

As Introduced

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

H. B. No. 495

Representative Johnson

**Cosponsors: Representatives Hill, Hall, Adams, R., Brenner, Derickson,
Wachtmann, Combs, Hayes, Buchy, Boose, McClain, Goodwin, Thompson,
Conditt, Grossman, Maag, Sears, Damschroder, Hackett, Fende, Uecker,
Young, Adams, J., Bubp, Stautberg, Ruhl, DeVitis, Dovilla**

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A B I L L

To amend sections 109.69, 109.731, 311.41, 311.42, 1
1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2
2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 3
2923.127, 2923.128, 2923.129, 2923.1210, 4
2923.1211, 2923.1213, 2923.16, and 2953.37 of the 5
Revised Code to authorize the automatic validity 6
in Ohio of a concealed handgun license issued by 7
another state if the other state automatically 8
recognizes as valid in that state an Ohio 9
concealed handgun license without the need for any 10
reciprocity agreement between the states; to 11
repeal the competency certification currently 12
required for renewal of a concealed handgun 13
license; to revise the definition of "unloaded" 14
that applies to the offense of "improperly 15
handling firearms in a motor vehicle" and the 16
related vessel-based offense; and to simplify, 17
through the use of new definitions, the law 18
regarding concealed handgun licenses. 19

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

Section 1. That sections 109.69, 109.731, 311.41, 311.42, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, and 2953.37 of the Revised Code be amended to read as follows:

Sec. 109.69. (A)(1) The attorney general ~~shall~~ may negotiate and enter into a reciprocity agreement with any other license-issuing state under which a ~~license to carry a~~ concealed handgun license that is issued by the other state is recognized in this state if the attorney general determines that ~~both of the following apply:~~

~~(a) The eligibility requirements imposed by that license-issuing state for that license are substantially comparable to the eligibility requirements for a license to carry a concealed handgun issued under section 2923.125 of the Revised Code.~~

~~(b) That the license-issuing state recognizes a concealed handgun license to carry a concealed handgun issued under section 2923.125 of the Revised Code.~~

(2) A reciprocity agreement entered into under division (A)(1) of this section also may provide for the recognition in this state of a ~~license to carry a~~ concealed handgun license issued on a temporary or emergency basis by the other license-issuing state, if the eligibility requirements imposed by that license-issuing state for the temporary or emergency license are substantially comparable to the eligibility requirements for a ~~license or temporary emergency license to carry a~~ concealed handgun license issued under section 2923.125 or 2923.1213 of the

Revised Code and if that license-issuing state recognizes a 48
~~temporary emergency license to carry a concealed handgun license~~ 49
issued under section 2923.1213 of the Revised Code. 50

~~(3)(B)~~ The attorney general ~~shall not negotiate any~~ may 51
determine if another state automatically, without written 52
agreement with any other license-issuing state under which a 53
license to carry, recognizes a concealed handgun that is license 54
issued by the other state is recognized in this state other than 55
as provided in divisions (A)(1) and (2) of this under section 56
2923.125 of the Revised Code. If the attorney general determines 57
that another state recognizes in that manner a concealed carry 58
license issued under that section, all of the following apply: 59

(1) The attorney general shall publish that determination in 60
the same manner as written agreements entered into as described in 61
division (A)(1) or (2) of this section are published. 62

(2) That determination shall have the same force and effect 63
as a written agreement entered into as described in division 64
(A)(1) or (2) of this section. 65

(3) The concealed handgun license issued by the other state 66
shall be accepted and valid in this state the same as if a written 67
agreement between this state and the other state existed as 68
described in division (A)(1) or (2) of this section. 69

~~(B)(C)~~ As used in this section: 70

(1) "Handgun" ~~has~~ and "concealed handgun license" have the 71
same ~~meaning~~ meanings as in section 2923.11 of the Revised Code. 72

(2) "License-issuing state" means a state other than this 73
state that, pursuant to law, provides for the issuance of a 74
license to carry a concealed handgun. 75

Sec. 109.731. (A) The Ohio peace officer training commission 76
shall prescribe, and shall make available to sheriffs, all of the 77

following:	78
(1) An application form that is to be used under section	79
2923.125 of the Revised Code by a person who applies for a license	80
to carry a concealed handgun <u>license</u> and an application form that	81
is to be used under section 2923.125 of the Revised Code by a	82
person who applies for the renewal of a license of that nature,	83
both of which shall conform substantially to the forms prescribed	84
in section 2923.1210 of the Revised Code;	85
(2) A form for the license to carry a concealed handgun	86
<u>license</u> that is to be issued by sheriffs to persons who qualify	87
for a license to carry a concealed handgun <u>license</u> under section	88
2923.125 of the Revised Code and that conforms to the following	89
requirements:	90
(a) It has space for the licensee's full name, residence	91
address, and date of birth and for a color photograph of the	92
licensee.	93
(b) It has space for the date of issuance of the license, its	94
expiration date, its county of issuance, the name of the sheriff	95
who issues the license, and the unique combination of letters and	96
numbers that identify the county of issuance and the license given	97
to the licensee by the sheriff in accordance with division (A)(4)	98
of this section.	99
(c) It has space for the signature of the licensee and the	100
signature or a facsimile signature of the sheriff who issues the	101
license.	102
(d) It does not require the licensee to include serial	103
numbers of handguns, other identification related to handguns, or	104
similar data that is not pertinent or relevant to obtaining the	105
license and that could be used as a de facto means of registration	106
of handguns owned by the licensee.	107

(3) A series of three-letter county codes that identify each county in this state;

(4) A procedure by which a sheriff shall give each concealed handgun license, replacement concealed handgun license, or renewal concealed handgun license ~~to carry a concealed handgun~~ and each ~~temporary emergency~~ concealed handgun license on a temporary emergency basis or replacement ~~temporary emergency~~ license ~~to carry a concealed handgun~~ on a temporary emergency basis the sheriff issues under section 2923.125 or 2923.1213 of the Revised Code a unique combination of letters and numbers that identifies the county in which the license ~~or temporary emergency license~~ was issued and that uses the county code and a unique number for each license ~~and each temporary emergency license~~ the sheriff of that county issues;

(5) A form for ~~the temporary emergency license to carry a~~ concealed handgun license on a temporary emergency basis that is to be issued by sheriffs to persons who qualify for such a ~~temporary emergency~~ license under section 2923.1213 of the Revised Code, which form shall conform to all the requirements set forth in divisions (A)(2)(a) to (d) of this section and shall additionally conspicuously specify that the license is issued on a temporary emergency ~~license~~ basis and the date of its issuance.

(B)(1) The Ohio peace officer training commission, in consultation with the attorney general, shall prepare a pamphlet that does all of the following, in everyday language:

(a) Explains the firearms laws of this state;

(b) Instructs the reader in dispute resolution and explains the laws of this state related to that matter;

(c) Provides information to the reader regarding all aspects of the use of deadly force with a firearm, including, but not limited to, the steps that should be taken before contemplating

the use of, or using, deadly force with a firearm, possible 139
alternatives to using deadly force with a firearm, and the law 140
governing the use of deadly force with a firearm. 141

(2) The attorney general shall consult with and assist the 142
commission in the preparation of the pamphlet described in 143
division (B)(1) of this section and, as necessary, shall recommend 144
to the commission changes in the pamphlet to reflect changes in 145
the law that are relevant to it. The attorney general shall 146
publish the pamphlet on the web site of the attorney general and 147
shall provide the address of the web site to any person who 148
requests the pamphlet. 149

(C) The Ohio peace officer training commission shall maintain 150
statistics with respect to the issuance, renewal, suspension, 151
revocation, and denial of ~~licenses to carry a~~ concealed handgun 152
licenses under section 2923.125 of the Revised Code and the 153
suspension of processing of applications for those licenses, and 154
with respect to the issuance, suspension, revocation, and denial 155
of ~~temporary emergency licenses to carry a~~ concealed handgun 156
licenses on a temporary emergency basis under section 2923.1213 of 157
the Revised Code, as reported by the sheriffs pursuant to division 158
(C) of section 2923.129 of the Revised Code. Not later than the 159
first day of March in each year, the commission shall submit a 160
statistical report to the governor, the president of the senate, 161
and the speaker of the house of representatives indicating the 162
number of ~~licenses to carry a~~ concealed handgun licenses that were 163
issued, renewed, suspended, revoked, and denied under section 164
2923.125 of the Revised Code in the previous calendar year, the 165
number of applications for those licenses for which processing was 166
suspended in accordance with division (D)(3) of that section 167
~~2923.125 of the Revised Code~~ in the previous calendar year, and 168
the number of ~~temporary emergency licenses to carry a~~ concealed 169
handgun licenses on a temporary emergency basis that were issued, 170

suspended, revoked, or denied under section 2923.1213 of the 171
Revised Code in the previous calendar year. Nothing in the 172
statistics or the statistical report shall identify, or enable the 173
identification of, any individual who was issued or denied a 174
license, for whom a license was renewed, whose license was 175
suspended or revoked, or for whom application processing was 176
suspended. The statistics and the statistical report are public 177
records for the purpose of section 149.43 of the Revised Code. 178

(D) As used in this section, "concealed handgun license" and 179
"handgun" ~~has~~ have the same ~~meaning~~ meanings as in section 2923.11 180
of the Revised Code. 181

Sec. 311.41. (A)(1) Upon receipt of an application for a 182
~~license to carry a~~ concealed handgun license under division (C) of 183
section 2923.125 of the Revised Code, an application to renew a 184
~~license to carry a~~ concealed handgun license under division (F) of 185
that section, or an application for a ~~temporary emergency license~~ 186
~~to carry a~~ concealed handgun license on a temporary emergency 187
basis under section 2923.1213 of the Revised Code, the sheriff 188
shall conduct a criminal records check and an incompetency check 189
of the applicant to determine whether the applicant fails to meet 190
the criteria described in division (D)(1) of section 2923.125 of 191
the Revised Code. The sheriff shall conduct the criminal records 192
check and the incompetency records check required by this division 193
through use of an electronic fingerprint reading device or, if the 194
sheriff does not possess and does not have ready access to the use 195
of an electronic fingerprint reading device, by requesting the 196
bureau of criminal identification and investigation to conduct the 197
checks as described in this division. 198

In order to conduct the criminal records check and the 199
incompetency records check, the sheriff shall obtain the 200
fingerprints of at least four fingers of the applicant by using an 201

electronic fingerprint reading device for the purpose of 202
conducting the criminal records check and the incompetency records 203
check or, if the sheriff does not possess and does not have ready 204
access to the use of an electronic fingerprint reading device, 205
shall obtain from the applicant a completed standard fingerprint 206
impression sheet prescribed pursuant to division (C)(2) of section 207
109.572 of the Revised Code. The fingerprints so obtained, along 208
with the applicant's social security number, shall be used to 209
conduct the criminal records check and the incompetency records 210
check. If the sheriff does not use an electronic fingerprint 211
reading device to obtain the fingerprints and conduct the records 212
checks, the sheriff shall submit the completed standard 213
fingerprint impression sheet of the applicant, along with the 214
applicant's social security number, to the superintendent of the 215
bureau of criminal identification and investigation and shall 216
request the bureau to conduct the criminal records check and the 217
incompetency records check of the applicant and, if necessary, 218
shall request the superintendent of the bureau to obtain 219
information from the federal bureau of investigation as part of 220
the criminal records check for the applicant. If it is not 221
possible to use an electronic fingerprint reading device to 222
conduct an incompetency records check, the sheriff shall submit 223
the completed standard fingerprint impression sheet of the 224
applicant, along with the applicant's social security number, to 225
the superintendent of the bureau of criminal identification and 226
investigation and shall request the bureau to conduct the 227
incompetency records check. The sheriff shall not retain the 228
applicant's fingerprints as part of the application. 229

(2) Except as otherwise provided in this division, if at any 230
time the applicant decides not to continue with the application 231
process, the sheriff immediately shall cease any investigation 232
that is being conducted under division (A)(1) of this section. The 233
sheriff shall not cease that investigation if, at the time of the 234

applicant's decision not to continue with the application process, 235
the sheriff had determined from any of the sheriff's 236
investigations that the applicant then was engaged in activity of 237
a criminal nature. 238

(B) If a criminal records check and an incompetency records 239
check conducted under division (A) of this section do not indicate 240
that the applicant fails to meet the criteria described in 241
division (D)(1) of section 2923.125 of the Revised Code, except as 242
otherwise provided in this division, the sheriff shall destroy or 243
cause a designated employee to destroy all records other than the 244
application for a ~~license to carry a~~ concealed handgun license, 245
the application to renew a ~~license to carry a~~ concealed handgun 246
license, or the affidavit submitted regarding an application for a 247
~~temporary emergency license to carry a~~ concealed handgun license 248
on a temporary emergency basis that were made in connection with 249
the criminal records check and incompetency records check within 250
twenty days after conducting the criminal records check and 251
incompetency records check. If an applicant appeals a denial of an 252
application as described in division (D)(2) of section 2923.125 of 253
the Revised Code or challenges the results of a criminal records 254
check pursuant to section 2923.127 of the Revised Code, records of 255
fingerprints of the applicant shall not be destroyed during the 256
pendency of the appeal or the challenge and review. When an 257
applicant appeals a denial as described in that division, the 258
twenty-day period described in this division commences regarding 259
the fingerprints upon the determination of the appeal. When 260
required as a result of a challenge and review performed pursuant 261
to section 2923.127 of the Revised Code, the source the sheriff 262
used in conducting the criminal records check shall destroy or the 263
chief operating officer of the source shall cause an employee of 264
the source designated by the chief to destroy all records other 265
than the application for a ~~license to carry a~~ concealed handgun 266
license, the application to renew a ~~license to carry a~~ concealed 267

handgun license, or the affidavit submitted regarding an 268
application for a ~~temporary emergency license to carry a~~ concealed 269
handgun license on a temporary emergency basis that were made in 270
connection with the criminal records check within twenty days 271
after completion of that challenge and review. 272

(C) If division (B) of this section applies to a particular 273
criminal records check or incompetency records check, no sheriff, 274
employee of a sheriff designated by the sheriff to destroy records 275
under that division, source the sheriff used in conducting the 276
criminal records check or incompetency records check, or employee 277
of the source designated by the chief operating officer of the 278
source to destroy records under that division shall fail to 279
destroy or cause to be destroyed within the applicable twenty-day 280
period specified in that division all records other than the 281
application for a ~~license to carry a~~ concealed handgun license, 282
the application to renew a ~~license to carry a~~ concealed handgun 283
license, or the affidavit submitted regarding an application for a 284
~~temporary emergency license to carry a~~ concealed handgun license 285
on a temporary emergency basis made in connection with the 286
particular criminal records check or incompetency records check. 287

(D) Whoever violates division (C) of this section is guilty 288
of failure to destroy records, a misdemeanor of the second degree. 289

(E) As used in this section, "concealed handgun license" and 290
"handgun" ~~has~~ have the same ~~meaning~~ meanings as in section 2923.11 291
of the Revised Code. 292

Sec. 311.42. (A) Each county shall establish in the county 293
treasury a sheriff's concealed handgun license issuance expense 294
fund. The sheriff of that county shall deposit into that fund all 295
fees paid by applicants for the issuance or renewal of a concealed 296
handgun license or duplicate concealed handgun license ~~to carry a~~ 297
~~concealed handgun~~ under section 2923.125 of the Revised Code and 298

all fees paid by the person seeking a ~~temporary emergency license~~ 299
~~to carry a~~ concealed handgun license on a temporary emergency 300
basis under section 2923.1213 of the Revised Code. The county 301
shall distribute all fees deposited into the fund except forty 302
dollars of each fee paid by an applicant under division (B) of 303
section 2923.125 of the Revised Code, fifteen dollars of each fee 304
paid under section 2923.1213 of the Revised Code, and thirty-five 305
dollars of each fee paid under division (F) of section 2923.125 of 306
the Revised Code to the attorney general to be used to pay the 307
cost of background checks performed by the bureau of criminal 308
identification and investigation and the federal bureau of 309
investigation and to cover administrative costs associated with 310
issuing the license. 311

(B) The sheriff, with the approval of the board of county 312
commissioners, may expend any county portion of the fees deposited 313
into the sheriff's concealed handgun license issuance expense fund 314
for any costs incurred by the sheriff in connection with 315
performing any administrative functions related to the issuance of 316
~~licenses or temporary emergency licenses to carry a~~ concealed 317
handgun licenses under section 2923.125 or 2923.1213 of the 318
Revised Code, including, but not limited to, personnel expenses 319
and the costs of any handgun safety education program that the 320
sheriff chooses to fund. 321

Sec. 1547.69. (A) As used in this section: 322

(1) "Firearm," ~~and~~ "concealed handgun license," "handgun," 323
and "valid concealed handgun license" have the same meanings as in 324
section 2923.11 of the Revised Code. 325

(2) "Unloaded" has the same meaning as in section 2923.16 of 326
the Revised Code. 327

(B) No person shall knowingly discharge a firearm while in or 328

on a vessel. 329

(C) No person shall knowingly transport or have a loaded 330
firearm in a vessel in a manner that the firearm is accessible to 331
the operator or any passenger. 332

(D) No person shall knowingly transport or have a firearm in 333
a vessel unless it is unloaded and is carried in one of the 334
following ways: 335

(1) In a closed package, box, or case; 336

(2) In plain sight with the action opened or the weapon 337
stripped, or, if the firearm is of a type on which the action will 338
not stay open or that cannot easily be stripped, in plain sight. 339

