

As Passed by the House

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 45

Representatives Bubp, Johnson

**Cosponsors: Representatives Adams, J., Adams, R., Amstutz, Balderson,
Beck, Blair, Blessing, Boose, Brenner, Burke, Damschroder, Derickson,
Dovilla, Hackett, Hayes, Huffman, Kozlowski, Maag, Martin, Rosenberger,
Ruhl, Sears, Slaby, Snitchler, Stautberg, Thompson, Uecker, Young, Buchy,
Combs, Goodwin, Hall, Henne, Mecklenborg, Newbold, Wachtmann**

—

A B I L L

To amend sections 2923.121, 2923.128, and 2923.16 of 1
the Revised Code to permit a concealed carry 2
licensee to possess a firearm in any liquor permit 3
premises, or any open air arena, for which a D 4
permit has been issued if the licensee is not 5
consuming liquor or under the influence of alcohol 6
or a drug of abuse and to modify the offense of 7
improperly handling firearms in a motor vehicle as 8
it applies to concealed carry licensees. 9

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

Section 1. That sections 2923.121, 2923.128, and 2923.16 of 10
the Revised Code be amended to read as follows: 11

Sec. 2923.121. (A) No person shall possess a firearm in any 12
room in which any person is consuming liquor in premises for which 13
a D permit has been issued under Chapter 4303. of the Revised Code 14
or in an open air arena for which a permit of that nature has been 15

issued. 16

(B)(1) This section does not apply to any of the following: 17

(a) An officer, agent, or employee of this or any other state 18
or the United States, or to a law enforcement officer, who is 19
authorized to carry firearms and is acting within the scope of the 20
officer's, agent's, or employee's duties; 21

(b) Any person who is employed in this state, who is 22
authorized to carry firearms, and who is subject to and in 23
compliance with the requirements of section 109.801 of the Revised 24
Code, unless the appointing authority of the person has expressly 25
specified that the exemption provided in division (B)(1)(b) of 26
this section does not apply to the person; 27

(c) Any room used for the accommodation of guests of a hotel, 28
as defined in section 4301.01 of the Revised Code; 29

(d) The principal holder of a D permit issued for premises or 30
an open air arena under Chapter 4303. of the Revised Code while in 31
the premises or open air arena for which the permit was issued if 32
the principal holder of the D permit also possesses a valid 33
license or temporary emergency license to carry a concealed 34
handgun issued to the principal holder under section 2923.125 or 35
2923.1213 of the Revised Code or a license to carry a concealed 36
handgun that was issued to the principal holder by another state 37
with which the attorney general has entered into a reciprocity 38
agreement under section 109.69 of the Revised Code and as long as 39
the principal holder is not consuming liquor or under the 40
influence of alcohol or a drug of abuse, or any agent or employee 41
of that holder who also is a peace officer, as defined in section 42
2151.3515 of the Revised Code, who is off duty, and who otherwise 43
is authorized to carry firearms while in the course of the 44
officer's official duties and while in the premises or open air 45
arena for which the permit was issued and as long as the agent or 46

employee of that holder is not consuming liquor or under the 47
influence of alcohol or a drug of abuse. 48

(e) Any person who is carrying a valid license or temporary 49
emergency license to carry a concealed handgun issued to the 50
person under section 2923.125 or 2923.1213 of the Revised Code or 51
a license to carry a concealed handgun that was issued to the 52
person by another state with which the attorney general has 53
entered into a reciprocity agreement under section 109.69 of the 54
Revised Code ~~and who possesses the firearm in a retail store with~~ 55
~~D-6 and D-8 permits issued for that store under sections 4303.182~~ 56
~~and 4303.184 of the Revised Code or a D-8 permit issued for that~~ 57
~~store under section 4303.184 of the Revised Code~~, as long as the 58
person is not consuming liquor or under the influence of alcohol 59
or a drug of abuse. 60

