealed handgun, that previously was issued 2100
to the person; 2101

(c) A temporary emergency license fee established by the Ohio 2102
peace officer training commission for an amount that does not 2103

exceed the actual cost of conducting the criminal background check 2104
or thirty dollars; 2105

(d) A set of fingerprints of the applicant provided as 2106
described in section 311.41 of the Revised Code through use of an 2107
electronic fingerprint reading device or, if the sheriff to whom 2108
the application is submitted does not possess and does not have 2109
ready access to the use of an electronic fingerprint reading 2110
device, on a standard impression sheet prescribed pursuant to 2111
division (C)(2) of section 109.572 of the Revised Code. If the 2112
fingerprints are provided on a standard impression sheet, the 2113
person also shall provide the person's social security number to 2114
the sheriff. 2115

(2) A sheriff shall accept the evidence of imminent danger, 2116
the sworn affidavit, the fee, and the set of fingerprints required 2117
under division (B)(1) of this section at the times and in the 2118
manners described in division (I) of this section. Upon receipt of 2119
the evidence of imminent danger, the sworn affidavit, the fee, and 2120
the set of fingerprints required under division (B)(1) of this 2121
section, the sheriff, in the manner specified in section 311.41 of 2122
the Revised Code, immediately shall conduct or cause to be 2123
conducted the criminal records check and the incompetency records 2124
check described in section 311.41 of the Revised Code. Immediately 2125
upon receipt of the results of the records checks, the sheriff 2126
shall review the information and shall determine whether the 2127
criteria set forth in divisions (D)(1)(a) to (j) and (m) of 2128
section 2923.125 of the Revised Code apply regarding the person. 2129
If the sheriff determines that all of criteria set forth in 2130
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the 2131
Revised Code apply regarding the person, the sheriff shall 2132
immediately make available through the law enforcement automated 2133
data system all information that will be contained on the 2134
temporary emergency license for the person if one is issued, and 2135

the superintendent of the state highway patrol shall ensure that 2136
the system is so configured as to permit the transmission through 2137
the system of that information. Upon making that information 2138
available through the law enforcement automated data system, the 2139
sheriff shall immediately issue to the person a temporary 2140
emergency license to carry a concealed handgun. 2141

If the sheriff denies the issuance of a temporary emergency 2142
license to the person, the sheriff shall specify the grounds for 2143
the denial in a written notice to the person. The person may 2144
appeal the denial, or challenge criminal records check results 2145
that were the basis of the denial if applicable, in the same 2146
manners specified in division (D)(2) of section 2923.125 and in 2147
section 2923.127 of the Revised Code, regarding the denial of an 2148
application for a license to carry a concealed handgun under that 2149
section. 2150

The temporary emergency license under this division shall be 2151
in the form, and shall include all of the information, described 2152
in divisions (A)(2) and (5) of section 109.731 of the Revised 2153
Code, and also shall include a unique combination of identifying 2154
letters and numbers in accordance with division (A)(4) of that 2155
section. 2156

The temporary emergency license issued under this division is 2157
valid for ninety days and may not be renewed. A person who has 2158
been issued a temporary emergency license under this division 2159
shall not be issued another temporary emergency license unless at 2160
least four years has expired since the issuance of the prior 2161
temporary emergency license. 2162

(3) If a person seeking a temporary emergency license to 2163
carry a concealed handgun has been convicted of or pleaded guilty 2164
to an offense identified in division (D)(1)(e), (f), or (h) of 2165
section 2923.125 of the Revised Code or has been adjudicated a 2166
delinquent child for committing an act or violation identified in 2167

any of those divisions, and if a court has ordered the sealing or 2168
expungement of the records of that conviction, guilty plea, or 2169
adjudication pursuant to sections 2151.355 to 2151.358 or sections 2170
2953.31 to 2953.36 of the Revised Code or a court has granted the 2171
applicant relief pursuant to section 2923.14 of the Revised Code 2172
from the disability imposed pursuant to section 2923.13 of the 2173
Revised Code relative to that conviction, guilty plea, or 2174
adjudication, the conviction, guilty plea, or adjudication shall 2175
not be relevant for purposes of the sworn affidavit described in 2176
division (B)(1)(b) of this section, and the person may complete, 2177
and swear to the truth of, the affidavit as if the conviction, 2178
guilty plea, or adjudication never had occurred. 2179

(C) A person who holds a temporary emergency license to carry 2180
a concealed handgun has the same right to carry a concealed 2181
handgun as a person who was issued a license to carry a concealed 2182
handgun under section 2923.125 of the Revised Code, and any 2183
exceptions to the prohibitions contained in section 1547.69 and 2184
sections 2923.12 to 2923.16 of the Revised Code for a licensee 2185
under section 2923.125 of the Revised Code apply to a licensee 2186
under this section. The person is subject to the same 2187
restrictions, and to all other procedures, duties, and sanctions, 2188
that apply to a person who carries a license issued under section 2189
2923.125 of the Revised Code, other than the license renewal 2190
procedures set forth in that section. 2191

(D) A sheriff who issues a temporary emergency license to 2192
carry a concealed handgun under this section shall not require a 2193
person seeking to carry a concealed handgun in accordance with 2194
this section to submit a competency certificate as a prerequisite 2195
for issuing the license and shall comply with division (H) of 2196
section 2923.125 of the Revised Code in regards to the license. 2197
The sheriff shall suspend or revoke the license in accordance with 2198
section 2923.128 of the Revised Code. In addition to the 2199

suspension or revocation procedures set forth in section 2923.128 2200
of the Revised Code, the sheriff may revoke the license upon 2201
receiving information, verifiable by public documents, that the 2202
person is not eligible to possess a firearm under either the laws 2203
of this state or of the United States or that the person committed 2204
perjury in obtaining the license; if the sheriff revokes a license 2205
under this additional authority, the sheriff shall notify the 2206
person, by certified mail, return receipt requested, at the 2207
person's last known residence address that the license has been 2208
revoked and that the person is required to surrender the license 2209
at the sheriff's office within ten days of the date on which the 2210
notice was mailed. Division (H) of section 2923.125 of the Revised 2211
Code applies regarding any suspension or revocation of a temporary 2212
emergency license to carry a concealed handgun. 2213

