

As Introduced

**129th General Assembly
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H. B. No. 422

Representatives Maag, Thompson

**Cosponsors: Representatives Beck, Boose, Adams, J., Johnson, Uecker,
Wachtmann, Blair, Roegner, Buchy, Stautberg, Goodwin, Sears**

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A B I L L

To amend sections 2923.12, 2923.124, 2923.126, 1
2923.128, and 2923.16 of the Revised Code to 2
repeal requirements that a concealed carry 3
licensee inform an approaching law enforcement 4
officer that the licensee is a licensee and is 5
carrying a concealed handgun and keep the 6
licensee's hands in plain sight after the officer 7
begins approaching and until the officer leaves; 8
to remove from a general requirement that a 9
licensee stopped for a law enforcement purpose 10
comply with lawful orders of a law enforcement 11
officer a reference to orders to keep the 12
licensee's hands in sight; to revise the 13
definition of "unloaded" that applies to the 14
offense of "improperly handling firearms in a 15
motor vehicle"; to repeal the concealed carry 16
license suspension required for certain 17
misdemeanor convictions of that offense; and to 18
conform certain provisions to changes to that 19
offense made by Sub. S.B. 17 of the 129th General 20
Assembly. 21

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

Section 1. That sections 2923.12, 2923.124, 2923.126, 22
2923.128, and 2923.16 of the Revised Code be amended to read as 23
follows: 24

Sec. 2923.12. (A) No person shall knowingly carry or have, 25
concealed on the person's person or concealed ready at hand, any 26
of the following: 27

(1) A deadly weapon other than a handgun; 28

(2) A handgun other than a dangerous ordnance; 29

(3) A dangerous ordnance. 30

(B) No person who has been issued a license or temporary 31
emergency license to carry a concealed handgun under section 32
2923.125 or 2923.1213 of the Revised Code or a license to carry a 33
concealed handgun that was issued by another state with which the 34
attorney general has entered into a reciprocity agreement under 35
section 109.69 of the Revised Code shall do any of the following: 36

~~(1) If the person is stopped for a law enforcement purpose 37
and is carrying a concealed handgun, fail to promptly inform any 38
law enforcement officer who approaches the person after the person 39
has been stopped that the person has been issued a license or 40
temporary emergency license to carry a concealed handgun and that 41
the person then is carrying a concealed handgun; 42~~

~~(2) If the person is stopped for a law enforcement purpose 43
and if the person is carrying a concealed handgun, knowingly fail 44
to keep the person's hands in plain sight at any time after any 45
law enforcement officer begins approaching the person while 46
stopped and before the law enforcement officer leaves, unless the 47
failure is pursuant to and in accordance with directions given by 48~~

~~a law enforcement officer;~~ 49

(3) If the person is stopped for a law enforcement purpose, 50
if the person is carrying a concealed handgun, and if the person 51
is approached by any law enforcement officer while stopped, 52
knowingly remove or attempt to remove the loaded handgun from the 53
holster, pocket, or other place in which the person is carrying 54
it, knowingly grasp or hold the loaded handgun, or knowingly have 55
contact with the loaded handgun by touching it with the person's 56
hands or fingers at any time after the law enforcement officer 57
begins approaching and before the law enforcement officer leaves, 58
unless the person removes, attempts to remove, grasps, holds, or 59
has contact with the loaded handgun pursuant to and in accordance 60
with directions given by the law enforcement officer; 61

~~(4)(2)~~ If the person is stopped for a law enforcement purpose 62
and if the person is carrying a concealed handgun, knowingly 63
disregard or fail to comply with any lawful order of any law 64
enforcement officer given while the person is stopped, ~~including,~~ 65
~~but not limited to, a specific order to the person to keep the~~ 66
~~person's hands in plain sight.~~ 67

(C)(1) This section does not apply to any of the following: 68

(a) An officer, agent, or employee of this or any other state 69
or the United States, or to a law enforcement officer, who is 70
authorized to carry concealed weapons or dangerous ordnance or is 71
authorized to carry handguns and is acting within the scope of the 72
officer's, agent's, or employee's duties; 73

(b) Any person who is employed in this state, who is 74
authorized to carry concealed weapons or dangerous ordnance or is 75
authorized to carry handguns, and who is subject to and in 76
compliance with the requirements of section 109.801 of the Revised 77
Code, unless the appointing authority of the person has expressly 78
specified that the exemption provided in division (C)(1)(b) of 79

this section does not apply to the person; 80

(c) A person's transportation or storage of a firearm, other 81
than a firearm described in divisions (G) to (M) of section 82
2923.11 of the Revised Code, in a motor vehicle for any lawful 83
purpose if the firearm is not on the actor's person; 84

(d) A person's storage or possession of a firearm, other than 85
a firearm described in divisions (G) to (M) of section 2923.11 of 86
the Revised Code, in the actor's own home for any lawful purpose. 87

(2) Division (A)(2) of this section does not apply to any 88
person who, at the time of the alleged carrying or possession of a 89
handgun, is carrying a valid license or temporary emergency 90
license to carry a concealed handgun issued to the person under 91
section 2923.125 or 2923.1213 of the Revised Code or a license to 92
carry a concealed handgun that was issued by another state with 93
which the attorney general has entered into a reciprocity 94
agreement under section 109.69 of the Revised Code, unless the 95
person knowingly is in a place described in division (B) of 96
section 2923.126 of the Revised Code. 97

(D) It is an affirmative defense to a charge under division 98
(A)(1) of this section of carrying or having control of a weapon 99
other than a handgun and other than a dangerous ordnance that the 100
actor was not otherwise prohibited by law from having the weapon 101
and that any of the following applies: 102

(1) The weapon was carried or kept ready at hand by the actor 103
for defensive purposes while the actor was engaged in or was going 104
to or from the actor's lawful business or occupation, which 105
business or occupation was of a character or was necessarily 106
carried on in a manner or at a time or place as to render the 107
actor particularly susceptible to criminal attack, such as would 108
justify a prudent person in going armed. 109

(2) The weapon was carried or kept ready at hand by the actor 110

for defensive purposes while the actor was engaged in a lawful 111
activity and had reasonable cause to fear a criminal attack upon 112
the actor, a member of the actor's family, or the actor's home, 113
such as would justify a prudent person in going armed. 114

(3) The weapon was carried or kept ready at hand by the actor 115
for any lawful purpose and while in the actor's own home. 116

(E) No person who is charged with a violation of this section 117
shall be required to obtain a license or temporary emergency 118
license to carry a concealed handgun under section 2923.125 or 119
2923.1213 of the Revised Code as a condition for the dismissal of 120
the charge. 121

