

# As Introduced

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H. B. No. 425

Representatives Maag, Johnson

Cosponsors: Representatives Adams, J., Uecker, Brenner, Hayes, Beck,  
Buchy, Boose, Goodwin, Martin, Blair, Derickson, Stautberg, Sears

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## A BILL

To amend sections 105.41, 152.08, 2923.126, and 1  
2923.16 of the Revised Code with respect to 2  
authority for concealed carry licensees to possess 3  
or store a handgun in a motor vehicle in the State 4  
Underground Parking Garage or in any parking 5  
garage or lot that is owned and operated by the 6  
Ohio Building Authority or is all or part of a 7  
state government facility. 8

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

**Section 1.** That sections 105.41, 152.08, 2923.126, and 9  
2923.16 of the Revised Code be amended to read as follows: 10

**Sec. 105.41.** (A) There is hereby created in the legislative 11  
branch of government the capitol square review and advisory board, 12  
consisting of thirteen members as follows: 13

(1) Two members of the senate, appointed by the president of 14  
the senate, both of whom shall not be members of the same 15  
political party; 16

(2) Two members of the house of representatives, appointed by 17  
the speaker of the house of representatives, both of whom shall 18

not be members of the same political party; 19

(3) Five members appointed by the governor, with the advice 20  
and consent of the senate, not more than three of whom shall be 21  
members of the same political party, one of whom shall be the 22  
chief of staff of the governor's office, one of whom shall 23  
represent the Ohio arts council, one of whom shall represent the 24  
Ohio historical society, one of whom shall represent the Ohio 25  
building authority, and one of whom shall represent the public at 26  
large; 27

(4) One member, who shall be a former president of the 28  
senate, appointed by the current president of the senate. If the 29  
current president of the senate, in the current president's 30  
discretion, decides for any reason not to make the appointment or 31  
if no person is eligible or available to serve, the seat shall 32  
remain vacant. 33

(5) One member, who shall be a former speaker of the house of 34  
representatives, appointed by the current speaker of the house of 35  
representatives. If the current speaker of the house of 36  
representatives, in the current speaker's discretion, decides for 37  
any reason not to make the appointment or if no person is eligible 38  
or available to serve, the seat shall remain vacant. 39

(6) The clerk of the senate and the clerk of the house of 40  
representatives. 41

(B) Terms of office of each appointed member of the board 42  
shall be for three years, except that members of the general 43  
assembly appointed to the board shall be members of the board only 44  
so long as they are members of the general assembly and the chief 45  
of staff of the governor's office shall be a member of the board 46  
only so long as the appointing governor remains in office. Each 47  
member shall hold office from the date of the member's appointment 48  
until the end of the term for which the member was appointed. In 49

case of a vacancy occurring on the board, the president of the senate, the speaker of the house of representatives, or the governor, as the case may be, shall in the same manner prescribed for the regular appointment to the commission, fill the vacancy by appointing a member. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(C) The board shall hold meetings in a manner and at times prescribed by the rules adopted by the board. A majority of the board constitutes a quorum, and no action shall be taken by the board unless approved by at least six members or by at least seven members if a person is appointed under division (A)(4) or (5) of this section. At its first meeting, the board shall adopt rules for the conduct of its business and the election of its officers, and shall organize by selecting a chairperson and other officers as it considers necessary. Board members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(D) The board may do any of the following:

(1) Employ or hire on a consulting basis professional, technical, and clerical employees as are necessary for the performance of its duties. All employees of the board are in the unclassified service and serve at the pleasure of the board. For purposes of section 4117.01 of the Revised Code, employees of the board shall be considered employees of the general assembly, except that employees who are covered by a collective bargaining agreement on ~~the effective date of this amendment~~ September 29, 2011, shall remain subject to the agreement until the agreement

expires on its terms, and the agreement shall not be extended or 82  
renewed. Upon expiration of the agreement, the employees are 83  
considered employees of the general assembly for purposes of 84  
section 4117.01 of the Revised Code and are in the unclassified 85  
service and serve at the pleasure of the board. 86

(2) Hold public hearings at times and places as determined by 87  
the board; 88

(3) ~~Adopt~~ Subject to division (N) of this section, adopt, 89  
amend, or rescind rules necessary to accomplish the duties of the 90  
board as set forth in this section; 91

(4) Sponsor, conduct, and support such social events as the 92  
board may authorize and consider appropriate for the employees of 93  
the board, employees and members of the general assembly, 94  
employees of persons under contract with the board or otherwise 95  
engaged to perform services on the premises of capitol square, or 96  
other persons as the board may consider appropriate. Subject to 97  
the requirements of Chapter 4303. of the Revised Code, the board 98  
may provide beer, wine, and intoxicating liquor, with or without 99  
charge, for those events and may use funds only from the sale of 100  
goods and services fund to purchase the beer, wine, and 101  
intoxicating liquor the board provides; 102

(5) Purchase a warehouse in which to store items of the 103  
capitol collection trust and, whenever necessary, equipment or 104  
other property of the board. 105

(E) The board shall do all of the following: 106

(1) Have sole authority to coordinate and approve any 107  
improvements, additions, and renovations that are made to the 108  
capitol square. The improvements shall include, but not be limited 109  
to, the placement of monuments and sculpture on the capitol 110  
grounds. 111

(2) Subject to section 3353.07 of the Revised Code, operate 112

the capitol square, and have sole authority to regulate all uses 113  
of the capitol square. The uses shall include, but not be limited 114  
to, the casual and recreational use of the capitol square. 115

(3) Employ, fix the compensation of, and prescribe the duties 116  
of the executive director of the board and other employees the 117  
board considers necessary for the performance of its powers and 118  
duties; 119

(4) Establish and maintain the capitol collection trust. The 120  
capitol collection trust shall consist of furniture, antiques, and 121  
other items of personal property that the board shall store in 122  
suitable facilities until they are ready to be displayed in the 123  
capitol square. 124

(5) Perform repair, construction, contracting, purchasing, 125  
maintenance, supervisory, and operating activities the board 126  
determines are necessary for the operation and maintenance of the 127  
capitol square; 128

