

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 158**

**Representative Domenick**

**Cosponsors: Representatives Adams, J., Dodd, Fende, Letson, Murray,  
Okey**

**—**

**A BILL**

To amend section 2923.125 of the Revised Code to 1  
require a sheriff to waive the license fee for a 2  
license to carry a concealed handgun for an 3  
instructor of a firearms course, class, or 4  
program. 5

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

**Section 1.** That section 2923.125 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 2923.125.** (A) Upon the request of a person who wishes to 8  
obtain a license to carry a concealed handgun or to renew a 9  
license to carry a concealed handgun, a sheriff, as provided in 10  
division (I) of this section, shall provide to the person free of 11  
charge an application form and a copy of the pamphlet described in 12  
division (B) of section 109.731 of the Revised Code. A sheriff 13  
shall accept a completed application form and the fee, items, 14  
materials, and information specified in divisions (B)(1) to (5) of 15  
this section at the times and in the manners described in division 16  
(I) of this section. 17

(B) An applicant for a license to carry a concealed handgun 18

shall submit a completed application form and all of the following 19  
to the sheriff of the county in which the applicant resides or to 20  
the sheriff of any county adjacent to the county in which the 21  
applicant resides: 22

(1) A nonrefundable license fee prescribed by the Ohio peace 23  
officer training commission pursuant to division (C) of section 24  
109.731 of the Revised Code, except that the sheriff shall waive 25  
the payment of the license fee in connection with an initial or 26  
renewal application for a license that is submitted by an 27  
applicant who is an instructor of a firearms course, class, or 28  
program that meets the requirements of division (B)(3)(a), (b), 29  
(c), or (e) of this section or who is a retired peace officer, a 30  
retired person described in division (B)(1)(b) of section 109.77 31  
of the Revised Code, or a retired federal law enforcement officer 32  
who, prior to retirement, was authorized under federal law to 33  
carry a firearm in the course of duty, unless the retired peace 34  
officer, person, or federal law enforcement officer retired as the 35  
result of a mental disability; 36

(2) A color photograph of the applicant that was taken within 37  
thirty days prior to the date of the application; 38

(3) One or more of the following competency certifications, 39  
each of which shall reflect that, regarding a certification 40  
described in division (B)(3)(a), (b), (c), (e), or (f) of this 41  
section, within the three years immediately preceding the 42  
application the applicant has performed that to which the 43  
competency certification relates and that, regarding a 44  
certification described in division (B)(3)(d) of this section, the 45  
applicant currently is an active or reserve member of the armed 46  
forces of the United States or within the six years immediately 47  
preceding the application the honorable discharge or retirement to 48  
which the competency certification relates occurred: 49

(a) An original or photocopy of a certificate of completion 50

of a firearms safety, training, or requalification or firearms 51  
safety instructor course, class, or program that was offered by or 52  
under the auspices of the national rifle association and that 53  
complies with the requirements set forth in division (G) of this 54  
section; 55

(b) An original or photocopy of a certificate of completion 56  
of a firearms safety, training, or requalification or firearms 57  
safety instructor course, class, or program that satisfies all of 58  
the following criteria: 59

(i) It was open to members of the general public. 60

(ii) It utilized qualified instructors who were certified by 61  
the national rifle association, the executive director of the Ohio 62  
peace officer training commission pursuant to section 109.75 or 63  
109.78 of the Revised Code, or a governmental official or entity 64  
of another state. 65

(iii) It was offered by or under the auspices of a law 66  
enforcement agency of this or another state or the United States, 67  
a public or private college, university, or other similar 68  
postsecondary educational institution located in this or another 69  
state, a firearms training school located in this or another 70  
state, or another type of public or private entity or organization 71  
located in this or another state. 72

(iv) It complies with the requirements set forth in division 73  
(G) of this section. 74

(c) An original or photocopy of a certificate of completion 75  
of a state, county, municipal, or department of natural resources 76  
peace officer training school that is approved by the executive 77  
director of the Ohio peace officer training commission pursuant to 78  
section 109.75 of the Revised Code and that complies with the 79  
requirements set forth in division (G) of this section, or the 80  
applicant has satisfactorily completed and been issued a 81

certificate of completion of a basic firearms training program, a 82  
firearms requalification training program, or another basic 83  
training program described in section 109.78 or 109.801 of the 84  
Revised Code that complies with the requirements set forth in 85  
division (G) of this section; 86