(F)(1) Whoever violates this section is guilty of carrying 122
concealed weapons. Except as otherwise provided in this division 123
or division (F)(2) of this section, carrying concealed weapons in 124
violation of division (A) of this section is a misdemeanor of the 125
first degree. Except as otherwise provided in this division or 126
division (F)(2) of this section, if the offender previously has 127
been convicted of a violation of this section or of any offense of 128
violence, if the weapon involved is a firearm that is either 129
loaded or for which the offender has ammunition ready at hand, or 130
if the weapon involved is dangerous ordnance, carrying concealed 131
weapons in violation of division (A) of this section is a felony 132
of the fourth degree. Except as otherwise provided in division 133
(F)(2) of this section, if the offense is committed aboard an 134
aircraft, or with purpose to carry a concealed weapon aboard an 135
aircraft, regardless of the weapon involved, carrying concealed 136
weapons in violation of division (A) of this section is a felony 137
of the third degree. 138

(2) If a person being arrested for a violation of division 139
(A)(2) of this section promptly produces a valid license or 140
temporary emergency license to carry a concealed handgun issued 141
under section 2923.125 or 2923.1213 of the Revised Code or a 142

license to carry a concealed handgun that was issued by another 143
state with which the attorney general has entered into a 144
reciprocity agreement under section 109.69 of the Revised Code, 145
and if at the time of the violation the person was not knowingly 146
in a place described in division (B) of section 2923.126 of the 147
Revised Code, the officer shall not arrest the person for a 148
violation of that division. If the person is not able to promptly 149
produce any of those types of license and if the person is not in 150
a place described in that section, the officer may arrest the 151
person for a violation of that division, and the offender shall be 152
punished as follows: 153

(a) The offender shall be guilty of a minor misdemeanor if 154
both of the following apply: 155

(i) Within ten days after the arrest, the offender presents a 156
license or temporary emergency license to carry a concealed 157
handgun issued under section 2923.125 or 2923.1213 of the Revised 158
Code or a license to carry a concealed handgun that was issued by 159
another state with which the attorney general has entered into a 160
reciprocity agreement under section 109.69 of the Revised Code, 161
which license was valid at the time of the arrest to the law 162
enforcement agency that employs the arresting officer. 163

(ii) At the time of the arrest, the offender was not 164
knowingly in a place described in division (B) of section 2923.126 165
of the Revised Code. 166

(b) The offender shall be guilty of a misdemeanor and shall 167
be fined five hundred dollars if all of the following apply: 168

(i) The offender previously had been issued a license to 169
carry a concealed handgun under section 2923.125 of the Revised 170
Code or a license to carry a concealed handgun that was issued by 171
another state with which the attorney general has entered into a 172
reciprocity agreement under section 109.69 of the Revised Code and 173

that was similar in nature to a license issued under section 174
2923.125 of the Revised Code, and that license expired within the 175
two years immediately preceding the arrest. 176

(ii) Within forty-five days after the arrest, the offender 177
presents any type of license identified in division (F)(2)(a)(i) 178
of this section to the law enforcement agency that employed the 179
arresting officer, and the offender waives in writing the 180
offender's right to a speedy trial on the charge of the violation 181
that is provided in section 2945.71 of the Revised Code. 182

(iii) At the time of the commission of the offense, the 183
offender was not knowingly in a place described in division (B) of 184
section 2923.126 of the Revised Code. 185

(c) If neither division (F)(2)(a) nor (b) of this section 186
applies, the offender shall be punished under division (F)(1) of 187
this section. 188

~~(3) Except as otherwise provided in this division, carrying 189
concealed weapons in violation of division (B)(1) of this section 190
is a misdemeanor of the first degree, and, in addition to any 191
other penalty or sanction imposed for a violation of division 192
(B)(1) of this section, the offender's license or temporary 193
emergency license to carry a concealed handgun shall be suspended 194
pursuant to division (A)(2) of section 2923.128 of the Revised 195
Code. If, at the time of the stop of the offender for a law 196
enforcement purpose that was the basis of the violation, any law 197
enforcement officer involved with the stop had actual knowledge 198
that the offender has been issued a license or temporary emergency 199
license to carry a concealed handgun, carrying concealed weapons 200
in violation of division (B)(1) of this section is a minor 201
misdemeanor, and the offender's license or temporary emergency 202
license to carry a concealed handgun shall not be suspended 203
pursuant to division (A)(2) of section 2923.128 of the Revised 204
Code. 205~~

~~(4)~~ Carrying concealed weapons in violation of division 206
(B)(2) ~~or (4)~~ of this section is a misdemeanor of the first degree 207
or, if the offender previously has been convicted of or pleaded 208
guilty to a violation of division (B)(2) ~~or (4)~~ of this section, a 209
felony of the fifth degree. In addition to any other penalty or 210
sanction imposed for a misdemeanor violation of division (B)(2) ~~or~~ 211
~~(4)~~ of this section, the offender's license or temporary emergency 212
license to carry a concealed handgun shall be suspended pursuant 213
to division (A)(2) of section 2923.128 of the Revised Code. 214

~~(5)~~(4) Carrying concealed weapons in violation of division 215
(B)~~(3)~~(1) of this section is a felony of the fifth degree. 216

(G) If a law enforcement officer stops a person to question 217
the person regarding a possible violation of this section, for a 218
traffic stop, or for any other law enforcement purpose, if the 219
person surrenders a firearm to the officer, either voluntarily or 220
pursuant to a request or demand of the officer, and if the officer 221
does not charge the person with a violation of this section or 222
arrest the person for any offense, the person is not otherwise 223
prohibited by law from possessing the firearm, and the firearm is 224
not contraband, the officer shall return the firearm to the person 225
at the termination of the stop. If a court orders a law 226
enforcement officer to return a firearm to a person pursuant to 227
the requirement set forth in this division, division (B) of 228
section 2923.163 of the Revised Code applies. 229

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 230
the Revised Code: 231

(A) "Application form" means the application form prescribed 232
pursuant to division (A)(1) of section 109.731 of the Revised Code 233
and includes a copy of that form. 234

(B) "Competency certification" and "competency certificate" 235
mean a document of the type described in division (B)(3) of 236

section 2923.125 of the Revised Code.	237
(C) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.	238 239
(D) "Licensee" means a person to whom a license to carry a concealed handgun has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a temporary emergency license to carry a concealed handgun has been issued under section 2923.1213 of the Revised Code.	240 241 242 243 244 245
(E) "License fee" or "license renewal fee" means the fee for a license to carry a concealed handgun or the fee to renew that license that is prescribed pursuant to division (C) of section 109.731 of the Revised Code and that is to be paid by an applicant for a license of that type.	246 247 248 249 250
(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	251 252
(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.	253 254
(H) "Valid license" means a license or temporary emergency license to carry a concealed handgun that has been issued under section 2923.125 or 2923.1213 of the Revised Code, that is currently valid, that is not under a suspension under division (A)(1) of section 2923.128 or under section 2923.1213 of the Revised Code, and that has not been revoked under division (B)(1) of section 2923.128 or under section 2923.1213 of the Revised Code.	255 256 257 258 259 260 261 262
(I) "Civil protection order" means a protection order issued, or consent agreement approved, under section 2903.214 or 3113.31 of the Revised Code.	263 264 265
(J) "Temporary protection order" means a protection order	266

issued under section 2903.213 or 2919.26 of the Revised Code. 267

(K) "Protection order issued by a court of another state" has 268
the same meaning as in section 2919.27 of the Revised Code. 269