(E) A sheriff who issues a temporary emergency license to 2214
carry a concealed handgun under this section shall retain, for the 2215
entire period during which the temporary emergency license is in 2216
effect, the evidence of imminent danger that the person submitted 2217
to the sheriff and that was the basis for the license, or a copy 2218
of that evidence, as appropriate. 2219

(F) If a temporary emergency license to carry a concealed 2220
handgun issued under this section is lost or is destroyed, the 2221
licensee may obtain from the sheriff who issued that license a 2222
duplicate license upon the payment of a fee of fifteen dollars and 2223
the submission of an affidavit attesting to the loss or 2224
destruction of the license. The sheriff, in accordance with the 2225
procedures prescribed in section 109.731 of the Revised Code, 2226
shall place on the replacement license a combination of 2227
identifying numbers different from the combination on the license 2228
that is being replaced. 2229

(G) The Ohio peace officer training commission shall 2230
prescribe, and shall make available to sheriffs, a standard form 2231

to be used under division (B) of this section by a person who 2232
applies for a temporary emergency license to carry a concealed 2233
handgun on the basis of imminent danger of a type described in 2234
division (A)(1)(a) of this section. 2235

(H) A sheriff who receives any fees paid by a person under 2236
this section shall deposit all fees so paid into the sheriff's 2237
concealed handgun license issuance expense fund established under 2238
section 311.42 of the Revised Code. 2239

(I) A sheriff shall accept evidence of imminent danger, a 2240
sworn affidavit, the fee, and the set of fingerprints specified in 2241
division (B)(1) of this section at any time during normal business 2242
hours. In no case shall a sheriff require an appointment, or 2243
designate a specific period of time, for the submission or 2244
acceptance of evidence of imminent danger, a sworn affidavit, the 2245
fee, and the set of fingerprints specified in division (B)(1) of 2246
this section, or for the provision to any person of a standard 2247
form to be used for a person to apply for a temporary emergency 2248
license to carry a concealed handgun. 2249

Sec. 2923.16. (A) No person shall knowingly discharge a 2250
firearm while in or on a motor vehicle. 2251

(B) No person shall knowingly transport or have a loaded 2252
firearm in a motor vehicle in such a manner that the firearm is 2253
accessible to the operator or any passenger without leaving the 2254
vehicle. 2255

(C) No person shall knowingly transport or have a firearm in 2256
a motor vehicle, unless it the person may lawfully possess that 2257
firearm under applicable law of this state or the United States, 2258
the firearm is unloaded, and the firearm is carried in one of the 2259
following ways: 2260

(1) In a closed package, box, or case; 2261

(2) In a compartment that can be reached only by leaving the vehicle; 2262
2263

(3) In plain sight and secured in a rack or holder made for the purpose; 2264
2265

(4) ~~In~~ If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight. 2266
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(D) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies: 2273
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2275

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them. 2276
2277

(2) The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in division (A) of section 4511.19 of the Revised Code, regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle. 2278
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(E) No person who has been issued a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code shall do any of the following: 2286
2287
2288
2289

(1) Knowingly transport or have a loaded handgun in a motor vehicle unless one of the following applies: 2290
2291

(a) The loaded handgun is in a holster on the person's 2292
person. 2293

(b) The loaded handgun is in a closed case, bag, box, or 2294
other container that is in plain sight and that has a lid, a 2295
cover, or a closing mechanism with a zipper, snap, or buckle, 2296
which lid, cover, or closing mechanism must be opened for a person 2297
to gain access to the handgun. 2298

(c) The loaded handgun is securely encased by being stored in 2299
a closed, ~~locked~~ glove compartment or vehicle console or in a case 2300
that is locked. 2301

(2) If the person is transporting or has a loaded handgun in 2302
a motor vehicle in a manner authorized under division (E)(1) of 2303
this section, knowingly remove or attempt to remove the loaded 2304
handgun from the holster, case, bag, box, container, or glove 2305
compartment, knowingly grasp or hold the loaded handgun, or 2306
knowingly have contact with the loaded handgun by touching it with 2307
the person's hands or fingers while the motor vehicle is being 2308
operated on a street, highway, or public property unless the 2309
person removes, attempts to remove, grasps, holds, or has the 2310
contact with the loaded handgun pursuant to and in accordance with 2311
directions given by a law enforcement officer; 2312

(3) If the person is the driver or an occupant of a motor 2313
vehicle that is stopped as a result of a traffic stop or a stop 2314
for another law enforcement purpose or is the driver or an 2315
occupant of a commercial motor vehicle that is stopped by an 2316
employee of the motor carrier enforcement unit for the purposes 2317
defined in section 5503.34 of the Revised Code, and if the person 2318
is transporting or has a loaded handgun in the motor vehicle or 2319
commercial motor vehicle in any manner, fail to do any of the 2320
following that is applicable: 2321

(a) If the person is the driver or an occupant of a motor 2322

vehicle stopped as a result of a traffic stop or a stop for 2323
another law enforcement purpose, fail to promptly inform any law 2324
enforcement officer who approaches the vehicle while stopped that 2325
the person has been issued a license or temporary emergency 2326
license to carry a concealed handgun and that the person then 2327
possesses or has a loaded handgun in the motor vehicle; 2328

(b) If the person is the driver or an occupant of a 2329
commercial motor vehicle stopped by an employee of the motor 2330
carrier enforcement unit for any of the defined purposes, fail to 2331
promptly inform the employee of the unit who approaches the 2332
vehicle while stopped that the person has been issued a license or 2333
temporary emergency license to carry a concealed handgun and that 2334
the person then possesses or has a loaded handgun in the 2335
commercial motor vehicle. 2336

(4) If the person is the driver or an occupant of a motor 2337
vehicle that is stopped as a result of a traffic stop or a stop 2338
for another law enforcement purpose and if the person is 2339
transporting or has a loaded handgun in the motor vehicle in any 2340
manner, knowingly fail to remain in the motor vehicle while 2341
stopped or knowingly fail to keep the person's hands in plain 2342
sight at any time after any law enforcement officer begins 2343
approaching the person while stopped and before the law 2344
enforcement officer leaves, unless the failure is pursuant to and 2345
in accordance with directions given by a law enforcement officer; 2346

