

As Introduced

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H. B. No. 288

Representative Combs

**Cosponsors: Representatives O'Brien, Carey, Derickson, Grossman,
Johnson, Wachtmann, Maag, Hackett, Yuko**

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A B I L L

To amend sections 2744.01, 2923.121, 2923.122, 1
2923.123, and 2923.126 of the Revised Code to 2
grant an emergency medical technician who is 3
providing volunteer medical assistance to a 4
county, township, or municipal SWAT team at the 5
SWAT team's request the same civil immunity 6
granted to a political subdivision employee and to 7
permit such an emergency medical technician to 8
carry a firearm onto, or possess a firearm on, 9
lands and premises during the time that the 10
technician is providing such medical assistance. 11

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

Section 1. That sections 2744.01, 2923.121, 2923.122, 12
2923.123, and 2923.126 of the Revised Code be amended to read as 13
follows: 14

Sec. 2744.01. As used in this chapter: 15

(A) "Emergency call" means a call to duty, including, but not 16
limited to, communications from citizens, police dispatches, and 17
personal observations by peace officers of inherently dangerous 18

situations that demand an immediate response on the part of a 19
peace officer. 20

(B) "Employee" means an officer, agent, employee, or servant, 21
whether or not compensated or full-time or part-time, who is 22
authorized to act and is acting within the scope of the officer's, 23
agent's, employee's, or servant's employment for a political 24
subdivision. "Employee" does not include an independent contractor 25
and does not include any individual engaged by a school district 26
pursuant to section 3319.301 of the Revised Code. "Employee" 27
includes any elected or appointed official of a political 28
subdivision. "Employee" also includes a person who has been 29
convicted of or pleaded guilty to a criminal offense and who has 30
been sentenced to perform community service work in a political 31
subdivision whether pursuant to section 2951.02 of the Revised 32
Code or otherwise, and a child who is found to be a delinquent 33
child and who is ordered by a juvenile court pursuant to section 34
2152.19 or 2152.20 of the Revised Code to perform community 35
service or community work in a political subdivision. Employee 36
also includes a volunteer tactical emergency medical technician 37
providing medical assistance to a SWAT team at the request of the 38
SWAT team, whether or not the technician is an actual employee of 39
a political subdivision. 40

(C)(1) "Governmental function" means a function of a 41
political subdivision that is specified in division (C)(2) of this 42
section or that satisfies any of the following: 43

(a) A function that is imposed upon the state as an 44
obligation of sovereignty and that is performed by a political 45
subdivision voluntarily or pursuant to legislative requirement; 46

(b) A function that is for the common good of all citizens of 47
the state; 48

(c) A function that promotes or preserves the public peace, 49

health, safety, or welfare; that involves activities that are not 50
engaged in or not customarily engaged in by nongovernmental 51
persons; and that is not specified in division (G)(2) of this 52
section as a proprietary function. 53

(2) A "governmental function" includes, but is not limited 54
to, the following: 55

(a) The provision or nonprovision of police, fire, emergency 56
medical, ambulance, and rescue services or protection; 57

(b) The power to preserve the peace; to prevent and suppress 58
riots, disturbances, and disorderly assemblages; to prevent, 59
mitigate, and clean up releases of oil and hazardous and extremely 60
hazardous substances as defined in section 3750.01 of the Revised 61
Code; and to protect persons and property; 62

(c) The provision of a system of public education; 63

(d) The provision of a free public library system; 64

(e) The regulation of the use of, and the maintenance and 65
repair of, roads, highways, streets, avenues, alleys, sidewalks, 66
bridges, aqueducts, viaducts, and public grounds; 67

(f) Judicial, quasi-judicial, prosecutorial, legislative, and 68
quasi-legislative functions; 69

(g) The construction, reconstruction, repair, renovation, 70
maintenance, and operation of buildings that are used in 71
connection with the performance of a governmental function, 72
including, but not limited to, office buildings and courthouses; 73

(h) The design, construction, reconstruction, renovation, 74
repair, maintenance, and operation of jails, places of juvenile 75
detention, workhouses, or any other detention facility, as defined 76
in section 2921.01 of the Revised Code; 77

(i) The enforcement or nonperformance of any law; 78

(j) The regulation of traffic, and the erection or 79

nonerection of traffic signs, signals, or control devices;	80
(k) The collection and disposal of solid wastes, as defined	81
in section 3734.01 of the Revised Code, including, but not limited	82
to, the operation of solid waste disposal facilities, as	83
"facilities" is defined in that section, and the collection and	84
management of hazardous waste generated by households. As used in	85
division (C)(2)(k) of this section, "hazardous waste generated by	86
households" means solid waste originally generated by individual	87
households that is listed specifically as hazardous waste in or	88
exhibits one or more characteristics of hazardous waste as defined	89
by rules adopted under section 3734.12 of the Revised Code, but	90
that is excluded from regulation as a hazardous waste by those	91
rules.	92
(l) The provision or nonprovision, planning or design,	93
construction, or reconstruction of a public improvement,	94
including, but not limited to, a sewer system;	95
(m) The operation of a job and family services department or	96
agency, including, but not limited to, the provision of assistance	97
to aged and infirm persons and to persons who are indigent;	98
(n) The operation of a health board, department, or agency,	99
including, but not limited to, any statutorily required or	100
permissive program for the provision of immunizations or other	101
inoculations to all or some members of the public, provided that a	102
"governmental function" does not include the supply, manufacture,	103
distribution, or development of any drug or vaccine employed in	104
any such immunization or inoculation program by any supplier,	105
manufacturer, distributor, or developer of the drug or vaccine;	106
(o) The operation of mental health facilities, mental	107
retardation or developmental disabilities facilities, alcohol	108
treatment and control centers, and children's homes or agencies;	109
(p) The provision or nonprovision of inspection services of	110