(E)(1) The affirmative defenses authorized in divisions 340
(D)(1) and (2) of section 2923.12 of the Revised Code are 341
affirmative defenses to a charge under division (C) or (D) of this 342
section that involves a firearm other than a handgun. It is an 343
affirmative defense to a charge under division (C) or (D) of this 344
section of transporting or having a firearm of any type, including 345
a handgun, in a vessel that the actor transported or had the 346
firearm in the vessel for any lawful purpose and while the vessel 347
was on the actor's own property, provided that this affirmative 348
defense is not available unless the actor, prior to arriving at 349
the vessel on the actor's own property, did not transport or 350
possess the firearm in the vessel or in a motor vehicle in a 351
manner prohibited by this section or division (B) or (C) of 352
section 2923.16 of the Revised Code while the vessel was being 353
operated on a waterway that was not on the actor's own property or 354
while the motor vehicle was being operated on a street, highway, 355
or other public or private property used by the public for 356
vehicular traffic. 357

(2) No person who is charged with a violation of division (C) 358
or (D) of this section shall be required to obtain a license or 359

temporary emergency license to carry a concealed handgun under 360
section 2923.125 or 2923.1213 of the Revised Code as a condition 361
for the dismissal of the charge. 362

(F) Divisions (B), (C), and (D) of this section do not apply 363
to the possession or discharge of a United States coast guard 364
approved signaling device required to be carried aboard a vessel 365
under section 1547.251 of the Revised Code when the signaling 366
device is possessed or used for the purpose of giving a visual 367
distress signal. No person shall knowingly transport or possess 368
any signaling device of that nature in or on a vessel in a loaded 369
condition at any time other than immediately prior to the 370
discharge of the signaling device for the purpose of giving a 371
visual distress signal. 372

(G) No person shall operate or permit to be operated any 373
vessel on the waters in this state in violation of this section. 374

(H)(1) This section does not apply to any of the following: 375

(a) An officer, agent, or employee of this or any other state 376
or of the United States, or to a law enforcement officer, when 377
authorized to carry or have loaded or accessible firearms in a 378
vessel and acting within the scope of the officer's, agent's, or 379
employee's duties; 380

(b) Any person who is employed in this state, who is 381
authorized to carry or have loaded or accessible firearms in a 382
vessel, and who is subject to and in compliance with the 383
requirements of section 109.801 of the Revised Code, unless the 384
appointing authority of the person has expressly specified that 385
the exemption provided in division (H)(1)(b) of this section does 386
not apply to the person; 387

(c) Any person legally engaged in hunting. 388

(2) Divisions (C) and (D) of this section do not apply to a 389
person who transports or possesses a handgun in a vessel and who, 390

at the time of that transportation or possession, is carrying a 391
valid license ~~or temporary emergency license to carry a concealed~~ 392
~~handgun issued to the person under section 2923.125 or 2923.1213~~ 393
~~of the Revised Code or a license to carry a concealed handgun that~~ 394
~~was issued by another state with which the attorney general has~~ 395
~~entered into a reciprocity agreement under section 109.69 of the~~ 396
~~Revised Code~~ license, unless the person knowingly is in a place on 397
the vessel described in division (B) of section 2923.126 of the 398
Revised Code. 399

(I) If a law enforcement officer stops a vessel for a 400
violation of this section or any other law enforcement purpose, if 401
any person on the vessel surrenders a firearm to the officer, 402
either voluntarily or pursuant to a request or demand of the 403
officer, and if the officer does not charge the person with a 404
violation of this section or arrest the person for any offense, 405
the person is not otherwise prohibited by law from possessing the 406
firearm, and the firearm is not contraband, the officer shall 407
return the firearm to the person at the termination of the stop. 408

Sec. 2921.13. (A) No person shall knowingly make a false 409
statement, or knowingly swear or affirm the truth of a false 410
statement previously made, when any of the following applies: 411

(1) The statement is made in any official proceeding. 412

(2) The statement is made with purpose to incriminate 413
another. 414

(3) The statement is made with purpose to mislead a public 415
official in performing the public official's official function. 416

(4) The statement is made with purpose to secure the payment 417
of unemployment compensation; Ohio works first; prevention, 418
retention, and contingency benefits and services; disability 419
financial assistance; retirement benefits; economic development 420

assistance, as defined in section 9.66 of the Revised Code; or 421
other benefits administered by a governmental agency or paid out 422
of a public treasury. 423

(5) The statement is made with purpose to secure the issuance 424
by a governmental agency of a license, permit, authorization, 425
certificate, registration, release, or provider agreement. 426

(6) The statement is sworn or affirmed before a notary public 427
or another person empowered to administer oaths. 428

(7) The statement is in writing on or in connection with a 429
report or return that is required or authorized by law. 430

(8) The statement is in writing and is made with purpose to 431
induce another to extend credit to or employ the offender, to 432
confer any degree, diploma, certificate of attainment, award of 433
excellence, or honor on the offender, or to extend to or bestow 434
upon the offender any other valuable benefit or distinction, when 435
the person to whom the statement is directed relies upon it to 436
that person's detriment. 437

(9) The statement is made with purpose to commit or 438
facilitate the commission of a theft offense. 439

(10) The statement is knowingly made to a probate court in 440
connection with any action, proceeding, or other matter within its 441
jurisdiction, either orally or in a written document, including, 442
but not limited to, an application, petition, complaint, or other 443
pleading, or an inventory, account, or report. 444

(11) The statement is made on an account, form, record, 445
stamp, label, or other writing that is required by law. 446

(12) The statement is made in connection with the purchase of 447
a firearm, as defined in section 2923.11 of the Revised Code, and 448
in conjunction with the furnishing to the seller of the firearm of 449
a fictitious or altered driver's or commercial driver's license or 450

permit, a fictitious or altered identification card, or any other 451
document that contains false information about the purchaser's 452
identity. 453

(13) The statement is made in a document or instrument of 454
writing that purports to be a judgment, lien, or claim of 455
indebtedness and is filed or recorded with the secretary of state, 456
a county recorder, or the clerk of a court of record. 457

(14) The statement is made in an application filed with a 458
county sheriff pursuant to section 2923.125 of the Revised Code in 459
order to obtain or renew a ~~license to carry a~~ concealed handgun 460
license or is made in an affidavit submitted to a county sheriff 461
to obtain a ~~temporary emergency license to carry a~~ concealed 462
handgun license on a temporary emergency basis under section 463
2923.1213 of the Revised Code. 464

(15) The statement is required under section 5743.71 of the 465
Revised Code in connection with the person's purchase of 466
cigarettes or tobacco products in a delivery sale. 467

(B) No person, in connection with the purchase of a firearm, 468
as defined in section 2923.11 of the Revised Code, shall knowingly 469
furnish to the seller of the firearm a fictitious or altered 470
driver's or commercial driver's license or permit, a fictitious or 471
altered identification card, or any other document that contains 472
false information about the purchaser's identity. 473

(C) No person, in an attempt to obtain a ~~license to carry a~~ 474
concealed handgun license under section 2923.125 of the Revised 475
Code, shall knowingly present to a sheriff a fictitious or altered 476
document that purports to be certification of the person's 477
competence in handling a handgun as described in division (B)(3) 478
of that section ~~2923.125 of the Revised Code~~. 479

(D) It is no defense to a charge under division (A)(6) of 480
this section that the oath or affirmation was administered or 481

taken in an irregular manner. 482

(E) If contradictory statements relating to the same fact are 483
made by the offender within the period of the statute of 484
limitations for falsification, it is not necessary for the 485
prosecution to prove which statement was false but only that one 486
or the other was false. 487

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 488
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 489
of falsification, a misdemeanor of the first degree. 490

(2) Whoever violates division (A)(9) of this section is 491
guilty of falsification in a theft offense. Except as otherwise 492
provided in this division, falsification in a theft offense is a 493
misdemeanor of the first degree. If the value of the property or 494
services stolen is one thousand dollars or more and is less than 495
seven thousand five hundred dollars, falsification in a theft 496
offense is a felony of the fifth degree. If the value of the 497
property or services stolen is seven thousand five hundred dollars 498
or more and is less than one hundred fifty thousand dollars, 499
falsification in a theft offense is a felony of the fourth degree. 500
If the value of the property or services stolen is one hundred 501
fifty thousand dollars or more, falsification in a theft offense 502
is a felony of the third degree. 503

(3) Whoever violates division (A)(12) or (B) of this section 504
is guilty of falsification to purchase a firearm, a felony of the 505
fifth degree. 506

(4) Whoever violates division (A)(14) or (C) of this section 507
is guilty of falsification to obtain a concealed handgun license, 508
a felony of the fourth degree. 509

(G) A person who violates this section is liable in a civil 510
action to any person harmed by the violation for injury, death, or 511
loss to person or property incurred as a result of the commission 512

of the offense and for reasonable attorney's fees, court costs, 513
and other expenses incurred as a result of prosecuting the civil 514
action commenced under this division. A civil action under this 515
division is not the exclusive remedy of a person who incurs 516
injury, death, or loss to person or property as a result of a 517
violation of this section. 518

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of the 519
Revised Code: 520

(A) "Deadly weapon" means any instrument, device, or thing 521
capable of inflicting death, and designed or specially adapted for 522
use as a weapon, or possessed, carried, or used as a weapon. 523

(B)(1) "Firearm" means any deadly weapon capable of expelling 524
or propelling one or more projectiles by the action of an 525
explosive or combustible propellant. "Firearm" includes an 526
unloaded firearm, and any firearm that is inoperable but that can 527
readily be rendered operable. 528

(2) When determining whether a firearm is capable of 529
expelling or propelling one or more projectiles by the action of 530
an explosive or combustible propellant, the trier of fact may rely 531
upon circumstantial evidence, including, but not limited to, the 532
representations and actions of the individual exercising control 533
over the firearm. 534

(C) "Handgun" means any of the following: 535

(1) Any firearm that has a short stock and is designed to be 536
held and fired by the use of a single hand; 537

(2) Any combination of parts from which a firearm of a type 538
described in division (C)(1) of this section can be assembled. 539

(D) "Semi-automatic firearm" means any firearm designed or 540
specially adapted to fire a single cartridge and automatically 541
chamber a succeeding cartridge ready to fire, with a single 542

function of the trigger. 543

(E) "Automatic firearm" means any firearm designed or 544
specially adapted to fire a succession of cartridges with a single 545
function of the trigger. "Automatic firearm" also means any 546
semi-automatic firearm designed or specially adapted to fire more 547
than thirty-one cartridges without reloading, other than a firearm 548
chambering only .22 caliber short, long, or long-rifle cartridges. 549

(F) "Sawed-off firearm" means a shotgun with a barrel less 550
than eighteen inches long, or a rifle with a barrel less than 551
sixteen inches long, or a shotgun or rifle less than twenty-six 552
inches long overall. 553

(G) "Zip-gun" means any of the following: 554

(1) Any firearm of crude and extemporized manufacture; 555

(2) Any device, including without limitation a starter's 556
pistol, that is not designed as a firearm, but that is specially 557
adapted for use as a firearm; 558

(3) Any industrial tool, signalling device, or safety device, 559
that is not designed as a firearm, but that as designed is capable 560
of use as such, when possessed, carried, or used as a firearm. 561

(H) "Explosive device" means any device designed or specially 562
adapted to cause physical harm to persons or property by means of 563
an explosion, and consisting of an explosive substance or agency 564
and a means to detonate it. "Explosive device" includes without 565
limitation any bomb, any explosive demolition device, any blasting 566
cap or detonator containing an explosive charge, and any pressure 567
vessel that has been knowingly tampered with or arranged so as to 568
explode. 569

(I) "Incendiary device" means any firebomb, and any device 570
designed or specially adapted to cause physical harm to persons or 571
property by means of fire, and consisting of an incendiary 572

substance or agency and a means to ignite it.	573
(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.	574 575
(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:	576 577
(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	578 579
(2) Any explosive device or incendiary device;	580
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;	581 582 583 584 585 586 587 588 589 590
(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;	591 592 593 594
(5) Any firearm muffler or silencer;	595
(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.	596 597 598
(L) "Dangerous ordnance" does not include any of the following:	599 600
(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that	601 602

employs a percussion cap or other obsolete ignition system, or 603
that is designed and safe for use only with black powder; 604

(2) Any pistol, rifle, or shotgun, designed or suitable for 605
sporting purposes, including a military weapon as issued or as 606
modified, and the ammunition for that weapon, unless the firearm 607
is an automatic or sawed-off firearm; 608

(3) Any cannon or other artillery piece that, regardless of 609
its actual age, is of a type in accepted use prior to 1887, has no 610
mechanical, hydraulic, pneumatic, or other system for absorbing 611
recoil and returning the tube into battery without displacing the 612
carriage, and is designed and safe for use only with black powder; 613

(4) Black powder, priming quills, and percussion caps 614
possessed and lawfully used to fire a cannon of a type defined in 615
division (L)(3) of this section during displays, celebrations, 616
organized matches or shoots, and target practice, and smokeless 617
and black powder, primers, and percussion caps possessed and 618
lawfully used as a propellant or ignition device in small-arms or 619
small-arms ammunition; 620

(5) Dangerous ordnance that is inoperable or inert and cannot 621
readily be rendered operable or activated, and that is kept as a 622
trophy, souvenir, curio, or museum piece. 623

(6) Any device that is expressly excepted from the definition 624
of a destructive device pursuant to the "Gun Control Act of 1968," 625
82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations 626
issued under that act. 627

(M) "Explosive" means any chemical compound, mixture, or 628
device, the primary or common purpose of which is to function by 629
explosion. "Explosive" includes all materials that have been 630
classified as division 1.1, division 1.2, division 1.3, or 631
division 1.4 explosives by the United States department of 632
transportation in its regulations and includes, but is not limited 633

to, dynamite, black powder, pellet powders, initiating explosives, 634
blasting caps, electric blasting caps, safety fuses, fuse 635
igniters, squibs, cordeau detonant fuses, instantaneous fuses, and 636
igniter cords and igniters. "Explosive" does not include 637
"fireworks," as defined in section 3743.01 of the Revised Code, or 638
any substance or material otherwise meeting the definition of 639
explosive set forth in this section that is manufactured, sold, 640
possessed, transported, stored, or used in any activity described 641
in section 3743.80 of the Revised Code, provided the activity is 642
conducted in accordance with all applicable laws, rules, and 643
regulations, including, but not limited to, the provisions of 644
section 3743.80 of the Revised Code and the rules of the fire 645
marshal adopted pursuant to section 3737.82 of the Revised Code. 646

(N)(1) "Concealed handgun license" or "license to carry a 647
concealed handgun" means, subject to division (N)(2) of this 648
section, a license or temporary emergency license to carry a 649
concealed handgun issued under section 2923.125 or 2923.1213 of 650
the Revised Code or a license to carry a concealed handgun issued 651
by another state with which the attorney general has entered into 652
a reciprocity agreement or automatic recognition finding under 653
section 109.69 of the Revised Code. 654

(2) A reference in any provision of the Revised Code to a 655
"concealed handgun license issued under section 2923.125 of the 656
Revised Code" or a "license to carry a concealed handgun issued 657
under section 2923.125 of the Revised Code" means only a license 658
of the type that is specified in that section. A reference in any 659
provision of the Revised Code to a "concealed handgun license 660
issued under section 2923.1213 of the Revised Code," a "license to 661
carry a concealed handgun issued under section 2923.1213 of the 662
Revised Code," or a "license to carry a concealed handgun on a 663
temporary emergency basis" means only a license of the type that 664
is specified in section 2923.1213 of the Revised Code. A reference 665

in any provision of the Revised Code to a "concealed handgun license issued by another state" or a "license to carry a concealed handgun issued by another state" means only a license issued by another state with which the attorney general has entered into a reciprocity agreement or automatic recognition finding under section 109.69 of the Revised Code. 666
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(O) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of section 2923.128 of the Revised Code, under section 2923.123 of the Revised Code, or under a suspension provision of the state other than this state in which the license was issued, and that has not been revoked under division (B)(1) of section 2923.128 of the Revised Code, under section 2923.1213 of the Revised Code, or under a revocation provision of the state other than this state in which the license was issued. 672
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Sec. 2923.12. (A) No person shall knowingly carry or have, 682
concealed on the person's person or concealed ready at hand, any 683
of the following: 684

- (1) A deadly weapon other than a handgun; 685
- (2) A handgun other than a dangerous ordnance; 686
- (3) A dangerous ordnance. 687

(B) 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 by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code~~ license shall do any of the 688
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following:

- (1) If the person is stopped for a law enforcement purpose 695

and is carrying a concealed handgun, fail to promptly inform any 696
law enforcement officer who approaches the person after the person 697
has been stopped that the person has been issued a ~~license or~~ 698
~~temporary emergency license to carry a~~ concealed handgun license 699
and that the person then is carrying a concealed handgun; 700

(2) If the person is stopped for a law enforcement purpose 701
and ~~if the person~~ is carrying a concealed handgun, knowingly fail 702
to keep the person's hands in plain sight at any time after any 703
law enforcement officer begins approaching the person while 704
stopped and before the law enforcement officer leaves, unless the 705
failure is pursuant to and in accordance with directions given by 706
a law enforcement officer; 707