(5) If the person is the driver or an occupant of a motor 2347
vehicle that is stopped as a result of a traffic stop or a stop 2348
for another law enforcement purpose, if the person is transporting 2349
or has a loaded handgun in the motor vehicle in a manner 2350
authorized under division (E)(1) of this section, and if the 2351
person is approached by any law enforcement officer while stopped, 2352
knowingly remove or attempt to remove the loaded handgun from the 2353
holster, case, bag, box, container, or glove compartment, 2354

knowingly grasp or hold the loaded handgun, or knowingly have 2355
contact with the loaded handgun by touching it with the person's 2356
hands or fingers in the motor vehicle at any time after the law 2357
enforcement officer begins approaching and before the law 2358
enforcement officer leaves, unless the person removes, attempts to 2359
remove, grasps, holds, or has contact with the loaded handgun 2360
pursuant to and in accordance with directions given by the law 2361
enforcement officer; 2362

(6) If the person is the driver or an occupant of a motor 2363
vehicle that is stopped as a result of a traffic stop or a stop 2364
for another law enforcement purpose and if the person is 2365
transporting or has a loaded handgun in the motor vehicle in any 2366
manner, knowingly disregard or fail to comply with any lawful 2367
order of any law enforcement officer given while the motor vehicle 2368
is stopped, including, but not limited to, a specific order to the 2369
person to keep the person's hands in plain sight. 2370

(F)(1) Divisions (A), (B), (C), and (E) of this section do 2371
not apply to any of the following: 2372

(a) An officer, agent, or employee of this or any other state 2373
or the United States, or a law enforcement officer, when 2374
authorized to carry or have loaded or accessible firearms in motor 2375
vehicles and acting within the scope of the officer's, agent's, or 2376
employee's duties; 2377

(b) Any person who is employed in this state, who is 2378
authorized to carry or have loaded or accessible firearms in motor 2379
vehicles, and who is subject to and in compliance with the 2380
requirements of section 109.801 of the Revised Code, unless the 2381
appointing authority of the person has expressly specified that 2382
the exemption provided in division (F)(1)(b) of this section does 2383
not apply to the person. 2384

(2) Division (A) of this section does not apply to a person 2385

if all of the following circumstances apply: 2386

(a) The person discharges a firearm from a motor vehicle at a 2387
coyote or groundhog, the discharge is not during the deer gun 2388
hunting season as set by the chief of the division of wildlife of 2389
the department of natural resources, and the discharge at the 2390
coyote or groundhog, but for the operation of this section, is 2391
lawful. 2392

(b) The motor vehicle from which the person discharges the 2393
firearm is on real property that is located in an unincorporated 2394
area of a township and that either is zoned for agriculture or is 2395
used for agriculture. 2396

(c) The person owns the real property described in division 2397
(F)(2)(b) of this section, is the spouse or a child of another 2398
person who owns that real property, is a tenant of another person 2399
who owns that real property, or is the spouse or a child of a 2400
tenant of another person who owns that real property. 2401

(d) The person does not discharge the firearm in any of the 2402
following manners: 2403

(i) While under the influence of alcohol, a drug of abuse, or 2404
alcohol and a drug of abuse; 2405

(ii) In the direction of a street, highway, or other public 2406
or private property used by the public for vehicular traffic or 2407
parking; 2408

(iii) At or into an occupied structure that is a permanent or 2409
temporary habitation; 2410

(iv) In the commission of any violation of law, including, 2411
but not limited to, a felony that includes, as an essential 2412
element, purposely or knowingly causing or attempting to cause the 2413
death of or physical harm to another and that was committed by 2414
discharging a firearm from a motor vehicle. 2415

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

(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.

(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.

(c) The person owns the real property described in division (D)(3)(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.

(d) The person, prior to arriving at the real property described in division (D)(3)(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.

(4) Divisions (B) and (C) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, all of the following apply:

(a) The person transporting or possessing the handgun is carrying a valid 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.

(b) The person transporting or possessing the handgun is not

knowingly in a place described in division (B) of section 2923.126 2447
of the Revised Code. 2448

(c) One of the following applies: 2449

(i) The handgun is in a holster on the person's person. 2450

(ii) The handgun is in a closed case, bag, box, or other 2451
container that is in plain sight and that has a lid, a cover, or a 2452
closing mechanism with a zipper, snap, or buckle, which lid, 2453
cover, or closing mechanism must be opened for a person to gain 2454
access to the handgun. 2455

(iii) The handgun is securely encased by being stored in a 2456
closed, ~~locked~~ glove compartment or vehicle console or in a case 2457
that is locked. 2458

(G)(1) The affirmative defenses authorized in divisions 2459
(D)(1) and (2) of section 2923.12 of the Revised Code are 2460
affirmative defenses to a charge under division (B) or (C) of this 2461
section that involves a firearm other than a handgun. 2462

(2) It is an affirmative defense to a charge under division 2463
(B) or (C) of this section of improperly handling firearms in a 2464
motor vehicle that the actor transported or had the firearm in the 2465
motor vehicle for any lawful purpose and while the motor vehicle 2466
was on the actor's own property, provided that this affirmative 2467
defense is not available unless the person, immediately prior to 2468
arriving at the actor's own property, did not transport or possess 2469
the firearm in a motor vehicle in a manner prohibited by division 2470
(B) or (C) of this section while the motor vehicle was being 2471
operated on a street, highway, or other public or private property 2472
used by the public for vehicular traffic. 2473