(6) Maintain and preserve the capitol square, in accordance 129  
with guidelines issued by the United States secretary of the 130  
interior for application of the secretary's standards for 131  
rehabilitation adopted in 36 C.F.R. part 67; 132

(7) Plan and develop a center at the capitol building for the 133  
purpose of educating visitors about the history of Ohio, including 134  
its political, economic, and social development and the design and 135  
erection of the capitol building and its grounds. 136

(F)(1) The board shall lease capital facilities improved or 137  
financed by the Ohio building authority pursuant to Chapter 152. 138  
of the Revised Code for the use of the board, and may enter into 139  
any other agreements with the authority ancillary to improvement, 140  
financing, or leasing of those capital facilities, including, but 141  
not limited to, any agreement required by the applicable bond 142  
proceedings authorized by Chapter 152. of the Revised Code. Any 143

lease of capital facilities authorized by this section shall be 144  
governed by division (D) of section 152.24 of the Revised Code. 145

(2) Fees, receipts, and revenues received by the board from 146  
the state underground parking garage constitute available receipts 147  
as defined in section 152.09 of the Revised Code, and may be 148  
pledged to the payment of bond service charges on obligations 149  
issued by the Ohio building authority pursuant to Chapter 152. of 150  
the Revised Code to improve, finance, or purchase capital 151  
facilities useful to the board. The authority may, with the 152  
consent of the board, provide in the bond proceedings for a pledge 153  
of all or a portion of those fees, receipts, and revenues as the 154  
authority determines. The authority may provide in the bond 155  
proceedings or by separate agreement with the board for the 156  
transfer of those fees, receipts, and revenues to the appropriate 157  
bond service fund or bond service reserve fund as required to pay 158  
the bond service charges when due, and any such provision for the 159  
transfer of those fees, receipts, and revenues shall be 160  
controlling notwithstanding any other provision of law pertaining 161  
to those fees, receipts, and revenues. 162

(3) All moneys received by the treasurer of state on account 163  
of the board and required by the applicable bond proceedings or by 164  
separate agreement with the board to be deposited, transferred, or 165  
credited to the bond service fund or bond service reserve fund 166  
established by the bond proceedings shall be transferred by the 167  
treasurer of state to such fund, whether or not it is in the 168  
custody of the treasurer of state, without necessity for further 169  
appropriation, upon receipt of notice from the Ohio building 170  
authority as prescribed in the bond proceedings. 171

(G) All fees, receipts, and revenues received by the board 172  
from the state underground parking garage shall be deposited into 173  
the state treasury to the credit of the underground parking garage 174  
operating fund, which is hereby created, to be used for the 175

purposes specified in division (F) of this section and for the 176  
operation and maintenance of the garage. All investment earnings 177  
of the fund shall be credited to the fund. 178

(H) All donations received by the board shall be deposited 179  
into the state treasury to the credit of the capitol square 180  
renovation gift fund, which is hereby created. The fund shall be 181  
used by the board as follows: 182

(1) To provide part or all of the funding related to 183  
construction, goods, or services for the renovation of the capitol 184  
square; 185

(2) To purchase art, antiques, and artifacts for display at 186  
the capitol square; 187

(3) To award contracts or make grants to organizations for 188  
educating the public regarding the historical background and 189  
governmental functions of the capitol square. Chapters 125., 127., 190  
and 153. and section 3517.13 of the Revised Code do not apply to 191  
purchases made exclusively from the fund, notwithstanding anything 192  
to the contrary in those chapters or that section. All investment 193  
earnings of the fund shall be credited to the fund. 194

(I) Except as provided in divisions (G), (H), and (J) of this 195  
section, all fees, receipts, and revenues received by the board 196  
shall be deposited into the state treasury to the credit of the 197  
sale of goods and services fund, which is hereby created. Money 198  
credited to the fund shall be used solely to pay costs of the 199  
board other than those specified in divisions (F) and (G) of this 200  
section. All investment earnings of the fund shall be credited to 201  
the fund. 202

(J) There is hereby created in the state treasury the capitol 203  
square improvement fund, to be used by the board to pay 204  
construction, renovation, and other costs related to the capitol 205  
square for which money is not otherwise available to the board. 206

Whenever the board determines that there is a need to incur those 207  
costs and that the unencumbered, unobligated balance to the credit 208  
of the underground parking garage operating fund exceeds the 209  
amount needed for the purposes specified in division (F) of this 210  
section and for the operation and maintenance of the garage, the 211  
board may request the director of budget and management to 212  
transfer from the underground parking garage operating fund to the 213  
capitol square improvement fund the amount needed to pay such 214  
construction, renovation, or other costs. The director then shall 215  
transfer the amount needed from the excess balance of the 216  
underground parking garage operating fund. 217

(K) As the operation and maintenance of the capitol square 218  
constitute essential government functions of a public purpose, the 219  
board shall not be required to pay taxes or assessments upon the 220  
square, upon any property acquired or used by the board under this 221  
section, or upon any income generated by the operation of the 222  
square. 223

(L) As used in this section, "capitol square" means the 224  
capitol building, senate building, capitol atrium, capitol 225  
grounds, the state underground parking garage, and the warehouse 226  
owned by the board. 227

(M) The capitol annex shall be known as the senate building. 228

(N)(1) "Concealed carry licensee" means a person who has been 229  
issued a license or temporary emergency license to carry a 230  
concealed handgun under section 2923.125 or 2923.1213 of the 231  
Revised Code or who has been issued a license to carry a concealed 232  
handgun by another state with which the attorney general has 233  
entered into a reciprocity agreement under section 109.69 of the 234  
Revised Code. 235

(2) The board shall not prohibit, restrict, or adopt any rule 236  
or policy that prohibits or restricts a concealed carry licensee 237



from doing any of the following: 238

(a) Possessing a handgun in a motor vehicle in the state 239  
underground parking garage, if the licensee is carrying the 240  
licensee's valid license to carry a concealed handgun at the time 241  
in question and the licensee's possession of the handgun in the 242  
motor vehicle is not in violation of section 2923.16 of the 243  
Revised Code or any other provision of the Revised Code; 244