(3) If the person is stopped for a law enforcement purpose, 708
if the person is carrying a concealed handgun, and if the person 709
is approached by any law enforcement officer while stopped, 710
knowingly remove or attempt to remove the loaded handgun from the 711
holster, pocket, or other place in which the person is carrying 712
it, knowingly grasp or hold the loaded handgun, or knowingly have 713
contact with the loaded handgun by touching it with the person's 714
hands or fingers at any time after the law enforcement officer 715
begins approaching and before the law enforcement officer leaves, 716
unless the person removes, attempts to remove, grasps, holds, or 717
has contact with the loaded handgun pursuant to and in accordance 718
with directions given by the law enforcement officer; 719

(4) If the person is stopped for a law enforcement purpose 720
and ~~if the person~~ is carrying a concealed handgun, knowingly 721
disregard or fail to comply with any lawful order of any law 722
enforcement officer given while the person is stopped, including, 723
but not limited to, a specific order to the person to keep the 724
person's hands in plain sight. 725

(C)(1) This section does not apply to any of the following: 726

(a) An officer, agent, or employee of this or any other state 727
or the United States, or to a law enforcement officer, who is 728
authorized to carry concealed weapons or dangerous ordnance or is 729
authorized to carry handguns and is acting within the scope of the 730
officer's, agent's, or employee's duties; 731

(b) Any person who is employed in this state, who is 732
authorized to carry concealed weapons or dangerous ordnance or is 733
authorized to carry handguns, and who is subject to and in 734
compliance with the requirements of section 109.801 of the Revised 735
Code, unless the appointing authority of the person has expressly 736
specified that the exemption provided in division (C)(1)(b) of 737
this section does not apply to the person; 738

(c) A person's transportation or storage of a firearm, other 739
than a firearm described in divisions (G) to (M) of section 740
2923.11 of the Revised Code, in a motor vehicle for any lawful 741
purpose if the firearm is not on the actor's person; 742

(d) A person's storage or possession of a firearm, other than 743
a firearm described in divisions (G) to (M) of section 2923.11 of 744
the Revised Code, in the actor's own home for any lawful purpose. 745

(2) Division (A)(2) of this section does not apply to any 746
person who, at the time of the alleged carrying or possession of a 747
handgun, is carrying a valid ~~license or temporary emergency~~ 748
~~license to carry a concealed handgun issued to the person under~~ 749
~~section 2923.125 or 2923.1213 of the Revised Code or a license to~~ 750
~~carry a concealed handgun that was issued by another state with~~ 751
~~which the attorney general has entered into a reciprocity~~ 752
~~agreement under section 109.69 of the Revised Code~~ license, unless 753
the person knowingly is in a place described in division (B) of 754
section 2923.126 of the Revised Code. 755

(D) It is an affirmative defense to a charge under division 756
(A)(1) of this section of carrying or having control of a weapon 757

other than a handgun and other than a dangerous ordnance that the 758
actor was not otherwise prohibited by law from having the weapon 759
and that any of the following applies: 760

(1) The weapon was carried or kept ready at hand by the actor 761
for defensive purposes while the actor was engaged in or was going 762
to or from the actor's lawful business or occupation, which 763
business or occupation was of a character or was necessarily 764
carried on in a manner or at a time or place as to render the 765
actor particularly susceptible to criminal attack, such as would 766
justify a prudent person in going armed. 767

(2) The weapon was carried or kept ready at hand by the actor 768
for defensive purposes while the actor was engaged in a lawful 769
activity and had reasonable cause to fear a criminal attack upon 770
the actor, a member of the actor's family, or the actor's home, 771
such as would justify a prudent person in going armed. 772

(3) The weapon was carried or kept ready at hand by the actor 773
for any lawful purpose and while in the actor's own home. 774

(E) No person who is charged with a violation of this section 775
shall be required to obtain a ~~license or temporary emergency~~ 776
~~license to carry a concealed handgun under section 2923.125 or~~ 777
~~2923.1213 of the Revised Code~~ license as a condition for the 778
dismissal of the charge. 779

(F)(1) Whoever violates this section is guilty of carrying 780
concealed weapons. Except as otherwise provided in this division 781
or division (F)(2) of this section, carrying concealed weapons in 782
violation of division (A) of this section is a misdemeanor of the 783
first degree. Except as otherwise provided in this division or 784
division (F)(2) of this section, if the offender previously has 785
been convicted of a violation of this section or of any offense of 786
violence, if the weapon involved is a firearm that is either 787
loaded or for which the offender has ammunition ready at hand, or 788

if the weapon involved is dangerous ordnance, carrying concealed 789
weapons in violation of division (A) of this section is a felony 790
of the fourth degree. Except as otherwise provided in division 791
(F)(2) of this section, if the offense is committed aboard an 792
aircraft, or with purpose to carry a concealed weapon aboard an 793
aircraft, regardless of the weapon involved, carrying concealed 794
weapons in violation of division (A) of this section is a felony 795
of the third degree. 796

(2) If a person being arrested for a violation of division 797
(A)(2) of this section promptly produces a valid ~~license or~~ 798
~~temporary emergency license to carry a concealed handgun issued~~ 799
~~under section 2923.125 or 2923.1213 of the Revised Code or a~~ 800
~~license to carry a concealed handgun that was issued by another~~ 801
~~state with which the attorney general has entered into a~~ 802
~~reciprocity agreement under section 109.69 of the Revised Code~~ 803
license, and if at the time of the violation the person was not 804
knowingly in a place described in division (B) of section 2923.126 805
of the Revised Code, the officer shall not arrest the person for a 806
violation of that division. If the person is not able to promptly 807
produce any ~~of those types of~~ concealed handgun license and if the 808
person is not in a place described in that section, the officer 809
may arrest the person for a violation of that division, and the 810
offender shall be punished as follows: 811

(a) The offender shall be guilty of a minor misdemeanor if 812
both of the following apply: 813

(i) Within ten days after the arrest, the offender presents a 814
~~license or temporary emergency license to carry a concealed~~ 815
~~handgun issued under section 2923.125 or 2923.1213 of the Revised~~ 816
~~Code or a license to carry a concealed handgun that was issued by~~ 817
~~another state with which the attorney general has entered into a~~ 818
~~reciprocity agreement under section 109.69 of the Revised Code~~ 819
license, which license was valid at the time of the arrest to the 820

law enforcement agency that employs the arresting officer. 821

(ii) At the time of the arrest, the offender was not 822
knowingly in a place described in division (B) of section 2923.126 823
of the Revised Code. 824

(b) The offender shall be guilty of a misdemeanor and shall 825
be fined five hundred dollars if all of the following apply: 826

(i) The offender previously had been issued a ~~license to~~ 827
~~carry a concealed handgun under section 2923.125 of the Revised~~ 828
~~Code or a license to carry a concealed handgun that was issued by~~ 829
~~another state with which the attorney general has entered into a~~ 830
~~reciprocity agreement under section 109.69 of the Revised Code and~~ 831
~~that was similar in nature to a license issued under section~~ 832
~~2923.125 of the Revised Code, and that license expired within the~~ 833
two years immediately preceding the arrest. 834

(ii) Within forty-five days after the arrest, the offender 835
presents ~~any type of a concealed handgun license identified in~~ 836
~~division (F)(2)(a)(i) of this section~~ to the law enforcement 837
agency that employed the arresting officer, and the offender 838
waives in writing the offender's right to a speedy trial on the 839
charge of the violation that is provided in section 2945.71 of the 840
Revised Code. 841

(iii) At the time of the commission of the offense, the 842
offender was not knowingly in a place described in division (B) of 843
section 2923.126 of the Revised Code. 844

(c) If neither division (F)(2)(a) nor (b) of this section 845
applies, the offender shall be punished under division (F)(1) of 846
this section. 847

(3) Except as otherwise provided in this division, carrying 848
concealed weapons in violation of division (B)(1) of this section 849
is a misdemeanor of the first degree, and, in addition to any 850
other penalty or sanction imposed for a violation of division 851

(B)(1) of this section, the offender's ~~license or temporary~~ 852
~~emergency license to carry a~~ concealed handgun license shall be 853
suspended pursuant to division (A)(2) of section 2923.128 of the 854
Revised Code. If, at the time of the stop of the offender for a 855
law enforcement purpose that was the basis of the violation, any 856
law enforcement officer involved with the stop had actual 857
knowledge that the offender has been issued a ~~license or temporary~~ 858
~~emergency license to carry a~~ concealed handgun license, carrying 859
concealed weapons in violation of division (B)(1) of this section 860
is a minor misdemeanor, and the offender's ~~license or temporary~~ 861
~~emergency license to carry a~~ concealed handgun license shall not 862
be suspended pursuant to division (A)(2) of section 2923.128 of 863
the Revised Code. 864

(4) Carrying concealed weapons in violation of division 865
(B)(2) or (4) of this section is a misdemeanor of the first degree 866
or, if the offender previously has been convicted of or pleaded 867
guilty to a violation of division (B)(2) or (4) of this section, a 868
felony of the fifth degree. In addition to any other penalty or 869
sanction imposed for a misdemeanor violation of division (B)(2) or 870
(4) of this section, the offender's ~~license or temporary emergency~~ 871
~~license to carry a~~ concealed handgun license shall be suspended 872
pursuant to division (A)(2) of section 2923.128 of the Revised 873
Code. 874

(5) Carrying concealed weapons in violation of division 875
(B)(3) of this section is a felony of the fifth degree. 876

(G) If a law enforcement officer stops a person to question 877
the person regarding a possible violation of this section, for a 878
traffic stop, or for any other law enforcement purpose, if the 879
person surrenders a firearm to the officer, either voluntarily or 880
pursuant to a request or demand of the officer, and if the officer 881
does not charge the person with a violation of this section or 882
arrest the person for any offense, the person is not otherwise 883

prohibited by law from possessing the firearm, and the firearm is 884
not contraband, the officer shall return the firearm to the person 885
at the termination of the stop. If a court orders a law 886
enforcement officer to return a firearm to a person pursuant to 887
the requirement set forth in this division, division (B) of 888
section 2923.163 of the Revised Code applies. 889

Sec. 2923.121. (A) No person shall possess a firearm in any 890
room in which any person is consuming beer or intoxicating liquor 891
in a premises for which a D permit has been issued under Chapter 892
4303. of the Revised Code or in an open air arena for which a 893
permit of that nature has been issued. 894

(B)(1) This section does not apply to any of the following: 895

(a) An officer, agent, or employee of this or any other state 896
or the United States, or to a law enforcement officer, who is 897
authorized to carry firearms and is acting within the scope of the 898
officer's, agent's, or employee's duties; 899

(b) Any person who is employed in this state, who is 900
authorized to carry firearms, and who is subject to and in 901
compliance with the requirements of section 109.801 of the Revised 902
Code, unless the appointing authority of the person has expressly 903
specified that the exemption provided in division (B)(1)(b) of 904
this section does not apply to the person; 905

(c) Any room used for the accommodation of guests of a hotel, 906
as defined in section 4301.01 of the Revised Code; 907

(d) The principal holder of a D permit issued for a premises 908
or an open air arena under Chapter 4303. of the Revised Code while 909
in the premises or open air arena for which the permit was issued 910
if the principal holder of the D permit also possesses a valid 911
~~license or temporary emergency license to carry a concealed~~ 912
~~handgun issued to the principal holder under section 2923.125 or~~ 913

~~2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued to the principal holder by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code~~ license and as long as the principal holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse, or any agent or employee of that holder who also is a peace officer, as defined in section 2151.3515 of the Revised Code, who is off duty, and who otherwise is authorized to carry firearms while in the course of the officer's official duties and while in the premises or open air arena for which the permit was issued and as long as the agent or employee of that holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.

(e) Any person who 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 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~~ license, as long as the person is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.

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

(3) This section does not apply to any person possessing or displaying firearms in any room used to exhibit unloaded firearms

for sale or trade in a soldiers' memorial established pursuant to 946
Chapter 345. of the Revised Code, in a convention center, or in 947
any other public meeting place, if the person is an exhibitor, 948
trader, purchaser, or seller of firearms and is not otherwise 949
prohibited by law from possessing, trading, purchasing, or selling 950
the firearms. 951

(C) It is an affirmative defense to a charge under this 952
section of illegal possession of a firearm in a liquor permit 953
premises that involves the possession of a firearm other than a 954
handgun, that the actor was not otherwise prohibited by law from 955
having the firearm, and that any of the following apply: 956

(1) The firearm was carried or kept ready at hand by the 957
actor for defensive purposes, while the actor was engaged in or 958
was going to or from the actor's lawful business or occupation, 959
which business or occupation was of such character or was 960
necessarily carried on in such manner or at such a time or place 961
as to render the actor particularly susceptible to criminal 962
attack, such as would justify a prudent person in going armed. 963

(2) The firearm was carried or kept ready at hand by the 964
actor for defensive purposes, while the actor was engaged in a 965
lawful activity, and had reasonable cause to fear a criminal 966
attack upon the actor or a member of the actor's family, or upon 967
the actor's home, such as would justify a prudent person in going 968
armed. 969

(D) No person who is charged with a violation of this section 970
shall be required to obtain a ~~license or temporary emergency~~ 971
~~license to carry a~~ concealed handgun ~~under section 2923.125 or~~ 972
~~2923.1213 of the Revised Code~~ license as a condition for the 973
dismissal of the charge. 974

(E) Whoever violates this section is guilty of illegal 975
possession of a firearm in a liquor permit premises. Except as 976

otherwise provided in this division, illegal possession of a 977
firearm in a liquor permit premises is a felony of the fifth 978
degree. If the offender commits the violation of this section by 979
knowingly carrying or having the firearm concealed on the 980
offender's person or concealed ready at hand, illegal possession 981
of a firearm in a liquor permit premises is a felony of the third 982
degree. 983

(F) As used in this section, "beer" and "intoxicating liquor" 984
have the same meanings as in section 4301.01 of the Revised Code. 985

Sec. 2923.122. (A) No person shall knowingly convey, or 986
attempt to convey, a deadly weapon or dangerous ordnance into a 987
school safety zone. 988

(B) No person shall knowingly possess a deadly weapon or 989
dangerous ordnance in a school safety zone. 990

(C) No person shall knowingly possess an object in a school 991
safety zone if both of the following apply: 992

(1) The object is indistinguishable from a firearm, whether 993
or not the object is capable of being fired. 994

(2) The person indicates that the person possesses the object 995
and that it is a firearm, or the person knowingly displays or 996
brandishes the object and indicates that it is a firearm. 997

(D)(1) This section does not apply to any of the following: 998

(a) An officer, agent, or employee of this or any other state 999
or the United States, or a law enforcement officer, who is 1000
authorized to carry deadly weapons or dangerous ordnance and is 1001
acting within the scope of the officer's, agent's, or employee's 1002
duties, a security officer employed by a board of education or 1003
governing body of a school during the time that the security 1004
officer is on duty pursuant to that contract of employment, or any 1005
other person who has written authorization from the board of 1006

education or governing body of a school to convey deadly weapons 1007
or dangerous ordnance into a school safety zone or to possess a 1008
deadly weapon or dangerous ordnance in a school safety zone and 1009
who conveys or possesses the deadly weapon or dangerous ordnance 1010
in accordance with that authorization; 1011

(b) Any person who is employed in this state, who is 1012
authorized to carry deadly weapons or dangerous ordnance, and who 1013
is subject to and in compliance with the requirements of section 1014
109.801 of the Revised Code, unless the appointing authority of 1015
the person has expressly specified that the exemption provided in 1016
division (D)(1)(b) of this section does not apply to the person. 1017

(2) Division (C) of this section does not apply to premises 1018
upon which home schooling is conducted. Division (C) of this 1019
section also does not apply to a school administrator, teacher, or 1020
employee who possesses an object that is indistinguishable from a 1021
firearm for legitimate school purposes during the course of 1022
employment, a student who uses an object that is indistinguishable 1023
from a firearm under the direction of a school administrator, 1024
teacher, or employee, or any other person who with the express 1025
prior approval of a school administrator possesses an object that 1026
is indistinguishable from a firearm for a legitimate purpose, 1027
including the use of the object in a ceremonial activity, a play, 1028
reenactment, or other dramatic presentation, or a ROTC activity or 1029
another similar use of the object. 1030

(3) This section does not apply to a person who conveys or 1031
attempts to convey a handgun into, or possesses a handgun in, a 1032
school safety zone if, at the time of that conveyance, attempted 1033
conveyance, or possession of the handgun, all of the following 1034
apply: 1035

(a) The person does not enter into a school building or onto 1036
school premises and is not at a school activity. 1037

(b) The person is carrying a valid ~~license or temporary~~ 1038
~~emergency license to carry a concealed handgun issued to the~~ 1039
~~person under section 2923.125 or 2923.1213 of the Revised Code or~~ 1040
~~a license to carry a concealed handgun that was issued by another~~ 1041
~~state with which the attorney general has entered into a~~ 1042
~~reciprocity agreement under section 109.69 of the Revised Code~~ 1043
license. 1044

(c) The person is in the school safety zone in accordance 1045
with 18 U.S.C. 922(q)(2)(B). 1046

(d) The person is not knowingly in a place described in 1047
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 1048
Revised Code. 1049

(4) This section does not apply to a person who conveys or 1050
attempts to convey a handgun into, or possesses a handgun in, a 1051
school safety zone if at the time of that conveyance, attempted 1052
conveyance, or possession of the handgun all of the following 1053
apply: 1054

(a) The person is carrying a valid ~~license or temporary~~ 1055
~~emergency license to carry a concealed handgun issued to the~~ 1056
~~person under section 2923.125 or 2923.1213 of the Revised Code or~~ 1057
~~a license to carry a concealed handgun that was issued by another~~ 1058
~~state with which the attorney general has entered into a~~ 1059
~~reciprocity agreement under section 109.69 of the Revised Code~~ 1060
license. 1061