all types, including, but not limited to, inspections in	111
connection with building, zoning, sanitation, fire, plumbing, and	112
electrical codes, and the taking of actions in connection with	113
those types of codes, including, but not limited to, the approval	114
of plans for the construction of buildings or structures and the	115
issuance or revocation of building permits or stop work orders in	116
connection with buildings or structures;	117
(q) Urban renewal projects and the elimination of slum	118
conditions;	119
(r) Flood control measures;	120
(s) The design, construction, reconstruction, renovation,	121
operation, care, repair, and maintenance of a township cemetery;	122
(t) The issuance of revenue obligations under section 140.06	123
of the Revised Code;	124
(u) The design, construction, reconstruction, renovation,	125
repair, maintenance, and operation of any school athletic	126
facility, school auditorium, or gymnasium or any recreational area	127
or facility, including, but not limited to, any of the following:	128
(i) A park, playground, or playfield;	129
(ii) An indoor recreational facility;	130
(iii) A zoo or zoological park;	131
(iv) A bath, swimming pool, pond, water park, wading pool,	132
wave pool, water slide, or other type of aquatic facility;	133
(v) A golf course;	134
(vi) A bicycle motocross facility or other type of	135
recreational area or facility in which bicycling, skating, skate	136
boarding, or scooter riding is engaged;	137
(vii) A rope course or climbing walls;	138
(viii) An all-purpose vehicle facility in which all-purpose	139

vehicles, as defined in section 4519.01 of the Revised Code, are 140
contained, maintained, or operated for recreational activities. 141

(v) The provision of public defender services by a county or 142
joint county public defender's office pursuant to Chapter 120. of 143
the Revised Code; 144

(w)(i) At any time before regulations prescribed pursuant to 145
49 U.S.C.A 20153 become effective, the designation, establishment, 146
design, construction, implementation, operation, repair, or 147
maintenance of a public road rail crossing in a zone within a 148
municipal corporation in which, by ordinance, the legislative 149
authority of the municipal corporation regulates the sounding of 150
locomotive horns, whistles, or bells; 151

(ii) On and after the effective date of regulations 152
prescribed pursuant to 49 U.S.C.A. 20153, the designation, 153
establishment, design, construction, implementation, operation, 154
repair, or maintenance of a public road rail crossing in such a 155
zone or of a supplementary safety measure, as defined in 49 156
U.S.C.A 20153, at or for a public road rail crossing, if and to 157
the extent that the public road rail crossing is excepted, 158
pursuant to subsection (c) of that section, from the requirement 159
of the regulations prescribed under subsection (b) of that 160
section. 161

(x) A function that the general assembly mandates a political 162
subdivision to perform. 163

(D) "Law" means any provision of the constitution, statutes, 164
or rules of the United States or of this state; provisions of 165
charters, ordinances, resolutions, and rules of political 166
subdivisions; and written policies adopted by boards of education. 167
When used in connection with the "common law," this definition 168
does not apply. 169

(E) "Motor vehicle" has the same meaning as in section 170

4511.01 of the Revised Code.	171
(F) "Political subdivision" or "subdivision" means a	172
municipal corporation, township, county, school district, or other	173
body corporate and politic responsible for governmental activities	174
in a geographic area smaller than that of the state. "Political	175
subdivision" includes, but is not limited to, a county hospital	176
commission appointed under section 339.14 of the Revised Code,	177
board of hospital commissioners appointed for a municipal hospital	178
under section 749.04 of the Revised Code, board of hospital	179
trustees appointed for a municipal hospital under section 749.22	180
of the Revised Code, regional planning commission created pursuant	181
to section 713.21 of the Revised Code, county planning commission	182
created pursuant to section 713.22 of the Revised Code, joint	183
planning council created pursuant to section 713.231 of the	184
Revised Code, interstate regional planning commission created	185
pursuant to section 713.30 of the Revised Code, port authority	186
created pursuant to section 4582.02 or 4582.26 of the Revised Code	187
or in existence on December 16, 1964, regional council established	188
by political subdivisions pursuant to Chapter 167. of the Revised	189
Code, emergency planning district and joint emergency planning	190
district designated under section 3750.03 of the Revised Code,	191
joint emergency medical services district created pursuant to	192
section 307.052 of the Revised Code, fire and ambulance district	193
created pursuant to section 505.375 of the Revised Code, joint	194
interstate emergency planning district established by an agreement	195
entered into under that section, county solid waste management	196
district and joint solid waste management district established	197
under section 343.01 or 343.012 of the Revised Code, community	198
school established under Chapter 3314. of the Revised Code, the	199
county or counties served by a community-based correctional	200
facility and program or district community-based correctional	201
facility and program established and operated under sections	202
2301.51 to 2301.58 of the Revised Code, a community-based	203

correctional facility and program or district community-based 204
correctional facility and program that is so established and 205
operated, and the facility governing board of a community-based 206
correctional facility and program or district community-based 207
correctional facility and program that is so established and 208
operated. 209

(G)(1) "Proprietary function" means a function of a political 210
subdivision that is specified in division (G)(2) of this section 211
or that satisfies both of the following: 212

(a) The function is not one described in division (C)(1)(a) 213
or (b) of this section and is not one specified in division (C)(2) 214
of this section; 215

(b) The function is one that promotes or preserves the public 216
peace, health, safety, or welfare and that involves activities 217
that are customarily engaged in by nongovernmental persons. 218

(2) A "proprietary function" includes, but is not limited to, 219
the following: 220

(a) The operation of a hospital by one or more political 221
subdivisions; 222

(b) The design, construction, reconstruction, renovation, 223
repair, maintenance, and operation of a public cemetery other than 224
a township cemetery; 225

(c) The establishment, maintenance, and operation of a 226
utility, including, but not limited to, a light, gas, power, or 227
heat plant, a railroad, a busline or other transit company, an 228
airport, and a municipal corporation water supply system; 229