(H) No person who is charged with a violation of division 2474
(B), (C), or (D) of this section shall be required to obtain a 2475
license or temporary emergency license to carry a concealed 2476
handgun under section 2923.125 or 2923.1213 of the Revised Code as 2477

a condition for the dismissal of the charge. 2478

(I) Whoever violates this section is guilty of improperly 2479
handling firearms in a motor vehicle. Violation of division (A) of 2480
this section is a felony of the fourth degree. Violation of 2481
division (C) of this section is a misdemeanor of the fourth 2482
degree. A violation of division (D) of this section is a felony of 2483
the fifth degree or, if the loaded handgun is concealed on the 2484
person's person, a felony of the fourth degree. A Except as 2485
otherwise provided in this division, a violation of division 2486
(E)(3) of this section is a misdemeanor of the first degree, and, 2487
in addition to any other penalty or sanction imposed for the 2488
violation, the offender's license or temporary emergency license 2489
to carry a concealed handgun shall be suspended pursuant to 2490
division (A)(2) of section 2923.128 of the Revised Code. If at the 2491
time of the stop of the offender for a traffic stop, for another 2492
law enforcement purpose, or for a purpose defined in section 2493
5503.34 of the Revised Code that was the basis of the violation 2494
any law enforcement officer involved with the stop or the employee 2495
of the motor carrier enforcement unit who made the stop had actual 2496
knowledge of the offender's status as a licensee, a violation of 2497
division (E)(3) of this section is a minor misdemeanor, and the 2498
offender's license or temporary emergency license to carry a 2499
concealed handgun shall not be suspended pursuant to division 2500
(A)(2) of section 2923.128 of the Revised Code. A violation of 2501
division (E)(1), (2), or (5) of this section is a felony of the 2502
fifth degree. A violation of division (E)(4) or (6) of this 2503
section is a misdemeanor of the first degree or, if the offender 2504
previously has been convicted of or pleaded guilty to a violation 2505
of division (E)(4) or (6) of this section, a felony of the fifth 2506
degree. In addition to any other penalty or sanction imposed for a 2507
misdemeanor violation of division (E)(4) or (6) of this section, 2508
the offender's license or temporary emergency license to carry a 2509
concealed handgun shall be suspended pursuant to division (A)(2) 2510

of section 2923.128 of the Revised Code. A violation of division 2511
(B) of this section is whichever of the following is applicable: 2512

2513

(1) If, at the time of the transportation or possession in 2514
violation of division (B) of this section, the offender was 2515
carrying a valid license or temporary emergency license to carry a 2516
concealed handgun issued to the offender under section 2923.125 or 2517
2923.1213 of the Revised Code or a license to carry a concealed 2518
handgun that was issued by another state with which the attorney 2519
general has entered into a reciprocity agreement under section 2520
109.69 of the Revised Code and the offender was not knowingly in a 2521
place described in division (B) of section 2923.126 of the Revised 2522
Code, the violation is a misdemeanor of the first degree or, if 2523
the offender previously has been convicted of or pleaded guilty to 2524
a violation of division (B) of this section, a felony of the 2525
fourth degree. 2526

(2) If division (I)(1) of this section does not apply, a 2527
felony of the fourth degree. 2528

(J) If a law enforcement officer stops a motor vehicle for a 2529
traffic stop or any other purpose, if any person in the motor 2530
vehicle surrenders a firearm to the officer, either voluntarily or 2531
pursuant to a request or demand of the officer, and if the officer 2532
does not charge the person with a violation of this section or 2533
arrest the person for any offense, the person is not otherwise 2534
prohibited by law from possessing the firearm, and the firearm is 2535
not contraband, the officer shall return the firearm to the person 2536
at the termination of the stop. If a court orders a law 2537
enforcement officer to return a firearm to a person pursuant to 2538
the requirement set forth in this division, division (B) of 2539
section 2923.163 of the Revised Code applies. 2540

(K) As used in this section: 2541

(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code. 2542
2543

(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code. 2544
2545

(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code. 2546
2547

(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code. 2548
2549

(5) "Unloaded" means, ~~with~~ any of the following: 2550

(a) No ammunition is in the firearm in question, and no ammunition is loaded into a magazine or speed loader that may be used with the firearm in question and that is located anywhere within the vehicle in question, without regard to where ammunition otherwise is located within the vehicle in question. 2551
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(b) 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. 2556
2557
2558

(6) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code. 2559
2560

(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. 2561
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Sec. 2923.163. If a law enforcement officer stops a person for any law enforcement purpose and the person voluntarily or pursuant to a request or demand of the officer surrenders a firearm to the officer, if a law enforcement officer stops a motor vehicle for any purpose and a person in the motor vehicle voluntarily or pursuant to a request or demand of the officer surrenders a firearm to the officer, or if a law enforcement 2565
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officer otherwise seizes a firearm from a person, all of the 2572
following apply: 2573

(A) If the law enforcement officer does not return the 2574
firearm to the person at the termination of the stop or otherwise 2575
promptly return the firearm to the person after the seizure of the 2576
firearm, the officer or other personnel at the officer's law 2577
enforcement agency shall maintain the integrity and identity of 2578
the firearm in such a manner so that if the firearm subsequently 2579
is to be returned to the person it can be identified and returned 2580
to the person in the same condition it was in when it was seized. 2581

(B) If the law enforcement officer does not return the 2582
firearm to the person at the termination of the stop or otherwise 2583
promptly return the firearm to the person after the seizure of the 2584
firearm, if a court finds that a law enforcement officer failed to 2585
return the firearm to the person after the person has demanded the 2586
return of the firearm from the officer, and if the court orders a 2587
law enforcement officer to return the firearm to the person, in 2588
addition to any other relief ordered, the court also shall award 2589
reasonable costs and attorney's fees to the person who sought the 2590
order to return the firearm. 2591

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 2592
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), or (L) of this 2593
section and except in relation to an offense for which a sentence 2594
of death or life imprisonment is to be imposed, if the court 2595
imposing a sentence upon an offender for a felony elects or is 2596
required to impose a prison term on the offender pursuant to this 2597
chapter, the court shall impose a definite prison term that shall 2598
be one of the following: 2599

(1) For a felony of the first degree, the prison term shall 2600
be three, four, five, six, seven, eight, nine, or ten years. 2601

(2) For a felony of the second degree, the prison term shall 2602

be two, three, four, five, six, seven, or eight years. 2603

(3) For a felony of the third degree, the prison term shall 2604
be one, two, three, four, or five years. 2605

(4) For a felony of the fourth degree, the prison term shall 2606
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2607
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2608

(5) For a felony of the fifth degree, the prison term shall 2609
be six, seven, eight, nine, ten, eleven, or twelve months. 2610