(2) This section does not prohibit any person who is a member 61
of a veteran's organization, as defined in section 2915.01 of the 62
Revised Code, from possessing a rifle in any room in any premises 63
owned, leased, or otherwise under the control of the veteran's 64
organization, if the rifle is not loaded with live ammunition and 65
if the person otherwise is not prohibited by law from having the 66
rifle. 67

(3) This section does not apply to any person possessing or 68
displaying firearms in any room used to exhibit unloaded firearms 69
for sale or trade in a soldiers' memorial established pursuant to 70
Chapter 345. of the Revised Code, in a convention center, or in 71
any other public meeting place, if the person is an exhibitor, 72
trader, purchaser, or seller of firearms and is not otherwise 73
prohibited by law from possessing, trading, purchasing, or selling 74
the firearms. 75

(C) It is an affirmative defense to a charge under this 76
section of illegal possession of a firearm in liquor permit 77
premises that involves the possession of a firearm other than a 78

handgun, that the actor was not otherwise prohibited by law from 79
having the firearm, and that any of the following apply: 80

(1) The firearm was carried or kept ready at hand by the 81
actor for defensive purposes, while the actor was engaged in or 82
was going to or from the actor's lawful business or occupation, 83
which business or occupation was of such character or was 84
necessarily carried on in such manner or at such a time or place 85
as to render the actor particularly susceptible to criminal 86
attack, such as would justify a prudent person in going armed. 87

(2) The firearm was carried or kept ready at hand by the 88
actor for defensive purposes, while the actor was engaged in a 89
lawful activity, and had reasonable cause to fear a criminal 90
attack upon the actor or a member of the actor's family, or upon 91
the actor's home, such as would justify a prudent person in going 92
armed. 93

(D) No person who is charged with a violation of this section 94
shall be required to obtain a license or temporary emergency 95
license to carry a concealed handgun under section 2923.125 or 96
2923.1213 of the Revised Code as a condition for the dismissal of 97
the charge. 98

(E) Whoever violates this section is guilty of illegal 99
possession of a firearm in liquor permit premises. Except as 100
otherwise provided in this division, illegal possession of a 101
firearm in liquor permit premises is a felony of the fifth degree. 102
If the offender commits the violation of this section by knowingly 103
carrying or having the firearm concealed on the offender's person 104
or concealed ready at hand, illegal possession of a firearm in 105
liquor permit premises is a felony of the third degree. 106

Sec. 2923.128. (A)(1)(a) If a licensee holding a valid 107
license issued under section 2923.125 or 2923.1213 of the Revised 108
Code is arrested for or otherwise charged with an offense 109

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), ~~(4)~~, or ~~(6)~~(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 142
license or temporary emergency license, the sheriff also shall 143
comply with division (H) of section 2923.125 of the Revised Code. 144

(b) A suspension under division (A)(2)(a) of this section 145
shall be considered as beginning on the date that the licensee is 146
convicted of or pleads guilty to the offense described in that 147
division, irrespective of when the sheriff notifies the licensee 148
under division (A)(3) of this section. If the suspension is 149
imposed for a misdemeanor violation of division (B)(1) or (2) of 150
section 2923.12 of the Revised Code or of division (E)(1), (2), or 151
(3) ~~or (4)~~ of section 2923.16 of the Revised Code, it shall end on 152
the date that is one year after the date that the licensee is 153
convicted of or pleads guilty to that violation. If the suspension 154
is imposed for a misdemeanor violation of division (B)(4) of 155
section 2923.12 of the Revised Code or of division (E)~~(6)~~(5) of 156
section 2923.16 of the Revised Code, it shall end on the date that 157
is two years after the date that the licensee is convicted of or 158
pleads guilty to that violation. If the licensee's license was 159
issued under section 2923.125 of the Revised Code and the license 160
remains valid after the suspension ends as described in this 161
division, when the suspension ends, the sheriff shall return the 162
license to the licensee. If the licensee's license was issued 163
under section 2923.125 of the Revised Code and the license expires 164
before the suspension ends as described in this division, or if 165
the licensee's license was issued under section 2923.1213 of the 166
Revised Code, the licensee is not eligible to apply for a new 167
license under section 2923.125 or 2923.1213 of the Revised Code or 168
to renew the license under section 2923.125 of the Revised Code 169
until after the suspension ends as described in this division. 170