(d) A document that evidences both of the following: 87

(i) That the applicant is an active or reserve member of the 88  
armed forces of the United States, was honorably discharged from 89  
military service in the active or reserve armed forces of the 90  
United States, is a retired trooper of the state highway patrol, 91  
or is a retired peace officer or federal law enforcement officer 92  
described in division (B)(1) of this section or a retired person 93  
described in division (B)(1)(b) of section 109.77 of the Revised 94  
Code and division (B)(1) of this section; 95

(ii) That, through participation in the military service or 96  
through the former employment described in division (B)(3)(d)(i) 97  
of this section, the applicant acquired experience with handling 98  
handguns or other firearms, and the experience so acquired was 99  
equivalent to training that the applicant could have acquired in a 100  
course, class, or program described in division (B)(3)(a), (b), or 101  
(c) of this section. 102

(e) A certificate or another similar document that evidences 103  
satisfactory completion of a firearms training, safety, or 104  
requalification or firearms safety instructor course, class, or 105  
program that is not otherwise described in division (B)(3)(a), 106  
(b), (c), or (d) of this section, that was conducted by an 107  
instructor who was certified by an official or entity of the 108  
government of this or another state or the United States or by the 109  
national rifle association, and that complies with the 110  
requirements set forth in division (G) of this section; 111

(f) An affidavit that attests to the applicant's satisfactory 112

completion of a course, class, or program described in division 113  
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 114  
by the applicant's instructor or an authorized representative of 115  
the entity that offered the course, class, or program or under 116  
whose auspices the course, class, or program was offered. 117

(4) A certification by the applicant that the applicant has 118  
read the pamphlet prepared by the Ohio peace officer training 119  
commission pursuant to section 109.731 of the Revised Code that 120  
reviews firearms, dispute resolution, and use of deadly force 121  
matters. 122

(5) A set of fingerprints of the applicant provided as 123  
described in section 311.41 of the Revised Code through use of an 124  
electronic fingerprint reading device or, if the sheriff to whom 125  
the application is submitted does not possess and does not have 126  
ready access to the use of such a reading device, on a standard 127  
impression sheet prescribed pursuant to division (C)(2) of section 128  
109.572 of the Revised Code. 129

(C) Upon receipt of an applicant's completed application 130  
form, supporting documentation, and, if not waived, license fee, a 131  
sheriff, in the manner specified in section 311.41 of the Revised 132  
Code, shall conduct or cause to be conducted the criminal records 133  
check and the incompetency records check described in section 134  
311.41 of the Revised Code. 135

(D)(1) Except as provided in division (D)(3) or (4) of this 136  
section, within forty-five days after a sheriff's receipt of an 137  
applicant's completed application form for a license to carry a 138  
concealed handgun, the supporting documentation, and, if not 139  
waived, the license fee, the sheriff shall make available through 140  
the law enforcement automated data system in accordance with 141  
division (H) of this section the information described in that 142  
division and, upon making the information available through the 143  
system, shall issue to the applicant a license to carry a 144

concealed handgun that shall expire as described in division 145  
(D)(2)(a) of this section if all of the following apply: 146

(a) The applicant is legally living in the United States, has 147  
been a resident of this state for at least forty-five days, and 148  
has been a resident of the county in which the person seeks the 149  
license or a county adjacent to the county in which the person 150  
seeks the license for at least thirty days. For purposes of 151  
division (D)(1)(a) of this section: 152

(i) If a person is absent from the United States, from this 153  
state, or from a particular county in this state in compliance 154  
with military or naval orders as an active or reserve member of 155  
the armed forces of the United States and if prior to leaving this 156  
state in compliance with those orders the person was legally 157  
living in the United States and was a resident of this state, the 158  
person, solely by reason of that absence, shall not be considered 159  
to have lost the person's status as living in the United States or 160  
the person's residence in this state or in the county in which the 161  
person was a resident prior to leaving this state in compliance 162  
with those orders, without regard to whether or not the person 163  
intends to return to this state or to that county, shall not be 164  
considered to have acquired a residence in any other state, and 165  
shall not be considered to have become a resident of any other 166  
state. 167