(d) The maintenance, destruction, operation, and upkeep of a 230
sewer system; 231

(e) The operation and control of a public stadium, 232
auditorium, civic or social center, exhibition hall, arts and 233

crafts center, band or orchestra, or off-street parking facility.	234
(H) "Public roads" means public roads, highways, streets,	235
avenues, alleys, and bridges within a political subdivision.	236
"Public roads" does not include berms, shoulders, rights-of-way,	237
or traffic control devices unless the traffic control devices are	238
mandated by the Ohio manual of uniform traffic control devices.	239
(I) "State" means the state of Ohio, including, but not	240
limited to, the general assembly, the supreme court, the offices	241
of all elected state officers, and all departments, boards,	242
offices, commissions, agencies, colleges and universities,	243
institutions, and other instrumentalities of the state of Ohio.	244
"State" does not include political subdivisions.	245
<u>(J) "SWAT team" means a special weapons and tactics team of a</u>	246
<u>county, township, or municipal law enforcement agency.</u>	247
<u>(K) "Tactical emergency medical technician" means any of the</u>	248
<u>following who is a volunteer providing medical assistance to a</u>	249
<u>SWAT team at the request of the SWAT team:</u>	250
<u>(a) A first responder, emergency medical service</u>	251
<u>technician-basic, emergency medical service</u>	252
<u>technician-intermediate, or emergency medical service</u>	253
<u>technician-paramedic who is licensed under Chapter 4765. of the</u>	254
<u>Revised Code;</u>	255
<u>(b) A physician who holds a current, valid certificate issued</u>	256
<u>under Chapter 4731. of the Revised Code;</u>	257
<u>(c) A nurse who holds a current, valid license issued under</u>	258
<u>Chapter 4723. of the Revised Code.</u>	259
<u>(L) "Volunteer" means a person who provides assistance either</u>	260
<u>for no compensation or for compensation that does not exceed the</u>	261
<u>actual expenses incurred in providing the assistance or in</u>	262
<u>training to provide the assistance.</u>	263

Sec. 2923.121. (A) No person shall possess a firearm in any 264
room in which any person is consuming liquor in premises for which 265
a D permit has been issued under Chapter 4303. of the Revised Code 266
or in an open air arena for which a permit of that nature has been 267
issued. 268

(B)(1) This section does not apply to any of the following: 269

(a) An officer, agent, or employee of this or any other state 270
or the United States, or to a law enforcement officer, who is 271
authorized to carry firearms and is acting within the scope of the 272
officer's, agent's, or employee's duties; 273

(b) Any person who is employed in this state, who is 274
authorized to carry firearms, and who is subject to and in 275
compliance with the requirements of section 109.801 of the Revised 276
Code, unless the appointing authority of the person has expressly 277
specified that the exemption provided in division (B)(1)(b) of 278
this section does not apply to the person; 279

(c) Any room used for the accommodation of guests of a hotel, 280
as defined in section 4301.01 of the Revised Code; 281

(d) The principal holder of a D permit issued for premises or 282
an open air arena under Chapter 4303. of the Revised Code while in 283
the premises or open air arena for which the permit was issued if 284
the principal holder of the D permit also possesses a valid 285
license or temporary emergency license to carry a concealed 286
handgun issued to the principal holder under section 2923.125 or 287
2923.1213 of the Revised Code or a license to carry a concealed 288
handgun that was issued to the principal holder by another state 289
with which the attorney general has entered into a reciprocity 290
agreement under section 109.69 of the Revised Code and as long as 291
the principal holder is not consuming liquor or under the 292
influence of alcohol or a drug of abuse, or any agent or employee 293
of that holder who also is a peace officer, as defined in section 294

2151.3515 of the Revised Code, who is off duty, and who otherwise 295
is authorized to carry firearms while in the course of the 296
officer's official duties and while in the premises or open air 297
arena for which the permit was issued and as long as the agent or 298
employee of that holder is not consuming liquor or under the 299
influence of alcohol or a drug of abuse. 300

(e) Any person who is carrying a valid license or temporary 301
emergency license to carry a concealed handgun issued to the 302
person under section 2923.125 or 2923.1213 of the Revised Code or 303
a license to carry a concealed handgun that was issued to the 304
person by another state with which the attorney general has 305
entered into a reciprocity agreement under section 109.69 of the 306
Revised Code and who possesses the firearm in a retail store with 307
D-6 and D-8 permits issued for that store under sections 4303.182 308
and 4303.184 of the Revised Code or a D-8 permit issued for that 309
store under section 4303.184 of the Revised Code, as long as the 310
person is not consuming liquor or under the influence of alcohol 311
or a drug of abuse. 312

(f)(i) A tactical emergency medical technician who is in open 313
possession of a firearm during the time that the tactical 314
emergency medical technician is performing the official duties of 315
a tactical emergency medical technician. 316

(ii) As used in division (B)(1)(f)(i) of this section, 317
"tactical emergency medical technician" has the same meaning as in 318
section 2744.01 of the Revised Code. 319

(2) This section does not prohibit any person who is a member 320
of a veteran's organization, as defined in section 2915.01 of the 321
Revised Code, from possessing a rifle in any room in any premises 322
owned, leased, or otherwise under the control of the veteran's 323
organization, if the rifle is not loaded with live ammunition and 324
if the person otherwise is not prohibited by law from having the 325
rifle. 326

(3) This section does not apply to any person possessing or 327
displaying firearms in any room used to exhibit unloaded firearms 328
for sale or trade in a soldiers' memorial established pursuant to 329
Chapter 345. of the Revised Code, in a convention center, or in 330
any other public meeting place, if the person is an exhibitor, 331
trader, purchaser, or seller of firearms and is not otherwise 332
prohibited by law from possessing, trading, purchasing, or selling 333
the firearms. 334