(b) The person is the driver or passenger in a motor vehicle 1062
and is in the school safety zone while immediately in the process 1063
of picking up or dropping off a child. 1064

(c) The person is not in violation of section 2923.16 of the 1065
Revised Code. 1066

(E)(1) Whoever violates division (A) or (B) of this section 1067
is guilty of illegal conveyance or possession of a deadly weapon 1068

or dangerous ordnance in a school safety zone. Except as otherwise 1069
provided in this division, illegal conveyance or possession of a 1070
deadly weapon or dangerous ordnance in a school safety zone is a 1071
felony of the fifth degree. If the offender previously has been 1072
convicted of a violation of this section, illegal conveyance or 1073
possession of a deadly weapon or dangerous ordnance in a school 1074
safety zone is a felony of the fourth degree. 1075

(2) Whoever violates division (C) of this section is guilty 1076
of illegal possession of an object indistinguishable from a 1077
firearm in a school safety zone. Except as otherwise provided in 1078
this division, illegal possession of an object indistinguishable 1079
from a firearm in a school safety zone is a misdemeanor of the 1080
first degree. If the offender previously has been convicted of a 1081
violation of this section, illegal possession of an object 1082
indistinguishable from a firearm in a school safety zone is a 1083
felony of the fifth degree. 1084

(F)(1) In addition to any other penalty imposed upon a person 1085
who is convicted of or pleads guilty to a violation of this 1086
section and subject to division (F)(2) of this section, if the 1087
offender has not attained nineteen years of age, regardless of 1088
whether the offender is attending or is enrolled in a school 1089
operated by a board of education or for which the state board of 1090
education prescribes minimum standards under section 3301.07 of 1091
the Revised Code, the court shall impose upon the offender a class 1092
four suspension of the offender's probationary driver's license, 1093
restricted license, driver's license, commercial driver's license, 1094
temporary instruction permit, or probationary commercial driver's 1095
license that then is in effect from the range specified in 1096
division (A)(4) of section 4510.02 of the Revised Code and shall 1097
deny the offender the issuance of any permit or license of that 1098
type during the period of the suspension. 1099

If the offender is not a resident of this state, the court 1100

shall impose a class four suspension of the nonresident operating 1101
privilege of the offender from the range specified in division 1102
(A)(4) of section 4510.02 of the Revised Code. 1103

(2) If the offender shows good cause why the court should not 1104
suspend one of the types of licenses, permits, or privileges 1105
specified in division (F)(1) of this section or deny the issuance 1106
of one of the temporary instruction permits specified in that 1107
division, the court in its discretion may choose not to impose the 1108
suspension, revocation, or denial required in that division. 1109

(G) As used in this section, "object that is 1110
indistinguishable from a firearm" means an object made, 1111
constructed, or altered so that, to a reasonable person without 1112
specialized training in firearms, the object appears to be a 1113
firearm. 1114

Sec. 2923.123. (A) No person shall knowingly convey or 1115
attempt to convey a deadly weapon or dangerous ordnance into a 1116
courthouse or into another building or structure in which a 1117
courtroom is located. 1118

(B) No person shall knowingly possess or have under the 1119
person's control a deadly weapon or dangerous ordnance in a 1120
courthouse or in another building or structure in which a 1121
courtroom is located. 1122

(C) This section does not apply to any of the following: 1123

(1) Except as provided in division (E) of this section, a 1124
judge of a court of record of this state or a magistrate; 1125

(2) A peace officer, officer of a law enforcement agency, or 1126
person who is in either of the following categories: 1127

(a) Except as provided in division (E) of this section, a 1128
peace officer, or an officer of a law enforcement agency of 1129
another state, a political subdivision of another state, or the 1130

United States, who is authorized to carry a deadly weapon or 1131
dangerous ordnance, who possesses or has under that individual's 1132
control a deadly weapon or dangerous ordnance as a requirement of 1133
that individual's duties, and who is acting within the scope of 1134
that individual's duties at the time of that possession or 1135
control; 1136

(b) Except as provided in division (E) of this section, a 1137
person who is employed in this state, who is authorized to carry a 1138
deadly weapon or dangerous ordnance, who possesses or has under 1139
that individual's control a deadly weapon or dangerous ordnance as 1140
a requirement of that person's duties, and who is subject to and 1141
in compliance with the requirements of section 109.801 of the 1142
Revised Code, unless the appointing authority of the person has 1143
expressly specified that the exemption provided in division 1144
(C)(2)(b) of this section does not apply to the person. 1145

(3) A person who conveys, attempts to convey, possesses, or 1146
has under the person's control a deadly weapon or dangerous 1147
ordnance that is to be used as evidence in a pending criminal or 1148
civil action or proceeding; 1149

(4) Except as provided in division (E) of this section, a 1150
bailiff or deputy bailiff of a court of record of this state who 1151
is authorized to carry a firearm pursuant to section 109.77 of the 1152
Revised Code, who possesses or has under that individual's control 1153
a firearm as a requirement of that individual's duties, and who is 1154
acting within the scope of that individual's duties at the time of 1155
that possession or control; 1156

(5) Except as provided in division (E) of this section, a 1157
prosecutor, or a secret service officer appointed by a county 1158
prosecuting attorney, who is authorized to carry a deadly weapon 1159
or dangerous ordnance in the performance of the individual's 1160
duties, who possesses or has under that individual's control a 1161
deadly weapon or dangerous ordnance as a requirement of that 1162

individual's duties, and who is acting within the scope of that 1163
individual's duties at the time of that possession or control; 1164

(6) Except as provided in division (E) of this section, a 1165
person who conveys or attempts to convey a handgun into a 1166
courthouse or into another building or structure in which a 1167
courtroom is located, who, at the time of the conveyance or 1168
attempt, is carrying a valid ~~license or temporary emergency~~ 1169
~~license to carry a concealed handgun issued to the person under~~ 1170
~~section 2923.125 or 2923.1213 of the Revised Code or a license to~~ 1171
~~carry a concealed handgun that was issued by another state with~~ 1172
~~which the attorney general has entered into a reciprocity~~ 1173
~~agreement under section 109.69 of the Revised Code~~ license, and 1174
who transfers possession of the handgun to the officer or 1175
officer's designee who has charge of the courthouse or building. 1176
The officer shall secure the handgun until the licensee is 1177
prepared to leave the premises. The exemption described in this 1178
division applies only if the officer who has charge of the 1179
courthouse or building provides services of the nature described 1180
in this division. An officer who has charge of the courthouse or 1181
building is not required to offer services of the nature described 1182
in this division. 1183

(D)(1) Whoever violates division (A) of this section is 1184
guilty of illegal conveyance of a deadly weapon or dangerous 1185
ordnance into a courthouse. Except as otherwise provided in this 1186
division, illegal conveyance of a deadly weapon or dangerous 1187
ordnance into a courthouse is a felony of the fifth degree. If the 1188
offender previously has been convicted of a violation of division 1189
(A) or (B) of this section, illegal conveyance of a deadly weapon 1190
or dangerous ordnance into a courthouse is a felony of the fourth 1191
degree. 1192

(2) Whoever violates division (B) of this section is guilty 1193
of illegal possession or control of a deadly weapon or dangerous 1194

ordnance in a courthouse. Except as otherwise provided in this 1195
division, illegal possession or control of a deadly weapon or 1196
dangerous ordnance in a courthouse is a felony of the fifth 1197
degree. If the offender previously has been convicted of a 1198
violation of division (A) or (B) of this section, illegal 1199
possession or control of a deadly weapon or dangerous ordnance in 1200
a courthouse is a felony of the fourth degree. 1201

(E) The exemptions described in divisions (C)(1), (2)(a), 1202
(2)(b), (4), (5), and (6) of this section do not apply to any 1203
judge, magistrate, peace officer, officer of a law enforcement 1204
agency, bailiff, deputy bailiff, prosecutor, secret service 1205
officer, or other person described in any of those divisions if a 1206
rule of superintendence or another type of rule adopted by the 1207
supreme court pursuant to Article IV, Ohio Constitution, or an 1208
applicable local rule of court prohibits all persons from 1209
conveying or attempting to convey a deadly weapon or dangerous 1210
ordnance into a courthouse or into another building or structure 1211
in which a courtroom is located or from possessing or having under 1212
one's control a deadly weapon or dangerous ordnance in a 1213
courthouse or in another building or structure in which a 1214
courtroom is located. 1215

(F) As used in this section: 1216

(1) "Magistrate" means an individual who is appointed by a 1217
court of record of this state and who has the powers and may 1218
perform the functions specified in Civil Rule 53, Criminal Rule 1219
19, or Juvenile Rule 40. 1220

(2) "Peace officer" and "prosecutor" have the same meanings 1221
as in section 2935.01 of the Revised Code. 1222

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 1223
the Revised Code: 1224

(A) "Application form" means the application form prescribed 1225
pursuant to division (A)(1) of section 109.731 of the Revised Code 1226
and includes a copy of that form. 1227

(B) "Competency certification" and "competency certificate" 1228
mean a document of the type described in division (B)(3) of 1229
section 2923.125 of the Revised Code. 1230

(C) "Detention facility" has the same meaning as in section 1231
2921.01 of the Revised Code. 1232

(D) "Licensee" means a person to whom a ~~license to carry a~~ 1233
concealed handgun license has been issued under section 2923.125 1234
of the Revised Code and, except when the context clearly indicates 1235
otherwise, includes a person to whom a ~~temporary emergency license~~ 1236
~~to carry a~~ concealed handgun license on a temporary emergency 1237
basis has been issued under section 2923.1213 of the Revised Code 1238
and a person to whom a concealed handgun license has been issued 1239
by another state. 1240

(E) "License fee" or "license renewal fee" means the fee for 1241
a ~~license to carry a~~ concealed handgun license or the fee to renew 1242
that license that is prescribed pursuant to division (C) of 1243
section 109.731 of the Revised Code and that is to be paid by an 1244
applicant for a license of that type. 1245

(F) "Peace officer" has the same meaning as in section 1246
2935.01 of the Revised Code. 1247

(G) "State correctional institution" has the same meaning as 1248
in section 2967.01 of the Revised Code. 1249

(H) ~~"Valid license" means a license or temporary emergency~~ 1250
~~license to carry a concealed handgun that has been issued under~~ 1251
~~section 2923.125 or 2923.1213 of the Revised Code, that is~~ 1252
~~currently valid, that is not under a suspension under division~~ 1253
~~(A)(1) of section 2923.128 or under section 2923.1213 of the~~ 1254
~~Revised Code, and that has not been revoked under division (B)(1)~~ 1255

~~of section 2923.128 or under section 2923.1213 of the Revised Code.~~ 1256
1257

~~(I)~~ "Civil protection order" means a protection order issued, 1258
or consent agreement approved, under section 2903.214 or 3113.31 1259
of the Revised Code. 1260

~~(J)~~(I) "Temporary protection order" means a protection order 1261
issued under section 2903.213 or 2919.26 of the Revised Code. 1262

~~(K)~~(J) "Protection order issued by a court of another state" 1263
has the same meaning as in section 2919.27 of the Revised Code. 1264

~~(L)~~(K) "Child day-care center," "type A family day-care home" 1265
and "type B family day-care home" have the same meanings as in 1266
section 5104.01 of the Revised Code. 1267

~~(M)~~(L) "Type C family day-care home" means a family day-care 1268
home authorized to provide child care by Sub. H.B. 62 of the 121st 1269
general assembly, as amended by Am. Sub. S.B. 160 of the 121st 1270
general assembly and Sub. H.B. 407 of the 123rd general assembly. 1271

~~(N)~~(M) "Foreign air transportation," "interstate air 1272
transportation," and "intrastate air transportation" have the same 1273
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 1274

~~(O)~~(N) "Commercial motor vehicle" has the same meaning as in 1275
division (A) of section 4506.25 of the Revised Code. 1276

~~(P)~~(O) "Motor carrier enforcement unit" has the same meaning 1277
as in section 2923.16 of the Revised Code. 1278

Sec. 2923.125. (A) This section applies with respect to the 1279
application for and issuance by this state of concealed handgun 1280
licenses other than concealed handgun licenses on a temporary 1281
emergency basis that are issued under section 2923.1213 of the 1282
Revised Code. Upon the request of a person who wishes to obtain a 1283
~~license to carry a concealed handgun~~ license with respect to which 1284
this section applies or to renew a ~~license to carry a concealed~~ 1285

handgun license with respect to which this section applies, a 1286
sheriff, as provided in division (I) of this section, shall 1287
provide to the person free of charge an application form and the 1288
web site address at which the pamphlet described in division (B) 1289
of section 109.731 of the Revised Code may be found. A sheriff 1290
shall accept a completed application form and the fee, items, 1291
materials, and information specified in divisions (B)(1) to (5) of 1292
this section at the times and in the manners described in division 1293
(I) of this section. 1294

(B) An applicant for a ~~license to carry a~~ concealed handgun 1295
license with respect to which this section applies shall submit a 1296
completed application form and all of the following to the sheriff 1297
of the county in which the applicant resides or to the sheriff of 1298
any county adjacent to the county in which the applicant resides: 1299

(1)(a) A nonrefundable license fee as described in either of 1300
the following: 1301

(i) For an applicant who has been a resident of this state 1302
for five or more years, a fee of sixty-seven dollars; 1303

(ii) For an applicant who has been a resident of this state 1304
for less than five years, a fee of sixty-seven dollars plus the 1305
actual cost of having a background check performed by the federal 1306
bureau of investigation. 1307

(b) No sheriff shall require an applicant to pay for the cost 1308
of a background check performed by the bureau of criminal 1309
identification and investigation. 1310

(c) A sheriff shall waive the payment of the license fee 1311
described in division (B)(1)(a) of this section in connection with 1312
an initial or renewal application for a license that is submitted 1313
by an applicant who is a retired peace officer, a retired person 1314
described in division (B)(1)(b) of section 109.77 of the Revised 1315
Code, or a retired federal law enforcement officer who, prior to 1316

retirement, was authorized under federal law to carry a firearm in 1317
the course of duty, unless the retired peace officer, person, or 1318
federal law enforcement officer retired as the result of a mental 1319
disability. 1320

(d) The sheriff shall deposit all fees paid by an applicant 1321
under division (B)(1)(a) of this section into the sheriff's 1322
concealed handgun license issuance fund established pursuant to 1323
section 311.42 of the Revised Code. The county shall distribute 1324
the fees in accordance with section 311.42 of the Revised Code. 1325

(2) A color photograph of the applicant that was taken within 1326
thirty days prior to the date of the application; 1327

(3) One or more of the following competency certifications, 1328
each of which shall reflect that, regarding a certification 1329
described in division (B)(3)(a), (b), (c), (e), or (f) of this 1330
section, within the three years immediately preceding the 1331
application the applicant has performed that to which the 1332
competency certification relates and that, regarding a 1333
certification described in division (B)(3)(d) of this section, the 1334
applicant currently is an active or reserve member of the armed 1335
forces of the United States or within the six years immediately 1336
preceding the application the honorable discharge or retirement to 1337
which the competency certification relates occurred: 1338

(a) An original or photocopy of a certificate of completion 1339
of a firearms safety, training, or requalification or firearms 1340
safety instructor course, class, or program that was offered by or 1341
under the auspices of the national rifle association and that 1342
complies with the requirements set forth in division (G) of this 1343
section; 1344

(b) An original or photocopy of a certificate of completion 1345
of a firearms safety, training, or requalification or firearms 1346
safety instructor course, class, or program that satisfies all of 1347

the following criteria: 1348

(i) It was open to members of the general public. 1349

(ii) It utilized qualified instructors who were certified by 1350
the national rifle association, the executive director of the Ohio 1351
peace officer training commission pursuant to section 109.75 or 1352
109.78 of the Revised Code, or a governmental official or entity 1353
of another state. 1354

(iii) It was offered by or under the auspices of a law 1355
enforcement agency of this or another state or the United States, 1356
a public or private college, university, or other similar 1357
postsecondary educational institution located in this or another 1358
state, a firearms training school located in this or another 1359
state, or another type of public or private entity or organization 1360
located in this or another state. 1361

(iv) It complies with the requirements set forth in division 1362
(G) of this section. 1363

(c) An original or photocopy of a certificate of completion 1364
of a state, county, municipal, or department of natural resources 1365
peace officer training school that is approved by the executive 1366
director of the Ohio peace officer training commission pursuant to 1367
section 109.75 of the Revised Code and that complies with the 1368
requirements set forth in division (G) of this section, or the 1369
applicant has satisfactorily completed and been issued a 1370
certificate of completion of a basic firearms training program, a 1371
firearms requalification training program, or another basic 1372
training program described in section 109.78 or 109.801 of the 1373
Revised Code that complies with the requirements set forth in 1374
division (G) of this section; 1375

(d) A document that evidences both of the following: 1376

(i) That the applicant is an active or reserve member of the 1377
armed forces of the United States, was honorably discharged from 1378

military service in the active or reserve armed forces of the 1379
United States, is a retired trooper of the state highway patrol, 1380
or is a retired peace officer or federal law enforcement officer 1381
described in division (B)(1) of this section or a retired person 1382
described in division (B)(1)(b) of section 109.77 of the Revised 1383
Code and division (B)(1) of this section; 1384