(ii) If a person is present in this state in compliance with 168  
military or naval orders as an active or reserve member of the 169  
armed forces of the United States for at least forty-five days, 170  
the person shall be considered to have been a resident of this 171  
state for that period of at least forty-five days, and, if a 172  
person is present in a county of this state in compliance with 173  
military or naval orders as an active or reserve member of the 174  
armed forces of the United States for at least thirty days, the 175  
person shall be considered to have been a resident of that county 176

for that period of at least thirty days.	177
(b) The applicant is at least twenty-one years of age.	178
(c) The applicant is not a fugitive from justice.	179
(d) The applicant is not under indictment for or otherwise	180
charged with a felony; an offense under Chapter 2925., 3719., or	181
4729. of the Revised Code that involves the illegal possession,	182
use, sale, administration, or distribution of or trafficking in a	183
drug of abuse; a misdemeanor offense of violence; or a violation	184
of section 2903.14 or 2923.1211 of the Revised Code.	185
(e) Except as otherwise provided in division (D)(5) of this	186
section, the applicant has not been convicted of or pleaded guilty	187
to a felony or an offense under Chapter 2925., 3719., or 4729. of	188
the Revised Code that involves the illegal possession, use, sale,	189
administration, or distribution of or trafficking in a drug of	190
abuse; has not been adjudicated a delinquent child for committing	191
an act that if committed by an adult would be a felony or would be	192
an offense under Chapter 2925., 3719., or 4729. of the Revised	193
Code that involves the illegal possession, use, sale,	194
administration, or distribution of or trafficking in a drug of	195
abuse; and has not been convicted of, pleaded guilty to, or	196
adjudicated a delinquent child for committing a violation of	197
section 2903.13 of the Revised Code when the victim of the	198
violation is a peace officer, regardless of whether the applicant	199
was sentenced under division (C)(3) of that section.	200
(f) Except as otherwise provided in division (D)(5) of this	201
section, the applicant, within three years of the date of the	202
application, has not been convicted of or pleaded guilty to a	203
misdemeanor offense of violence other than a misdemeanor violation	204
of section 2921.33 of the Revised Code or a violation of section	205
2903.13 of the Revised Code when the victim of the violation is a	206
peace officer, or a misdemeanor violation of section 2923.1211 of	207

the Revised Code; and has not been adjudicated a delinquent child 208  
for committing an act that if committed by an adult would be a 209  
misdemeanor offense of violence other than a misdemeanor violation 210  
of section 2921.33 of the Revised Code or a violation of section 211  
2903.13 of the Revised Code when the victim of the violation is a 212  
peace officer or for committing an act that if committed by an 213  
adult would be a misdemeanor violation of section 2923.1211 of the 214  
Revised Code. 215

(g) Except as otherwise provided in division (D)(1)(e) of 216  
this section, the applicant, within five years of the date of the 217  
application, has not been convicted of, pleaded guilty to, or 218  
adjudicated a delinquent child for committing two or more 219  
violations of section 2903.13 or 2903.14 of the Revised Code. 220

(h) Except as otherwise provided in division (D)(5) of this 221  
section, the applicant, within ten years of the date of the 222  
application, has not been convicted of, pleaded guilty to, or 223  
adjudicated a delinquent child for committing a violation of 224  
section 2921.33 of the Revised Code. 225

(i) The applicant has not been adjudicated as a mental 226  
defective, has not been committed to any mental institution, is 227  
not under adjudication of mental incompetence, has not been found 228  
by a court to be a mentally ill person subject to hospitalization 229  
by court order, and is not an involuntary patient other than one 230  
who is a patient only for purposes of observation. As used in this 231  
division, "mentally ill person subject to hospitalization by court 232  
order" and "patient" have the same meanings as in section 5122.01 233  
of the Revised Code. 234

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

(k) The applicant certifies that the applicant desires a 238



legal means to carry a concealed handgun for defense of the 239  
applicant or a member of the applicant's family while engaged in 240  
lawful activity. 241

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

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

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

If a sheriff issues a license under this section, the sheriff 260  
shall place on the license a unique combination of letters and 261  
numbers identifying the license in accordance with the procedure 262  
prescribed by the Ohio peace officer training commission pursuant 263  
to section 109.731 of the Revised Code. 264

(b) If a sheriff denies an application under this section 265  
because the applicant does not satisfy the criteria described in 266  
division (D)(1) of this section, the sheriff shall specify the 267  
grounds for the denial in a written notice to the applicant. The 268  
applicant may appeal the denial pursuant to section 119.12 of the 269