(c) The license of a licensee who is convicted of or pleads 171
guilty to a violation of division (B)(1) of section 2923.12 or 172
division (E)~~(3)~~(1) or (2) of section 2923.16 of the Revised Code 173

shall not be suspended pursuant to division (A)(2)(a) of this 174
section if, at the time of the stop of the licensee for a law 175
enforcement purpose, for a traffic stop, or for a purpose defined 176
in section 5503.34 of the Revised Code that was the basis of the 177
violation, any law enforcement officer involved with the stop or 178
the employee of the motor carrier enforcement unit who made the 179
stop had actual knowledge of the licensee's status as a licensee. 180

(3) Upon becoming aware of an arrest, charge, or protection 181
order described in division (A)(1)(a) of this section with respect 182
to a licensee who was issued a license under section 2923.125 or 183
2923.1213 of the Revised Code, or a conviction of or plea of 184
guilty to a misdemeanor offense described in division (A)(2)(a) of 185
this section with respect to a licensee who was issued a license 186
under either section and with respect to which division (A)(2)(c) 187
of this section does not apply, subject to division (C) of this 188
section, the sheriff who issued the licensee's license or 189
temporary emergency license to carry a concealed handgun shall 190
notify the licensee, by certified mail, return receipt requested, 191
at the licensee's last known residence address that the license or 192
temporary emergency license has been suspended and that the 193
licensee is required to surrender the license or temporary 194
emergency license at the sheriff's office within ten days of the 195
date on which the notice was mailed. If the suspension is pursuant 196
to division (A)(2) of this section, the notice shall identify the 197
date on which the suspension ends. 198

(B)(1) A sheriff who issues a license or temporary emergency 199
license to carry a concealed handgun to a licensee under section 200
2923.125 or 2923.1213 of the Revised Code shall revoke the license 201
or temporary emergency license in accordance with division (B)(2) 202
of this section upon becoming aware that the licensee satisfies 203
any of the following: 204

(a) The licensee is under twenty-one years of age. 205

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

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

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

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

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

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

(h) Regarding a license issued under section 2923.125 of the Revised Code, the competency certificate the licensee submitted was forged or otherwise was fraudulent.

(2) Upon becoming aware of any circumstance listed in

division (B)(1) of this section that applies to a particular 237
licensee who was issued a license under section 2923.125 or 238
2923.1213 of the Revised Code, subject to division (C) of this 239
section, the sheriff who issued the license or temporary emergency 240
license to carry a concealed handgun to the licensee shall notify 241
the licensee, by certified mail, return receipt requested, at the 242
licensee's last known residence address that the license or 243
temporary emergency license is subject to revocation and that the 244
licensee may come to the sheriff's office and contest the 245
sheriff's proposed revocation within fourteen days of the date on 246
which the notice was mailed. After the fourteen-day period and 247
after consideration of any information that the licensee provides 248
during that period, if the sheriff determines on the basis of the 249
information of which the sheriff is aware that the licensee is 250
described in division (B)(1) of this section and no longer 251
satisfies the requirements described in division (D)(1) of section 252
2923.125 of the Revised Code that are applicable to the licensee's 253
type of license, the sheriff shall revoke the license or temporary 254
emergency license, notify the licensee of that fact, and require 255
the licensee to surrender the license or temporary emergency 256
license. Upon revoking the license or temporary emergency license, 257
the sheriff also shall comply with division (H) of section 258
2923.125 of the Revised Code. 259