(B) Except as provided in division (C), (D)(1), (D)(2), 2611
(D)(3), (D)(5), (D)(6), (G), or (L) of this section, in section 2612
2907.02 or 2907.05 of the Revised Code, or in Chapter 2925. of the 2613
Revised Code, if the court imposing a sentence upon an offender 2614
for a felony elects or is required to impose a prison term on the 2615
offender, the court shall impose the shortest prison term 2616
authorized for the offense pursuant to division (A) of this 2617
section, unless one or more of the following applies: 2618

(1) The offender was serving a prison term at the time of the 2619
offense, or the offender previously had served a prison term. 2620

(2) The court finds on the record that the shortest prison 2621
term will demean the seriousness of the offender's conduct or will 2622
not adequately protect the public from future crime by the 2623
offender or others. 2624

(C) Except as provided in division (G) or (L) of this section 2625
or in Chapter 2925. of the Revised Code, the court imposing a 2626
sentence upon an offender for a felony may impose the longest 2627
prison term authorized for the offense pursuant to division (A) of 2628
this section only upon offenders who committed the worst forms of 2629
the offense, upon offenders who pose the greatest likelihood of 2630
committing future crimes, upon certain major drug offenders under 2631
division (D)(3) of this section, and upon certain repeat violent 2632
offenders in accordance with division (D)(2) of this section. 2633

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

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

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

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

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

(c) Except as provided in division (D)(1)(e) of this section, 2666
if an offender who is convicted of or pleads guilty to a violation 2667
of section 2923.161 of the Revised Code or to a felony that 2668
includes, as an essential element, purposely or knowingly causing 2669
or attempting to cause the death of or physical harm to another, 2670
also is convicted of or pleads guilty to a specification of the 2671
type described in section 2941.146 of the Revised Code that 2672
charges the offender with committing the offense by discharging a 2673
firearm from a motor vehicle other than a manufactured home, the 2674
court, after imposing a prison term on the offender for the 2675
violation of section 2923.161 of the Revised Code or for the other 2676
felony offense under division (A), (D)(2), or (D)(3) of this 2677
section, shall impose an additional prison term of five years upon 2678
the offender that shall not be reduced pursuant to section 2679
2929.20, section 2967.193, or any other provision of Chapter 2967. 2680
or Chapter 5120. of the Revised Code. A court shall not impose 2681
more than one additional prison term on an offender under division 2682
(D)(1)(c) of this section for felonies committed as part of the 2683
same act or transaction. If a court imposes an additional prison 2684
term on an offender under division (D)(1)(c) of this section 2685
relative to an offense, the court also shall impose a prison term 2686
under division (D)(1)(a) of this section relative to the same 2687
offense, provided the criteria specified in that division for 2688
imposing an additional prison term are satisfied relative to the 2689
offender and the offense. 2690

(d) If an offender who is convicted of or pleads guilty to an 2691
offense of violence that is a felony also is convicted of or 2692
pleads guilty to a specification of the type described in section 2693
2941.1411 of the Revised Code that charges the offender with 2694
wearing or carrying body armor while committing the felony offense 2695
of violence, the court shall impose on the offender a prison term 2696
of two years. The prison term so imposed shall not be reduced 2697
pursuant to section 2929.20, section 2967.193, or any other 2698

provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2699
court shall not impose more than one prison term on an offender 2700
under division (D)(1)(d) of this section for felonies committed as 2701
part of the same act or transaction. If a court imposes an 2702
additional prison term under division (D)(1)(a) or (c) of this 2703
section, the court is not precluded from imposing an additional 2704
prison term under division (D)(1)(d) of this section. 2705

(e) The court shall not impose any of the prison terms 2706
described in division (D)(1)(a) of this section or any of the 2707
additional prison terms described in division (D)(1)(c) of this 2708
section upon an offender for a violation of section 2923.12 or 2709
2923.123 of the Revised Code. The court shall not impose any of 2710
the prison terms described in division (D)(1)(a) or (b) of this 2711
section upon an offender for a violation of section 2923.122 that 2712
involves a deadly weapon that is a firearm other than a dangerous 2713
ordnance, section 2923.16, or section 2923.121 of the Revised 2714
Code. The court shall not impose any of the prison terms described 2715
in division (D)(1)(a) of this section or any of the additional 2716
prison terms described in division (D)(1)(c) of this section upon 2717
an offender for a violation of section 2923.13 of the Revised Code 2718
unless all of the following apply: 2719

(i) The offender previously has been convicted of aggravated 2720
murder, murder, or any felony of the first or second degree. 2721

(ii) Less than five years have passed since the offender was 2722
released from prison or post-release control, whichever is later, 2723
for the prior offense. 2724

(f) If an offender is convicted of or pleads guilty to a 2725
felony that includes, as an essential element, causing or 2726
attempting to cause the death of or physical harm to another and 2727
also is convicted of or pleads guilty to a specification of the 2728
type described in section 2941.1412 of the Revised Code that 2729
charges the offender with committing the offense by discharging a 2730

firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. ~~A court shall not impose more than one additional prison term on an offender under division (D)(1)(f) of this section for felonies committed as part of the same act or transaction~~ If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (D)(1)(f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (D)(1)(f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (D)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (D)(1)(a) or (c) of this section relative to the same offense.

(g) If an offender is convicted of or pleads guilty to two or more felonies, if one or more of those felonies is aggravated murder, murder, attempted aggravated murder, attempted murder, aggravated robbery, felonious assault, or rape, and if the offender is convicted of or pleads guilty to a specification of

the type described under division (D)(1)(a) of this section in 2764
connection with two or more of the felonies, the sentencing court 2765
shall impose on the offender the prison term specified under 2766
division (D)(1)(a) of this section for each of the two most 2767
serious specifications of which the offender is convicted or to 2768
which the offender pleads guilty and, in its discretion, also may 2769
impose on the offender the prison term specified under that 2770
division for any or all of the remaining specifications. 2771

(2)(a) If division (D)(2)(b) of this section does not apply, 2772
the court may impose on an offender, in addition to the longest 2773
prison term authorized or required for the offense, an additional 2774
definite prison term of one, two, three, four, five, six, seven, 2775
eight, nine, or ten years if all of the following criteria are 2776
met: 2777