(b) Storing or leaving a handgun in a locked motor vehicle 245  
that is parked in the state underground parking garage, if the 246  
licensee is carrying the licensee's valid license to carry a 247  
concealed handgun at the time in question and the licensee's 248  
transportation and possession of the handgun in the motor vehicle 249  
while traveling to the garage was not in violation of section 250  
2923.16 of the Revised Code or any other provision of the Revised 251  
Code. 252

(3) No rule or policy adopted by the board prior to the date 253  
of this amendment that prohibits or restricts a person from 254  
possessing a handgun in a motor vehicle in the state underground 255  
parking garage or from storing or leaving a handgun in a locked 256  
motor vehicle that is parked in that garage, in any circumstance 257  
described in division (N)(2)(a) or (b) of this section, shall be 258  
enforced against any concealed carry licensee on and after the 259  
effective date of this amendment. 260

**Sec. 152.08.** (A) The Ohio building authority may: 261

(1) Acquire, by gift, grant, or purchase, and hold and 262  
mortgage, real estate and interests therein and personal property 263  
suitable for its purposes, provided that no land used by the 264  
authority pursuant to section 152.05 of the Revised Code shall be 265  
mortgaged by the authority; 266

(2) Purchase, construct, reconstruct, equip, furnish, 267  
improve, alter, enlarge, maintain, repair, and operate buildings, 268

facilities, and other properties for the purposes set forth in 269  
section 152.04 of the Revised Code. The authority shall construct, 270  
operate, and maintain its buildings, facilities, and other 271  
properties in a healthy, safe, and sanitary manner. 272

(3) Issue revenue bonds to secure funds to accomplish its 273  
purposes, the principal of and interest on and all other payments 274  
required to be made by the trust agreement or indenture securing 275  
such bonds to be paid solely from revenues accruing to the 276  
authority through the operation of its buildings, facilities, and 277  
other properties; 278

(4) Enter into contracts and execute all instruments 279  
necessary in the conduct of its business; 280

(5) Fix, alter, and charge rentals and other charges for the 281  
use and occupancy of its buildings, facilities, and other 282  
properties and enter into leases with the persons specified in 283  
section 152.04 of the Revised Code; 284

(6) Employ financial consultants, appraisers, consulting 285  
engineers, architects, superintendents, managers, construction and 286  
accounting experts, attorneys-at-law, and other employees and 287  
agents as are necessary, in its judgment, and fix their 288  
compensation; 289

(7) Provide for the persons occupying its buildings, 290  
facilities, and other properties, health clinics, medical 291  
services, food services, and such other services as such persons 292  
cannot provide for themselves; and, if the authority determines 293  
that it is more advantageous, it may enter into contracts with 294  
persons, firms, or corporations or with any governmental agency, 295  
board, commission, or department to provide any of such clinics or 296  
services; 297

(8) Pledge, hypothecate, or otherwise encumber such of its 298  
rentals or other charges as may be agreed as security for its 299

obligations, and enter into trust agreements or indentures for the benefit of its bondholders;

(9) Borrow money or accept advances, loans, gifts, grants, devises, or bequests from, and enter into contracts or agreements with, any federal agency or other governmental or private source, and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof. Such advances, loans, gifts, grants, or devises of real estate may be in fee simple or of any lesser estate and may be subject to any reasonable reservations. Any advances or loans received from any federal or other governmental or private source may be repaid in accordance with the terms of such advance or loan.

(10) Conduct investigations into housing and living conditions in order to be able to purchase, construct, or reconstruct suitable buildings and facilities to fulfill its purpose, and determine the best locations within the state for its buildings, facilities, and other properties;

(11) Enter into lawful arrangements with the appropriate federal or state department or agency, county, township, municipal government, or other political subdivision, or public agency for the planning and installation of streets, roads, alleys, public parks and recreation areas, public utility facilities, and other necessary appurtenances to its projects;

(12) Purchase fire, extended coverage, and liability insurance for its property, and insurance covering the authority and its officers and employees for liability for damage or injury to persons or property;

(13) Sell, lease, release, or otherwise dispose of property owned by the authority and not needed for the purposes of the authority and grant such easements across the property of the authority as will not interfere with its use of its property;

(14) ~~Establish~~ Subject to division (C) of this section, 331  
establish rules and regulations for the use and operation of its 332  
buildings, facilities, and other properties; 333

(15) Do all other acts necessary to the fulfillment of its 334  
purposes. 335

(B) Any instrument by which real property is acquired 336  
pursuant to this section shall identify the agency of the state 337  
that has the use and benefit of the real property as specified in 338  
section 5301.012 of the Revised Code. 339

(C)(1) "Concealed carry licensee" means a person who has been 340  
issued a license or temporary emergency license to carry a 341  
concealed handgun under section 2923.125 or 2923.1213 of the 342  
Revised Code or who has been issued a license to carry a concealed 343  
handgun by another state with which the attorney general has 344  
entered into a reciprocity agreement under section 109.69 of the 345  
Revised Code. 346

(2) The Ohio building authority shall not prohibit, restrict, 347  
or adopt any rule or policy that prohibits or restricts a 348  
concealed carry licensee from doing any of the following: 349

(a) Possessing a handgun in a motor vehicle in any parking 350  
garage or parking lot of any facility that the authority owns and 351  
operates, if the licensee is carrying the licensee's valid license 352  
to carry a concealed handgun at the time in question and the 353  
licensee's possession of the handgun in the motor vehicle is not 354  
in violation of section 2923.16 of the Revised Code or any other 355  
provision of the Revised Code; 356

(b) Storing or leaving a handgun in a locked motor vehicle 357  
that is parked in any parking garage or parking lot of any 358  
facility that the authority owns and operates, if the licensee is 359  
carrying the licensee's valid license to carry a concealed handgun 360  
at the time in question and the licensee's transportation and 361

possession of the firearm in the motor vehicle while traveling to 362  
the garage was not in violation of section 2923.16 of the Revised 363  
Code or any other provision of the Revised Code. 364