(C) It is an affirmative defense to a charge under this 335
section of illegal possession of a firearm in liquor permit 336
premises that involves the possession of a firearm other than a 337
handgun, that the actor was not otherwise prohibited by law from 338
having the firearm, and that any of the following apply: 339

(1) The firearm was carried or kept ready at hand by the 340
actor for defensive purposes, while the actor was engaged in or 341
was going to or from the actor's lawful business or occupation, 342
which business or occupation was of such character or was 343
necessarily carried on in such manner or at such a time or place 344
as to render the actor particularly susceptible to criminal 345
attack, such as would justify a prudent person in going armed. 346

(2) The firearm was carried or kept ready at hand by the 347
actor for defensive purposes, while the actor was engaged in a 348
lawful activity, and had reasonable cause to fear a criminal 349
attack upon the actor or a member of the actor's family, or upon 350
the actor's home, such as would justify a prudent person in going 351
armed. 352

(D) No person who is charged with a violation of this section 353
shall be required to obtain a license or temporary emergency 354
license to carry a concealed handgun under section 2923.125 or 355
2923.1213 of the Revised Code as a condition for the dismissal of 356
the charge. 357

(E) Whoever violates this section is guilty of illegal possession of a firearm in liquor permit premises. 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 388
deadly weapon or dangerous ordnance in a school safety zone and 389
who conveys or possesses the deadly weapon or dangerous ordnance 390
in accordance with that authorization; 391

(b) Any person who is employed in this state, who is 392
authorized to carry deadly weapons or dangerous ordnance, and who 393
is subject to and in compliance with the requirements of section 394
109.801 of the Revised Code, unless the appointing authority of 395
the person has expressly specified that the exemption provided in 396
division (D)(1)(b) of this section does not apply to the person. 397

(2) Division (C) of this section does not apply to premises 398
upon which home schooling is conducted. Division (C) of this 399
section also does not apply to a school administrator, teacher, or 400
employee who possesses an object that is indistinguishable from a 401
firearm for legitimate school purposes during the course of 402
employment, a student who uses an object that is indistinguishable 403
from a firearm under the direction of a school administrator, 404
teacher, or employee, or any other person who with the express 405
prior approval of a school administrator possesses an object that 406
is indistinguishable from a firearm for a legitimate purpose, 407
including the use of the object in a ceremonial activity, a play, 408
reenactment, or other dramatic presentation, or a ROTC activity or 409
another similar use of the object. 410

(3) This section does not apply to a person who conveys or 411
attempts to convey a handgun into, or possesses a handgun in, a 412
school safety zone if, at the time of that conveyance, attempted 413
conveyance, or possession of the handgun, all of the following 414
apply: 415

(a) The person does not enter into a school building or onto 416
school premises and is not at a school activity. 417

(b) The person is carrying a valid license or temporary 418

emergency license to carry a concealed handgun issued to the 419
person under section 2923.125 or 2923.1213 of the Revised Code or 420
a license to carry a concealed handgun that was issued by another 421
state with which the attorney general has entered into a 422
reciprocity agreement under section 109.69 of the Revised Code. 423

(c) The person is in the school safety zone in accordance 424
with 18 U.S.C. 922(q)(2)(B). 425

(d) The person is not knowingly in a place described in 426
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 427
Revised Code. 428

(4) This section does not apply to a person who conveys or 429
attempts to convey a handgun into, or possesses a handgun in, a 430
school safety zone if at the time of that conveyance, attempted 431
conveyance, or possession of the handgun all of the following 432
apply: 433

(a) The person is carrying a valid license or temporary 434
emergency license to carry a concealed handgun issued to the 435
person under section 2923.125 or 2923.1213 of the Revised Code or 436
a license to carry a concealed handgun that was issued by another 437
state with which the attorney general has entered into a 438
reciprocity agreement under section 109.69 of the Revised Code. 439

(b) The person is the driver or passenger in a motor vehicle 440
and is in the school safety zone while immediately in the process 441
of picking up or dropping off a child. 442

(c) The person is not in violation of section 2923.16 of the 443
Revised Code. 444

(5) This section does not apply to a tactical emergency 445
medical technician who openly conveys or attempts to convey a 446
firearm into, or openly possesses a firearm in, a school safety 447
zone, if at the time of the open conveyance, attempted conveyance, 448
or possession of the firearm the tactical emergency medical 449

technician is performing the official duties of a tactical 450
emergency medical technician. 451

(E)(1) Whoever violates division (A) or (B) of this section 452
is guilty of illegal conveyance or possession of a deadly weapon 453
or dangerous ordnance in a school safety zone. Except as otherwise 454
provided in this division, illegal conveyance or possession of a 455
deadly weapon or dangerous ordnance in a school safety zone is a 456
felony of the fifth degree. If the offender previously has been 457
convicted of a violation of this section, illegal conveyance or 458
possession of a deadly weapon or dangerous ordnance in a school 459
safety zone is a felony of the fourth degree. 460

(2) Whoever violates division (C) of this section is guilty 461
of illegal possession of an object indistinguishable from a 462
firearm in a school safety zone. Except as otherwise provided in 463
this division, illegal possession of an object indistinguishable 464
from a firearm in a school safety zone is a misdemeanor of the 465
first degree. If the offender previously has been convicted of a 466
violation of this section, illegal possession of an object 467
indistinguishable from a firearm in a school safety zone is a 468
felony of the fifth degree. 469