(ii) That, through participation in the military service or 1385
through the former employment described in division (B)(3)(d)(i) 1386
of this section, the applicant acquired experience with handling 1387
handguns or other firearms, and the experience so acquired was 1388
equivalent to training that the applicant could have acquired in a 1389
course, class, or program described in division (B)(3)(a), (b), or 1390
(c) of this section. 1391

(e) A certificate or another similar document that evidences 1392
satisfactory completion of a firearms training, safety, or 1393
requalification or firearms safety instructor course, class, or 1394
program that is not otherwise described in division (B)(3)(a), 1395
(b), (c), or (d) of this section, that was conducted by an 1396
instructor who was certified by an official or entity of the 1397
government of this or another state or the United States or by the 1398
national rifle association, and that complies with the 1399
requirements set forth in division (G) of this section; 1400

(f) An affidavit that attests to the applicant's satisfactory 1401
completion of a course, class, or program described in division 1402
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 1403
by the applicant's instructor or an authorized representative of 1404
the entity that offered the course, class, or program or under 1405
whose auspices the course, class, or program was offered. 1406

(4) A certification by the applicant that the applicant has 1407
read the pamphlet prepared by the Ohio peace officer training 1408
commission pursuant to section 109.731 of the Revised Code that 1409
reviews firearms, dispute resolution, and use of deadly force 1410

matters. 1411

(5) A set of fingerprints of the applicant provided as 1412
described in section 311.41 of the Revised Code through use of an 1413
electronic fingerprint reading device or, if the sheriff to whom 1414
the application is submitted does not possess and does not have 1415
ready access to the use of such a reading device, on a standard 1416
impression sheet prescribed pursuant to division (C)(2) of section 1417
109.572 of the Revised Code. 1418

(C) Upon receipt of ~~an applicant's~~ the completed application 1419
form, supporting documentation, and, if not waived, license fee of 1420
an applicant under this section, a sheriff, in the manner 1421
specified in section 311.41 of the Revised Code, shall conduct or 1422
cause to be conducted the criminal records check and the 1423
incompetency records check described in section 311.41 of the 1424
Revised Code. 1425

(D)(1) Except as provided in division (D)(3) or (4) of this 1426
section, within forty-five days after a sheriff's receipt of an 1427
applicant's completed application form for a ~~license to carry a~~ 1428
concealed handgun license under this section, the supporting 1429
documentation, and, if not waived, the license fee, the sheriff 1430
shall make available through the law enforcement automated data 1431
system in accordance with division (H) of this section the 1432
information described in that division and, upon making the 1433
information available through the system, shall issue to the 1434
applicant a ~~license to carry a~~ concealed handgun license that 1435
shall expire as described in division (D)(2)(a) of this section if 1436
all of the following apply: 1437

(a) The applicant is legally living in the United States, has 1438
been a resident of this state for at least forty-five days, and 1439
has been a resident of the county in which the person seeks the 1440
license or a county adjacent to the county in which the person 1441
seeks the license for at least thirty days. For purposes of 1442

division (D)(1)(a) of this section: 1443

(i) If a person is absent from the United States, from this 1444
state, or from a particular county in this state in compliance 1445
with military or naval orders as an active or reserve member of 1446
the armed forces of the United States and if prior to leaving this 1447
state in compliance with those orders the person was legally 1448
living in the United States and was a resident of this state, the 1449
person, solely by reason of that absence, shall not be considered 1450
to have lost the person's status as living in the United States or 1451
the person's residence in this state or in the county in which the 1452
person was a resident prior to leaving this state in compliance 1453
with those orders, without regard to whether or not the person 1454
intends to return to this state or to that county, shall not be 1455
considered to have acquired a residence in any other state, and 1456
shall not be considered to have become a resident of any other 1457
state. 1458

(ii) If a person is present in this state in compliance with 1459
military or naval orders as an active or reserve member of the 1460
armed forces of the United States for at least forty-five days, 1461
the person shall be considered to have been a resident of this 1462
state for that period of at least forty-five days, and, if a 1463
person is present in a county of this state in compliance with 1464
military or naval orders as an active or reserve member of the 1465
armed forces of the United States for at least thirty days, the 1466
person shall be considered to have been a resident of that county 1467
for that period of at least thirty days. 1468

(b) The applicant is at least twenty-one years of age. 1469

(c) The applicant is not a fugitive from justice. 1470

(d) The applicant is not under indictment for or otherwise 1471
charged with a felony; an offense under Chapter 2925., 3719., or 1472
4729. of the Revised Code that involves the illegal possession, 1473

use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code.

(e) Except as otherwise provided in division (D)(5) of this section, the applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, regardless of whether the applicant was sentenced under division (C)(3) of that section.

(f) Except as otherwise provided in division (D)(5) of this section, the applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code; and has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of section 2923.1211 of the

Revised Code. 1506

(g) Except as otherwise provided in division (D)(1)(e) of 1507
this section, the applicant, within five years of the date of the 1508
application, has not been convicted of, pleaded guilty to, or 1509
adjudicated a delinquent child for committing two or more 1510
violations of section 2903.13 or 2903.14 of the Revised Code. 1511

(h) Except as otherwise provided in division (D)(5) of this 1512
section, the applicant, within ten years of the date of the 1513
application, has not been convicted of, pleaded guilty to, or 1514
adjudicated a delinquent child for committing a violation of 1515
section 2921.33 of the Revised Code. 1516

(i) The applicant has not been adjudicated as a mental 1517
defective, has not been committed to any mental institution, is 1518
not under adjudication of mental incompetence, has not been found 1519
by a court to be a mentally ill person subject to hospitalization 1520
by court order, and is not an involuntary patient other than one 1521
who is a patient only for purposes of observation. As used in this 1522
division, "mentally ill person subject to hospitalization by court 1523
order" and "patient" have the same meanings as in section 5122.01 1524
of the Revised Code. 1525

(j) The applicant is not currently subject to a civil 1526
protection order, a temporary protection order, or a protection 1527
order issued by a court of another state. 1528

(k) The applicant certifies that the applicant desires a 1529
legal means to carry a concealed handgun for defense of the 1530
applicant or a member of the applicant's family while engaged in 1531
lawful activity. 1532

(l) The applicant submits a competency certification of the 1533
type described in division (B)(3) of this section and submits a 1534
certification of the type described in division (B)(4) of this 1535
section regarding the applicant's reading of the pamphlet prepared 1536

by the Ohio peace officer training commission pursuant to section 1537
109.731 of the Revised Code. 1538

(m) The applicant currently is not subject to a suspension 1539
imposed under division (A)(2) of section 2923.128 of the Revised 1540
Code of a ~~license to carry a concealed handgun, or a temporary~~ 1541
~~emergency license to carry a concealed handgun,~~ license that 1542
previously was issued to the applicant under this section or 1543
section 2923.1213 of the Revised Code. 1544

(2)(a) A ~~license to carry a concealed handgun~~ license that a 1545
sheriff issues under division (D)(1) of this section ~~on or after~~ 1546
~~March 14, 2007,~~ shall expire five years after the date of 1547
issuance. A ~~license to carry a concealed handgun that a sheriff~~ 1548
~~issued under division (D)(1) of this section prior to March 14,~~ 1549
~~2007, shall expire four years after the date of issuance.~~ 1550

If a sheriff issues a license under this section, the sheriff 1551
shall place on the license a unique combination of letters and 1552
numbers identifying the license in accordance with the procedure 1553
prescribed by the Ohio peace officer training commission pursuant 1554
to section 109.731 of the Revised Code. 1555

(b) If a sheriff denies an application under this section 1556
because the applicant does not satisfy the criteria described in 1557
division (D)(1) of this section, the sheriff shall specify the 1558
grounds for the denial in a written notice to the applicant. The 1559
applicant may appeal the denial pursuant to section 119.12 of the 1560
Revised Code in the county served by the sheriff who denied the 1561
application. If the denial was as a result of the criminal records 1562
check conducted pursuant to section 311.41 of the Revised Code and 1563
if, pursuant to section 2923.127 of the Revised Code, the 1564
applicant challenges the criminal records check results using the 1565
appropriate challenge and review procedure specified in that 1566
section, the time for filing the appeal pursuant to section 119.12 1567
of the Revised Code and this division is tolled during the 1568

pendency of the request or the challenge and review. If the court 1569
in an appeal under section 119.12 of the Revised Code and this 1570
division enters a judgment sustaining the sheriff's refusal to 1571
grant to the applicant a ~~license to carry a~~ concealed handgun 1572
license, the applicant may file a new application beginning one 1573
year after the judgment is entered. If the court enters a judgment 1574
in favor of the applicant, that judgment shall not restrict the 1575
authority of a sheriff to suspend or revoke the license pursuant 1576
to section 2923.128 or 2923.1213 of the Revised Code or to refuse 1577
to renew the license for any proper cause that may occur after the 1578
date the judgment is entered. In the appeal, the court shall have 1579
full power to dispose of all costs. 1580

(3) If the sheriff with whom an application for a ~~license to~~ 1581
~~carry a~~ concealed handgun license was filed under this section 1582
becomes aware that the applicant has been arrested for or 1583
otherwise charged with an offense that would disqualify the 1584
applicant from holding the license, the sheriff shall suspend the 1585
processing of the application until the disposition of the case 1586
arising from the arrest or charge. 1587

(4) If the sheriff determines that the applicant is legally 1588
living in the United States and is a resident of the county in 1589
which the applicant seeks the license or of an adjacent county but 1590
does not yet meet the residency requirements described in division 1591
(D)(1)(a) of this section, the sheriff shall not deny the license 1592
because of the residency requirements but shall not issue the 1593
license until the applicant meets those residency requirements. 1594

(5) If an applicant has been convicted of or pleaded guilty 1595
to an offense identified in division (D)(1)(e), (f), or (h) of 1596
this section or has been adjudicated a delinquent child for 1597
committing an act or violation identified in any of those 1598
divisions, and if a court has ordered the sealing or expungement 1599
of the records of that conviction, guilty plea, or adjudication 1600

pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1601
2953.36, or section 2953.37 of the Revised Code or a court has 1602
granted the applicant relief pursuant to section 2923.14 of the 1603
Revised Code from the disability imposed pursuant to section 1604
2923.13 of the Revised Code relative to that conviction, guilty 1605
plea, or adjudication, the sheriff with whom the application was 1606
submitted shall not consider the conviction, guilty plea, or 1607
adjudication in making a determination under division (D)(1) or 1608
(F) of this section or, in relation to an application for a 1609
~~temporary emergency license to carry a~~ concealed handgun license 1610
on a temporary emergency basis submitted under section 2923.1213 1611
of the Revised Code, in making a determination under division 1612
(B)(2) of that section. 1613

(E) If a ~~license to carry a~~ concealed handgun license issued 1614
under this section is lost or is destroyed, the licensee may 1615
obtain from the sheriff who issued that license a duplicate 1616
license upon the payment of a fee of fifteen dollars and the 1617
submission of an affidavit attesting to the loss or destruction of 1618
the license. The sheriff, in accordance with the procedures 1619
prescribed in section 109.731 of the Revised Code, shall place on 1620
the replacement license a combination of identifying numbers 1621
different from the combination on the license that is being 1622
replaced. 1623

(F)(1) A licensee who wishes to renew a ~~license to carry a~~ 1624
concealed handgun license issued under this section shall do so 1625
not earlier than ninety days before the expiration date of the 1626
license or at any time after the expiration date of the license by 1627
filing with the sheriff of the county in which the applicant 1628
resides or with the sheriff of an adjacent county an application 1629
for renewal of the license obtained pursuant to division (D) of 1630
this section, a certification by the applicant that, subsequent to 1631
the issuance of the license, the applicant has reread the pamphlet 1632

prepared by the Ohio peace officer training commission pursuant to 1633
section 109.731 of the Revised Code that reviews firearms, dispute 1634
resolution, and use of deadly force matters, and a nonrefundable 1635
license renewal fee in an amount determined pursuant to division 1636
(F)(4) of this section unless the fee is waived, ~~and one of the~~ 1637
~~following:~~ 1638

~~(a) If the licensee previously has not renewed a license to 1639
carry a concealed handgun issued under this section, proof that 1640
the licensee at one time had a competency certification of the 1641
type described in division (B)(3) of this section. A valid 1642
license, expired license, or any other previously issued license 1643
that has not been revoked is prima facie evidence that the 1644
licensee at one time had a competency certification of the type 1645
described in division (B)(3) of this section. 1646~~

~~(b) If the licensee previously has renewed a license to carry 1647
a concealed handgun issued under this section, a renewed 1648
competency certification of the type described in division (G)(4) 1649
of this section. 1650~~

(2) A sheriff shall accept a completed renewal application, 1651
the license renewal fee, and the information specified in division 1652
(F)(1) of this section at the times and in the manners described 1653
in division (I) of this section. Upon receipt of a completed 1654
renewal application, of certification that the applicant has 1655
reread the specified pamphlet prepared by the Ohio peace officer 1656
training commission, ~~of proof of a prior competency certification~~ 1657
~~for an initial renewal or of a renewed competency certification~~ 1658
~~for a second or subsequent renewal,~~ and of a license renewal fee 1659
unless the fee is waived, a sheriff, in the manner specified in 1660
section 311.41 of the Revised Code shall conduct or cause to be 1661
conducted the criminal records check and the incompetency records 1662
check described in section 311.41 of the Revised Code. The sheriff 1663
shall renew the license if the sheriff determines that the 1664

applicant continues to satisfy the requirements described in 1665
division (D)(1) of this section, except that the applicant is not 1666
required to meet the requirements of division (D)(1)(1) of this 1667
section. A renewed license ~~that is renewed on or after March 14,~~ 1668
~~2007,~~ shall expire five years after the date of issuance, ~~and a~~ 1669
~~renewed license that is renewed prior to March 14, 2007, shall~~ 1670
~~expire four years after the date of issuance.~~ A renewed license is 1671
subject to division (E) of this section and sections 2923.126 and 1672
2923.128 of the Revised Code. A sheriff shall comply with 1673
divisions (D)(2) to (4) of this section when the circumstances 1674
described in those divisions apply to a requested license renewal. 1675
If a sheriff denies the renewal of ~~a license to carry~~ a concealed 1676
handgun license, the applicant may appeal the denial, or challenge 1677
the criminal record check results that were the basis of the 1678
denial if applicable, in the same manner as specified in division 1679
(D)(2)(b) of this section and in section 2923.127 of the Revised 1680
Code, regarding the denial of a license under this section. 1681

(3) A renewal application submitted pursuant to division (F) 1682
of this section shall only require the licensee to list on the 1683
application form information and matters occurring since the date 1684
of the licensee's last application for a license pursuant to 1685
division (B) or (F) of this section. A sheriff conducting the 1686
criminal records check and the incompetency records check 1687
described in section 311.41 of the Revised Code shall conduct the 1688
check only from the date of the licensee's last application for a 1689
license pursuant to division (B) or (F) of this section through 1690
the date of the renewal application submitted pursuant to division 1691
(F) of this section. 1692

(4) An applicant for a renewal ~~license to carry~~ a concealed 1693
handgun license under this section shall submit to the sheriff of 1694
the county in which the applicant resides or to the sheriff of any 1695
county adjacent to the county in which the applicant resides a 1696

nonrefundable license fee as described in either of the following:	1697
(a) For an applicant who has been a resident of this state	1698
for five or more years, a fee of fifty dollars;	1699
(b) For an applicant who has been a resident of this state	1700
for less than five years, a fee of fifty dollars plus the actual	1701
cost of having a background check performed by the federal bureau	1702
of investigation.	1703
(G)(1) Each course, class, or program described in division	1704
(B)(3)(a), (b), (c), or (e) of this section shall provide to each	1705
person who takes the course, class, or program the web site	1706
address at which the pamphlet prepared by the Ohio peace officer	1707
training commission pursuant to section 109.731 of the Revised	1708
Code that reviews firearms, dispute resolution, and use of deadly	1709
force matters may be found. Each such course, class, or program	1710
described in one of those divisions shall include at least twelve	1711
hours of training in the safe handling and use of a firearm that	1712
shall include all of the following:	1713
(a) At least ten hours of training on the following matters:	1714
(i) The ability to name, explain, and demonstrate the rules	1715
for safe handling of a handgun and proper storage practices for	1716
handguns and ammunition;	1717
(ii) The ability to demonstrate and explain how to handle	1718
ammunition in a safe manner;	1719
(iii) The ability to demonstrate the knowledge, skills, and	1720
attitude necessary to shoot a handgun in a safe manner;	1721
(iv) Gun handling training.	1722
(b) At least two hours of training that consists of range	1723
time and live-fire training.	1724
(2) To satisfactorily complete the course, class, or program	1725
described in division (B)(3)(a), (b), (c), or (e) of this section,	1726

the applicant shall pass a competency examination that shall 1727
include both of the following: 1728

(a) A written section on the ability to name and explain the 1729
rules for the safe handling of a handgun and proper storage 1730
practices for handguns and ammunition; 1731

(b) A physical demonstration of competence in the use of a 1732
handgun and in the rules for safe handling and storage of a 1733
handgun and a physical demonstration of the attitude necessary to 1734
shoot a handgun in a safe manner. 1735

(3) The competency certification described in division 1736
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 1737
shall attest that the course, class, or program the applicant 1738
successfully completed met the requirements described in division 1739
(G)(1) of this section and that the applicant passed the 1740
competency examination described in division (G)(2) of this 1741
section. 1742

