

As Introduced

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Representative Uecker

**Cosponsors: Representatives Jordan, Maag, Snitchler, Zehringer, Martin,
Beck, Sears, Wachtmann, Ruhl, Boose, Adams, J., Stebelton, Goodwin,
Morgan, Derickson, Blair, Wagner, Bubb, Adams, R., Grossman, Okey, Dyer,
O'Farrell, Combs, Garland, Mecklenborg, Pillich, Phillips, Patten, Hall**

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A B I L L

To amend section 2923.126 of the Revised Code to 1
permit a concealed carry licensee who is an 2
employee of a private employer to store the 3
employee's handgun in a locked motor vehicle 4
parked on premises owned or leased by the 5
employer. 6

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

Section 1. That section 2923.126 of the Revised Code be 7
amended to read as follows: 8

Sec. 2923.126. (A) A license to carry a concealed handgun 9
that is issued under section 2923.125 of the Revised Code on or 10
after March 14, 2007, shall expire five years after the date of 11
issuance, and a license that is so issued prior to March 14, 2007, 12
shall expire four years after the date of issuance. A licensee who 13
has been issued a license under that section shall be granted a 14
grace period of thirty days after the licensee's license expires 15
during which the licensee's license remains valid. Except as 16

provided in divisions (B) and (C) of this section, a licensee who 17
has been issued a license under section 2923.125 or 2923.1213 of 18
the Revised Code may carry a concealed handgun anywhere in this 19
state if the licensee also carries a valid license and valid 20
identification when the licensee is in actual possession of a 21
concealed handgun. The licensee shall give notice of any change in 22
the licensee's residence address to the sheriff who issued the 23
license within forty-five days after that change. 24

If a licensee is the driver or an occupant of a motor vehicle 25
that is stopped as the result of a traffic stop or a stop for 26
another law enforcement purpose and if the licensee is 27
transporting or has a loaded handgun in the motor vehicle at that 28
time, the licensee shall promptly inform any law enforcement 29
officer who approaches the vehicle while stopped that the licensee 30
has been issued a license or temporary emergency license to carry 31
a concealed handgun and that the licensee currently possesses or 32
has a loaded handgun; the licensee shall not knowingly disregard 33
or fail to comply with lawful orders of a law enforcement officer 34
given while the motor vehicle is stopped, knowingly fail to remain 35
in the motor vehicle while stopped, or knowingly fail to keep the 36
licensee's hands in plain sight after any law enforcement officer 37
begins approaching the licensee while stopped and before the 38
officer leaves, unless directed otherwise by a law enforcement 39
officer; and the licensee shall not knowingly remove, attempt to 40
remove, grasp, or hold the loaded handgun or knowingly have 41
contact with the loaded handgun by touching it with the licensee's 42
hands or fingers, in any manner in violation of division (E) of 43
section 2923.16 of the Revised Code, after any law enforcement 44
officer begins approaching the licensee while stopped and before 45
the officer leaves. Additionally, if a licensee is the driver or 46
an occupant of a commercial motor vehicle that is stopped by an 47
employee of the motor carrier enforcement unit for the purposes 48
defined in section 5503.04 of the Revised Code and if the licensee 49

is transporting or has a loaded handgun in the commercial motor 50
vehicle at that time, the licensee shall promptly inform the 51
employee of the unit who approaches the vehicle while stopped that 52
the licensee has been issued a license or temporary emergency 53
license to carry a concealed handgun and that the licensee 54
currently possesses or has a loaded handgun. 55

If a licensee is stopped for a law enforcement purpose and if 56
the licensee is carrying a concealed handgun at the time the 57
officer approaches, the licensee shall promptly inform any law 58
enforcement officer who approaches the licensee while stopped that 59
the licensee has been issued a license or temporary emergency 60
license to carry a concealed handgun and that the licensee 61
currently is carrying a concealed handgun; the licensee shall not 62
knowingly disregard or fail to comply with lawful orders of a law 63
enforcement officer given while the licensee is stopped or 64
knowingly fail to keep the licensee's hands in plain sight after 65
any law enforcement officer begins approaching the licensee while 66
stopped and before the officer leaves, unless directed otherwise 67
by a law enforcement officer; and the licensee shall not knowingly 68
remove, attempt to remove, grasp, or hold the loaded handgun or 69
knowingly have contact with the loaded handgun by touching it with 70
the licensee's hands or fingers, in any manner in violation of 71
division (B) of section 2923.12 of the Revised Code, after any law 72
enforcement officer begins approaching the licensee while stopped 73
and before the officer leaves. 74

(B) A valid license issued under section 2923.125 or 75
2923.1213 of the Revised Code does not authorize the licensee to 76
carry a concealed handgun in any manner prohibited under division 77
(B) of section 2923.12 of the Revised Code or in any manner 78
prohibited under section 2923.16 of the Revised Code. A valid 79
license does not authorize the licensee to carry a concealed 80
handgun into any of the following places: 81