(F)(1) In addition to any other penalty imposed upon a person 470
who is convicted of or pleads guilty to a violation of this 471
section and subject to division (F)(2) of this section, if the 472
offender has not attained nineteen years of age, regardless of 473
whether the offender is attending or is enrolled in a school 474
operated by a board of education or for which the state board of 475
education prescribes minimum standards under section 3301.07 of 476
the Revised Code, the court shall impose upon the offender a class 477
four suspension of the offender's probationary driver's license, 478
restricted license, driver's license, commercial driver's license, 479
temporary instruction permit, or probationary commercial driver's 480
license that then is in effect from the range specified in 481

division (A)(4) of section 4510.02 of the Revised Code and shall 482
deny the offender the issuance of any permit or license of that 483
type during the period of the suspension. 484

If the offender is not a resident of this state, the court 485
shall impose a class four suspension of the nonresident operating 486
privilege of the offender from the range specified in division 487
(A)(4) of section 4510.02 of the Revised Code. 488

(2) If the offender shows good cause why the court should not 489
suspend one of the types of licenses, permits, or privileges 490
specified in division (F)(1) of this section or deny the issuance 491
of one of the temporary instruction permits specified in that 492
division, the court in its discretion may choose not to impose the 493
suspension, revocation, or denial required in that division. 494

(G) As used in this section, ~~"object:~~ 495

(1) "Tactical emergency medical technician" has the same 496
meaning as in section 2744.01 of the Revised Code. 497

(2) "Object" that is indistinguishable from a firearm" means 498
an object made, constructed, or altered so that, to a reasonable 499
person without specialized training in firearms, the object 500
appears to be a firearm. 501

Sec. 2923.123. (A) No person shall knowingly convey or 502
attempt to convey a deadly weapon or dangerous ordnance into a 503
courthouse or into another building or structure in which a 504
courtroom is located. 505

(B) No person shall knowingly possess or have under the 506
person's control a deadly weapon or dangerous ordnance in a 507
courthouse or in another building or structure in which a 508
courtroom is located. 509

(C) This section does not apply to any of the following: 510

(1) Except as provided in division (E) of this section, a 511

judge of a court of record of this state or a magistrate; 512

(2) A peace officer, officer of a law enforcement agency, or 513
person who is in either of the following categories: 514

(a) Except as provided in division (E) of this section, a 515
peace officer, or an officer of a law enforcement agency of 516
another state, a political subdivision of another state, or the 517
United States, who is authorized to carry a deadly weapon or 518
dangerous ordnance, who possesses or has under that individual's 519
control a deadly weapon or dangerous ordnance as a requirement of 520
that individual's duties, and who is acting within the scope of 521
that individual's duties at the time of that possession or 522
control; 523

(b) Except as provided in division (E) of this section, a 524
person who is employed in this state, who is authorized to carry a 525
deadly weapon or dangerous ordnance, who possesses or has under 526
that individual's control a deadly weapon or dangerous ordnance as 527
a requirement of that person's duties, and who is subject to and 528
in compliance with the requirements of section 109.801 of the 529
Revised Code, unless the appointing authority of the person has 530
expressly specified that the exemption provided in division 531
(C)(2)(b) of this section does not apply to the person. 532

(3) A person who conveys, attempts to convey, possesses, or 533
has under the person's control a deadly weapon or dangerous 534
ordnance that is to be used as evidence in a pending criminal or 535
civil action or proceeding; 536

(4) Except as provided in division (E) of this section, a 537
bailiff or deputy bailiff of a court of record of this state who 538
is authorized to carry a firearm pursuant to section 109.77 of the 539
Revised Code, who possesses or has under that individual's control 540
a firearm as a requirement of that individual's duties, and who is 541
acting within the scope of that individual's duties at the time of 542

that possession or control; 543

(5) Except as provided in division (E) of this section, a 544
prosecutor, or a secret service officer appointed by a county 545
prosecuting attorney, who is authorized to carry a deadly weapon 546
or dangerous ordnance in the performance of the individual's 547
duties, who possesses or has under that individual's control a 548
deadly weapon or dangerous ordnance as a requirement of that 549
individual's duties, and who is acting within the scope of that 550
individual's duties at the time of that possession or control; 551

(6) Except as provided in division (E) of this section, a 552
person who conveys or attempts to convey a handgun into a 553
courthouse or into another building or structure in which a 554
courtroom is located, who, at the time of the conveyance or 555
attempt, is carrying a valid license or temporary emergency 556
license to carry a concealed handgun issued to the person under 557
section 2923.125 or 2923.1213 of the Revised Code or a license to 558
carry a concealed handgun that was issued by another state with 559
which the attorney general has entered into a reciprocity 560
agreement under section 109.69 of the Revised Code, and who 561
transfers possession of the handgun to the officer or officer's 562
designee who has charge of the courthouse or building. The officer 563
shall secure the handgun until the licensee is prepared to leave 564
the premises. The exemption described in this division applies 565
only if the officer who has charge of the courthouse or building 566
provides services of the nature described in this division. An 567
officer who has charge of the courthouse or building is not 568
required to offer services of the nature described in this 569
division. 570

(7) Except as provided in division (E) of this section, a 571
tactical emergency medical technician who openly conveys or 572
attempts to convey a firearm into, or openly possesses a firearm 573
in, a courthouse or another building or structure in which a 574

courtroom is located, if at the time of the open conveyance, 575
attempted conveyance, or possession of the firearm the tactical 576
emergency medical technician is performing the official duties of 577
a tactical emergency medical technician. 578

(D)(1) Whoever violates division (A) of this section is 579
guilty of illegal conveyance of a deadly weapon or dangerous 580
ordnance into a courthouse. Except as otherwise provided in this 581
division, illegal conveyance of a deadly weapon or dangerous 582
ordnance into a courthouse is a felony of the fifth degree. If the 583
offender previously has been convicted of a violation of division 584
(A) or (B) of this section, illegal conveyance of a deadly weapon 585
or dangerous ordnance into a courthouse is a felony of the fourth 586
degree. 587