(L) "Child day-care center," "type A family day-care home" 270
and "type B family day-care home" have the same meanings as in 271
section 5104.01 of the Revised Code. 272

(M) "Type C family day-care home" means a family day-care 273
home authorized to provide child care by Sub. H.B. 62 of the 121st 274
general assembly, as amended by Am. Sub. S.B. 160 of the 121st 275
general assembly and Sub. H.B. 407 of the 123rd general assembly. 276

(N) "Foreign air transportation," "interstate air 277
transportation," and "intrastate air transportation" have the same 278
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 279

~~(O) "Commercial motor vehicle" has the same meaning as in 280
division (A) of section 4506.25 of the Revised Code. 281~~

~~(P) "Motor carrier enforcement unit" has the same meaning as 282
in section 2923.16 of the Revised Code. 283~~

Sec. 2923.126. (A) A license to carry a concealed handgun 284
that is issued under section 2923.125 of the Revised Code on or 285
after March 14, 2007, shall expire five years after the date of 286
issuance, and a license that is so issued prior to March 14, 2007, 287
shall expire four years after the date of issuance. A licensee who 288
has been issued a license under that section shall be granted a 289
grace period of thirty days after the licensee's license expires 290
during which the licensee's license remains valid. Except as 291
provided in divisions (B) and (C) of this section, a licensee who 292
has been issued a license under section 2923.125 or 2923.1213 of 293
the Revised Code may carry a concealed handgun anywhere in this 294
state if the licensee also carries a valid license and valid 295
identification when the licensee is in actual possession of a 296

concealed handgun. The licensee shall give notice of any change in 297
the licensee's residence address to the sheriff who issued the 298
license within forty-five days after that change. 299

If a licensee is the driver or an occupant of a motor vehicle 300
that is stopped as the result of a traffic stop or a stop for 301
another law enforcement purpose and if the licensee is 302
transporting or has a loaded handgun in the motor vehicle at that 303
time, ~~the licensee shall promptly inform any law enforcement~~ 304
~~officer who approaches the vehicle while stopped that the licensee~~ 305
~~has been issued a license or temporary emergency license to carry~~ 306
~~a concealed handgun and that the licensee currently possesses or~~ 307
~~has a loaded handgun;~~ the licensee shall not knowingly disregard 308
or fail to comply with lawful orders of a law enforcement officer 309
given while the motor vehicle is stopped, or knowingly fail to 310
remain in the motor vehicle while stopped, ~~or knowingly fail to~~ 311
~~keep the licensee's hands in plain sight~~ after any law enforcement 312
officer begins approaching the licensee while stopped and before 313
the officer leaves, unless directed otherwise by a law enforcement 314
officer; and the licensee shall not ~~knowingly remove, attempt to~~ 315
~~remove, grasp, or hold the loaded handgun or~~ knowingly have 316
contact with the loaded handgun by touching it with the licensee's 317
hands or fingers, in any manner in violation of division (E) of 318
section 2923.16 of the Revised Code, after any law enforcement 319
officer begins approaching the licensee while stopped and before 320
the officer leaves. ~~Additionally, if a licensee is the driver or~~ 321
~~an occupant of a commercial motor vehicle that is stopped by an~~ 322
~~employee of the motor carrier enforcement unit for the purposes~~ 323
~~defined in section 5503.04 of the Revised Code and if the licensee~~ 324
~~is transporting or has a loaded handgun in the commercial motor~~ 325
~~vehicle at that time, the licensee shall promptly inform the~~ 326
~~employee of the unit who approaches the vehicle while stopped that~~ 327
~~the licensee has been issued a license or temporary emergency~~ 328
~~license to carry a concealed handgun and that the licensee~~ 329

~~currently possesses or has a loaded handgun.~~ 330

If a licensee is stopped for a law enforcement purpose and if 331
the licensee is carrying a concealed handgun at the time the 332
officer approaches, ~~the licensee shall promptly inform any law 333~~
~~enforcement officer who approaches the licensee while stopped that 334~~
~~the licensee has been issued a license or temporary emergency 335~~
~~license to carry a concealed handgun and that the licensee 336~~
~~currently is carrying a concealed handgun;~~ the licensee shall not 337
knowingly disregard or fail to comply with lawful orders of a law 338
enforcement officer given while the licensee is stopped ~~or 339~~
~~knowingly fail to keep the licensee's hands in plain sight after 340~~
~~any law enforcement officer begins approaching the licensee while 341~~
~~stopped and before the officer leaves, unless directed otherwise 342~~
~~by a law enforcement officer;~~ and the licensee shall not 343
knowingly remove, attempt to remove, grasp, or hold the loaded 344
handgun or knowingly have contact with the loaded handgun by 345
touching it with the licensee's hands or fingers, in any manner in 346
violation of division (B) of section 2923.12 of the Revised Code, 347
after any law enforcement officer begins approaching the licensee 348
while stopped and before the officer leaves. 349

(B) A valid license issued under section 2923.125 or 350
2923.1213 of the Revised Code does not authorize the licensee to 351
carry a concealed handgun in any manner prohibited under division 352
(B) of section 2923.12 of the Revised Code or in any manner 353
prohibited under section 2923.16 of the Revised Code. A valid 354
license does not authorize the licensee to carry a concealed 355
handgun into any of the following places: 356

(1) A police station, sheriff's office, or state highway 357
patrol station, premises controlled by the bureau of criminal 358
identification and investigation, a state correctional 359
institution, jail, workhouse, or other detention facility, an 360
airport passenger terminal, or an institution that is maintained, 361

operated, managed, and governed pursuant to division (A) of 362
section 5119.02 of the Revised Code or division (A)(1) of section 363
5123.03 of the Revised Code; 364

(2) A school safety zone if the licensee's carrying the 365
concealed handgun is in violation of section 2923.122 of the 366
Revised Code; 367

(3) A courthouse or another building or structure in which a 368
courtroom is located, in violation of section 2923.123 of the 369
Revised Code; 370

(4) Any premises or open air arena for which a D permit has 371
been issued under Chapter 4303. of the Revised Code if the 372
licensee's carrying the concealed handgun is in violation of 373
section 2923.121 of the Revised Code; 374

(5) Any premises owned or leased by any public or private 375
college, university, or other institution of higher education, 376
unless the handgun is in a locked motor vehicle or the licensee is 377
in the immediate process of placing the handgun in a locked motor 378
vehicle; 379