(3) No rule or policy adopted by the Ohio building authority 365  
prior to the date of this amendment that prohibits or restricts a 366  
person from possessing a handgun in a motor vehicle in any parking 367  
garage or parking lot of any facility that the authority owns and 368  
operates or from storing or leaving a handgun in a locked motor 369  
vehicle that is parked in any such garage or lot, in any 370  
circumstance described in division (C)(2)(a) or (b) of this 371  
section, shall be enforced against any concealed carry licensee on 372  
and after the effective date of this amendment. 373

**Sec. 2923.126.** (A) A license to carry a concealed handgun 374  
that is issued under section 2923.125 of the Revised Code on or 375  
after March 14, 2007, shall expire five years after the date of 376  
issuance, and a license that is so issued prior to March 14, 2007, 377  
shall expire four years after the date of issuance. A licensee who 378  
has been issued a license under that section shall be granted a 379  
grace period of thirty days after the licensee's license expires 380  
during which the licensee's license remains valid. Except as 381  
provided in divisions (B) and (C) of this section, a licensee who 382  
has been issued a license under section 2923.125 or 2923.1213 of 383  
the Revised Code may carry a concealed handgun anywhere in this 384  
state if the licensee also carries a valid license and valid 385  
identification when the licensee is in actual possession of a 386  
concealed handgun. The licensee shall give notice of any change in 387  
the licensee's residence address to the sheriff who issued the 388  
license within forty-five days after that change. 389

If a licensee is the driver or an occupant of a motor vehicle 390  
that is stopped as the result of a traffic stop or a stop for 391  
another law enforcement purpose and if the licensee is 392

transporting or has a loaded handgun in the motor vehicle at that 393  
time, the licensee shall promptly inform any law enforcement 394  
officer who approaches the vehicle while stopped that the licensee 395  
has been issued a license or temporary emergency license to carry 396  
a concealed handgun and that the licensee currently possesses or 397  
has a loaded handgun; the licensee shall not knowingly disregard 398  
or fail to comply with lawful orders of a law enforcement officer 399  
given while the motor vehicle is stopped, knowingly fail to remain 400  
in the motor vehicle while stopped, or knowingly fail to keep the 401  
licensee's hands in plain sight after any law enforcement officer 402  
begins approaching the licensee while stopped and before the 403  
officer leaves, unless directed otherwise by a law enforcement 404  
officer; and the licensee shall not knowingly remove, attempt to 405  
remove, grasp, or hold the loaded handgun or knowingly have 406  
contact with the loaded handgun by touching it with the licensee's 407  
hands or fingers, in any manner in violation of division (E) of 408  
section 2923.16 of the Revised Code, after any law enforcement 409  
officer begins approaching the licensee while stopped and before 410  
the officer leaves. Additionally, if a licensee is the driver or 411  
an occupant of a commercial motor vehicle that is stopped by an 412  
employee of the motor carrier enforcement unit for the purposes 413  
defined in section 5503.04 of the Revised Code and if the licensee 414  
is transporting or has a loaded handgun in the commercial motor 415  
vehicle at that time, the licensee shall promptly inform the 416  
employee of the unit who approaches the vehicle while stopped that 417  
the licensee has been issued a license or temporary emergency 418  
license to carry a concealed handgun and that the licensee 419  
currently possesses or has a loaded handgun. 420

If a licensee is stopped for a law enforcement purpose and if 421  
the licensee is carrying a concealed handgun at the time the 422  
officer approaches, the licensee shall promptly inform any law 423  
enforcement officer who approaches the licensee while stopped that 424  
the licensee has been issued a license or temporary emergency 425

license to carry a concealed handgun and that the licensee 426  
currently is carrying a concealed handgun; the licensee shall not 427  
knowingly disregard or fail to comply with lawful orders of a law 428  
enforcement officer given while the licensee is stopped or 429  
knowingly fail to keep the licensee's hands in plain sight after 430  
any law enforcement officer begins approaching the licensee while 431  
stopped and before the officer leaves, unless directed otherwise 432  
by a law enforcement officer; and the licensee shall not knowingly 433  
remove, attempt to remove, grasp, or hold the loaded handgun or 434  
knowingly have contact with the loaded handgun by touching it with 435  
the licensee's hands or fingers, in any manner in violation of 436  
division (B) of section 2923.12 of the Revised Code, after any law 437  
enforcement officer begins approaching the licensee while stopped 438  
and before the officer leaves. 439

(B) A valid license issued under section 2923.125 or 440  
2923.1213 of the Revised Code does not authorize the licensee to 441  
carry a concealed handgun in any manner prohibited under division 442  
(B) of section 2923.12 of the Revised Code or in any manner 443  
prohibited under section 2923.16 of the Revised Code. A valid 444  
license does not authorize the licensee to carry a concealed 445  
handgun into any of the following places: 446

(1) A police station, sheriff's office, or state highway 447  
patrol station, premises controlled by the bureau of criminal 448  
identification and investigation, a state correctional 449  
institution, jail, workhouse, or other detention facility, an 450  
airport passenger terminal, or an institution that is maintained, 451  
operated, managed, and governed pursuant to division (A) of 452  
section 5119.02 of the Revised Code or division (A)(1) of section 453  
5123.03 of the Revised Code; 454

(2) A school safety zone if the licensee's carrying the 455  
concealed handgun is in violation of section 2923.122 of the 456  
Revised Code; 457

(3) A courthouse or another building or structure in which a 458  
courtroom is located, in violation of section 2923.123 of the 459  
Revised Code; 460

(4) Any premises or open air arena for which a D permit has 461  
been issued under Chapter 4303. of the Revised Code if the 462  
licensee's carrying the concealed handgun is in violation of 463  
section 2923.121 of the Revised Code; 464

(5) Any premises owned or leased by any public or private 465  
college, university, or other institution of higher education, 466  
unless the handgun is in a locked motor vehicle or the licensee is 467  
in the immediate process of placing the handgun in a locked motor 468  
vehicle; 469

(6) Any church, synagogue, mosque, or other place of worship, 470  
unless the church, synagogue, mosque, or other place of worship 471  
posts or permits otherwise; 472