(i) The offender is convicted of or pleads guilty to a 2778
specification of the type described in section 2941.149 of the 2779
Revised Code that the offender is a repeat violent offender. 2780

(ii) The offense of which the offender currently is convicted 2781
or to which the offender currently pleads guilty is aggravated 2782
murder and the court does not impose a sentence of death or life 2783
imprisonment without parole, murder, terrorism and the court does 2784
not impose a sentence of life imprisonment without parole, any 2785
felony of the first degree that is an offense of violence and the 2786
court does not impose a sentence of life imprisonment without 2787
parole, or any felony of the second degree that is an offense of 2788
violence and the trier of fact finds that the offense involved an 2789
attempt to cause or a threat to cause serious physical harm to a 2790
person or resulted in serious physical harm to a person. 2791

(iii) The court imposes the longest prison term for the 2792
offense that is not life imprisonment without parole. 2793

(iv) The court finds that the prison terms imposed pursuant 2794

to division (D)(2)(a)(iii) of this section and, if applicable, 2795
division (D)(1) or (3) of this section are inadequate to punish 2796
the offender and protect the public from future crime, because the 2797
applicable factors under section 2929.12 of the Revised Code 2798
indicating a greater likelihood of recidivism outweigh the 2799
applicable factors under that section indicating a lesser 2800
likelihood of recidivism. 2801

(v) The court finds that the prison terms imposed pursuant to 2802
division (D)(2)(a)(iii) of this section and, if applicable, 2803
division (D)(1) or (3) of this section are demeaning to the 2804
seriousness of the offense, because one or more of the factors 2805
under section 2929.12 of the Revised Code indicating that the 2806
offender's conduct is more serious than conduct normally 2807
constituting the offense are present, and they outweigh the 2808
applicable factors under that section indicating that the 2809
offender's conduct is less serious than conduct normally 2810
constituting the offense. 2811

(b) The court shall impose on an offender the longest prison 2812
term authorized or required for the offense and shall impose on 2813
the offender an additional definite prison term of one, two, 2814
three, four, five, six, seven, eight, nine, or ten years if all of 2815
the following criteria are met: 2816

(i) The offender is convicted of or pleads guilty to a 2817
specification of the type described in section 2941.149 of the 2818
Revised Code that the offender is a repeat violent offender. 2819

(ii) The offender within the preceding twenty years has been 2820
convicted of or pleaded guilty to three or more offenses described 2821
in division (DD)(1) of section 2929.01 of the Revised Code, 2822
including all offenses described in that division of which the 2823
offender is convicted or to which the offender pleads guilty in 2824
the current prosecution and all offenses described in that 2825
division of which the offender previously has been convicted or to 2826

which the offender previously pleaded guilty, whether prosecuted 2827
together or separately. 2828

(iii) The offense or offenses of which the offender currently 2829
is convicted or to which the offender currently pleads guilty is 2830
aggravated murder and the court does not impose a sentence of 2831
death or life imprisonment without parole, murder, terrorism and 2832
the court does not impose a sentence of life imprisonment without 2833
parole, any felony of the first degree that is an offense of 2834
violence and the court does not impose a sentence of life 2835
imprisonment without parole, or any felony of the second degree 2836
that is an offense of violence and the trier of fact finds that 2837
the offense involved an attempt to cause or a threat to cause 2838
serious physical harm to a person or resulted in serious physical 2839
harm to a person. 2840

(c) For purposes of division (D)(2)(b) of this section, two 2841
or more offenses committed at the same time or as part of the same 2842
act or event shall be considered one offense, and that one offense 2843
shall be the offense with the greatest penalty. 2844

(d) A sentence imposed under division (D)(2)(a) or (b) of 2845
this section shall not be reduced pursuant to section 2929.20 or 2846
section 2967.193, or any other provision of Chapter 2967. or 2847
Chapter 5120. of the Revised Code. The offender shall serve an 2848
additional prison term imposed under this section consecutively to 2849
and prior to the prison term imposed for the underlying offense. 2850

(e) When imposing a sentence pursuant to division (D)(2)(a) 2851
or (b) of this section, the court shall state its findings 2852
explaining the imposed sentence. 2853

(3)(a) Except when an offender commits a violation of section 2854
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2855
the violation is life imprisonment or commits a violation of 2856
section 2903.02 of the Revised Code, if the offender commits a 2857

violation of section 2925.03 or 2925.11 of the Revised Code and 2858
that section classifies the offender as a major drug offender and 2859
requires the imposition of a ten-year prison term on the offender, 2860
if the offender commits a felony violation of section 2925.02, 2861
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2862
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2863
division (C) of section 4729.51, or division (J) of section 2864
4729.54 of the Revised Code that includes the sale, offer to sell, 2865
or possession of a schedule I or II controlled substance, with the 2866
exception of marihuana, and the court imposing sentence upon the 2867
offender finds that the offender is guilty of a specification of 2868
the type described in section 2941.1410 of the Revised Code 2869
charging that the offender is a major drug offender, if the court 2870
imposing sentence upon an offender for a felony finds that the 2871
offender is guilty of corrupt activity with the most serious 2872
offense in the pattern of corrupt activity being a felony of the 2873
first degree, or if the offender is guilty of an attempted 2874
violation of section 2907.02 of the Revised Code and, had the 2875
offender completed the violation of section 2907.02 of the Revised 2876
Code that was attempted, the offender would have been subject to a 2877
sentence of life imprisonment or life imprisonment without parole 2878
for the violation of section 2907.02 of the Revised Code, the 2879
court shall impose upon the offender for the felony violation a 2880
ten-year prison term that cannot be reduced pursuant to section 2881
2929.20 or Chapter 2967. or 5120. of the Revised Code. 2882

(b) The court imposing a prison term on an offender under 2883
division (D)(3)(a) of this section may impose an additional prison 2884
term of one, two, three, four, five, six, seven, eight, nine, or 2885
ten years, if the court, with respect to the term imposed under 2886
division (D)(3)(a) of this section and, if applicable, divisions 2887
(D)(1) and (2) of this section, makes both of the findings set 2888
forth in divisions (D)(2)(a)(iv) and (v) of this section. 2889

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

If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code and the court imposes a mandatory term of local

incarceration, the court may impose a prison term as described in 2923
division (A)(1) of that section. 2924