(6) Any church, synagogue, mosque, or other place of worship, 380
unless the church, synagogue, mosque, or other place of worship 381
posts or permits otherwise; 382

(7) A child day-care center, a type A family day-care home, a 383
type B family day-care home, or a type C family day-care home, 384
except that this division does not prohibit a licensee who resides 385
in a type A family day-care home, a type B family day-care home, 386
or a type C family day-care home from carrying a concealed handgun 387
at any time in any part of the home that is not dedicated or used 388
for day-care purposes, or from carrying a concealed handgun in a 389
part of the home that is dedicated or used for day-care purposes 390
at any time during which no children, other than children of that 391
licensee, are in the home; 392

(8) An aircraft that is in, or intended for operation in, 393
foreign air transportation, interstate air transportation, 394
intrastate air transportation, or the transportation of mail by 395
aircraft; 396

(9) Any building that is a government facility of this state 397
or a political subdivision of this state and that is not a 398
building that is used primarily as a shelter, restroom, parking 399
facility for motor vehicles, or rest facility and is not a 400
courthouse or other building or structure in which a courtroom is 401
located that is subject to division (B)(3) of this section; 402

(10) A place in which federal law prohibits the carrying of 403
handguns. 404

(C)(1) Nothing in this section shall negate or restrict a 405
rule, policy, or practice of a private employer that is not a 406
private college, university, or other institution of higher 407
education concerning or prohibiting the presence of firearms on 408
the private employer's premises or property, including motor 409
vehicles owned by the private employer. Nothing in this section 410
shall require a private employer of that nature to adopt a rule, 411
policy, or practice concerning or prohibiting the presence of 412
firearms on the private employer's premises or property, including 413
motor vehicles owned by the private employer. 414

(2)(a) A private employer shall be immune from liability in a 415
civil action for any injury, death, or loss to person or property 416
that allegedly was caused by or related to a licensee bringing a 417
handgun onto the premises or property of the private employer, 418
including motor vehicles owned by the private employer, unless the 419
private employer acted with malicious purpose. A private employer 420
is immune from liability in a civil action for any injury, death, 421
or loss to person or property that allegedly was caused by or 422
related to the private employer's decision to permit a licensee to 423
bring, or prohibit a licensee from bringing, a handgun onto the 424

premises or property of the private employer. As used in this 425
division, "private employer" includes a private college, 426
university, or other institution of higher education. 427

(b) A political subdivision shall be immune from liability in 428
a civil action, to the extent and in the manner provided in 429
Chapter 2744. of the Revised Code, for any injury, death, or loss 430
to person or property that allegedly was caused by or related to a 431
licensee bringing a handgun onto any premises or property owned, 432
leased, or otherwise under the control of the political 433
subdivision. As used in this division, "political subdivision" has 434
the same meaning as in section 2744.01 of the Revised Code. 435

(3)(a) Except as provided in division (C)(3)(b) of this 436
section, the owner or person in control of private land or 437
premises, and a private person or entity leasing land or premises 438
owned by the state, the United States, or a political subdivision 439
of the state or the United States, may post a sign in a 440
conspicuous location on that land or on those premises prohibiting 441
persons from carrying firearms or concealed firearms on or onto 442
that land or those premises. Except as otherwise provided in this 443
division, a person who knowingly violates a posted prohibition of 444
that nature is guilty of criminal trespass in violation of 445
division (A)(4) of section 2911.21 of the Revised Code and is 446
guilty of a misdemeanor of the fourth degree. If a person 447
knowingly violates a posted prohibition of that nature and the 448
posted land or premises primarily was a parking lot or other 449
parking facility, the person is not guilty of criminal trespass in 450
violation of division (A)(4) of section 2911.21 of the Revised 451
Code and instead is subject only to a civil cause of action for 452
trespass based on the violation. 453

(b) A landlord may not prohibit or restrict a tenant who is a 454
licensee and who on or after ~~the effective date of this amendment~~ 455
September 9, 2008, enters into a rental agreement with the 456

landlord for the use of residential premises, and the tenant's 457
guest while the tenant is present, from lawfully carrying or 458
possessing a handgun on those residential premises. 459

(c) As used in division (C)(3) of this section: 460

(i) "Residential premises" has the same meaning as in section 461
5321.01 of the Revised Code, except "residential premises" does 462
not include a dwelling unit that is owned or operated by a college 463
or university. 464

(ii) "Landlord," "tenant," and "rental agreement" have the 465
same meanings as in section 5321.01 of the Revised Code. 466

(D) A person who holds a license to carry a concealed handgun 467
that was issued pursuant to the law of another state that is 468
recognized by the attorney general pursuant to a reciprocity 469
agreement entered into pursuant to section 109.69 of the Revised 470
Code has the same right to carry a concealed handgun in this state 471
as a person who was issued a license to carry a concealed handgun 472
under section 2923.125 of the Revised Code and is subject to the 473
same restrictions that apply to a person who carries a license 474
issued under that section. 475

(E) A peace officer has the same right to carry a concealed 476
handgun in this state as a person who was issued a license to 477
carry a concealed handgun under section 2923.125 of the Revised 478
Code. For purposes of reciprocity with other states, a peace 479
officer shall be considered to be a licensee in this state. 480

(F)(1) A qualified retired peace officer who possesses a 481
retired peace officer identification card issued pursuant to 482
division (F)(2) of this section and a valid firearms 483
requalification certification issued pursuant to division (F)(3) 484
of this section has the same right to carry a concealed handgun in 485
this state as a person who was issued a license to carry a 486
concealed handgun under section 2923.125 of the Revised Code and 487

is subject to the same restrictions that apply to a person who 488
carries a license issued under that section. For purposes of 489
reciprocity with other states, a qualified retired peace officer 490
who possesses a retired peace officer identification card issued 491
pursuant to division (F)(2) of this section and a valid firearms 492
requalification certification issued pursuant to division (F)(3) 493
of this section shall be considered to be a licensee in this 494
state. 495

(2)(a) Each public agency of this state or of a political 496
subdivision of this state that is served by one or more peace 497
officers shall issue a retired peace officer identification card 498
to any person who retired from service as a peace officer with 499
that agency, if the issuance is in accordance with the agency's 500
policies and procedures and if the person, with respect to the 501
person's service with that agency, satisfies all of the following: 502

(i) The person retired in good standing from service as a 503
peace officer with the public agency, and the retirement was not 504
for reasons of mental instability. 505

(ii) Before retiring from service as a peace officer with 506
that agency, the person was authorized to engage in or supervise 507
the prevention, detection, investigation, or prosecution of, or 508
the incarceration of any person for, any violation of law and the 509
person had statutory powers of arrest. 510

(iii) At the time of the person's retirement as a peace 511
officer with that agency, the person was trained and qualified to 512
carry firearms in the performance of the peace officer's duties. 513