(2) Whoever violates division (B) of this section is guilty 588
of illegal possession or control of a deadly weapon or dangerous 589
ordnance in a courthouse. Except as otherwise provided in this 590
division, illegal possession or control of a deadly weapon or 591
dangerous ordnance in a courthouse is a felony of the fifth 592
degree. If the offender previously has been convicted of a 593
violation of division (A) or (B) of this section, illegal 594
possession or control of a deadly weapon or dangerous ordnance in 595
a courthouse is a felony of the fourth degree. 596

(E) The exemptions described in divisions (C)(1), (2)(a), 597
(2)(b), (4), (5), ~~and (6)~~, and (7) of this section do not apply to 598
any judge, magistrate, peace officer, officer of a law enforcement 599
agency, bailiff, deputy bailiff, prosecutor, secret service 600
officer, or other person described in any of those divisions if a 601
rule of superintendence or another type of rule adopted by the 602
supreme court pursuant to Article IV, Ohio Constitution, or an 603
applicable local rule of court prohibits all persons from 604
conveying or attempting to convey a deadly weapon or dangerous 605
ordnance into a courthouse or into another building or structure 606

in which a courtroom is located or from possessing or having under 607
one's control a deadly weapon or dangerous ordnance in a 608
courthouse or in another building or structure in which a 609
courtroom is located. 610

(F) As used in this section: 611

(1) "Magistrate" means an individual who is appointed by a 612
court of record of this state and who has the powers and may 613
perform the functions specified in Civil Rule 53, Criminal Rule 614
19, or Juvenile Rule 40. 615

(2) "Peace officer" and "prosecutor" have the same meanings 616
as in section 2935.01 of the Revised Code. 617

(3) "Tactical emergency medical technician" has the same 618
meaning as in section 2744.01 of the Revised Code. 619

Sec. 2923.126. (A) A license to carry a concealed handgun 620
that is issued under section 2923.125 of the Revised Code on or 621
after March 14, 2007, shall expire five years after the date of 622
issuance, and a license that is so issued prior to March 14, 2007, 623
shall expire four years after the date of issuance. A licensee who 624
has been issued a license under that section shall be granted a 625
grace period of thirty days after the licensee's license expires 626
during which the licensee's license remains valid. Except as 627
provided in divisions (B) and (C) of this section, a licensee who 628
has been issued a license under section 2923.125 or 2923.1213 of 629
the Revised Code may carry a concealed handgun anywhere in this 630
state if the licensee also carries a valid license and valid 631
identification when the licensee is in actual possession of a 632
concealed handgun. The licensee shall give notice of any change in 633
the licensee's residence address to the sheriff who issued the 634
license within forty-five days after that change. 635

If a licensee is the driver or an occupant of a motor vehicle 636

that is stopped as the result of a traffic stop or a stop for 637
another law enforcement purpose and if the licensee is 638
transporting or has a loaded handgun in the motor vehicle at that 639
time, the licensee shall promptly inform any law enforcement 640
officer who approaches the vehicle while stopped that the licensee 641
has been issued a license or temporary emergency license to carry 642
a concealed handgun and that the licensee currently possesses or 643
has a loaded handgun; the licensee shall not knowingly disregard 644
or fail to comply with lawful orders of a law enforcement officer 645
given while the motor vehicle is stopped, knowingly fail to remain 646
in the motor vehicle while stopped, or knowingly fail to keep the 647
licensee's hands in plain sight after any law enforcement officer 648
begins approaching the licensee while stopped and before the 649
officer leaves, unless directed otherwise by a law enforcement 650
officer; and the licensee shall not knowingly remove, attempt to 651
remove, grasp, or hold the loaded handgun or knowingly have 652
contact with the loaded handgun by touching it with the licensee's 653
hands or fingers, in any manner in violation of division (E) of 654
section 2923.16 of the Revised Code, after any law enforcement 655
officer begins approaching the licensee while stopped and before 656
the officer leaves. Additionally, if a licensee is the driver or 657
an occupant of a commercial motor vehicle that is stopped by an 658
employee of the motor carrier enforcement unit for the purposes 659
defined in section 5503.04 of the Revised Code and if the licensee 660
is transporting or has a loaded handgun in the commercial motor 661
vehicle at that time, the licensee shall promptly inform the 662
employee of the unit who approaches the vehicle while stopped that 663
the licensee has been issued a license or temporary emergency 664
license to carry a concealed handgun and that the licensee 665
currently possesses or has a loaded handgun. 666

If a licensee is stopped for a law enforcement purpose and if 667
the licensee is carrying a concealed handgun at the time the 668
officer approaches, the licensee shall promptly inform any law 669

enforcement officer who approaches the licensee while stopped that 670
the licensee has been issued a license or temporary emergency 671
license to carry a concealed handgun and that the licensee 672
currently is carrying a concealed handgun; the licensee shall not 673
knowingly disregard or fail to comply with lawful orders of a law 674
enforcement officer given while the licensee is stopped or 675
knowingly fail to keep the licensee's hands in plain sight after 676
any law enforcement officer begins approaching the licensee while 677
stopped and before the officer leaves, unless directed otherwise 678
by a law enforcement officer; and the licensee shall not knowingly 679
remove, attempt to remove, grasp, or hold the loaded handgun or 680
knowingly have contact with the loaded handgun by touching it with 681
the licensee's hands or fingers, in any manner in violation of 682
division (B) of section 2923.12 of the Revised Code, after any law 683
enforcement officer begins approaching the licensee while stopped 684
and before the officer leaves. 685

(B) A valid license issued under section 2923.125 or 686
2923.1213 of the Revised Code does not authorize the licensee to 687
carry a concealed handgun in any manner prohibited under division 688
(B) of section 2923.12 of the Revised Code or in any manner 689
prohibited under section 2923.16 of the Revised Code. A valid 690
license does not authorize the licensee to carry a concealed 691
handgun into any of the following places: 692