~~(4) A person who previously has received a competency 1743
certification as described in division (B)(3) of this section, or 1744
who previously has received a renewed competency certification as 1745
described in this division, may obtain a renewed competency 1746
certification pursuant to this division. If the person previously 1747
has received a competency certification or previously has received 1748
a renewed competency certification, the person may obtain a 1749
renewed competency certification from an entity that offers a 1750
course, class, or program described in division (B)(3)(a), (b), 1751
(c), or (e) of this section by passing a test that demonstrates 1752
that the person is range competent. In these circumstances, the 1753
person is not required to attend the course, class, or program or 1754
to take the competency examination described in division (G)(2) of 1755
this section for the renewed competency certification in order to 1756
be eligible to receive a renewed competency certification. A 1757
renewed competency certification issued under this division shall 1758~~

~~be dated and shall attest that the person has demonstrated range~~ 1759
~~competency.~~ 1760

(H) Upon deciding to issue a concealed handgun license, 1761
deciding to issue a replacement concealed handgun license, or 1762
deciding to renew a ~~license to carry a~~ concealed handgun license 1763
pursuant to this section, and before actually issuing or renewing 1764
the license, the sheriff shall make available through the law 1765
enforcement automated data system all information contained on the 1766
license. If the license subsequently is suspended under division 1767
(A)(1) or (2) of section 2923.128 of the Revised Code, revoked 1768
pursuant to division (B)(1) of section 2923.128 of the Revised 1769
Code, or lost or destroyed, the sheriff also shall make available 1770
through the law enforcement automated data system a notation of 1771
that fact. The superintendent of the state highway patrol shall 1772
ensure that the law enforcement automated data system is so 1773
configured as to permit the transmission through the system of the 1774
information specified in this division. 1775

(I) A sheriff shall accept a completed application form or 1776
renewal application, and the fee, items, materials, and 1777
information specified in divisions (B)(1) to (5) or division (F) 1778
of this section, whichever is applicable, and shall provide an 1779
application form or renewal application to any person during at 1780
least fifteen hours a week and shall provide the web site address 1781
at which the pamphlet described in division (B) of section 109.731 1782
of the Revised Code may be found at any time, upon request. The 1783
sheriff shall post notice of the hours during which the sheriff is 1784
available to accept or provide the information described in this 1785
division. 1786

Sec. 2923.126. (A) A ~~license to carry a~~ concealed handgun 1787
license that is issued under section 2923.125 of the Revised Code 1788
~~on or after March 14, 2007,~~ shall expire five years after the date 1789

of issuance, ~~and a license that is so issued prior to March 14,~~ 1790
~~2007, shall expire four years after the date of issuance.~~ A 1791
licensee who has been issued a license under that section shall be 1792
granted a grace period of thirty days after the licensee's license 1793
expires during which the licensee's license remains valid. Except 1794
as provided in divisions (B) and (C) of this section, a licensee 1795
who has been issued a concealed handgun license under section 1796
2923.125 or 2923.1213 of the Revised Code may carry a concealed 1797
handgun anywhere in this state if the licensee also carries a 1798
valid license and valid identification when the licensee is in 1799
actual possession of a concealed handgun. The licensee shall give 1800
notice of any change in the licensee's residence address to the 1801
sheriff who issued the license within forty-five days after that 1802
change. 1803

If a licensee is the driver or an occupant of a motor vehicle 1804
that is stopped as the result of a traffic stop or a stop for 1805
another law enforcement purpose and if the licensee is 1806
transporting or has a loaded handgun in the motor vehicle at that 1807
time, the licensee shall promptly inform any law enforcement 1808
officer who approaches the vehicle while stopped that the licensee 1809
has been issued a ~~license or temporary emergency license to carry~~ 1810
a concealed handgun license and that the licensee currently 1811
possesses or has a loaded handgun; the licensee shall not 1812
knowingly disregard or fail to comply with lawful orders of a law 1813
enforcement officer given while the motor vehicle is stopped, 1814
knowingly fail to remain in the motor vehicle while stopped, or 1815
knowingly fail to keep the licensee's hands in plain sight after 1816
any law enforcement officer begins approaching the licensee while 1817
stopped and before the officer leaves, unless directed otherwise 1818
by a law enforcement officer; and the licensee shall not knowingly 1819
~~remove, attempt to remove, grasp, or hold the loaded handgun or~~ 1820
~~knowingly~~ have contact with the loaded handgun by touching it with 1821
the licensee's hands or fingers, in any manner in violation of 1822

division (E) of section 2923.16 of the Revised Code, after any law 1823
enforcement officer begins approaching the licensee while stopped 1824
and before the officer leaves. Additionally, if a licensee is the 1825
driver or an occupant of a commercial motor vehicle that is 1826
stopped by an employee of the motor carrier enforcement unit for 1827
the purposes defined in section 5503.04 of the Revised Code and if 1828
the licensee is transporting or has a loaded handgun in the 1829
commercial motor vehicle at that time, the licensee shall promptly 1830
inform the employee of the unit who approaches the vehicle while 1831
stopped that the licensee has been issued a ~~license or temporary~~ 1832
~~emergency license to carry a~~ concealed handgun license and that 1833
the licensee currently possesses or has a loaded handgun. 1834

If a licensee is stopped for a law enforcement purpose and if 1835
the licensee is carrying a concealed handgun at the time the 1836
officer approaches, the licensee shall promptly inform any law 1837
enforcement officer who approaches the licensee while stopped that 1838
the licensee has been issued a ~~license or temporary emergency~~ 1839
~~license to carry a~~ concealed handgun license and that the licensee 1840
currently is carrying a concealed handgun; the licensee shall not 1841
knowingly disregard or fail to comply with lawful orders of a law 1842
enforcement officer given while the licensee is stopped or 1843
knowingly fail to keep the licensee's hands in plain sight after 1844
any law enforcement officer begins approaching the licensee while 1845
stopped and before the officer leaves, unless directed otherwise 1846
by a law enforcement officer; and the licensee shall not knowingly 1847
remove, attempt to remove, grasp, or hold the loaded handgun or 1848
knowingly have contact with the loaded handgun by touching it with 1849
the licensee's hands or fingers, in any manner in violation of 1850
division (B) of section 2923.12 of the Revised Code, after any law 1851
enforcement officer begins approaching the licensee while stopped 1852
and before the officer leaves. 1853

(B) A valid concealed handgun license ~~issued under section~~ 1854

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

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

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

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

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

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

(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship

posts or permits otherwise; 1886

(7) A child day-care center, a type A family day-care home, a 1887
type B family day-care home, or a type C family day-care home, 1888
except that this division does not prohibit a licensee who resides 1889
in a type A family day-care home, a type B family day-care home, 1890
or a type C family day-care home from carrying a concealed handgun 1891
at any time in any part of the home that is not dedicated or used 1892
for day-care purposes, or from carrying a concealed handgun in a 1893
part of the home that is dedicated or used for day-care purposes 1894
at any time during which no children, other than children of that 1895
licensee, are in the home; 1896

(8) An aircraft that is in, or intended for operation in, 1897
foreign air transportation, interstate air transportation, 1898
intrastate air transportation, or the transportation of mail by 1899
aircraft; 1900

(9) Any building that is a government facility of this state 1901
or a political subdivision of this state and that is not a 1902
building that is used primarily as a shelter, restroom, parking 1903
facility for motor vehicles, or rest facility and is not a 1904
courthouse or other building or structure in which a courtroom is 1905
located that is subject to division (B)(3) of this section; 1906

(10) A place in which federal law prohibits the carrying of 1907
handguns. 1908

(C)(1) Nothing in this section shall negate or restrict a 1909
rule, policy, or practice of a private employer that is not a 1910
private college, university, or other institution of higher 1911
education concerning or prohibiting the presence of firearms on 1912
the private employer's premises or property, including motor 1913
vehicles owned by the private employer. Nothing in this section 1914
shall require a private employer of that nature to adopt a rule, 1915
policy, or practice concerning or prohibiting the presence of 1916

firearms on the private employer's premises or property, including 1917
motor vehicles owned by the private employer. 1918

(2)(a) A private employer shall be immune from liability in a 1919
civil action for any injury, death, or loss to person or property 1920
that allegedly was caused by or related to a licensee bringing a 1921
handgun onto the premises or property of the private employer, 1922
including motor vehicles owned by the private employer, unless the 1923
private employer acted with malicious purpose. A private employer 1924
is immune from liability in a civil action for any injury, death, 1925
or loss to person or property that allegedly was caused by or 1926
related to the private employer's decision to permit a licensee to 1927
bring, or prohibit a licensee from bringing, a handgun onto the 1928
premises or property of the private employer. As used in this 1929
division, "private employer" includes a private college, 1930
university, or other institution of higher education. 1931

(b) A political subdivision shall be immune from liability in 1932
a civil action, to the extent and in the manner provided in 1933
Chapter 2744. of the Revised Code, for any injury, death, or loss 1934
to person or property that allegedly was caused by or related to a 1935
licensee bringing a handgun onto any premises or property owned, 1936
leased, or otherwise under the control of the political 1937
subdivision. As used in this division, "political subdivision" has 1938
the same meaning as in section 2744.01 of the Revised Code. 1939

(3)(a) Except as provided in division (C)(3)(b) of this 1940
section, the owner or person in control of private land or 1941
premises, and a private person or entity leasing land or premises 1942
owned by the state, the United States, or a political subdivision 1943
of the state or the United States, may post a sign in a 1944
conspicuous location on that land or on those premises prohibiting 1945
persons from carrying firearms or concealed firearms on or onto 1946
that land or those premises. Except as otherwise provided in this 1947
division, a person who knowingly violates a posted prohibition of 1948

that nature is guilty of criminal trespass in violation of 1949
division (A)(4) of section 2911.21 of the Revised Code and is 1950
guilty of a misdemeanor of the fourth degree. If a person 1951
knowingly violates a posted prohibition of that nature and the 1952
posted land or premises primarily was a parking lot or other 1953
parking facility, the person is not guilty of criminal trespass in 1954
violation of division (A)(4) of section 2911.21 of the Revised 1955
Code and instead is subject only to a civil cause of action for 1956
trespass based on the violation. 1957

(b) A landlord may not prohibit or restrict a tenant who is a 1958
licensee and who on or after ~~the effective date of this amendment~~ 1959
September 9, 2008, enters into a rental agreement with the 1960
landlord for the use of residential premises, and the tenant's 1961
guest while the tenant is present, from lawfully carrying or 1962
possessing a handgun on those residential premises. 1963

(c) As used in division (C)(3) of this section: 1964

(i) "Residential premises" has the same meaning as in section 1965
5321.01 of the Revised Code, except "residential premises" does 1966
not include a dwelling unit that is owned or operated by a college 1967
or university. 1968

(ii) "Landlord," "tenant," and "rental agreement" have the 1969
same meanings as in section 5321.01 of the Revised Code. 1970

(D) A person who holds a ~~license to carry a~~ concealed handgun 1971
~~that was~~ license issued ~~pursuant to the law of~~ by another state 1972
that is recognized by the attorney general pursuant to a 1973
~~reciprocity agreement entered into pursuant to~~ section 109.69 of 1974
the Revised Code has the same right to carry a concealed handgun 1975
in this state as a person who was issued a ~~license to carry a~~ 1976
concealed handgun license under section 2923.125 of the Revised 1977
Code and is subject to the same restrictions that apply to a 1978
person who carries a license issued under that section. 1979

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

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

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

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

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

the prevention, detection, investigation, or prosecution of, or 2012
the incarceration of any person for, any violation of law and the 2013
person had statutory powers of arrest. 2014

(iii) At the time of the person's retirement as a peace 2015
officer with that agency, the person was trained and qualified to 2016
carry firearms in the performance of the peace officer's duties. 2017

(iv) Before retiring from service as a peace officer with 2018
that agency, the person was regularly employed as a peace officer 2019
for an aggregate of fifteen years or more, or, in the alternative, 2020
the person retired from service as a peace officer with that 2021
agency, after completing any applicable probationary period of 2022
that service, due to a service-connected disability, as determined 2023
by the agency. 2024

(b) A retired peace officer identification card issued to a 2025
person under division (F)(2)(a) of this section shall identify the 2026
person by name, contain a photograph of the person, identify the 2027
public agency of this state or of the political subdivision of 2028
this state from which the person retired as a peace officer and 2029
that is issuing the identification card, and specify that the 2030
person retired in good standing from service as a peace officer 2031
with the issuing public agency and satisfies the criteria set 2032
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 2033
addition to the required content specified in this division, a 2034
retired peace officer identification card issued to a person under 2035
division (F)(2)(a) of this section may include the firearms 2036
requalification certification described in division (F)(3) of this 2037
section, and if the identification card includes that 2038
certification, the identification card shall serve as the firearms 2039
requalification certification for the retired peace officer. If 2040
the issuing public agency issues credentials to active law 2041
enforcement officers who serve the agency, the agency may comply 2042
with division (F)(2)(a) of this section by issuing the same 2043

credentials to persons who retired from service as a peace officer 2044
with the agency and who satisfy the criteria set forth in 2045
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 2046
credentials so issued to retired peace officers are stamped with 2047
the word "RETIRED." 2048

(c) A public agency of this state or of a political 2049
subdivision of this state may charge persons who retired from 2050
service as a peace officer with the agency a reasonable fee for 2051
issuing to the person a retired peace officer identification card 2052
pursuant to division (F)(2)(a) of this section. 2053

(3) If a person retired from service as a peace officer with 2054
a public agency of this state or of a political subdivision of 2055
this state and the person satisfies the criteria set forth in 2056
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 2057
may provide the retired peace officer with the opportunity to 2058
attend a firearms requalification program that is approved for 2059
purposes of firearms requalification required under section 2060
109.801 of the Revised Code. The retired peace officer may be 2061
required to pay the cost of the course. 2062

If a retired peace officer who satisfies the criteria set 2063
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 2064
firearms requalification program that is approved for purposes of 2065
firearms requalification required under section 109.801 of the 2066
Revised Code, the retired peace officer's successful completion of 2067
the firearms requalification program requalifies the retired peace 2068
officer for purposes of division (F) of this section for five 2069
years from the date on which the program was successfully 2070
completed, and the requalification is valid during that five-year 2071
period. If a retired peace officer who satisfies the criteria set 2072
forth in divisions (F)(2)(a)(i) to (iv) of this section 2073
satisfactorily completes such a firearms requalification program, 2074
the retired peace officer shall be issued a firearms 2075

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 2106
political subdivision regularly are present for the purpose of 2107
performing their official duties as employees of the state or 2108
political subdivision; 2109

(b) The office of a deputy registrar serving pursuant to 2110
Chapter 4503. of the Revised Code that is used to perform deputy 2111
registrar functions. 2112

Sec. 2923.127. (A) If a sheriff denies an application for a 2113
~~license to carry a concealed handgun~~ license under section 2114
2923.125 of the Revised Code, denies the renewal of a ~~license to~~ 2115
~~carry a concealed handgun~~ license under that section, or denies an 2116
application for a ~~temporary emergency license to carry a concealed~~ 2117
handgun license on a temporary emergency basis under section 2118
2923.1213 of the Revised Code as a result of the criminal records 2119
check conducted pursuant to section 311.41 of the Revised Code and 2120
if the applicant believes the denial was based on incorrect 2121
information reported by the source the sheriff used in conducting 2122
the criminal records check, the applicant may challenge the 2123
criminal records check results using whichever of the following is 2124
applicable: 2125

(1) If the bureau of criminal identification and 2126
investigation performed the criminal records check, by using the 2127
bureau's existing challenge and review procedures; 2128

(2) If division (A)(1) of this section does not apply, by 2129
using the existing challenge and review procedure of the sheriff 2130
who denied the application or, if the sheriff does not have a 2131
challenge and review procedure, by using the challenge and review 2132
procedure prescribed by the bureau of criminal identification and 2133
investigation pursuant to division (B) of this section. 2134

(B) The bureau of criminal identification and investigation 2135
shall prescribe a challenge and review procedure for applicants to 2136

use to challenge criminal records checks under division (A)(2) of 2137
this section in counties in which the sheriff with whom ~~the an~~ 2138
~~application for a license to carry a concealed handgun or for the~~ 2139
~~renewal of a license to carry a concealed handgun was filed or~~ 2140
~~with whom the application for a temporary emergency license to~~ 2141
~~carry a concealed handgun was~~ of a type described in division (A) 2142
of this section was filed or submitted does not have an existing 2143
challenge and review procedure. 2144

Sec. 2923.128. (A)(1)(a) If a licensee holding a valid 2145
~~concealed handgun license issued under section 2923.125 or~~ 2146
~~2923.1213 of the Revised Code~~ is arrested for or otherwise charged 2147
with an offense described in division (D)(1)(d) of section 2148
2923.125 of the Revised Code or with a violation of section 2149
2923.15 of the Revised Code or becomes subject to a temporary 2150
protection order or to a protection order issued by a court of 2151
another state that is substantially equivalent to a temporary 2152
protection order, the sheriff who issued the license ~~or temporary~~ 2153
~~emergency license~~ shall suspend it and shall comply with division 2154
(A)(3) of this section upon becoming aware of the arrest, charge, 2155
or protection order. Upon suspending the license ~~or temporary~~ 2156
~~emergency license~~, the sheriff also shall comply with division (H) 2157
of section 2923.125 of the Revised Code. 2158