(7) A child day-care center, a type A family day-care home, a 473  
type B family day-care home, or a type C family day-care home, 474  
except that this division does not prohibit a licensee who resides 475  
in a type A family day-care home, a type B family day-care home, 476  
or a type C family day-care home from carrying a concealed handgun 477  
at any time in any part of the home that is not dedicated or used 478  
for day-care purposes, or from carrying a concealed handgun in a 479  
part of the home that is dedicated or used for day-care purposes 480  
at any time during which no children, other than children of that 481  
licensee, are in the home; 482

(8) An aircraft that is in, or intended for operation in, 483  
foreign air transportation, interstate air transportation, 484  
intrastate air transportation, or the transportation of mail by 485  
aircraft; 486

(9) Any building that is a government facility of this state 487  
or a political subdivision of this state ~~and that~~ unless one of 488



the following applies: 489

(a) The building is not a building that is used primarily as 490  
a shelter, restroom, ~~parking facility for motor vehicles,~~ or rest 491  
facility and. 492

(b) The building is not a courthouse or other building or 493  
structure in which a courtroom is located that is subject to 494  
division (B)(3) of this section. 495

(c) The building is a government facility of this state or a 496  
political subdivision of this state that is used primarily as a 497  
parking facility for motor vehicles. 498

(d) The building consists of or includes the state 499  
underground parking garage operated by the capitol square review 500  
and advisory board or the building is a government facility of 501  
this state all or part of which is used as a parking facility for 502  
motor vehicles, and for the portion of the building that is the 503  
state underground parking garage or that is used as a parking 504  
facility, one of the following applies: 505

(i) The licensee is in possession of the handgun in the 506  
portion of the building that is the state underground parking 507  
garage or that is used as a parking facility. 508

(ii) The handgun is in a locked motor vehicle that is parked 509  
in the portion of the building that is the state underground 510  
parking garage or that is used as a parking facility or the 511  
licensee is in the immediate process of placing the handgun in a 512  
locked motor vehicle that is parked in the portion of the building 513  
that is the state underground parking garage or that is used as a 514  
parking facility. 515

(10) A place in which federal law prohibits the carrying of 516  
handguns. 517

(C)(1) Nothing in this section shall negate or restrict a 518

rule, policy, or practice of a private employer that is not a 519  
private college, university, or other institution of higher 520  
education concerning or prohibiting the presence of firearms on 521  
the private employer's premises or property, including motor 522  
vehicles owned by the private employer. Nothing in this section 523  
shall require a private employer of that nature to adopt a rule, 524  
policy, or practice concerning or prohibiting the presence of 525  
firearms on the private employer's premises or property, including 526  
motor vehicles owned by the private employer. 527

(2)(a) A private employer shall be immune from liability in a 528  
civil action for any injury, death, or loss to person or property 529  
that allegedly was caused by or related to a licensee bringing a 530  
handgun onto the premises or property of the private employer, 531  
including motor vehicles owned by the private employer, unless the 532  
private employer acted with malicious purpose. A private employer 533  
is immune from liability in a civil action for any injury, death, 534  
or loss to person or property that allegedly was caused by or 535  
related to the private employer's decision to permit a licensee to 536  
bring, or prohibit a licensee from bringing, a handgun onto the 537  
premises or property of the private employer. As used in this 538  
division, "private employer" includes a private college, 539  
university, or other institution of higher education. 540

(b) A political subdivision shall be immune from liability in 541  
a civil action, to the extent and in the manner provided in 542  
Chapter 2744. of the Revised Code, for any injury, death, or loss 543  
to person or property that allegedly was caused by or related to a 544  
licensee bringing a handgun onto any premises or property owned, 545  
leased, or otherwise under the control of the political 546  
subdivision. As used in this division, "political subdivision" has 547  
the same meaning as in section 2744.01 of the Revised Code. 548

(3)(a) Except as provided in division (C)(3)(b) of this 549  
section, the owner or person in control of private land or 550

premises, and a private person or entity leasing land or premises 551  
owned by the state, the United States, or a political subdivision 552  
of the state or the United States, may post a sign in a 553  
conspicuous location on that land or on those premises prohibiting 554  
persons from carrying firearms or concealed firearms on or onto 555  
that land or those premises. Except as otherwise provided in this 556  
division, a person who knowingly violates a posted prohibition of 557  
that nature is guilty of criminal trespass in violation of 558  
division (A)(4) of section 2911.21 of the Revised Code and is 559  
guilty of a misdemeanor of the fourth degree. If a person 560  
knowingly violates a posted prohibition of that nature and the 561  
posted land or premises primarily was a parking lot or other 562  
parking facility, the person is not guilty of criminal trespass in 563  
violation of division (A)(4) of section 2911.21 of the Revised 564  
Code and instead is subject only to a civil cause of action for 565  
trespass based on the violation. 566

(b) A landlord may not prohibit or restrict a tenant who is a 567  
licensee and who on or after ~~the effective date of this amendment~~ 568  
September 9, 2008, enters into a rental agreement with the 569  
landlord for the use of residential premises, and the tenant's 570  
guest while the tenant is present, from lawfully carrying or 571  
possessing a handgun on those residential premises. 572

(c) As used in division (C)(3) of this section: 573

(i) "Residential premises" has the same meaning as in section 574  
5321.01 of the Revised Code, except "residential premises" does 575  
not include a dwelling unit that is owned or operated by a college 576  
or university. 577

(ii) "Landlord," "tenant," and "rental agreement" have the 578  
same meanings as in section 5321.01 of the Revised Code. 579

(D) A person who holds a license to carry a concealed handgun 580  
that was issued pursuant to the law of another state that is 581

recognized by the attorney general pursuant to a reciprocity 582  
agreement entered into pursuant to section 109.69 of the Revised 583  
Code has the same right to carry a concealed handgun in this state 584  
as a person who was issued a license to carry a concealed handgun 585  
under section 2923.125 of the Revised Code and is subject to the 586  
same restrictions that apply to a person who carries a license 587  
issued under that section. 588

(E) A peace officer has the same right to carry a concealed 589  
handgun in this state as a person who was issued a license to 590  
carry a concealed handgun under section 2923.125 of the Revised 591  
Code. For purposes of reciprocity with other states, a peace 592  
officer shall be considered to be a licensee in this state. 593