(iv) Before retiring from service as a peace officer with 514
that agency, the person was regularly employed as a peace officer 515
for an aggregate of fifteen years or more, or, in the alternative, 516
the person retired from service as a peace officer with that 517
agency, after completing any applicable probationary period of 518

that service, due to a service-connected disability, as determined 519
by the agency. 520

(b) A retired peace officer identification card issued to a 521
person under division (F)(2)(a) of this section shall identify the 522
person by name, contain a photograph of the person, identify the 523
public agency of this state or of the political subdivision of 524
this state from which the person retired as a peace officer and 525
that is issuing the identification card, and specify that the 526
person retired in good standing from service as a peace officer 527
with the issuing public agency and satisfies the criteria set 528
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 529
addition to the required content specified in this division, a 530
retired peace officer identification card issued to a person under 531
division (F)(2)(a) of this section may include the firearms 532
requalification certification described in division (F)(3) of this 533
section, and if the identification card includes that 534
certification, the identification card shall serve as the firearms 535
requalification certification for the retired peace officer. If 536
the issuing public agency issues credentials to active law 537
enforcement officers who serve the agency, the agency may comply 538
with division (F)(2)(a) of this section by issuing the same 539
credentials to persons who retired from service as a peace officer 540
with the agency and who satisfy the criteria set forth in 541
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 542
credentials so issued to retired peace officers are stamped with 543
the word "RETIRED." 544

(c) A public agency of this state or of a political 545
subdivision of this state may charge persons who retired from 546
service as a peace officer with the agency a reasonable fee for 547
issuing to the person a retired peace officer identification card 548
pursuant to division (F)(2)(a) of this section. 549

(3) If a person retired from service as a peace officer with 550

a public agency of this state or of a political subdivision of 551
this state and the person satisfies the criteria set forth in 552
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 553
may provide the retired peace officer with the opportunity to 554
attend a firearms requalification program that is approved for 555
purposes of firearms requalification required under section 556
109.801 of the Revised Code. The retired peace officer may be 557
required to pay the cost of the course. 558

If a retired peace officer who satisfies the criteria set 559
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 560
firearms requalification program that is approved for purposes of 561
firearms requalification required under section 109.801 of the 562
Revised Code, the retired peace officer's successful completion of 563
the firearms requalification program requalifies the retired peace 564
officer for purposes of division (F) of this section for five 565
years from the date on which the program was successfully 566
completed, and the requalification is valid during that five-year 567
period. If a retired peace officer who satisfies the criteria set 568
forth in divisions (F)(2)(a)(i) to (iv) of this section 569
satisfactorily completes such a firearms requalification program, 570
the retired peace officer shall be issued a firearms 571
requalification certification that identifies the retired peace 572
officer by name, identifies the entity that taught the program, 573
specifies that the retired peace officer successfully completed 574
the program, specifies the date on which the course was 575
successfully completed, and specifies that the requalification is 576
valid for five years from that date of successful completion. The 577
firearms requalification certification for a retired peace officer 578
may be included in the retired peace officer identification card 579
issued to the retired peace officer under division (F)(2) of this 580
section. 581

A retired peace officer who attends a firearms 582

requalification program that is approved for purposes of firearms 583
requalification required under section 109.801 of the Revised Code 584
may be required to pay the cost of the program. 585

(G) As used in this section: 586

(1) "Qualified retired peace officer" means a person who 587
satisfies all of the following: 588

(a) The person satisfies the criteria set forth in divisions 589
(F)(2)(a)(i) to (v) of this section. 590

(b) The person is not under the influence of alcohol or 591
another intoxicating or hallucinatory drug or substance. 592

(c) The person is not prohibited by federal law from 593
receiving firearms. 594

(2) "Retired peace officer identification card" means an 595
identification card that is issued pursuant to division (F)(2) of 596
this section to a person who is a retired peace officer. 597

(3) "Government facility of this state or a political 598
subdivision of this state" means any of the following: 599

(a) A building or part of a building that is owned or leased 600
by the government of this state or a political subdivision of this 601
state and where employees of the government of this state or the 602
political subdivision regularly are present for the purpose of 603
performing their official duties as employees of the state or 604
political subdivision; 605

(b) The office of a deputy registrar serving pursuant to 606
Chapter 4503. of the Revised Code that is used to perform deputy 607
registrar functions. 608

Sec. 2923.128. (A)(1)(a) If a licensee holding a valid 609
license issued under section 2923.125 or 2923.1213 of the Revised 610
Code is arrested for or otherwise charged with an offense 611

described in division (D)(1)(d) of section 2923.125 of the Revised Code or with a violation of section 2923.15 of the Revised Code or becomes subject to a temporary protection order or to a protection order issued by a court of another state that is substantially equivalent to a temporary protection order, the sheriff who issued the license or temporary emergency license shall suspend it and shall comply with division (A)(3) of this section upon becoming aware of the arrest, charge, or protection order. Upon suspending the license or temporary emergency license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A)(1)(a) of this section shall be considered as beginning on the date that the licensee is arrested for or otherwise charged with an offense described in that division or on the date the appropriate court issued the protection order described in that division, irrespective of when the sheriff notifies the licensee under division (A)(3) of this section. The suspension shall end on the date on which the charges are dismissed or the licensee is found not guilty of the offense described in division (A)(1)(a) of this section or, subject to division (B) of this section, on the date the appropriate court terminates the protection order described in that division. If the suspension so ends, the sheriff shall return the license or temporary emergency license to the licensee.

(2)(a) If a licensee holding a valid license issued under section 2923.125 or 2923.1213 of the Revised Code is convicted of or pleads guilty to a misdemeanor violation of ~~division (B)(1), (2), or (4) of section 2923.12 of the Revised Code or of division (E)(1), (2), (3), or (5) of section 2923.16 of the Revised Code,~~ except as provided in division (A)(2)(c) of this section and subject to division (C) of this section, the sheriff who issued the license or temporary emergency license shall suspend it and shall comply with division (A)(3) of this section upon becoming

aware of the conviction or guilty plea. Upon suspending the 644
license or temporary emergency license, the sheriff also shall 645
comply with division (H) of section 2923.125 of the Revised Code. 646