(1) A police station, sheriff's office, or state highway	82
patrol station, premises controlled by the bureau of criminal	83
identification and investigation, a state correctional	84
institution, jail, workhouse, or other detention facility, an	85
airport passenger terminal, or an institution that is maintained,	86
operated, managed, and governed pursuant to division (A) of	87
section 5119.02 of the Revised Code or division (A)(1) of section	88
5123.03 of the Revised Code;	89
(2) A school safety zone if the licensee's carrying the	90
concealed handgun is in violation of section 2923.122 of the	91
Revised Code;	92
(3) A courthouse or another building or structure in which a	93
courtroom is located, in violation of section 2923.123 of the	94
Revised Code;	95
(4) Any premises or open air arena for which a D permit has	96
been issued under Chapter 4303. of the Revised Code if the	97
licensee's carrying the concealed handgun is in violation of	98
section 2923.121 of the Revised Code;	99
(5) Any premises owned or leased by any public or private	100
college, university, or other institution of higher education,	101
unless the handgun is in a locked motor vehicle or the licensee is	102
in the immediate process of placing the handgun in a locked motor	103
vehicle;	104
(6) Any church, synagogue, mosque, or other place of worship,	105
unless the church, synagogue, mosque, or other place of worship	106
posts or permits otherwise;	107
(7) A child day-care center, a type A family day-care home, a	108
type B family day-care home, or a type C family day-care home,	109
except that this division does not prohibit a licensee who resides	110
in a type A family day-care home, a type B family day-care home,	111
or a type C family day-care home from carrying a concealed handgun	112

at any time in any part of the home that is not dedicated or used 113
for day-care purposes, or from carrying a concealed handgun in a 114
part of the home that is dedicated or used for day-care purposes 115
at any time during which no children, other than children of that 116
licensee, are in the home; 117

(8) An aircraft that is in, or intended for operation in, 118
foreign air transportation, interstate air transportation, 119
intrastate air transportation, or the transportation of mail by 120
aircraft; 121

(9) Any building that is a government facility of this state 122
or a political subdivision of this state and that is not a 123
building that is used primarily as a shelter, restroom, parking 124
facility for motor vehicles, or rest facility and is not a 125
courthouse or other building or structure in which a courtroom is 126
located that is subject to division (B)(3) of this section; 127

(10) A place in which federal law prohibits the carrying of 128
handguns. 129

(C)(1) ~~Nothing~~ (a) Except as provided in division (C)(1)(b) 130
of this section, nothing in this section shall negate or restrict 131
a rule, policy, or practice of a private employer that is not a 132
private college, university, or other institution of higher 133
education concerning or prohibiting the presence of firearms on 134
the private employer's premises or property, including motor 135
vehicles owned by the private employer. Nothing in this section 136
shall require a private employer of that nature to adopt a rule, 137
policy, or practice concerning or prohibiting the presence of 138
firearms on the private employer's premises or property, including 139
motor vehicles owned by the private employer. 140

(b) A private employer shall not prohibit an employee of that 141
private employer who has been issued a valid license to carry a 142
concealed handgun from storing the employee's handgun in the 143

employee's personal locked motor vehicle that is parked on any 144
premises owned or leased by the employer. 145

(2)(a) A private employer shall be immune from liability in a 146
civil action for any injury, death, or loss to person or property 147
that allegedly was caused by or related to a licensee bringing a 148
handgun onto the premises or property of the private employer, 149
including motor vehicles owned by the private employer, unless the 150
private employer acted with malicious purpose. A private employer 151
is immune from liability in a civil action for any injury, death, 152
or loss to person or property that allegedly was caused by or 153
related to the private employer's decision to permit a licensee to 154
bring, or prohibit a licensee from bringing, a handgun onto the 155
premises or property of the private employer. As used in this 156
division, "private employer" includes a private college, 157
university, or other institution of higher education. 158

(b) A political subdivision shall be immune from liability in 159
a civil action, to the extent and in the manner provided in 160
Chapter 2744. of the Revised Code, for any injury, death, or loss 161
to person or property that allegedly was caused by or related to a 162
licensee bringing a handgun onto any premises or property owned, 163
leased, or otherwise under the control of the political 164
subdivision. As used in this division, "political subdivision" has 165
the same meaning as in section 2744.01 of the Revised Code. 166

(3)(a) Except as provided in ~~division~~ divisions (C)(1)(b) and 167
(C)(3)(b) of this section, the owner or person in control of 168
private land or premises, and a private person or entity leasing 169
land or premises owned by the state, the United States, or a 170
political subdivision of the state or the United States, may post 171
a sign in a conspicuous location on that land or on those premises 172
prohibiting persons from carrying firearms or concealed firearms 173
on or onto that land or those premises. Except as otherwise 174
provided in this division, a person who knowingly violates a 175

posted prohibition of that nature is guilty of criminal trespass 176
in violation of division (A)(4) of section 2911.21 of the Revised 177
Code and is guilty of a misdemeanor of the fourth degree. If a 178
person knowingly violates a posted prohibition of that nature and 179
the posted land or premises primarily was a parking lot or other 180
parking facility, the person is not guilty of criminal trespass in 181
violation of division (A)(4) of section 2911.21 of the Revised 182
Code and instead is subject only to a civil cause of action for 183
trespass based on the violation. 184