(5) If an offender is convicted of or pleads guilty to a 2925
violation of division (A)(1) or (2) of section 2903.06 of the 2926
Revised Code and also is convicted of or pleads guilty to a 2927
specification of the type described in section 2941.1414 of the 2928
Revised Code that charges that the victim of the offense is a 2929
peace officer, as defined in section 2935.01 of the Revised Code, 2930
or an investigator of the bureau of criminal identification and 2931
investigation, as defined in section 2903.11 of the Revised Code, 2932
the court shall impose on the offender a prison term of five 2933
years. If a court imposes a prison term on an offender under 2934
division (D)(5) of this section, the prison term shall not be 2935
reduced pursuant to section 2929.20, section 2967.193, or any 2936
other provision of Chapter 2967. or Chapter 5120. of the Revised 2937
Code. A court shall not impose more than one prison term on an 2938
offender under division (D)(5) of this section for felonies 2939
committed as part of the same act. 2940

(6) If an offender is convicted of or pleads guilty to a 2941
violation of division (A)(1) or (2) of section 2903.06 of the 2942
Revised Code and also is convicted of or pleads guilty to a 2943
specification of the type described in section 2941.1415 of the 2944
Revised Code that charges that the offender previously has been 2945
convicted of or pleaded guilty to three or more violations of 2946
division (A) or (B) of section 4511.19 of the Revised Code or an 2947
equivalent offense, as defined in section 2941.1415 of the Revised 2948
Code, or three or more violations of any combination of those 2949
divisions and offenses, the court shall impose on the offender a 2950
prison term of three years. If a court imposes a prison term on an 2951
offender under division (D)(6) of this section, the prison term 2952
shall not be reduced pursuant to section 2929.20, section 2953
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 2954

of the Revised Code. A court shall not impose more than one prison 2955
term on an offender under division (D)(6) of this section for 2956
felonies committed as part of the same act. 2957

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 2958
mandatory prison term is imposed upon an offender pursuant to 2959
division (D)(1)(a) of this section for having a firearm on or 2960
about the offender's person or under the offender's control while 2961
committing a felony, if a mandatory prison term is imposed upon an 2962
offender pursuant to division (D)(1)(c) of this section for 2963
committing a felony specified in that division by discharging a 2964
firearm from a motor vehicle, or if both types of mandatory prison 2965
terms are imposed, the offender shall serve any mandatory prison 2966
term imposed under either division consecutively to any other 2967
mandatory prison term imposed under either division or under 2968
division (D)(1)(d) of this section, consecutively to and prior to 2969
any prison term imposed for the underlying felony pursuant to 2970
division (A), (D)(2), or (D)(3) of this section or any other 2971
section of the Revised Code, and consecutively to any other prison 2972
term or mandatory prison term previously or subsequently imposed 2973
upon the offender. 2974

(b) If a mandatory prison term is imposed upon an offender 2975
pursuant to division (D)(1)(d) of this section for wearing or 2976
carrying body armor while committing an offense of violence that 2977
is a felony, the offender shall serve the mandatory term so 2978
imposed consecutively to any other mandatory prison term imposed 2979
under that division or under division (D)(1)(a) or (c) of this 2980
section, consecutively to and prior to any prison term imposed for 2981
the underlying felony under division (A), (D)(2), or (D)(3) of 2982
this section or any other section of the Revised Code, and 2983
consecutively to any other prison term or mandatory prison term 2984
previously or subsequently imposed upon the offender. 2985

(c) If a mandatory prison term is imposed upon an offender 2986

pursuant to division (D)(1)(f) of this section, the offender shall 2987
serve the mandatory prison term so imposed consecutively to and 2988
prior to any prison term imposed for the underlying felony under 2989
division (A), (D)(2), or (D)(3) of this section or any other 2990
section of the Revised Code, and consecutively to any other prison 2991
term or mandatory prison term previously or subsequently imposed 2992
upon the offender. 2993

(2) If an offender who is an inmate in a jail, prison, or 2994
other residential detention facility violates section 2917.02, 2995
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2996
who is under detention at a detention facility commits a felony 2997
violation of section 2923.131 of the Revised Code, or if an 2998
offender who is an inmate in a jail, prison, or other residential 2999
detention facility or is under detention at a detention facility 3000
commits another felony while the offender is an escapee in 3001
violation of section 2921.34 of the Revised Code, any prison term 3002
imposed upon the offender for one of those violations shall be 3003
served by the offender consecutively to the prison term or term of 3004
imprisonment the offender was serving when the offender committed 3005
that offense and to any other prison term previously or 3006
subsequently imposed upon the offender. 3007

(3) If a prison term is imposed for a violation of division 3008
(B) of section 2911.01 of the Revised Code, a violation of 3009
division (A) of section 2913.02 of the Revised Code in which the 3010
stolen property is a firearm or dangerous ordnance, or a felony 3011
violation of division (B) of section 2921.331 of the Revised Code, 3012
the offender shall serve that prison term consecutively to any 3013
other prison term or mandatory prison term previously or 3014
subsequently imposed upon the offender. 3015

(4) If multiple prison terms are imposed on an offender for 3016
convictions of multiple offenses, the court may require the 3017
offender to serve the prison terms consecutively if the court 3018

finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

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

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

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

(5) If a mandatory prison term is imposed upon an offender pursuant to division (D)(5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an offender pursuant to division (D)(5) of this section, and if a mandatory prison term also is imposed upon the offender pursuant to division (D)(6) of this section in relation to the same violation, the offender shall serve the mandatory prison term imposed pursuant to division (D)(5) of this section consecutively to and prior to the mandatory prison term imposed pursuant to

division (D)(6) of this section and consecutively to and prior to 3051
any prison term imposed for the underlying violation of division 3052
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 3053
division (A) of this section or section 2929.142 of the Revised 3054
Code. 3055

(6) When consecutive prison terms are imposed pursuant to 3056
division (E)(1), (2), (3), (4), or (5) of this section, the term 3057
to be served is the aggregate of all of the terms so imposed. 3058