(b) A suspension under division (A)(1)(a) of this section 2159
shall be considered as beginning on the date that the licensee is 2160
arrested for or otherwise charged with an offense described in 2161
that division or on the date the appropriate court issued the 2162
protection order described in that division, irrespective of when 2163
the sheriff notifies the licensee under division (A)(3) of this 2164
section. The suspension shall end on the date on which the charges 2165
are dismissed or the licensee is found not guilty of the offense 2166
described in division (A)(1)(a) of this section or, subject to 2167
division (B) of this section, on the date the appropriate court 2168

terminates the protection order described in that division. If the 2169
suspension so ends, the sheriff shall return the license or 2170
temporary emergency license to the licensee. 2171

(2)(a) If a licensee holding a valid concealed handgun 2172
license ~~issued under section 2923.125 or 2923.1213 of the Revised~~ 2173
~~Code~~ is convicted of or pleads guilty to a misdemeanor violation 2174
of division (B)(1), (2), or (4) of section 2923.12 of the Revised 2175
Code or of division (E)(1), (2), (3), or (5) of section 2923.16 of 2176
the Revised Code, except as provided in division (A)(2)(c) of this 2177
section and subject to division (C) of this section, the sheriff 2178
who issued the license ~~or temporary emergency license~~ shall 2179
suspend it and shall comply with division (A)(3) of this section 2180
upon becoming aware of the conviction or guilty plea. Upon 2181
suspending the license ~~or temporary emergency license~~, the sheriff 2182
also shall comply with division (H) of section 2923.125 of the 2183
Revised Code. 2184

(b) A suspension under division (A)(2)(a) of this section 2185
shall be considered as beginning on the date that the licensee is 2186
convicted of or pleads guilty to the offense described in that 2187
division, irrespective of when the sheriff notifies the licensee 2188
under division (A)(3) of this section. If the suspension is 2189
imposed for a misdemeanor violation of division (B)(1) or (2) of 2190
section 2923.12 of the Revised Code or of division (E)(1), (2), or 2191
(3) of section 2923.16 of the Revised Code, it shall end on the 2192
date that is one year after the date that the licensee is 2193
convicted of or pleads guilty to that violation. If the suspension 2194
is imposed for a misdemeanor violation of division (B)(4) of 2195
section 2923.12 of the Revised Code or of division (E)(5) of 2196
section 2923.16 of the Revised Code, it shall end on the date that 2197
is two years after the date that the licensee is convicted of or 2198
pleads guilty to that violation. If the licensee's license was 2199
issued under section 2923.125 of the Revised Code and the license 2200

remains valid after the suspension ends as described in this 2201
division, when the suspension ends, the sheriff shall return the 2202
license to the licensee. If the licensee's license was issued 2203
under section 2923.125 of the Revised Code and the license expires 2204
before the suspension ends as described in this division, or if 2205
the licensee's license was issued under section 2923.1213 of the 2206
Revised Code, the licensee is not eligible to apply for a new 2207
license under section 2923.125 or 2923.1213 of the Revised Code or 2208
to renew the license under section 2923.125 of the Revised Code 2209
until after the suspension ends as described in this division. 2210

(c) The license of a licensee who is convicted of or pleads 2211
guilty to a violation of division (B)(1) of section 2923.12 or 2212
division (E)(1) or (2) of section 2923.16 of the Revised Code 2213
shall not be suspended pursuant to division (A)(2)(a) of this 2214
section if, at the time of the stop of the licensee for a law 2215
enforcement purpose, for a traffic stop, or for a purpose defined 2216
in section 5503.34 of the Revised Code that was the basis of the 2217
violation, any law enforcement officer involved with the stop or 2218
the employee of the motor carrier enforcement unit who made the 2219
stop had actual knowledge of the licensee's status as a licensee. 2220

(3) Upon becoming aware of an arrest, charge, or protection 2221
order described in division (A)(1)(a) of this section with respect 2222
to a licensee who was issued a concealed handgun license ~~under~~ 2223
~~section 2923.125 or 2923.1213 of the Revised Code~~, or a conviction 2224
of or plea of guilty to a misdemeanor offense described in 2225
division (A)(2)(a) of this section with respect to a licensee who 2226
was issued a concealed handgun license ~~under either section~~ and 2227
with respect to which division (A)(2)(c) of this section does not 2228
apply, subject to division (C) of this section, the sheriff who 2229
issued the licensee's license ~~or temporary emergency license to~~ 2230
~~carry a concealed handgun~~ shall notify the licensee, by certified 2231
mail, return receipt requested, at the licensee's last known 2232

residence address that the license ~~or temporary emergency license~~ 2233
has been suspended and that the licensee is required to surrender 2234
the license ~~or temporary emergency license~~ at the sheriff's office 2235
within ten days of the date on which the notice was mailed. If the 2236
suspension is pursuant to division (A)(2) of this section, the 2237
notice shall identify the date on which the suspension ends. 2238

(B)(1) A sheriff who issues a concealed handgun license ~~or~~ 2239
~~temporary emergency license~~ to carry a concealed handgun to a 2240
licensee ~~under section 2923.125 or 2923.1213 of the Revised Code~~ 2241
shall revoke the license ~~or temporary emergency license~~ in 2242
accordance with division (B)(2) of this section upon becoming 2243
aware that the licensee satisfies any of the following: 2244

(a) The licensee is under twenty-one years of age. 2245

(b) Subject to division (C) of this section, at the time of 2246
the issuance of the license ~~or temporary emergency license~~, the 2247
licensee did not satisfy the eligibility requirements of division 2248
(D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the 2249
Revised Code. 2250

(c) Subject to division (C) of this section, on or after the 2251
date on which the license ~~or temporary emergency license~~ was 2252
issued, the licensee is convicted of or pleads guilty to a 2253
violation of section 2923.15 of the Revised Code or an offense 2254
described in division (D)(1)(e), (f), (g), or (h) of section 2255
2923.125 of the Revised Code. 2256

(d) On or after the date on which the license ~~or temporary~~ 2257
~~emergency license~~ was issued, the licensee becomes subject to a 2258
civil protection order or to a protection order issued by a court 2259
of another state that is substantially equivalent to a civil 2260
protection order. 2261

(e) The licensee knowingly carries a concealed handgun into a 2262
place that the licensee knows is an unauthorized place specified 2263

in division (B) of section 2923.126 of the Revised Code. 2264

(f) On or after the date on which the license ~~or temporary~~ 2265
~~emergency license~~ was issued, the licensee is adjudicated as a 2266
mental defective or is committed to a mental institution. 2267

(g) At the time of the issuance of the license ~~or temporary~~ 2268
~~emergency license~~, the licensee did not meet the residency 2269
requirements described in division (D)(1) of section 2923.125 of 2270
the Revised Code and currently does not meet the residency 2271
requirements described in that division. 2272

(h) Regarding a license issued under section 2923.125 of the 2273
Revised Code, the competency certificate the licensee submitted 2274
was forged or otherwise was fraudulent. 2275

(2) Upon becoming aware of any circumstance listed in 2276
division (B)(1) of this section that applies to a particular 2277
licensee who was issued a concealed handgun license ~~under section~~ 2278
~~2923.125 or 2923.1213~~ of the Revised Code, subject to division (C) 2279
of this section, the sheriff who issued the license ~~or temporary~~ 2280
~~emergency license to carry a concealed handgun~~ to the licensee 2281
shall notify the licensee, by certified mail, return receipt 2282
requested, at the licensee's last known residence address that the 2283
license ~~or temporary emergency license~~ is subject to revocation 2284
and that the licensee may come to the sheriff's office and contest 2285
the sheriff's proposed revocation within fourteen days of the date 2286
on which the notice was mailed. After the fourteen-day period and 2287
after consideration of any information that the licensee provides 2288
during that period, if the sheriff determines on the basis of the 2289
information of which the sheriff is aware that the licensee is 2290
described in division (B)(1) of this section and no longer 2291
satisfies the requirements described in division (D)(1) of section 2292
2923.125 of the Revised Code that are applicable to the licensee's 2293
type of license, the sheriff shall revoke the license ~~or temporary~~ 2294
~~emergency license~~, notify the licensee of that fact, and require 2295

the licensee to surrender the license ~~or temporary emergency~~ 2296
license. Upon revoking the license ~~or temporary emergency license,~~ 2297
the sheriff also shall comply with division (H) of section 2298
2923.125 of the Revised Code. 2299

(C) If a sheriff who issues a ~~license or temporary emergency~~ 2300
~~license to carry a~~ concealed handgun license to a licensee ~~under~~ 2301
~~section 2923.125 or 2923.1213 of the Revised Code~~ becomes aware 2302
that at the time of the issuance of the license ~~or temporary~~ 2303
~~emergency license~~ the licensee had been convicted of or pleaded 2304
guilty to an offense identified in division (D)(1)(e), (f), or (h) 2305
of section 2923.125 of the Revised Code or had been adjudicated a 2306
delinquent child for committing an act or violation identified in 2307
any of those divisions or becomes aware that on or after the date 2308
on which the license ~~or temporary emergency license~~ was issued the 2309
licensee has been convicted of or pleaded guilty to an offense 2310
identified in division (A)(2)(a) or (B)(1)(c) of this section, the 2311
sheriff shall not consider that conviction, guilty plea, or 2312
adjudication as having occurred for purposes of divisions (A)(2), 2313
(A)(3), (B)(1), and (B)(2) of this section if a court has ordered 2314
the sealing or expungement of the records of that conviction, 2315
guilty plea, or adjudication pursuant to sections 2151.355 to 2316
2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a 2317
court has granted the licensee relief pursuant to section 2923.14 2318
of the Revised Code from the disability imposed pursuant to 2319
section 2923.13 of the Revised Code relative to that conviction, 2320
guilty plea, or adjudication. 2321

(D) As used in this section, "motor carrier enforcement unit" 2322
has the same meaning as in section 2923.16 of the Revised Code. 2323

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 2324
bureau of criminal identification and investigation, the employees 2325
of the bureau, the Ohio peace officer training commission, or the 2326

employees of the commission make a good faith effort in performing 2327
the duties imposed upon the sheriff, the superintendent, the 2328
bureau's employees, the commission, or the commission's employees 2329
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 2330
Revised Code, in addition to the personal immunity provided by 2331
section 9.86 of the Revised Code or division (A)(6) of section 2332
2744.03 of the Revised Code and the governmental immunity of 2333
sections 2744.02 and 2744.03 of the Revised Code and in addition 2334
to any other immunity possessed by the bureau, the commission, and 2335
their employees, the sheriff, the sheriff's office, the county in 2336
which the sheriff has jurisdiction, the bureau, the superintendent 2337
of the bureau, the bureau's employees, the commission, and the 2338
commission's employees are immune from liability in a civil action 2339
for injury, death, or loss to person or property that allegedly 2340
was caused by or related to any of the following: 2341

(a) The issuance, renewal, suspension, or revocation of a 2342
~~license to carry a concealed handgun or the issuance, suspension,~~ 2343
~~or revocation of a temporary emergency license to carry a~~ 2344
concealed handgun license; 2345

(b) The failure to issue, renew, suspend, or revoke a ~~license~~ 2346
~~to carry a concealed handgun or the failure to issue, suspend, or~~ 2347
~~revoke a temporary emergency license to carry a concealed handgun~~ 2348
license; 2349

(c) Any action or misconduct with a handgun committed by a 2350
licensee. 2351

(2) Any action of a sheriff relating to the issuance, 2352
renewal, suspension, or revocation of a ~~license to carry a~~ 2353
~~concealed handgun or the issuance, suspension, or revocation of a~~ 2354
~~temporary emergency license to carry a concealed handgun~~ license 2355
shall be considered to be a governmental function for purposes of 2356
Chapter 2744. of the Revised Code. 2357

(3) An entity that or instructor who provides a competency certification of a type described in division (B)(3) of section 2923.125 of the Revised Code is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the competency certificate if all of the following apply:

(a) The alleged liability of the entity or instructor relates to the training provided in the course, class, or program covered by the competency certificate.

(b) The entity or instructor makes a good faith effort in determining whether the person has satisfactorily completed the course, class, or program and makes a good faith effort in assessing the person in the competency examination conducted pursuant to division (G)(2) of section 2923.125 of the Revised Code.

(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner.

(4) An entity that or instructor who, prior to the effective date of this amendment, provides a renewed competency certification of a type described in division (G)(4) of section 2923.125 of the Revised Code as it existed prior to the effective date of this amendment is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the renewed competency certificate if all of the following apply:

(a) The entity or instructor makes a good faith effort in assessing the person in the physical demonstrations or the competency examination conducted pursuant to division (G)(4) of

section 2923.125 of the Revised Code as it existed prior to the 2389
effective date of this amendment. 2390

(b) The entity or instructor did not issue the renewed 2391
competency certificate with malicious purpose, in bad faith, or in 2392
a wanton or reckless manner. 2393

(5) A law enforcement agency that employs a peace officer is 2394
immune from liability in a civil action to recover damages for 2395
injury, death, or loss to person or property allegedly caused by 2396
any act of that peace officer if the act occurred while the peace 2397
officer carried a concealed handgun and was off duty and if the 2398
act allegedly involved the peace officer's use of the concealed 2399
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 2400
Code apply to any civil action involving a peace officer's use of 2401
a concealed handgun in the performance of the peace officer's 2402
official duties while the peace officer is off duty. 2403

(B)(1) Notwithstanding section 149.43 of the Revised Code, 2404
except as provided in division (B)(2) of this section, the records 2405
that a sheriff keeps relative to the issuance, renewal, 2406
suspension, or revocation of a ~~license to carry a concealed~~ 2407
~~handgun or the issuance, suspension, or revocation of a temporary~~ 2408
~~emergency license to carry a~~ concealed handgun license, including, 2409
but not limited to, completed applications for the issuance or 2410
renewal of a license, completed affidavits submitted regarding an 2411
application for a license on a temporary emergency license basis, 2412
reports of criminal records checks and incompetency records checks 2413
under section 311.41 of the Revised Code, and applicants' social 2414
security numbers and fingerprints that are obtained under division 2415
(A) of section 311.41 of the Revised Code, are confidential and 2416
are not public records. Except as provided in division (B)(2) of 2417
this section, no person shall release or otherwise disseminate 2418
records that are confidential under this division unless required 2419
to do so pursuant to a court order. 2420

(2)(a) A journalist, on or after April 8, 2004, may submit to a sheriff a signed, written request to view the name, county of residence, and date of birth of each person to whom the sheriff has issued a ~~license or replacement license to carry a concealed handgun, renewed a license to carry a concealed handgun, or issued a temporary emergency license or replacement temporary emergency license to carry a~~ concealed handgun ~~under section 2923.125 or 2923.1213 of the Revised Code~~ license, or a signed, written request to view the name, county of residence, and date of birth of each person for whom the sheriff has suspended or revoked a ~~license to carry a concealed handgun or a temporary emergency license to carry a~~ concealed handgun ~~under section 2923.128 of the Revised Code~~ license. The request shall include the journalist's name and title, shall include the name and address of the journalist's employer, and shall state that disclosure of the information sought would be in the public interest. If a journalist submits a signed, written request to the sheriff to view the information described in this division, the sheriff shall grant the journalist's request. The journalist shall not copy the name, county of residence, or date of birth of each person to or for whom the sheriff has issued, suspended, or revoked a license described in this division.

(b) As used in division (B)(2) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(C) Each sheriff shall report to the Ohio peace officer training commission the number of ~~licenses to carry a~~ concealed handgun licenses that the sheriff issued, renewed, suspended,

revoked, or denied under section 2923.125 of the Revised Code 2453
during the previous quarter of the calendar year, the number of 2454
applications for those licenses for which processing was suspended 2455
in accordance with division (D)(3) of section 2923.125 of the 2456
Revised Code during the previous quarter of the calendar year, and 2457
the number of concealed handgun licenses on a temporary emergency 2458
licenses to carry a concealed handgun basis that the sheriff 2459
issued, suspended, revoked, or denied under section 2923.1213 of 2460
the Revised Code during the previous quarter of the calendar year. 2461
The sheriff shall not include in the report the name or any other 2462
identifying information of an applicant or licensee. The sheriff 2463
shall report that information in a manner that permits the 2464
commission to maintain the statistics described in division ~~(D)~~(C) 2465
of section 109.731 of the Revised Code and to timely prepare the 2466
statistical report described in that division. The information 2467
that is received by the commission under this division is a public 2468
record kept by the commission for the purposes of section 149.43 2469
of the Revised Code. 2470

(D) Law enforcement agencies may use the information a 2471
sheriff makes available through the use of the law enforcement 2472
automated data system pursuant to division (H) of section 2923.125 2473
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 2474
for law enforcement purposes only. The information is confidential 2475
and is not a public record. A person who releases or otherwise 2476
disseminates this information obtained through the law enforcement 2477
automated data system in a manner not described in this division 2478
is guilty of a violation of section 2913.04 of the Revised Code. 2479

(E) Whoever violates division (B) of this section is guilty 2480
of illegal release of confidential concealed handgun license 2481
records, a felony of the fifth degree. In addition to any 2482
penalties imposed under Chapter 2929. of the Revised Code for a 2483
violation of division (B) of this section or a violation of 2484

section 2913.04 of the Revised Code described in division (D) of 2485
this section, if the offender is a sheriff, an employee of a 2486
sheriff, or any other public officer or employee, and if the 2487
violation was willful and deliberate, the offender shall be 2488
subject to a civil fine of one thousand dollars. Any person who is 2489
harmd by a violation of division (B) or (C) of this section or a 2490
violation of section 2913.04 of the Revised Code described in 2491
division (D) of this section has a private cause of action against 2492
the offender for any injury, death, or loss to person or property 2493
that is a proximate result of the violation and may recover court 2494
costs and attorney's fees related to the action. 2495

Sec. 2923.1210. The application for a ~~license to carry a~~ 2496
concealed handgun license or for the renewal of a license of that 2497
nature that is to be used under section 2923.125 of the Revised 2498
Code shall conform substantially to the following forms: 2499

"Ohio Peace APPLICATION FOR A LICENSE TO 2500
Officer CARRY A CONCEALED HANDGUN
Training
Commission

 Please Type or Print in Ink 2501

SECTION I. 2502

This application will not be processed unless 2503
all applicable questions have been answered and
until all required supporting documents as
described in division (B) or (F) of section
2923.125 of the Ohio Revised Code and, unless
waived, a cashier's check, certified check, or
money order in the amount of the applicable
license fee or license renewal fee have been
submitted. FEES ARE NONREFUNDABLE.