(C) If a sheriff who issues a license or temporary emergency 260
license to carry a concealed handgun to a licensee under section 261
2923.125 or 2923.1213 of the Revised Code becomes aware that at 262
the time of the issuance of the license or temporary emergency 263
license the licensee had been convicted of or pleaded guilty to an 264
offense identified in division (D)(1)(e), (f), or (h) of section 265
2923.125 of the Revised Code or had been adjudicated a delinquent 266
child for committing an act or violation identified in any of 267
those divisions or becomes aware that on or after the date on 268
which the license or temporary emergency license was issued the 269

licensee has been convicted of or pleaded guilty to an offense 270
identified in division (A)(2)(a) or (B)(1)(c) of this section, the 271
sheriff shall not consider that conviction, guilty plea, or 272
adjudication as having occurred for purposes of divisions (A)(2), 273
(A)(3), (B)(1), and (B)(2) of this section if a court has ordered 274
the sealing or expungement of the records of that conviction, 275
guilty plea, or adjudication pursuant to sections 2151.355 to 276
2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a 277
court has granted the licensee relief pursuant to section 2923.14 278
of the Revised Code from the disability imposed pursuant to 279
section 2923.13 of the Revised Code relative to that conviction, 280
guilty plea, or adjudication. 281

(D) As used in this section, "motor carrier enforcement unit" 282
has the same meaning as in section 2923.16 of the Revised Code. 283

Sec. 2923.16. (A) No person shall knowingly discharge a 284
firearm while in or on a motor vehicle. 285

(B) No person shall knowingly transport or have a loaded 286
firearm in a motor vehicle in such a manner that the firearm is 287
accessible to the operator or any passenger without leaving the 288
vehicle. 289

(C) No person shall knowingly transport or have a firearm in 290
a motor vehicle, unless the person may lawfully possess that 291
firearm under applicable law of this state or the United States, 292
the firearm is unloaded, and the firearm is carried in one of the 293
following ways: 294

(1) In a closed package, box, or case; 295

(2) In a compartment that can be reached only by leaving the 296
vehicle; 297

(3) In plain sight and secured in a rack or holder made for 298
the purpose; 299

(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 shall do any of the following:

~~(1) Knowingly transport or have a loaded handgun in a motor vehicle unless one of the following applies:~~

~~(a) The loaded handgun is in a holster on the person's person.~~

~~(b) The loaded handgun is in a closed case, bag, box, or other container that is in plain sight and that has a lid, a cover, or a closing mechanism with a zipper, snap, or buckle,~~

~~which lid, cover, or closing mechanism must be opened for a person 331
to gain access to the handgun. 332~~

~~(c) The loaded handgun is securely encased by being stored in 333
a closed glove compartment or vehicle console or in a case that is 334
locked. 335~~

~~(2) If the person is transporting or has a loaded handgun in 336
a motor vehicle in a manner authorized under division (E)(1) of 337
this section, knowingly remove or attempt to remove the loaded 338
handgun from the holster, case, bag, box, container, or glove 339
compartment, knowingly grasp or hold the loaded handgun, or 340
knowingly have contact with the loaded handgun by touching it with 341
the person's hands or fingers while the motor vehicle is being 342
operated on a street, highway, or public property unless the 343
person removes, attempts to remove, grasps, holds, or has the 344
contact with the loaded handgun pursuant to and in accordance with 345
directions given by a law enforcement officer; 346~~

~~(3) If the person or a license to carry a concealed handgun 347
that was issued to the person by another state with which the 348
attorney general has entered into a reciprocity agreement under 349
section 109.69 of the Revised Code, who is the driver or an 350
occupant of a motor vehicle that is stopped as a result of a 351
traffic stop or a stop for another law enforcement purpose or is 352
the driver or an occupant of a commercial motor vehicle that is 353
stopped by an employee of the motor carrier enforcement unit for 354
the purposes defined in section 5503.34 of the Revised Code, and 355
~~if the person who is transporting or has a loaded handgun in the 356
motor vehicle or commercial motor vehicle in any manner, fail to 357
shall do any of the following ~~that is applicable:~~ 358~~~~