(F)(1) If a court imposes a prison term for a felony of the 3059
first degree, for a felony of the second degree, for a felony sex 3060
offense, or for a felony of the third degree that is not a felony 3061
sex offense and in the commission of which the offender caused or 3062
threatened to cause physical harm to a person, it shall include in 3063
the sentence a requirement that the offender be subject to a 3064
period of post-release control after the offender's release from 3065
imprisonment, in accordance with that division. If a court imposes 3066
a sentence including a prison term of a type described in this 3067
division on or after July 11, 2006, the failure of a court to 3068
include a post-release control requirement in the sentence 3069
pursuant to this division does not negate, limit, or otherwise 3070
affect the mandatory period of post-release control that is 3071
required for the offender under division (B) of section 2967.28 of 3072
the Revised Code. Section 2929.191 of the Revised Code applies if, 3073
prior to July 11, 2006, a court imposed a sentence including a 3074
prison term of a type described in this division and failed to 3075
include in the sentence pursuant to this division a statement 3076
regarding post-release control. 3077

(2) If a court imposes a prison term for a felony of the 3078
third, fourth, or fifth degree that is not subject to division 3079
(F)(1) of this section, it shall include in the sentence a 3080
requirement that the offender be subject to a period of 3081
post-release control after the offender's release from 3082

imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(G) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

(2) A person is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after the

~~effective date of this amendment~~ January 1, 2008, and that section 3114
requires the court to sentence the offender pursuant to section 3115
2971.03 of the Revised Code. 3116

(5) A person is convicted of or pleads guilty to aggravated 3117
murder committed on or after ~~the effective date of this amendment~~ 3118
January 1, 2008, and division (A)(2)(b)(ii) of section 2929.022, 3119
division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), 3120
(D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or 3121
(B) of section 2929.06 of the Revised Code requires the court to 3122
sentence the offender pursuant to division (B)(3) of section 3123
2971.03 of the Revised Code. 3124

(6) A person is convicted of or pleads guilty to murder 3125
committed on or after ~~the effective date of this amendment~~ January 3126
1, 2008, and division (B)(2) of section 2929.02 of the Revised 3127
Code requires the court to sentence the offender pursuant to 3128
section 2971.03 of the Revised Code. 3129

(H) If a person who has been convicted of or pleaded guilty 3130
to a felony is sentenced to a prison term or term of imprisonment 3131
under this section, sections 2929.02 to 2929.06 of the Revised 3132
Code, section 2929.142 of the Revised Code, section 2971.03 of the 3133
Revised Code, or any other provision of law, section 5120.163 of 3134
the Revised Code applies regarding the person while the person is 3135
confined in a state correctional institution. 3136

(I) If an offender who is convicted of or pleads guilty to a 3137
felony that is an offense of violence also is convicted of or 3138
pleads guilty to a specification of the type described in section 3139
2941.142 of the Revised Code that charges the offender with having 3140
committed the felony while participating in a criminal gang, the 3141
court shall impose upon the offender an additional prison term of 3142
one, two, or three years. 3143

(J) If an offender who is convicted of or pleads guilty to 3144

aggravated murder, murder, or a felony of the first, second, or 3145
third degree that is an offense of violence also is convicted of 3146
or pleads guilty to a specification of the type described in 3147
section 2941.143 of the Revised Code that charges the offender 3148
with having committed the offense in a school safety zone or 3149
towards a person in a school safety zone, the court shall impose 3150
upon the offender an additional prison term of two years. The 3151
offender shall serve the additional two years consecutively to and 3152
prior to the prison term imposed for the underlying offense. 3153

(K) At the time of sentencing, the court may recommend the 3154
offender for placement in a program of shock incarceration under 3155
section 5120.031 of the Revised Code or for placement in an 3156
intensive program prison under section 5120.032 of the Revised 3157
Code, disapprove placement of the offender in a program of shock 3158
incarceration or an intensive program prison of that nature, or 3159
make no recommendation on placement of the offender. In no case 3160
shall the department of rehabilitation and correction place the 3161
offender in a program or prison of that nature unless the 3162
department determines as specified in section 5120.031 or 5120.032 3163
of the Revised Code, whichever is applicable, that the offender is 3164
eligible for the placement. 3165

If the court disapproves placement of the offender in a 3166
program or prison of that nature, the department of rehabilitation 3167
and correction shall not place the offender in any program of 3168
shock incarceration or intensive program prison. 3169

If the court recommends placement of the offender in a 3170
program of shock incarceration or in an intensive program prison, 3171
and if the offender is subsequently placed in the recommended 3172
program or prison, the department shall notify the court of the 3173
placement and shall include with the notice a brief description of 3174
the placement. 3175

If the court recommends placement of the offender in a 3176

program of shock incarceration or in an intensive program prison 3177
and the department does not subsequently place the offender in the 3178
recommended program or prison, the department shall send a notice 3179
to the court indicating why the offender was not placed in the 3180
recommended program or prison. 3181

If the court does not make a recommendation under this 3182
division with respect to an offender and if the department 3183
determines as specified in section 5120.031 or 5120.032 of the 3184
Revised Code, whichever is applicable, that the offender is 3185
eligible for placement in a program or prison of that nature, the 3186
department shall screen the offender and determine if there is an 3187
available program of shock incarceration or an intensive program 3188
prison for which the offender is suited. If there is an available 3189
program of shock incarceration or an intensive program prison for 3190
which the offender is suited, the department shall notify the 3191
court of the proposed placement of the offender as specified in 3192
section 5120.031 or 5120.032 of the Revised Code and shall include 3193
with the notice a brief description of the placement. The court 3194
shall have ten days from receipt of the notice to disapprove the 3195
placement. 3196

(L) If a person is convicted of or pleads guilty to 3197
aggravated vehicular homicide in violation of division (A)(1) of 3198
section 2903.06 of the Revised Code and division (B)(2)(c) of that 3199
section applies, the person shall be sentenced pursuant to section 3200
2929.142 of the Revised Code. 3201

Section 2. That existing sections 2307.60, 2901.05, 2923.12, 3202
2923.121, 2923.122, 2923.125, 2923.126, 2923.128, 2923.129, 3203
2923.1210, 2923.1212, 2923.1213, 2923.16, and 2929.14 of the 3204
Revised Code are hereby repealed. 3205