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

(3) If the sheriff with whom an application for a license to 290  
carry a concealed handgun was filed under this section becomes 291  
aware that the applicant has been arrested for or otherwise 292  
charged with an offense that would disqualify the applicant from 293  
holding the license, the sheriff shall suspend the processing of 294  
the application until the disposition of the case arising from the 295  
arrest or charge. 296

(4) If the sheriff determines that the applicant is legally 297  
living in the United States and is a resident of the county in 298  
which the applicant seeks the license or of an adjacent county but 299  
does not yet meet the residency requirements described in division 300  
(D)(1)(a) of this section, the sheriff shall not deny the license 301

because of the residency requirements but shall not issue the 302  
license until the applicant meets those residency requirements. 303

(5) If an applicant has been convicted of or pleaded guilty 304  
to an offense identified in division (D)(1)(e), (f), or (h) of 305  
this section or has been adjudicated a delinquent child for 306  
committing an act or violation identified in any of those 307  
divisions, and if a court has ordered the sealing or expungement 308  
of the records of that conviction, guilty plea, or adjudication 309  
pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 310  
2953.36 of the Revised Code or a court has granted the applicant 311  
relief pursuant to section 2923.14 of the Revised Code from the 312  
disability imposed pursuant to section 2923.13 of the Revised Code 313  
relative to that conviction, guilty plea, or adjudication, the 314  
sheriff with whom the application was submitted shall not consider 315  
the conviction, guilty plea, or adjudication in making a 316  
determination under division (D)(1) or (F) of this section or, in 317  
relation to an application for a temporary emergency license to 318  
carry a concealed handgun submitted under section 2923.1213 of the 319  
Revised Code, in making a determination under division (B)(2) of 320  
that section. 321

(E) If a license to carry a concealed handgun issued under 322  
this section is lost or is destroyed, the licensee may obtain from 323  
the sheriff who issued that license a duplicate license upon the 324  
payment of a fee of fifteen dollars and the submission of an 325  
affidavit attesting to the loss or destruction of the license. The 326  
sheriff, in accordance with the procedures prescribed in section 327  
109.731 of the Revised Code, shall place on the replacement 328  
license a combination of identifying numbers different from the 329  
combination on the license that is being replaced. 330

(F)(1) A licensee who wishes to renew a license to carry a 331  
concealed handgun issued under this section shall do so not 332  
earlier than ninety days before the expiration date of the license 333

or at any time after the expiration date of the license by filing 334  
with the sheriff of the county in which the applicant resides or 335  
with the sheriff of an adjacent county an application for renewal 336  
of the license obtained pursuant to division (D) of this section, 337  
a certification by the applicant that, subsequent to the issuance 338  
of the license, the applicant has reread the pamphlet prepared by 339  
the Ohio peace officer training commission pursuant to section 340  
109.731 of the Revised Code that reviews firearms, dispute 341  
resolution, and use of deadly force matters, a nonrefundable 342  
license renewal fee unless the fee is waived, and one of the 343  
following: 344

(a) If the licensee previously has not renewed a license to 345  
carry a concealed handgun issued under this section, proof that 346  
the licensee at one time had a competency certification of the 347  
type described in division (B)(3) of this section. A valid license 348  
or any other previously issued license that has not been revoked 349  
is prima-facie evidence that the licensee at one time had a 350  
competency certification of the type described in division (B)(3) 351  
of this section. 352

(b) If the licensee previously has renewed a license to carry 353  
a concealed handgun issued under this section, a renewed 354  
competency certification of the type described in division (G)(4) 355  
of this section. 356

(2) A sheriff shall accept a completed renewal application, 357  
the license renewal fee, and information specified in division 358  
(F)(1) of this section at the times and in the manners described 359  
in division (I) of this section. Upon receipt of a completed 360  
renewal application, of certification that the applicant has 361  
reread the specified pamphlet prepared by the Ohio peace officer 362  
training commission, of proof of a prior competency certification 363  
for an initial renewal or of a renewed competency certification 364  
for a second or subsequent renewal, and of a license renewal fee 365