(b) A suspension under division (A)(2)(a) of this section 647
shall be considered as beginning on the date that the licensee is 648
convicted of or pleads guilty to the ~~offense described in~~ 649
misdemeanor violation of division (B)(2) of section 2923.12 of the 650
Revised Code that division is the basis of the suspension, 651
irrespective of when the sheriff notifies the licensee under 652
division (A)(3) of this section. ~~If the suspension is imposed for~~ 653
~~a misdemeanor violation of division (B)(1) or (2) of section~~ 654
~~2923.12 of the Revised Code or of division (E)(1), (2), or (3) of~~ 655
~~section 2923.16 of the Revised Code, it shall end on the date that~~ 656
~~is one year after the date that the licensee is convicted of or~~ 657
~~pleads guilty to that violation. If the~~ The suspension ~~is~~ imposed 658
for a the misdemeanor violation of division (B)~~(4)~~(2) of section 659
2923.12 of the Revised Code ~~or of division (E)(5) of section~~ 660
~~2923.16 of the Revised Code, it shall end on the date that is two~~ 661
years after the date that the licensee is convicted of or pleads 662
guilty to that violation. If the licensee's license was issued 663
under section 2923.125 of the Revised Code and the license remains 664
valid after the suspension ends as described in this division, 665
when the suspension ends, the sheriff shall return the license to 666
the licensee. If the licensee's license was issued under section 667
2923.125 of the Revised Code and the license expires before the 668
suspension ends as described in this division, or if the 669
licensee's license was issued under section 2923.1213 of the 670
Revised Code, the licensee is not eligible to apply for a new 671
license under section 2923.125 or 2923.1213 of the Revised Code or 672
to renew the license under section 2923.125 of the Revised Code 673
until after the suspension ends as described in this division. 674

~~(c) The license of a licensee who is convicted of or pleads~~ 675

~~guilty to a violation of division (B)(1) of section 2923.12 or 676
division (E)(1) or (2) of section 2923.16 of the Revised Code 677
shall not be suspended pursuant to division (A)(2)(a) of this 678
section if, at the time of the stop of the licensee for a law 679
enforcement purpose, for a traffic stop, or for a purpose defined 680
in section 5503.34 of the Revised Code that was the basis of the 681
violation, any law enforcement officer involved with the stop or 682
the employee of the motor carrier enforcement unit who made the 683
stop had actual knowledge of the licensee's status as a licensee. 684~~

(3) Upon becoming aware of an arrest, charge, or protection 685
order described in division (A)(1)(a) of this section with respect 686
to a licensee who was issued a license under section 2923.125 or 687
2923.1213 of the Revised Code, or a conviction of or plea of 688
guilty to a misdemeanor offense described in division (A)(2)(a) of 689
this section with respect to a licensee who was issued a license 690
under either section ~~and with respect to which division (A)(2)(c)~~ 691
~~of this section does not apply~~, subject to division (C) of this 692
section, the sheriff who issued the licensee's license or 693
temporary emergency license to carry a concealed handgun shall 694
notify the licensee, by certified mail, return receipt requested, 695
at the licensee's last known residence address that the license or 696
temporary emergency license has been suspended and that the 697
licensee is required to surrender the license or temporary 698
emergency license at the sheriff's office within ten days of the 699
date on which the notice was mailed. If the suspension is pursuant 700
to division (A)(2) of this section, the notice shall identify the 701
date on which the suspension ends. 702

(B)(1) A sheriff who issues a license or temporary emergency 703
license to carry a concealed handgun to a licensee under section 704
2923.125 or 2923.1213 of the Revised Code shall revoke the license 705
or temporary emergency license in accordance with division (B)(2) 706
of this section upon becoming aware that the licensee satisfies 707

any of the following: 708

(a) The licensee is under twenty-one years of age. 709

(b) Subject to division (C) of this section, at the time of 710
the issuance of the license or temporary emergency license, the 711
licensee did not satisfy the eligibility requirements of division 712
(D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the 713
Revised Code. 714

(c) Subject to division (C) of this section, on or after the 715
date on which the license or temporary emergency license was 716
issued, the licensee is convicted of or pleads guilty to a 717
violation of section 2923.15 of the Revised Code or an offense 718
described in division (D)(1)(e), (f), (g), or (h) of section 719
2923.125 of the Revised Code. 720

(d) On or after the date on which the license or temporary 721
emergency license was issued, the licensee becomes subject to a 722
civil protection order or to a protection order issued by a court 723
of another state that is substantially equivalent to a civil 724
protection order. 725

(e) The licensee knowingly carries a concealed handgun into a 726
place that the licensee knows is an unauthorized place specified 727
in division (B) of section 2923.126 of the Revised Code. 728

(f) On or after the date on which the license or temporary 729
emergency license was issued, the licensee is adjudicated as a 730
mental defective or is committed to a mental institution. 731

(g) At the time of the issuance of the license or temporary 732
emergency license, the licensee did not meet the residency 733
requirements described in division (D)(1) of section 2923.125 of 734
the Revised Code and currently does not meet the residency 735
requirements described in that division. 736

(h) Regarding a license issued under section 2923.125 of the 737

Revised Code, the competency certificate the licensee submitted 738
was forged or otherwise was fraudulent. 739

(2) Upon becoming aware of any circumstance listed in 740
division (B)(1) of this section that applies to a particular 741
licensee who was issued a license under section 2923.125 or 742
2923.1213 of the Revised Code, subject to division (C) of this 743
section, the sheriff who issued the license or temporary emergency 744
license to carry a concealed handgun to the licensee shall notify 745
the licensee, by certified mail, return receipt requested, at the 746
licensee's last known residence address that the license or 747
temporary emergency license is subject to revocation and that the 748
licensee may come to the sheriff's office and contest the 749
sheriff's proposed revocation within fourteen days of the date on 750
which the notice was mailed. After the fourteen-day period and 751
after consideration of any information that the licensee provides 752
during that period, if the sheriff determines on the basis of the 753
information of which the sheriff is aware that the licensee is 754
described in division (B)(1) of this section and no longer 755
satisfies the requirements described in division (D)(1) of section 756
2923.125 of the Revised Code that are applicable to the licensee's 757
type of license, the sheriff shall revoke the license or temporary 758
emergency license, notify the licensee of that fact, and require 759
the licensee to surrender the license or temporary emergency 760
license. Upon revoking the license or temporary emergency license, 761
the sheriff also shall comply with division (H) of section 762
2923.125 of the Revised Code. 763

(C) If a sheriff who issues a license or temporary emergency 764
license to carry a concealed handgun to a licensee under section 765
2923.125 or 2923.1213 of the Revised Code becomes aware that at 766
the time of the issuance of the license or temporary emergency 767
license the licensee had been convicted of or pleaded guilty to an 768
offense identified in division (D)(1)(e), (f), or (h) of section 769

2923.125 of the Revised Code or had been adjudicated a delinquent 770
child for committing an act or violation identified in any of 771
those divisions or becomes aware that on or after the date on 772
which the license or temporary emergency license was issued the 773
licensee has been convicted of or pleaded guilty to an offense 774
identified in division (A)(2)(a) or (B)(1)(c) of this section, the 775
sheriff shall not consider that conviction, guilty plea, or 776
adjudication as having occurred for purposes of divisions (A)(2), 777
(A)(3), (B)(1), and (B)(2) of this section if a court has ordered 778
the sealing or expungement of the records of that conviction, 779
guilty plea, or adjudication pursuant to sections 2151.355 to 780
2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a 781
court has granted the licensee relief pursuant to section 2923.14 782
of the Revised Code from the disability imposed pursuant to 783
section 2923.13 of the Revised Code relative to that conviction, 784
guilty plea, or adjudication. 785