(b) A landlord may not prohibit or restrict a tenant who is a 185
licensee and who on or after ~~the effective date of this amendment~~ 186
September 9, 2008, enters into a rental agreement with the 187
landlord for the use of residential premises, and the tenant's 188
guest while the tenant is present, from lawfully carrying or 189
possessing a handgun on those residential premises. 190

(c) As used in division (C)(3) of this section: 191

(i) "Residential premises" has the same meaning as in section 192
5321.01 of the Revised Code, except "residential premises" does 193
not include a dwelling unit that is owned or operated by a college 194
or university. 195

(ii) "Landlord," "tenant," and "rental agreement" have the 196
same meanings as in section 5321.01 of the Revised Code. 197

(D) A person who holds a license to carry a concealed handgun 198
that was issued pursuant to the law of another state that is 199
recognized by the attorney general pursuant to a reciprocity 200
agreement entered into pursuant to section 109.69 of the Revised 201
Code has the same right to carry a concealed handgun in this state 202
as a person who was issued a license to carry a concealed handgun 203
under section 2923.125 of the Revised Code and is subject to the 204
same restrictions that apply to a person who carries a license 205
issued under that section. 206

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

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

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

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

(ii) Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise

the prevention, detection, investigation, or prosecution of, or 239
the incarceration of any person for, any violation of law and the 240
person had statutory powers of arrest. 241

(iii) At the time of the person's retirement as a peace 242
officer with that agency, the person was trained and qualified to 243
carry firearms in the performance of the peace officer's duties. 244

(iv) Before retiring from service as a peace officer with 245
that agency, the person was regularly employed as a peace officer 246
for an aggregate of fifteen years or more, or, in the alternative, 247
the person retired from service as a peace officer with that 248
agency, after completing any applicable probationary period of 249
that service, due to a service-connected disability, as determined 250
by the agency. 251

(b) A retired peace officer identification card issued to a 252
person under division (F)(2)(a) of this section shall identify the 253
person by name, contain a photograph of the person, identify the 254
public agency of this state or of the political subdivision of 255
this state from which the person retired as a peace officer and 256
that is issuing the identification card, and specify that the 257
person retired in good standing from service as a peace officer 258
with the issuing public agency and satisfies the criteria set 259
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 260
addition to the required content specified in this division, a 261
retired peace officer identification card issued to a person under 262
division (F)(2)(a) of this section may include the firearms 263
requalification certification described in division (F)(3) of this 264
section, and if the identification card includes that 265
certification, the identification card shall serve as the firearms 266
requalification certification for the retired peace officer. If 267
the issuing public agency issues credentials to active law 268
enforcement officers who serve the agency, the agency may comply 269
with division (F)(2)(a) of this section by issuing the same 270

credentials to persons who retired from service as a peace officer 271
with the agency and who satisfy the criteria set forth in 272
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 273
credentials so issued to retired peace officers are stamped with 274
the word "RETIRED." 275

(c) A public agency of this state or of a political 276
subdivision of this state may charge persons who retired from 277
service as a peace officer with the agency a reasonable fee for 278
issuing to the person a retired peace officer identification card 279
pursuant to division (F)(2)(a) of this section. 280

(3) If a person retired from service as a peace officer with 281
a public agency of this state or of a political subdivision of 282
this state and the person satisfies the criteria set forth in 283
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 284
may provide the retired peace officer with the opportunity to 285
attend a firearms requalification program that is approved for 286
purposes of firearms requalification required under section 287
109.801 of the Revised Code. The retired peace officer may be 288
required to pay the cost of the course. 289

If a retired peace officer who satisfies the criteria set 290
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 291
firearms requalification program that is approved for purposes of 292
firearms requalification required under section 109.801 of the 293
Revised Code, the retired peace officer's successful completion of 294
the firearms requalification program requalifies the retired peace 295
officer for purposes of division (F) of this section for five 296
years from the date on which the program was successfully 297
completed, and the requalification is valid during that five-year 298
period. If a retired peace officer who satisfies the criteria set 299
forth in divisions (F)(2)(a)(i) to (iv) of this section 300
satisfactorily completes such a firearms requalification program, 301
the retired peace officer shall be issued a firearms 302

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 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.

(G) As used in this section:

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

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

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

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

(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.

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

(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this

state and where employees of the government of this state or the 333
political subdivision regularly are present for the purpose of 334
performing their official duties as employees of the state or 335
political subdivision; 336

(b) The office of a deputy registrar serving pursuant to 337
Chapter 4503. of the Revised Code that is used to perform deputy 338
registrar functions. 339

Section 2. That existing section 2923.126 of the Revised Code 340
is hereby repealed. 341