unless the fee is waived, a sheriff, in the manner specified in 366  
section 311.41 of the Revised Code shall conduct or cause to be 367  
conducted the criminal records check and the incompetency records 368  
check described in section 311.41 of the Revised Code. The sheriff 369  
shall renew the license if the sheriff determines that the 370  
applicant continues to satisfy the requirements described in 371  
division (D)(1) of this section, except that the applicant is not 372  
required to meet the requirements of division (D)(1)(1) of this 373  
section. A renewed license that is renewed on or after March 14, 374  
2007, shall expire five years after the date of issuance, and a 375  
renewed license that is renewed prior to March 14, 2007, shall 376  
expire four years after the date of issuance. A renewed license is 377  
subject to division (E) of this section and sections 2923.126 and 378  
2923.128 of the Revised Code. A sheriff shall comply with 379  
divisions (D)(2) to (4) of this section when the circumstances 380  
described in those divisions apply to a requested license renewal. 381  
If a sheriff denies the renewal of a license to carry a concealed 382  
handgun, the applicant may appeal the denial, or challenge the 383  
criminal record check results that were the basis of the denial if 384  
applicable, in the same manner as specified in division (D)(2)(b) 385  
of this section and in section 2923.127 of the Revised Code, 386  
regarding the denial of a license under this section. 387

388  
(G)(1) Each course, class, or program described in division 389  
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 390  
person who takes the course, class, or program a copy of the 391  
pamphlet prepared by the Ohio peace officer training commission 392  
pursuant to section 109.731 of the Revised Code that reviews 393  
firearms, dispute resolution, and use of deadly force matters. 394  
Each such course, class, or program described in one of those 395  
divisions shall include at least twelve hours of training in the 396  
safe handling and use of a firearm that shall include all of the 397  
following: 398

(a) At least ten hours of training on the following matters:	399
(i) The ability to name, explain, and demonstrate the rules for safe handling of a handgun and proper storage practices for handguns and ammunition;	400 401 402
(ii) The ability to demonstrate and explain how to handle ammunition in a safe manner;	403 404
(iii) The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner;	405 406
(iv) Gun handling training.	407
(b) At least two hours of training that consists of range time and live-fire training.	408 409
(2) To satisfactorily complete the course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section, the applicant shall pass a competency examination that shall include both of the following:	410 411 412 413
(a) A written section on the ability to name and explain the rules for the safe handling of a handgun and proper storage practices for handguns and ammunition;	414 415 416
(b) A physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.	417 418 419 420
(3) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall be dated and shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G)(1) of this section and that the applicant passed the competency examination described in division (G)(2) of this section.	421 422 423 424 425 426 427
(4) A person who previously has received a competency	428

certification as described in division (B)(3) of this section, or 429  
who previously has received a renewed competency certification as 430  
described in this division, may obtain a renewed competency 431  
certification pursuant to this division. If the person previously 432  
has received a competency certification or previously has received 433  
a renewed competency certification, the person may obtain a 434  
renewed competency certification from an entity that offers a 435  
course, class, or program described in division (B)(3)(a), (b), 436  
(c), or (e) of this section by passing a test that demonstrates 437  
that the person is range competent. In these circumstances, the 438  
person is not required to attend the course, class, or program or 439  
to take the competency examination described in division (G)(2) of 440  
this section for the renewed competency certification in order to 441  
be eligible to receive a renewed competency certification. A 442  
renewed competency certification issued under this division shall 443  
be dated and shall attest that the person has demonstrated range 444  
competency. 445

(H) Upon deciding to issue a license, deciding to issue a 446  
replacement license, or deciding to renew a license to carry a 447  
concealed handgun pursuant to this section, and before actually 448  
issuing or renewing the license, the sheriff shall make available 449  
through the law enforcement automated data system all information 450  
contained on the license. If the license subsequently is suspended 451  
under division (A)(1) or (2) of section 2923.128 of the Revised 452  
Code, revoked pursuant to division (B)(1) of section 2923.128 of 453  
the Revised Code, or lost or destroyed, the sheriff also shall 454  
make available through the law enforcement automated data system a 455  
notation of that fact. The superintendent of the state highway 456  
patrol shall ensure that the law enforcement automated data system 457  
is so configured as to permit the transmission through the system 458  
of the information specified in this division. 459

(I) A sheriff shall accept a completed application form or 460

renewal application, and the fee, items, materials, and 461  
information specified in divisions (B)(1) to (5) or division (F) 462  
of this section, whichever is applicable, and shall provide an 463  
application form or renewal application and a copy of the pamphlet 464  
described in division (B) of section 109.731 of the Revised Code 465  
to any person during at least fifteen hours a week. The sheriff 466  
shall post notice of the hours during which the sheriff is 467  
available to accept or provide the information described in this 468  
division. 469

**Section 2.** That existing section 2923.125 of the Revised Code 470  
is hereby repealed. 471