(1) A police station, sheriff's office, or state highway 693
patrol station, premises controlled by the bureau of criminal 694
identification and investigation, a state correctional 695
institution, jail, workhouse, or other detention facility, an 696
airport passenger terminal, or an institution that is maintained, 697
operated, managed, and governed pursuant to division (A) of 698
section 5119.02 of the Revised Code or division (A)(1) of section 699
5123.03 of the Revised Code; 700

(2) A school safety zone if the licensee's carrying the 701

concealed handgun is in violation of section 2923.122 of the Revised Code;

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

(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code;

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

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

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

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

(9) Any building that is a government facility of this state 733
or a political subdivision of this state and that is not a 734
building that is used primarily as a shelter, restroom, parking 735
facility for motor vehicles, or rest facility and is not a 736
courthouse or other building or structure in which a courtroom is 737
located that is subject to division (B)(3) of this section; 738

(10) A place in which federal law prohibits the carrying of 739
handguns. 740

(C)(1) Nothing in this section shall negate or restrict a 741
rule, policy, or practice of a private employer that is not a 742
private college, university, or other institution of higher 743
education concerning or prohibiting the presence of firearms on 744
the private employer's premises or property, including motor 745
vehicles owned by the private employer. Nothing in this section 746
shall require a private employer of that nature to adopt a rule, 747
policy, or practice concerning or prohibiting the presence of 748
firearms on the private employer's premises or property, including 749
motor vehicles owned by the private employer. 750

(2)(a) A private employer shall be immune from liability in a 751
civil action for any injury, death, or loss to person or property 752
that allegedly was caused by or related to a licensee bringing a 753
handgun onto the premises or property of the private employer, 754
including motor vehicles owned by the private employer, unless the 755
private employer acted with malicious purpose. A private employer 756
is immune from liability in a civil action for any injury, death, 757
or loss to person or property that allegedly was caused by or 758
related to the private employer's decision to permit a licensee to 759
bring, or prohibit a licensee from bringing, a handgun onto the 760
premises or property of the private employer. As used in this 761
division, "private employer" includes a private college, 762
university, or other institution of higher education. 763

(b) A political subdivision shall be immune from liability in 764

a civil action, to the extent and in the manner provided in 765
Chapter 2744. of the Revised Code, for any injury, death, or loss 766
to person or property that allegedly was caused by or related to a 767
licensee bringing a handgun onto any premises or property owned, 768
leased, or otherwise under the control of the political 769
subdivision. As used in this division, "political subdivision" has 770
the same meaning as in section 2744.01 of the Revised Code. 771

(3)(a) Except as provided in ~~division~~ divisions (C)(3)(b) and 772
(c) of this section, the owner or person in control of private 773
land or premises, and a private person or entity leasing land or 774
premises owned by the state, the United States, or a political 775
subdivision of the state or the United States, may post a sign in 776
a conspicuous location on that land or on those premises 777
prohibiting persons from carrying firearms or concealed firearms 778
on or onto that land or those premises. Except as otherwise 779
provided in this division, a person who knowingly violates a 780
posted prohibition of that nature is guilty of criminal trespass 781
in violation of division (A)(4) of section 2911.21 of the Revised 782
Code and is guilty of a misdemeanor of the fourth degree. If a 783
person knowingly violates a posted prohibition of that nature and 784
the posted land or premises primarily was a parking lot or other 785
parking facility, the person is not guilty of criminal trespass in 786
violation of division (A)(4) of section 2911.21 of the Revised 787
Code and instead is subject only to a civil cause of action for 788
trespass based on the violation. 789

(b) A landlord may not prohibit or restrict a tenant who is a 790
licensee and who on or after ~~the effective date of this amendment~~ 791
September 9, 2008, enters into a rental agreement with the 792
landlord for the use of residential premises, and the tenant's 793
guest while the tenant is present, from lawfully carrying or 794
possessing a handgun on those residential premises. 795

(c) A prohibition posted under division (C)(3)(a) of this 796

section does not apply to a tactical emergency medical technician 797
who openly conveys a firearm onto, or openly possesses a firearm 798
on, posted land or premises if at the time of the open conveyance 799
or possession the tactical emergency medical technician is 800
performing the official duties of a tactical emergency medical 801
technician. 802

(d) As used in division (C)(3) of this section: 803

(i) "Residential premises" has the same meaning as in section 804
5321.01 of the Revised Code, except "residential premises" does 805
not include a dwelling unit that is owned or operated by a college 806
or university. 807

(ii) "Landlord," "tenant," and "rental agreement" have the 808
same meanings as in section 5321.01 of the Revised Code. 809

(iii) "Tactical emergency medical technician" has the same 810
meaning as in section 2744.01 of the Revised Code. 811

(D) A person who holds a license to carry a concealed handgun 812
that was issued pursuant to the law of another state that is 813
recognized by the attorney general pursuant to a reciprocity 814
agreement entered into pursuant to section 109.69 of the Revised 815
Code has the same right to carry a concealed handgun in this state 816
as a person who was issued a license to carry a concealed handgun 817
under section 2923.125 of the Revised Code and is subject to the 818
same restrictions that apply to a person who carries a license 819
issued under that section. 820

(E) A peace officer has the same right to carry a concealed 821
handgun in this state as a person who was issued a license to 822
carry a concealed handgun under section 2923.125 of the Revised 823
Code. For purposes of reciprocity with other states, a peace 824
officer shall be considered to be a licensee in this state. 825