~~(D) As used in this section, "motor carrier enforcement unit" 786
has the same meaning as in section 2923.16 of the Revised Code. 787~~

Sec. 2923.16. (A) No person shall knowingly discharge a 788
firearm while in or on a motor vehicle. 789

(B) No person shall knowingly transport or have a loaded 790
firearm in a motor vehicle in such a manner that the firearm is 791
accessible to the operator or any passenger without leaving the 792
vehicle. 793

(C) No person shall knowingly transport or have a firearm in 794
a motor vehicle, unless the person may lawfully possess that 795
firearm under applicable law of this state or the United States, 796
the firearm is unloaded, and the firearm is carried in one of the 797
following ways: 798

(1) In a closed package, box, or case; 799

(2) In a compartment that can be reached only by leaving the vehicle; 800
801

(3) In plain sight and secured in a rack or holder made for the purpose; 802
803

(4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight. 804
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(D) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies: 811
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(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them. 814
815

(2) The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in division (A) of section 4511.19 of the Revised Code, regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle. 816
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(E) No person who has been issued a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued to the person by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, who is the driver or an occupant of a motor vehicle that is stopped as a 824
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result of a traffic stop or a stop for another law enforcement 831
purpose or is the driver or an occupant of a commercial motor 832
vehicle that is stopped by an employee of the motor carrier 833
enforcement unit for the purposes defined in section 5503.34 of 834
the Revised Code, and who is transporting or has a loaded handgun 835
in the motor vehicle or commercial motor vehicle in any manner, 836
shall do any of the following: 837

~~(1) Fail to promptly inform any law enforcement officer who 838
approaches the vehicle while stopped that the person has been 839
issued a license or temporary emergency license to carry a 840
concealed handgun and that the person then possesses or has a 841
loaded handgun in the motor vehicle; 842~~

~~(2) Fail to promptly inform the employee of the unit who 843
approaches the vehicle while stopped that the person has been 844
issued a license or temporary emergency license to carry a 845
concealed handgun and that the person then possesses or has a 846
loaded handgun in the commercial motor vehicle; 847~~

~~(3) Knowingly fail to remain in the motor vehicle while 848
stopped or knowingly fail to keep the person's hands in plain 849
sight at any time after any law enforcement officer begins 850
approaching the person while stopped and before the law 851
enforcement officer leaves, unless the failure is pursuant to and 852
in accordance with directions given by a law enforcement officer; 853~~

~~(4)(2) Knowingly have contact with the loaded handgun by 854
touching it with the person's hands or fingers in the motor 855
vehicle at any time after the law enforcement officer begins 856
approaching and before the law enforcement officer leaves, unless 857
the person removes, attempts to remove, grasps, holds, or has 858
contact with the loaded handgun pursuant to and in accordance with 859
directions given by the law enforcement officer; 860~~

~~(5)(3) Knowingly disregard or fail to comply with any lawful 861~~

order of any law enforcement officer given while the motor vehicle 862
is stopped, ~~including, but not limited to, a specific order to the~~ 863
~~person to keep the person's hands in plain sight.~~ 864

(F)(1) Divisions (A), (B), (C), and (E) of this section do 865
not apply to any of the following: 866

(a) An officer, agent, or employee of this or any other state 867
or the United States, or a law enforcement officer, when 868
authorized to carry or have loaded or accessible firearms in motor 869
vehicles and acting within the scope of the officer's, agent's, or 870
employee's duties; 871

(b) Any person who is employed in this state, who is 872
authorized to carry or have loaded or accessible firearms in motor 873
vehicles, and who is subject to and in compliance with the 874
requirements of section 109.801 of the Revised Code, unless the 875
appointing authority of the person has expressly specified that 876
the exemption provided in division (F)(1)(b) of this section does 877
not apply to the person. 878

(2) Division (A) of this section does not apply to a person 879
if all of the following circumstances apply: 880

(a) The person discharges a firearm from a motor vehicle at a 881
coyote or groundhog, the discharge is not during the deer gun 882
hunting season as set by the chief of the division of wildlife of 883
the department of natural resources, and the discharge at the 884
coyote or groundhog, but for the operation of this section, is 885
lawful. 886

(b) The motor vehicle from which the person discharges the 887
firearm is on real property that is located in an unincorporated 888
area of a township and that either is zoned for agriculture or is 889
used for agriculture. 890

(c) The person owns the real property described in division 891
(F)(2)(b) of this section, is the spouse or a child of another 892

person who owns that real property, is a tenant of another person 893
who owns that real property, or is the spouse or a child of a 894
tenant of another person who owns that real property. 895

(d) The person does not discharge the firearm in any of the 896
following manners: 897

(i) While under the influence of alcohol, a drug of abuse, or 898
alcohol and a drug of abuse; 899

(ii) In the direction of a street, highway, or other public 900
or private property used by the public for vehicular traffic or 901
parking; 902

(iii) At or into an occupied structure that is a permanent or 903
temporary habitation; 904

(iv) In the commission of any violation of law, including, 905
but not limited to, a felony that includes, as an essential 906
element, purposely or knowingly causing or attempting to cause the 907
death of or physical harm to another and that was committed by 908
discharging a firearm from a motor vehicle. 909

(3) Division (A) of this section does not apply to a person 910
if all of the following apply: 911

(a) The person possesses a valid electric-powered all-purpose 912
vehicle permit issued under section 1533.103 of the Revised Code 913
by the chief of the division of wildlife. 914

(b) The person discharges a firearm at a wild quadruped or 915
game bird as defined in section 1531.01 of the Revised Code during 916
the open hunting season for the applicable wild quadruped or game 917
bird. 918

(c) The person discharges a firearm from a stationary 919
electric-powered all-purpose vehicle as defined in section 1531.01 920
of the Revised Code or a motor vehicle that is parked on a road 921
that is owned or administered by the division of wildlife, 922

provided that the road is identified by an electric-powered 923
all-purpose vehicle sign. 924

(d) The person does not discharge the firearm in any of the 925
following manners: 926

(i) While under the influence of alcohol, a drug of abuse, or 927
alcohol and a drug of abuse; 928

(ii) In the direction of a street, a highway, or other public 929
or private property that is used by the public for vehicular 930
traffic or parking; 931

(iii) At or into an occupied structure that is a permanent or 932
temporary habitation; 933

(iv) In the commission of any violation of law, including, 934
but not limited to, a felony that includes, as an essential 935
element, purposely or knowingly causing or attempting to cause the 936
death of or physical harm to another and that was committed by 937
discharging a firearm from a motor vehicle. 938