(F)(1) A qualified retired peace officer who possesses a 594  
retired peace officer identification card issued pursuant to 595  
division (F)(2) of this section and a valid firearms 596  
requalification certification issued pursuant to division (F)(3) 597  
of this section has the same right to carry a concealed handgun in 598  
this state as a person who was issued a license to carry a 599  
concealed handgun under section 2923.125 of the Revised Code and 600  
is subject to the same restrictions that apply to a person who 601  
carries a license issued under that section. For purposes of 602  
reciprocity with other states, a qualified retired peace officer 603  
who possesses a retired peace officer identification card issued 604  
pursuant to division (F)(2) of this section and a valid firearms 605  
requalification certification issued pursuant to division (F)(3) 606  
of this section shall be considered to be a licensee in this 607  
state. 608

(2)(a) Each public agency of this state or of a political 609  
subdivision of this state that is served by one or more peace 610  
officers shall issue a retired peace officer identification card 611  
to any person who retired from service as a peace officer with 612  
that agency, if the issuance is in accordance with the agency's 613

policies and procedures and if the person, with respect to the 614  
person's service with that agency, satisfies all of the following: 615

(i) The person retired in good standing from service as a 616  
peace officer with the public agency, and the retirement was not 617  
for reasons of mental instability. 618

(ii) Before retiring from service as a peace officer with 619  
that agency, the person was authorized to engage in or supervise 620  
the prevention, detection, investigation, or prosecution of, or 621  
the incarceration of any person for, any violation of law and the 622  
person had statutory powers of arrest. 623

(iii) At the time of the person's retirement as a peace 624  
officer with that agency, the person was trained and qualified to 625  
carry firearms in the performance of the peace officer's duties. 626

(iv) Before retiring from service as a peace officer with 627  
that agency, the person was regularly employed as a peace officer 628  
for an aggregate of fifteen years or more, or, in the alternative, 629  
the person retired from service as a peace officer with that 630  
agency, after completing any applicable probationary period of 631  
that service, due to a service-connected disability, as determined 632  
by the agency. 633

(b) A retired peace officer identification card issued to a 634  
person under division (F)(2)(a) of this section shall identify the 635  
person by name, contain a photograph of the person, identify the 636  
public agency of this state or of the political subdivision of 637  
this state from which the person retired as a peace officer and 638  
that is issuing the identification card, and specify that the 639  
person retired in good standing from service as a peace officer 640  
with the issuing public agency and satisfies the criteria set 641  
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 642  
addition to the required content specified in this division, a 643  
retired peace officer identification card issued to a person under 644

division (F)(2)(a) of this section may include the firearms 645  
requalification certification described in division (F)(3) of this 646  
section, and if the identification card includes that 647  
certification, the identification card shall serve as the firearms 648  
requalification certification for the retired peace officer. If 649  
the issuing public agency issues credentials to active law 650  
enforcement officers who serve the agency, the agency may comply 651  
with division (F)(2)(a) of this section by issuing the same 652  
credentials to persons who retired from service as a peace officer 653  
with the agency and who satisfy the criteria set forth in 654  
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 655  
credentials so issued to retired peace officers are stamped with 656  
the word "RETIRED." 657

(c) A public agency of this state or of a political 658  
subdivision of this state may charge persons who retired from 659  
service as a peace officer with the agency a reasonable fee for 660  
issuing to the person a retired peace officer identification card 661  
pursuant to division (F)(2)(a) of this section. 662

(3) If a person retired from service as a peace officer with 663  
a public agency of this state or of a political subdivision of 664  
this state and the person satisfies the criteria set forth in 665  
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 666  
may provide the retired peace officer with the opportunity to 667  
attend a firearms requalification program that is approved for 668  
purposes of firearms requalification required under section 669  
109.801 of the Revised Code. The retired peace officer may be 670  
required to pay the cost of the course. 671

If a retired peace officer who satisfies the criteria set 672  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 673  
firearms requalification program that is approved for purposes of 674  
firearms requalification required under section 109.801 of the 675  
Revised Code, the retired peace officer's successful completion of 676

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

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

(G) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



(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.

(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:

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

(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.

(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 result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in section 5503.34 of the Revised Code, and who is transporting or has a loaded handgun

in the motor vehicle or commercial motor vehicle in any manner, 770  
shall do any of the following: 771

(1) Fail to promptly inform any law enforcement officer who 772  
approaches the vehicle while stopped that the person has been 773  
issued a license or temporary emergency license to carry a 774  
concealed handgun and that the person then possesses or has a 775  
loaded handgun in the motor vehicle; 776

(2) Fail to promptly inform the employee of the unit who 777  
approaches the vehicle while stopped that the person has been 778  
issued a license or temporary emergency license to carry a 779  
concealed handgun and that the person then possesses or has a 780  
loaded handgun in the commercial motor vehicle; 781

(3) Knowingly fail to remain in the motor vehicle while 782  
stopped or knowingly fail to keep the person's hands in plain 783  
sight at any time after any law enforcement officer begins 784  
approaching the person while stopped and before the law 785  
enforcement officer leaves, unless the failure is pursuant to and 786  
in accordance with directions given by a law enforcement officer; 787

(4) Knowingly have contact with the loaded handgun by 788  
touching it with the person's hands or fingers in the motor 789  
vehicle at any time after the law enforcement officer begins 790  
approaching and before the law enforcement officer leaves, unless 791  
the person removes, attempts to remove, grasps, holds, or has 792  
contact with the loaded handgun pursuant to and in accordance with 793  
directions given by the law enforcement officer; 794

(5) Knowingly disregard or fail to comply with any lawful 795  
order of any law enforcement officer given while the motor vehicle 796  
is stopped, including, but not limited to, a specific order to the 797  
person to keep the person's hands in plain sight. 798

(F)(1) Divisions (A), (B), (C), and (E) of this section do 799  
not apply to any of the following: 800

(a) An officer, agent, or employee of this or any other state 801  
or the United States, or a law enforcement officer, when 802  
authorized to carry or have loaded or accessible firearms in motor 803  
vehicles and acting within the scope of the officer's, agent's, or 804  
employee's duties; 805