(F)(1) A qualified retired peace officer who possesses a 826
retired peace officer identification card issued pursuant to 827

division (F)(2) of this section and a valid firearms 828
requalification certification issued pursuant to division (F)(3) 829
of this section has the same right to carry a concealed handgun in 830
this state as a person who was issued a license to carry a 831
concealed handgun under section 2923.125 of the Revised Code and 832
is subject to the same restrictions that apply to a person who 833
carries a license issued under that section. For purposes of 834
reciprocity with other states, a qualified retired peace officer 835
who possesses a retired peace officer identification card issued 836
pursuant to division (F)(2) of this section and a valid firearms 837
requalification certification issued pursuant to division (F)(3) 838
of this section shall be considered to be a licensee in this 839
state. 840

(2)(a) Each public agency of this state or of a political 841
subdivision of this state that is served by one or more peace 842
officers shall issue a retired peace officer identification card 843
to any person who retired from service as a peace officer with 844
that agency, if the issuance is in accordance with the agency's 845
policies and procedures and if the person, with respect to the 846
person's service with that agency, satisfies all of the following: 847

(i) The person retired in good standing from service as a 848
peace officer with the public agency, and the retirement was not 849
for reasons of mental instability. 850

(ii) Before retiring from service as a peace officer with 851
that agency, the person was authorized to engage in or supervise 852
the prevention, detection, investigation, or prosecution of, or 853
the incarceration of any person for, any violation of law and the 854
person had statutory powers of arrest. 855

(iii) At the time of the person's retirement as a peace 856
officer with that agency, the person was trained and qualified to 857
carry firearms in the performance of the peace officer's duties. 858

(iv) Before retiring from service as a peace officer with 859
that agency, the person was regularly employed as a peace officer 860
for an aggregate of fifteen years or more, or, in the alternative, 861
the person retired from service as a peace officer with that 862
agency, after completing any applicable probationary period of 863
that service, due to a service-connected disability, as determined 864
by the agency. 865

(b) A retired peace officer identification card issued to a 866
person under division (F)(2)(a) of this section shall identify the 867
person by name, contain a photograph of the person, identify the 868
public agency of this state or of the political subdivision of 869
this state from which the person retired as a peace officer and 870
that is issuing the identification card, and specify that the 871
person retired in good standing from service as a peace officer 872
with the issuing public agency and satisfies the criteria set 873
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 874
addition to the required content specified in this division, a 875
retired peace officer identification card issued to a person under 876
division (F)(2)(a) of this section may include the firearms 877
requalification certification described in division (F)(3) of this 878
section, and if the identification card includes that 879
certification, the identification card shall serve as the firearms 880
requalification certification for the retired peace officer. If 881
the issuing public agency issues credentials to active law 882
enforcement officers who serve the agency, the agency may comply 883
with division (F)(2)(a) of this section by issuing the same 884
credentials to persons who retired from service as a peace officer 885
with the agency and who satisfy the criteria set forth in 886
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 887
credentials so issued to retired peace officers are stamped with 888
the word "RETIRED." 889

(c) A public agency of this state or of a political 890

subdivision of this state may charge persons who retired from 891
service as a peace officer with the agency a reasonable fee for 892
issuing to the person a retired peace officer identification card 893
pursuant to division (F)(2)(a) of this section. 894

(3) If a person retired from service as a peace officer with 895
a public agency of this state or of a political subdivision of 896
this state and the person satisfies the criteria set forth in 897
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 898
may provide the retired peace officer with the opportunity to 899
attend a firearms requalification program that is approved for 900
purposes of firearms requalification required under section 901
109.801 of the Revised Code. The retired peace officer may be 902
required to pay the cost of the course. 903

If a retired peace officer who satisfies the criteria set 904
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 905
firearms requalification program that is approved for purposes of 906
firearms requalification required under section 109.801 of the 907
Revised Code, the retired peace officer's successful completion of 908
the firearms requalification program requalifies the retired peace 909
officer for purposes of division (F) of this section for five 910
years from the date on which the program was successfully 911
completed, and the requalification is valid during that five-year 912
period. If a retired peace officer who satisfies the criteria set 913
forth in divisions (F)(2)(a)(i) to (iv) of this section 914
satisfactorily completes such a firearms requalification program, 915
the retired peace officer shall be issued a firearms 916
requalification certification that identifies the retired peace 917
officer by name, identifies the entity that taught the program, 918
specifies that the retired peace officer successfully completed 919
the program, specifies the date on which the course was 920
successfully completed, and specifies that the requalification is 921
valid for five years from that date of successful completion. The 922

firearms requalification certification for a retired peace officer 923
may be included in the retired peace officer identification card 924
issued to the retired peace officer under division (F)(2) of this 925
section. 926

A retired peace officer who attends a firearms 927
requalification program that is approved for purposes of firearms 928
requalification required under section 109.801 of the Revised Code 929
may be required to pay the cost of the program. 930

(G) As used in this section: 931

(1) "Qualified retired peace officer" means a person who 932
satisfies all of the following: 933

(a) The person satisfies the criteria set forth in divisions 934
(F)(2)(a)(i) to (v) of this section. 935

(b) The person is not under the influence of alcohol or 936
another intoxicating or hallucinatory drug or substance. 937

(c) The person is not prohibited by federal law from 938
receiving firearms. 939

(2) "Retired peace officer identification card" means an 940
identification card that is issued pursuant to division (F)(2) of 941
this section to a person who is a retired peace officer. 942

(3) "Government facility of this state or a political 943
subdivision of this state" means any of the following: 944

(a) A building or part of a building that is owned or leased 945
by the government of this state or a political subdivision of this 946
state and where employees of the government of this state or the 947
political subdivision regularly are present for the purpose of 948
performing their official duties as employees of the state or 949
political subdivision; 950

(b) The office of a deputy registrar serving pursuant to 951
Chapter 4503. of the Revised Code that is used to perform deputy 952

registrar functions. 953

Section 2. That existing sections 2744.01, 2923.121, 954
2923.122, 2923.123, and 2923.126 of the Revised Code are hereby 955
repealed. 956