(4) Divisions (B) and (C) of this section do not apply to a 939
person if all of the following circumstances apply: 940

(a) At the time of the alleged violation of either of those 941
divisions, the person is the operator of or a passenger in a motor 942
vehicle. 943

(b) The motor vehicle is on real property that is located in 944
an unincorporated area of a township and that either is zoned for 945
agriculture or is used for agriculture. 946

(c) The person owns the real property described in division 947
(D)(4)(b) of this section, is the spouse or a child of another 948
person who owns that real property, is a tenant of another person 949
who owns that real property, or is the spouse or a child of a 950
tenant of another person who owns that real property. 951

(d) The person, prior to arriving at the real property 952

described in division (D)(4)(b) of this section, did not transport 953
or possess a firearm in the motor vehicle in a manner prohibited 954
by division (B) or (C) of this section while the motor vehicle was 955
being operated on a street, highway, or other public or private 956
property used by the public for vehicular traffic or parking. 957

(5) Divisions (B) and (C) of this section do not apply to a 958
person who transports or possesses a handgun in a motor vehicle 959
if, at the time of that transportation or possession, both of the 960
following apply: 961

(a) The person transporting or possessing the handgun is 962
carrying a valid license or temporary emergency license to carry a 963
concealed handgun issued to the person under section 2923.125 or 964
2923.1213 of the Revised Code or a license to carry a concealed 965
handgun that was issued by another state with which the attorney 966
general has entered into a reciprocity agreement under section 967
109.69 of the Revised Code. 968

(b) The person transporting or possessing the handgun is not 969
knowingly in a place described in division (B) of section 2923.126 970
of the Revised Code. 971

(6) Divisions (B) and (C) of this section do not apply to a 972
person if all of the following apply: 973

(a) The person possesses a valid electric-powered all-purpose 974
vehicle permit issued under section 1533.103 of the Revised Code 975
by the chief of the division of wildlife. 976

(b) The person is on or in an electric-powered all-purpose 977
vehicle as defined in section 1531.01 of the Revised Code or a 978
motor vehicle during the open hunting season for a wild quadruped 979
or game bird. 980

(c) The person is on or in an electric-powered all-purpose 981
vehicle as defined in section 1531.01 of the Revised Code or a 982
motor vehicle that is parked on a road that is owned or 983

administered by the division of wildlife, provided that the road 984
is identified by an electric-powered all-purpose vehicle sign. 985

(G)(1) The affirmative defenses authorized in divisions 986
(D)(1) and (2) of section 2923.12 of the Revised Code are 987
affirmative defenses to a charge under division (B) or (C) of this 988
section that involves a firearm other than a handgun. 989

(2) It is an affirmative defense to a charge under division 990
(B) or (C) of this section of improperly handling firearms in a 991
motor vehicle that the actor transported or had the firearm in the 992
motor vehicle for any lawful purpose and while the motor vehicle 993
was on the actor's own property, provided that this affirmative 994
defense is not available unless the person, immediately prior to 995
arriving at the actor's own property, did not transport or possess 996
the firearm in a motor vehicle in a manner prohibited by division 997
(B) or (C) of this section while the motor vehicle was being 998
operated on a street, highway, or other public or private property 999
used by the public for vehicular traffic. 1000

(H)(1) No person who is charged with a violation of division 1001
(B), (C), or (D) of this section shall be required to obtain a 1002
license or temporary emergency license to carry a concealed 1003
handgun under section 2923.125 or 2923.1213 of the Revised Code as 1004
a condition for the dismissal of the charge. 1005

(2)(a) If a person is convicted of, was convicted of, pleads 1006
guilty to, or has pleaded guilty to a violation of division (E) of 1007
this section as it existed prior to ~~the effective date of this~~ 1008
~~amendment~~ September 30, 2011, and if the conduct that was the 1009
basis of the violation no longer would be a violation of division 1010
(E) of this section on or after ~~the effective date of this~~ 1011
~~amendment~~ September 30, 2011, the person may file an application 1012
under section 2953.37 of the Revised Code requesting the 1013
expungement of the record of conviction. 1014

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B) or (C) of this section as the division existed prior to ~~the effective date of this amendment~~ September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of division (B) or (C) of this section on or after ~~the effective date of this amendment~~ September 30, 2011, due to the application of division (F)(5) of this section as it exists on and after ~~the effective date of this amendment~~ September 30, 2011, the person may file an application under section 2953.37 of the Revised Code requesting the expungement of the record of conviction.

(b) The attorney general shall develop a public media advisory that summarizes the expungement procedure established under section 2953.37 of the Revised Code and the offenders identified in division (H)(2)(a) of this section who are authorized to apply for the expungement. Within thirty days after ~~the effective date of this amendment~~ September 30, 2011, the attorney general shall provide a copy of the advisory to each daily newspaper published in this state and each television station that broadcasts in this state. The attorney general may provide the advisory in a tangible form, an electronic form, or in both tangible and electronic forms.

(I) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of division (A) of this section is a felony of the fourth degree. Violation of division (C) of this section is a misdemeanor of the fourth degree. A violation of division (D) of this section is a felony of the fifth degree or, if the loaded handgun is concealed on the person's person, a felony of the fourth degree. ~~Except as otherwise provided in this division, a violation of division (E)(1) or (2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed~~

~~for the violation, the offender's license or temporary emergency license to carry a concealed handgun shall be suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code. If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in section 5503.34 of the Revised Code that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of division (E)(1) or (2) of this section is a minor misdemeanor, and the offender's license or temporary emergency license to carry a concealed handgun shall not be suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code. A violation of division (E)~~(4)~~(2) of this section is a felony of the fifth degree. A violation of division (E)~~(3)~~(1) or ~~(5)~~(3) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (E)~~(3)~~(1) or ~~(5)~~(3) of this section, a felony of the fifth degree. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (E)~~(3)~~ or ~~(5)~~ of this section, the offender's license or temporary emergency license to carry a concealed handgun shall be suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code. A violation of division (B) of this section is a felony of the fourth degree.~~

(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person

at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, division (B) of section 2923.163 of the Revised Code applies.

(K) As used in this section:

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

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

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

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

(5) "Unloaded" means ~~any~~ either of the following:

(a) ~~No ammunition is in the firearm in question, and no ammunition is loaded into a magazine or speed loader that may be used with the firearm in question and that is located anywhere within the vehicle in question, without regard to where ammunition otherwise is located within the vehicle in question. For the purposes of division (K)(5)(a) of this section, ammunition held in stripper clips or in en bloc clips is not considered ammunition that is loaded into a magazine or speed loader.~~

(b) With respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

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

(7) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the department of public safety, division of state highway patrol, that is created by section 5503.34 of the

Revised Code. 1110

Section 2. That existing sections 2923.12, 2923.124, 1111

2923.126, 2923.128, and 2923.16 of the Revised Code are hereby 1112

repealed. 1113