(b) Any person who is employed in this state, who is 806  
authorized to carry or have loaded or accessible firearms in motor 807  
vehicles, and who is subject to and in compliance with the 808  
requirements of section 109.801 of the Revised Code, unless the 809  
appointing authority of the person has expressly specified that 810  
the exemption provided in division (F)(1)(b) of this section does 811  
not apply to the person. 812

(2) Division (A) of this section does not apply to a person 813  
if all of the following circumstances apply: 814

(a) The person discharges a firearm from a motor vehicle at a 815  
coyote or groundhog, the discharge is not during the deer gun 816  
hunting season as set by the chief of the division of wildlife of 817  
the department of natural resources, and the discharge at the 818  
coyote or groundhog, but for the operation of this section, is 819  
lawful. 820

(b) The motor vehicle from which the person discharges the 821  
firearm is on real property that is located in an unincorporated 822  
area of a township and that either is zoned for agriculture or is 823  
used for agriculture. 824

(c) The person owns the real property described in division 825  
(F)(2)(b) of this section, is the spouse or a child of another 826  
person who owns that real property, is a tenant of another person 827  
who owns that real property, or is the spouse or a child of a 828  
tenant of another person who owns that real property. 829

(d) The person does not discharge the firearm in any of the 830  
following manners: 831

- (i) While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse; 832  
833
- (ii) In the direction of a street, highway, or other public or private property used by the public for vehicular traffic or parking; 834  
835  
836
- (iii) At or into an occupied structure that is a permanent or temporary habitation; 837  
838
- (iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle. 839  
840  
841  
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843
- (3) Division (A) of this section does not apply to a person if all of the following apply: 844  
845
- (a) The person possesses a valid electric-powered all-purpose vehicle permit issued under section 1533.103 of the Revised Code by the chief of the division of wildlife. 846  
847  
848
- (b) The person discharges a firearm at a wild quadruped or game bird as defined in section 1531.01 of the Revised Code during the open hunting season for the applicable wild quadruped or game bird. 849  
850  
851  
852
- (c) The person discharges a firearm from a stationary electric-powered all-purpose vehicle as defined in section 1531.01 of the Revised Code or a motor vehicle that is parked on a road that is owned or administered by the division of wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign. 853  
854  
855  
856  
857  
858
- (d) The person does not discharge the firearm in any of the following manners: 859  
860
- (i) While under the influence of alcohol, a drug of abuse, or 861

alcohol and a drug of abuse; 862

(ii) In the direction of a street, a highway, or other public 863  
or private property that is used by the public for vehicular 864  
traffic or parking; 865

(iii) At or into an occupied structure that is a permanent or 866  
temporary habitation; 867

(iv) In the commission of any violation of law, including, 868  
but not limited to, a felony that includes, as an essential 869  
element, purposely or knowingly causing or attempting to cause the 870  
death of or physical harm to another and that was committed by 871  
discharging a firearm from a motor vehicle. 872

(4) Divisions (B) and (C) of this section do not apply to a 873  
person if all of the following circumstances apply: 874

(a) At the time of the alleged violation of either of those 875  
divisions, the person is the operator of or a passenger in a motor 876  
vehicle. 877

(b) The motor vehicle is on real property that is located in 878  
an unincorporated area of a township and that either is zoned for 879  
agriculture or is used for agriculture. 880

(c) The person owns the real property described in division 881  
(D)(4)(b) of this section, is the spouse or a child of another 882  
person who owns that real property, is a tenant of another person 883  
who owns that real property, or is the spouse or a child of a 884  
tenant of another person who owns that real property. 885

(d) The person, prior to arriving at the real property 886  
described in division (D)(4)(b) of this section, did not transport 887  
or possess a firearm in the motor vehicle in a manner prohibited 888  
by division (B) or (C) of this section while the motor vehicle was 889  
being operated on a street, highway, or other public or private 890  
property used by the public for vehicular traffic or parking. 891

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

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

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

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

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

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

(c) The person is on or in an electric-powered all-purpose vehicle as defined in section 1531.01 of the Revised Code or a motor vehicle that is parked on a road that is owned or administered by the division of wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.

(7) Nothing in this section prohibits or restricts a person from storing or leaving a handgun in a locked motor vehicle that is parked in the state underground parking garage operated by the

capitol square review and advisory board or that is parked in or 923  
on any parking facility for motor vehicles that is all or part of 924  
a government facility of this state, if the person is carrying a 925  
valid license or temporary emergency license to carry a concealed 926  
handgun issued to the person under section 2923.125 or 2923.1213 927  
of the Revised Code or a license to carry a concealed handgun that 928  
was issued to the person by another state with which the attorney 929  
general has entered into a reciprocity agreement under section 930  
109.69 of the Revised Code and the person's transportation and 931  
possession of the handgun in the motor vehicle while traveling to 932  
the garage or facility was not in violation of division (A), (B), 933  
(C), (D), or (E) of this section or any other provision of the 934  
Revised Code. 935

(G)(1) The affirmative defenses authorized in divisions 936  
(D)(1) and (2) of section 2923.12 of the Revised Code are 937  
affirmative defenses to a charge under division (B) or (C) of this 938  
section that involves a firearm other than a handgun. 939

(2) It is an affirmative defense to a charge under division 940  
(B) or (C) of this section of improperly handling firearms in a 941  
motor vehicle that the actor transported or had the firearm in the 942  
motor vehicle for any lawful purpose and while the motor vehicle 943  
was on the actor's own property, provided that this affirmative 944  
defense is not available unless the person, immediately prior to 945  
arriving at the actor's own property, did not transport or possess 946  
the firearm in a motor vehicle in a manner prohibited by division 947  
(B) or (C) of this section while the motor vehicle was being 948  
operated on a street, highway, or other public or private property 949  
used by the public for vehicular traffic. 950

(H)(1) No person who is charged with a violation of division 951  
(B), (C), or (D) of this section shall be required to obtain a 952  
license or temporary emergency license to carry a concealed 953  
handgun under section 2923.125 or 2923.1213 of the Revised Code as 954

a condition for the dismissal of the charge. 955

(2)(a) If a person is convicted of, was convicted of, pleads 956  
guilty to, or has pleaded guilty to a violation of division (E) of 957  
this section as it existed prior to ~~the effective date of this~~ 958  
~~amendment~~ September 30, 2011, and if the conduct that was the 959  
basis of the violation no longer would be a violation of division 960  
(E) of this section on or after ~~the effective date of this~~ 961  
~~amendment~~ September 30, 2011, the person may file an application 962  
under section 2953.37 of the Revised Code requesting the 963  
expungement of the record of conviction. 964