~~(a) If the person is the driver or an occupant of a motor 359
vehicle stopped as a result of a traffic stop or a stop for 360
another law enforcement purpose, fail (1) Fail to promptly inform 361
any law enforcement officer who approaches the vehicle while 362~~

stopped that the person has been issued a license or temporary 363
emergency license to carry a concealed handgun and that the person 364
then possesses or has a loaded handgun in the motor vehicle; 365

~~(b) If the person is the driver or an occupant of a 366
commercial motor vehicle stopped by an employee of the motor 367
carrier enforcement unit for any of the defined purposes, fail (2) 368
Fail to promptly inform the employee of the unit who approaches 369
the vehicle while stopped that the person has been issued a 370
license or temporary emergency license to carry a concealed 371
handgun and that the person then possesses or has a loaded handgun 372
in the commercial motor vehicle. 373~~

~~(4) If the person is the driver or an occupant of a motor 374
vehicle that is stopped as a result of a traffic stop or a stop 375
for another law enforcement purpose and if the person is 376
transporting or has a loaded handgun in the motor vehicle in any 377
manner, knowingly; 378~~

~~(3) Knowingly fail to remain in the motor vehicle while 379
stopped or knowingly fail to keep the person's hands in plain 380
sight at any time after any law enforcement officer begins 381
approaching the person while stopped and before the law 382
enforcement officer leaves, unless the failure is pursuant to and 383
in accordance with directions given by a law enforcement officer; 384~~

~~(5) If the person is the driver or an occupant of a motor 385
vehicle that is stopped as a result of a traffic stop or a stop 386
for another law enforcement purpose, if the person is transporting 387
or has a loaded handgun in the motor vehicle in a manner 388
authorized under division (E)(1) of this section, and if the 389
person is approached by any law enforcement officer while stopped, 390
knowingly remove or attempt to remove the loaded handgun from the 391
holster, case, bag, box, container, or glove compartment, 392
knowingly grasp or hold the loaded handgun, or knowingly (4) 393
Knowingly have contact with the loaded handgun by touching it with 394~~

the person's hands or fingers in the motor vehicle at any time 395
after the law enforcement officer begins approaching and before 396
the law enforcement officer leaves, unless the person removes, 397
attempts to remove, grasps, holds, or has contact with the loaded 398
handgun pursuant to and in accordance with directions given by the 399
law enforcement officer; 400

~~(6) If the person is the driver or an occupant of a motor 401
vehicle that is stopped as a result of a traffic stop or a stop 402
for another law enforcement purpose and if the person is 403
transporting or has a loaded handgun in the motor vehicle in any 404
manner, knowingly (5) Knowingly disregard or fail to comply with 405
any lawful order of any law enforcement officer given while the 406
motor vehicle is stopped, including, but not limited to, a 407
specific order to the person to keep the person's hands in plain 408
sight. 409~~

(F)(1) Divisions (A), (B), (C), and (E) of this section do 410
not apply to any of the following: 411

(a) An officer, agent, or employee of this or any other state 412
or the United States, or a law enforcement officer, when 413
authorized to carry or have loaded or accessible firearms in motor 414
vehicles and acting within the scope of the officer's, agent's, or 415
employee's duties; 416

(b) Any person who is employed in this state, who is 417
authorized to carry or have loaded or accessible firearms in motor 418
vehicles, and who is subject to and in compliance with the 419
requirements of section 109.801 of the Revised Code, unless the 420
appointing authority of the person has expressly specified that 421
the exemption provided in division (F)(1)(b) of this section does 422
not apply to the person. 423

(2) Division (A) of this section does not apply to a person 424
if all of the following circumstances apply: 425

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

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

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

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

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

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

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

(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.