If a person is convicted of, was convicted of, pleads guilty 965  
to, or has pleaded guilty to a violation of division (B) or (C) of 966  
this section as the division existed prior to ~~the effective date~~ 967  
~~of this amendment~~ September 30, 2011, and if the conduct that was 968  
the basis of the violation no longer would be a violation of 969  
division (B) or (C) of this section on or after ~~the effective date~~ 970  
~~of this amendment~~ September 30, 2011, due to the application of 971  
division (F)(5) of this section as it exists on and after ~~the~~ 972  
~~effective date of this amendment~~ September 30, 2011, the person 973  
may file an application under section 2953.37 of the Revised Code 974  
requesting the expungement of the record of conviction. 975

(b) The attorney general shall develop a public media 976  
advisory that summarizes the expungement procedure established 977  
under section 2953.37 of the Revised Code and the offenders 978  
identified in division (H)(2)(a) of this section who are 979  
authorized to apply for the expungement. Within thirty days after 980  
~~the effective date of this amendment~~ September 30, 2011, the 981  
attorney general shall provide a copy of the advisory to each 982  
daily newspaper published in this state and each television 983  
station that broadcasts in this state. The attorney general may 984  
provide the advisory in a tangible form, an electronic form, or in 985  
both tangible and electronic forms. 986



(I) Whoever violates this section is guilty of improperly 987  
handling firearms in a motor vehicle. Violation of division (A) of 988  
this section is a felony of the fourth degree. Violation of 989  
division (C) of this section is a misdemeanor of the fourth 990  
degree. A violation of division (D) of this section is a felony of 991  
the fifth degree or, if the loaded handgun is concealed on the 992  
person's person, a felony of the fourth degree. Except as 993  
otherwise provided in this division, a violation of division 994  
(E)(1) or (2) of this section is a misdemeanor of the first 995  
degree, and, in addition to any other penalty or sanction imposed 996  
for the violation, the offender's license or temporary emergency 997  
license to carry a concealed handgun shall be suspended pursuant 998  
to division (A)(2) of section 2923.128 of the Revised Code. If at 999  
the time of the stop of the offender for a traffic stop, for 1000  
another law enforcement purpose, or for a purpose defined in 1001  
section 5503.34 of the Revised Code that was the basis of the 1002  
violation any law enforcement officer involved with the stop or 1003  
the employee of the motor carrier enforcement unit who made the 1004  
stop had actual knowledge of the offender's status as a licensee, 1005  
a violation of division (E)(1) or (2) of this section is a minor 1006  
misdemeanor, and the offender's license or temporary emergency 1007  
license to carry a concealed handgun shall not be suspended 1008  
pursuant to division (A)(2) of section 2923.128 of the Revised 1009  
Code. A violation of division (E)(4) of this section is a felony 1010  
of the fifth degree. A violation of division (E)(3) or (5) of this 1011  
section is a misdemeanor of the first degree or, if the offender 1012  
previously has been convicted of or pleaded guilty to a violation 1013  
of division (E)(3) or (5) of this section, a felony of the fifth 1014  
degree. In addition to any other penalty or sanction imposed for a 1015  
misdemeanor violation of division (E)(3) or (5) of this section, 1016  
the offender's license or temporary emergency license to carry a 1017  
concealed handgun shall be suspended pursuant to division (A)(2) 1018  
of section 2923.128 of the Revised Code. A violation of division 1019

(B) of this section is a felony of the fourth degree. 1020

(J) If a law enforcement officer stops a motor vehicle for a 1021  
traffic stop or any other purpose, if any person in the motor 1022  
vehicle surrenders a firearm to the officer, either voluntarily or 1023  
pursuant to a request or demand of the officer, and if the officer 1024  
does not charge the person with a violation of this section or 1025  
arrest the person for any offense, the person is not otherwise 1026  
prohibited by law from possessing the firearm, and the firearm is 1027  
not contraband, the officer shall return the firearm to the person 1028  
at the termination of the stop. If a court orders a law 1029  
enforcement officer to return a firearm to a person pursuant to 1030  
the requirement set forth in this division, division (B) of 1031  
section 2923.163 of the Revised Code applies. 1032

(K) As used in this section: 1033

(1) "Motor vehicle," "street," and "highway" have the same 1034  
meanings as in section 4511.01 of the Revised Code. 1035

(2) "Occupied structure" has the same meaning as in section 1036  
2909.01 of the Revised Code. 1037

(3) "Agriculture" has the same meaning as in section 519.01 1038  
of the Revised Code. 1039

(4) "Tenant" has the same meaning as in section 1531.01 of 1040  
the Revised Code. 1041

(5) "Unloaded" means any of the following: 1042

(a) No ammunition is in the firearm in question, and no 1043  
ammunition is loaded into a magazine or speed loader that may be 1044  
used with the firearm in question and that is located anywhere 1045  
within the vehicle in question, without regard to where ammunition 1046  
otherwise is located within the vehicle in question. For the 1047  
purposes of division (K)(5)(a) of this section, ammunition held in 1048  
stripper-clips or in en-bloc clips is not considered ammunition 1049

that is loaded into a magazine or speed loader. 1050

(b) With respect to a firearm employing a percussion cap, 1051  
flintlock, or other obsolete ignition system, when the weapon is 1052  
uncapped or when the priming charge is removed from the pan. 1053

(6) "Commercial motor vehicle" has the same meaning as in 1054  
division (A) of section 4506.25 of the Revised Code. 1055

(7) "Motor carrier enforcement unit" means the motor carrier 1056  
enforcement unit in the department of public safety, division of 1057  
state highway patrol, that is created by section 5503.34 of the 1058  
Revised Code. 1059

**Section 2.** That existing sections 105.41, 152.08, 2923.126, 1060  
and 2923.16 of the Revised Code are hereby repealed. 1061