(3) Division (A) of this section does not apply to a person

if all of the following apply: 456

(a) The person possesses a valid electric-powered all-purpose 457
vehicle permit issued under section 1533.103 of the Revised Code 458
by the chief of the division of wildlife. 459

(b) The person discharges a firearm at a wild quadruped or 460
game bird as defined in section 1531.01 of the Revised Code during 461
the open hunting season for the applicable wild quadruped or game 462
bird. 463

(c) The person discharges a firearm from a stationary 464
electric-powered all-purpose vehicle as defined in section 1531.01 465
of the Revised Code or a motor vehicle that is parked on a road 466
that is owned or administered by the division of wildlife, 467
provided that the road is identified by an electric-powered 468
all-purpose vehicle sign. 469

(d) The person does not discharge the firearm in any of the 470
following manners: 471

(i) While under the influence of alcohol, a drug of abuse, or 472
alcohol and a drug of abuse; 473

(ii) In the direction of a street, a highway, or other public 474
or private property that is used by the public for vehicular 475
traffic or parking; 476

(iii) At or into an occupied structure that is a permanent or 477
temporary habitation; 478

(iv) In the commission of any violation of law, including, 479
but not limited to, a felony that includes, as an essential 480
element, purposely or knowingly causing or attempting to cause the 481
death of or physical harm to another and that was committed by 482
discharging a firearm from a motor vehicle. 483

(4) Divisions (B) and (C) of this section do not apply to a 484
person if all of the following circumstances apply: 485

(a) At the time of the alleged violation of either of those 486
divisions, the person is the operator of or a passenger in a motor 487
vehicle. 488

(b) The motor vehicle is on real property that is located in 489
an unincorporated area of a township and that either is zoned for 490
agriculture or is used for agriculture. 491

(c) The person owns the real property described in division 492
(D)(4)(b) of this section, is the spouse or a child of another 493
person who owns that real property, is a tenant of another person 494
who owns that real property, or is the spouse or a child of a 495
tenant of another person who owns that real property. 496

(d) The person, prior to arriving at the real property 497
described in division (D)(4)(b) of this section, did not transport 498
or possess a firearm in the motor vehicle in a manner prohibited 499
by division (B) or (C) of this section while the motor vehicle was 500
being operated on a street, highway, or other public or private 501
property used by the public for vehicular traffic or parking. 502

(5) Divisions (B) and (C) of this section do not apply to a 503
person who transports or possesses a handgun in a motor vehicle 504
if, at the time of that transportation or possession, ~~all~~ both of 505
the following apply: 506

(a) The person transporting or possessing the handgun is 507
carrying a valid license or temporary emergency license to carry a 508
concealed handgun issued to the person under section 2923.125 or 509
2923.1213 of the Revised Code or a license to carry a concealed 510
handgun that was issued by another state with which the attorney 511
general has entered into a reciprocity agreement under section 512
109.69 of the Revised Code. 513

(b) The person transporting or possessing the handgun is not 514
knowingly in a place described in division (B) of section 2923.126 515
of the Revised Code. 516

(c) One of the following applies:	517
(i) The handgun is in a holster on the person's person.	518
(ii) The handgun is in a closed case, bag, box, or other container that is in plain sight and that has a lid, a cover, or a closing mechanism with a zipper, snap, or buckle, which lid, cover, or closing mechanism must be opened for a person to gain access to the handgun.	519 520 521 522 523
(iii) The handgun is securely encased by being stored in a closed glove compartment or vehicle console or in a case that is locked.	524 525 526
(6) Divisions (B) and (C) of this section do not apply to a person if all of the following apply:	527 528
(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.	529 530 531
(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.	532 533 534 535
(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.	536 537 538 539 540
(G)(1) The affirmative defenses authorized in divisions (D)(1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (B) or (C) of this section that involves a firearm other than a handgun.	541 542 543 544
(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a	545 546

motor vehicle that the actor transported or had the firearm in the 547
motor vehicle for any lawful purpose and while the motor vehicle 548
was on the actor's own property, provided that this affirmative 549
defense is not available unless the person, immediately prior to 550
arriving at the actor's own property, did not transport or possess 551
the firearm in a motor vehicle in a manner prohibited by division 552
(B) or (C) of this section while the motor vehicle was being 553
operated on a street, highway, or other public or private property 554
used by the public for vehicular traffic. 555

(H) No person who is charged with a violation of division 556
(B), (C), or (D) of this section shall be required to obtain a 557
license or temporary emergency license to carry a concealed 558
handgun under section 2923.125 or 2923.1213 of the Revised Code as 559
a condition for the dismissal of the charge. 560

(I) Whoever violates this section is guilty of improperly 561
handling firearms in a motor vehicle. Violation of division (A) of 562
this section is a felony of the fourth degree. Violation of 563
division (C) of this section is a misdemeanor of the fourth 564
degree. A violation of division (D) of this section is a felony of 565
the fifth degree or, if the loaded handgun is concealed on the 566
person's person, a felony of the fourth degree. Except as 567
otherwise provided in this division, a violation of division 568
(E)~~(3)~~(1) or (2) of this section is a misdemeanor of the first 569
degree, and, in addition to any other penalty or sanction imposed 570
for the violation, the offender's license or temporary emergency 571
license to carry a concealed handgun shall be suspended pursuant 572
to division (A)(2) of section 2923.128 of the Revised Code. If at 573
the time of the stop of the offender for a traffic stop, for 574
another law enforcement purpose, or for a purpose defined in 575
section 5503.34 of the Revised Code that was the basis of the 576
violation any law enforcement officer involved with the stop or 577
the employee of the motor carrier enforcement unit who made the 578

stop had actual knowledge of the offender's status as a licensee, 579
a violation of division (E)~~(3)~~(1) or (2) of this section is a 580
minor misdemeanor, and the offender's license or temporary 581
emergency license to carry a concealed handgun shall not be 582
suspended pursuant to division (A)(2) of section 2923.128 of the 583
Revised Code. A violation of division (E)~~(1), (2), or (5)~~(4) of 584
this section is a felony of the fifth degree. A violation of 585
division (E)~~(4)~~(3) or ~~(6)~~(5) of this section is a misdemeanor of 586
the first degree or, if the offender previously has been convicted 587
of or pleaded guilty to a violation of division (E)~~(4)~~(3) or 588
~~(6)~~(5) of this section, a felony of the fifth degree. In addition 589
to any other penalty or sanction imposed for a misdemeanor 590
violation of division (E)~~(4)~~(3) or ~~(6)~~(5) of this section, the 591
offender's license or temporary emergency license to carry a 592
concealed handgun shall be suspended pursuant to division (A)(2) 593
of section 2923.128 of the Revised Code. A violation of division 594
(B) of this section is ~~whichever of the following is applicable:~~ 595

~~(1) If, at the time of the transportation or possession in 596
violation of division (B) of this section, the offender was 597
carrying a valid license or temporary emergency license to carry a 598
concealed handgun issued to the offender under section 2923.125 or 599
2923.1213 of the Revised Code or a license to carry a concealed 600
handgun that was issued by another state with which the attorney 601
general has entered into a reciprocity agreement under section 602
109.69 of the Revised Code and the offender was not knowingly in a 603
place described in division (B) of section 2923.126 of the Revised 604
Code, the violation is a misdemeanor of the first degree or, if 605
the offender previously has been convicted of or pleaded guilty to 606
a violation of division (B) of this section, a felony of the 607
fourth degree. 608~~

~~(2) If division (I)(1) of this section does not apply, a 609
felony of the fourth degree. 610~~

(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 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, 641
flintlock, or other obsolete ignition system, when the weapon is 642
uncapped or when the priming charge is removed from the pan. 643

(6) "Commercial motor vehicle" has the same meaning as in 644
division (A) of section 4506.25 of the Revised Code. 645

(7) "Motor carrier enforcement unit" means the motor carrier 646
enforcement unit in the department of public safety, division of 647
state highway patrol, that is created by section 5503.34 of the 648
Revised Code. 649

Section 2. That existing sections 2923.121, 2923.128, and 650
2923.16 of the Revised Code are hereby repealed. 651