SECTION II. 2504

Name:	2505
Last	2506
First	2507
Middle	2508
.....	2509
Social Security Number:	2510
Current Residence:	2511
Street	2512
City	2513
State	2514
County	2515
Zip	2516
.....	2517
Mailing Address (If Different From Above):	2518
Street	2519
City	2520
State	2521
Zip	2522
.....	2523
Date of Birth	2524
Place of Birth	2525
Sex	2526
Race	2527
Residence	2528
Telephone	2529
...../...../.....	2530
.....	2531
.....	2532
.....	2533
.....	2534
.....	2535
.....	2536
SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO	2537
(1)(a) Are you legally living in the United States?	2538
..... YES	2539
..... NO	2540
(b) Have you been a resident of Ohio for at least forty-five days and have you been a resident for thirty days of the county with whose sheriff you are filing this application or of a county adjacent to that county?	2541
..... YES	2542
..... NO	2543
(2) Are you at least twenty-one years of age?	2544
..... YES	2545
..... NO	2546
(3) Are you a fugitive from justice?	2547
..... YES	2548
..... NO	2549
(4) Are you under indictment for a felony, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to a felony, or, except for a delinquent child	2550

adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult?

(5) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult? YES NO 2523

(6) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult?

(6) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the YES NO 2524

disability pursuant to section 2923.14 of the

Revised Code, have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of possessing a revoked or suspended concealed handgun license, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult?

(7) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting

.... YES NO 2525

arrest?

(8)(a) Are you under indictment for or YES NO 2526
otherwise charged with assault or negligent
assault?

(b) Have you been convicted of, pleaded guilty YES NO 2527
to, or adjudicated a delinquent child two or
more times for committing assault or negligent
assault within five years of the date of this
application?

(c) Except for a conviction, guilty plea, or YES NO 2528
delinquent child adjudication the records of
which a court has ordered sealed or expunged
or relative to which a court has granted
relief from disability pursuant to section
2923.14 of the Revised Code, have you ever
been convicted of, pleaded guilty to, or
adjudicated a delinquent child for assaulting
a peace officer?

(9)(a) Have you ever been adjudicated as a YES NO 2529
mental defective?

(b) Have you ever been committed to a mental YES NO 2530
institution?

(10) Are you currently subject to a civil YES NO 2531
protection order, a temporary protection
order, or a protection order issued by a court
of another state?

(11) Are you currently subject to a suspension YES NO 2532
imposed under division (A)(2) of section
2923.128 of the Revised Code of a ~~license to~~
~~carry a concealed handgun, or a temporary~~
~~emergency license to carry a concealed~~
handgun, license that previously was issued to
you?

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY 2533
PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH 2534
PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU 2535
ATTAINED EIGHTEEN YEARS OF AGE AND UNTIL YOU COMMENCED YOUR 2536
RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM, 2537
AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED 2538
MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT 2539
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT 2540
AT THE END OF THIS SECTION. 2541

Residence 1: 2542
Street City State County Zip 2543
..... 2544
Dates of residence at this address 2545

Residence 2: 2546
Street City State County Zip 2547
..... 2548
Dates of residence at this address 2549

Residence 3: 2550
Street City State County Zip 2551
..... 2552
Dates of residence at this address 2553

Residence 4: 2554
Street City State County Zip 2555
..... 2556
Dates of residence at this address 2557

SECTION V. 2558
YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY ANSWERING THE 2559
QUESTION POSED IN PART (1) AND, IF THE ANSWER TO THE QUESTION IS 2560
"YES," BY PROVIDING IN PART (2) THE INFORMATION SPECIFIED. IF YOU 2561
NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT 2562
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT 2563

AT THE END OF THIS SECTION.	2564
(1) Have you previously applied in any county YES NO	2565
in Ohio or in any other state for a license to	
carry a concealed handgun or a temporary	
emergency license to carry a concealed handgun	
<u>license</u> ?	
(2) If your answer to the question in part (1) of this section of	2566
the application is "yes," you must complete this part by listing	2567
each county in Ohio, and each other state, in which you previously	2568
applied for either type of a license and, to the best of your	2569
knowledge, the date on which you made the application.	2570
Previous application made in (insert name of Ohio	2571
county or other state) on (insert date of	2572
application.)	2573
Previous application made in (insert name of Ohio	2574
county or other state) on (insert date of	2575
application.)	2576
Previous application made in (insert name of Ohio	2577
county or other state) on (insert date of	2578
application.)	2579
Previous application made in (insert name of Ohio	2580
county or other state) on (insert date of	2581
application.)	2582
SECTION VI.	2583
AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR	2584
SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE	2585
APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A	2586
CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN	2587
VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.	2588
(1) I have read the pamphlet that explains the Ohio firearms laws,	2589

that provides instruction in dispute resolution and explains 2590
the Ohio laws related to that matter, and that provides 2591
information regarding all aspects of the use of deadly force 2592
with a firearm, and I am knowledgeable of the provisions of 2593
those laws and of the information on those matters. 2594

(2) I desire a legal means to carry a concealed handgun for 2595
defense of myself or a member of my family while engaged in 2596
lawful activity. 2597

(3) I have never been convicted of or pleaded guilty to a crime of 2598
violence in the state of Ohio or elsewhere (if you have been 2599
convicted of or pleaded guilty to such a crime, but the 2600
records of that conviction or guilty plea have been sealed or 2601
expunged by court order or a court has granted relief 2602
pursuant to section 2923.14 of the Revised Code from the 2603
disability imposed pursuant to section 2923.13 of the Revised 2604
Code relative to that conviction or guilty plea, you may 2605
treat the conviction or guilty plea for purposes of this 2606
paragraph as if it never had occurred). I am of sound mind. I 2607
hereby certify that the statements contained herein are true 2608
and correct to the best of my knowledge and belief. I 2609
understand that if I knowingly make any false statements 2610
herein I am subject to penalties prescribed by law. I 2611
authorize the sheriff or the sheriff's designee to inspect 2612
only those records or documents relevant to information 2613
required for this application. 2614

(4) The information contained in this application and all attached 2615
documents are true and correct to the best of my knowledge. 2616
..... 2617
Signature of Applicant" 2618

"Ohio Peace APPLICATION TO RENEW A LICENSE 2619
Officer TO CARRY A CONCEALED HANDGUN
Training

Commission									
	Please Type or Print in Ink								2620
SECTION I.									2621
This application will not be processed unless									2622
all applicable questions have been answered and									
until all required supporting documents as									
described in division (B) or (F) of section									
2923.125 of the Ohio Revised Code and, unless									
waived, a cashier's check, certified check, or									
money order in the amount of the applicable									
license fee or license renewal fee have been									
submitted. FEES ARE NONREFUNDABLE.									
SECTION II.									2623
Name:									2624
Last	First			Middle					2625
.....	.....			.....					2626
Social Security Number:	.....								2627
Current Residence:									2628
Street	City	State	County	Zip					2629
.....	.....	.....	.....	.....					2630
Mailing Address (If Different From Above):									2631
Street	City	State		Zip					2632
.....	.....	.....		.....					2633
Date of Birth	Place of Birth	Sex	Race	Residence					2634
...../...../.....	.....	....	.....	(.....).....					2635
SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO									2636
(1)(a) Are you legally living in the United States?	.... YES	.... NO							2637
(b) Have you been a resident of Ohio for at least forty-five days and have you been a	.... YES	.... NO							2638

resident for thirty days of the county with whose sheriff you are filing this application or of a county adjacent to that county?

(2) Are you at least twenty-one years of age? YES NO 2639

(3) Are you a fugitive from justice? YES NO 2640

(4) Are you under indictment for a felony, or, YES NO 2641

except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to a felony, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult?

(5) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or, except for a delinquent child adjudication the

.... YES NO 2642

records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult?

(6) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of possessing a revoked or suspended concealed handgun license, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult? YES NO 2643

(7) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult?

(7) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from YES NO 2644

records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult?

disability pursuant to section 2923.14 of the Revised Code, have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting arrest?

(8)(a) Are you under indictment for or otherwise charged with assault or negligent assault? YES NO 2645

(b) Have you been convicted of, pleaded guilty to, or adjudicated a delinquent child two or more times for committing assault or negligent assault within five years of the date of this application? YES NO 2646

(c) Except for a conviction, guilty plea, or delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of, pleaded guilty to, or adjudicated a delinquent child for assaulting a peace officer? YES NO 2647

(9)(a) Have you ever been adjudicated as a mental defective? YES NO 2648

(b) Have you ever been committed to a mental institution? YES NO 2649

(10) Are you currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state? YES NO 2650

(11) Are you currently subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a ~~license to carry a concealed handgun, or a temporary emergency license to carry a concealed handgun,~~ license that previously was issued to you? YES NO 2651

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU LAST APPLIED FOR AN OHIO CONCEALED HANDGUN LICENSE THROUGH THE TIME YOU COMMENCED YOUR RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM, AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT AT THE END OF THIS SECTION. 2652
2653
2654
2655
2656
2657
2658
2659
2660

Residence 1: 2661
Street City State County Zip 2662
. 2663
Dates of residence at this address 2664

Residence 2: 2665
Street City State County Zip 2666
. 2667
Dates of residence at this address 2668

Residence 3: 2669
Street City State County Zip 2670

.....	2671
Dates of residence at this address	2672
Residence 4:	2673
Street City State County Zip	2674
.....	2675
Dates of residence at this address	2676
SECTION V.	2677
YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY ANSWERING THE	2678
QUESTION POSED IN PART (1) AND, IF THE ANSWER TO THE QUESTION IS	2679
"YES," BY PROVIDING IN PART (2) THE INFORMATION SPECIFIED. IF YOU	2680
NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT	2681
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT	2682
AT THE END OF THIS SECTION.	2683
(1) Have you previously applied in any county YES NO	2684
in Ohio or in any other state for a license to	
carry a concealed handgun or a temporary	
emergency license to carry a concealed handgun	
<u>license</u> ?	
(2) If your answer to the question in part (1) of this section of	2685
the application is "yes," you must complete this part by listing	2686
each county in Ohio, and each other state, in which you previously	2687
applied for either type of a license and, to the best of your	2688
knowledge, the date on which you made the application.	2689
Previous application made in (insert name of Ohio	2690
county or other state) on (insert date of	2691
application.)	2692
Previous application made in (insert name of Ohio	2693
county or other state) on (insert date of	2694
application.)	2695
Previous application made in (insert name of Ohio	2696
county or other state) on (insert date of	2697

application.)	2698
Previous application made in (insert name of Ohio county or other state) on (insert date of application.)	2699 2700 2701
SECTION VI.	2702
AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.	2703 2704 2705 2706 2707
(1) I have read the pamphlet that explains the Ohio firearms laws, that provides instruction in dispute resolution and explains the Ohio laws related to that matter, and that provides information regarding all aspects of the use of deadly force with a firearm, and I am knowledgeable of the provisions of those laws and of the information on those matters.	2708 2709 2710 2711 2712 2713
(2) I desire a legal means to carry a concealed handgun for defense of myself or a member of my family while engaged in lawful activity.	2714 2715 2716
(3) I have never been convicted of or pleaded guilty to a crime of violence in the state of Ohio or elsewhere (if you have been convicted of or pleaded guilty to such a crime, but the records of that conviction or guilty plea have been sealed or expunged by court order or a court has granted relief pursuant to section 2923.14 of the Revised Code from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction or guilty plea, you may treat the conviction or guilty plea for purposes of this paragraph as if it never had occurred). I am of sound mind. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I	2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728

understand that if I knowingly make any false statements 2729
herein I am subject to penalties prescribed by law. I 2730
authorize the sheriff or the sheriff's designee to inspect 2731
only those records or documents relevant to information 2732
required for this application. 2733

(4) The information contained in this application and all attached 2734
documents are true and correct to the best of my knowledge. 2735
..... 2736
Signature of Applicant" 2737

Sec. 2923.1211. (A) No person shall alter a ~~license or~~ 2738
~~temporary emergency license to carry a concealed handgun that was~~ 2739
~~issued pursuant to section 2923.125 or 2923.1213 of the Revised~~ 2740
Code license or create a fictitious document that purports to be a 2741
license of that nature. 2742

(B) No person, except in the performance of official duties, 2743
shall possess a ~~license to carry a concealed handgun~~ license that 2744
was issued and that has been revoked or suspended ~~pursuant to~~ 2745
~~section 2923.128 of the Revised Code or a temporary emergency~~ 2746
~~license to carry a concealed handgun that was issued and that has~~ 2747
~~been revoked pursuant to section 2923.1213 of the Revised Code.~~ 2748

(C) Whoever violates division (A) of this section is guilty 2749
of falsification of a concealed handgun license, a felony of the 2750
fifth degree. Whoever violates division (B) of this section is 2751
guilty of possessing a revoked or suspended concealed handgun 2752
license, a misdemeanor of the third degree. 2753

Sec. 2923.1213. (A) As used in this section: 2754

(1) "Evidence of imminent danger" means any of the following: 2755

(a) A statement sworn by the person seeking to carry a 2756
concealed handgun that is made under threat of perjury and that 2757
states that the person has reasonable cause to fear a criminal 2758

attack upon the person or a member of the person's family, such as 2759
would justify a prudent person in going armed; 2760

(b) A written document prepared by a governmental entity or 2761
public official describing the facts that give the person seeking 2762
to carry a concealed handgun reasonable cause to fear a criminal 2763
attack upon the person or a member of the person's family, such as 2764
would justify a prudent person in going armed. Written documents 2765
of this nature include, but are not limited to, any temporary 2766
protection order, civil protection order, protection order issued 2767
by another state, or other court order, any court report, and any 2768
report filed with or made by a law enforcement agency or 2769
prosecutor. 2770

(2) "Prosecutor" has the same meaning as in section 2935.01 2771
of the Revised Code. 2772

(B)(1) A person seeking a ~~temporary emergency license to~~ 2773
~~carry~~ a concealed handgun license on a temporary basis shall 2774
submit to the sheriff of the county in which the person resides 2775
all of the following: 2776

(a) Evidence of imminent danger to the person or a member of 2777
the person's family; 2778

(b) A sworn affidavit that contains all of the information 2779
required to be on the license and attesting that the person is 2780
legally living in the United States; is at least twenty-one years 2781
of age; is not a fugitive from justice; is not under indictment 2782
for or otherwise charged with an offense identified in division 2783
(D)(1)(d) of section 2923.125 of the Revised Code; has not been 2784
convicted of or pleaded guilty to an offense, and has not been 2785
adjudicated a delinquent child for committing an act, identified 2786
in division (D)(1)(e) of that section and to which division (B)(3) 2787
of this section does not apply; within three years of the date of 2788
the submission, has not been convicted of or pleaded guilty to an 2789

offense, and has not been adjudicated a delinquent child for 2790
committing an act, identified in division (D)(1)(f) of that 2791
section and to which division (B)(3) of this section does not 2792
apply; within five years of the date of the submission, has not 2793
been convicted of, pleaded guilty, or adjudicated a delinquent 2794
child for committing two or more violations identified in division 2795
(D)(1)(g) of that section; within ten years of the date of the 2796
submission, has not been convicted of, pleaded guilty, or 2797
adjudicated a delinquent child for committing a violation 2798
identified in division (D)(1)(h) of that section and to which 2799
division (B)(3) of this section does not apply; has not been 2800
adjudicated as a mental defective, has not been committed to any 2801
mental institution, is not under adjudication of mental 2802
incompetence, has not been found by a court to be a mentally ill 2803
person subject to hospitalization by court order, and is not an 2804
involuntary patient other than one who is a patient only for 2805
purposes of observation, as described in division (D)(1)(i) of 2806
that section; is not currently subject to a civil protection 2807
order, a temporary protection order, or a protection order issued 2808
by a court of another state, as described in division (D)(1)(j) of 2809
that section; and is not currently subject to a suspension imposed 2810
under division (A)(2) of section 2923.128 of the Revised Code of a 2811
~~license to carry a concealed handgun, or a temporary emergency~~ 2812
~~license to carry a concealed handgun,~~ license that previously was 2813
issued to the person; 2814

(c) A nonrefundable temporary emergency license fee as 2815
described in either of the following: 2816

(i) For an applicant who has been a resident of this state 2817
for five or more years, a fee of fifteen dollars plus the actual 2818
cost of having a background check performed by the bureau of 2819
criminal identification and investigation pursuant to section 2820
311.41 of the Revised Code; 2821

(ii) For an applicant who has been a resident of this state 2822
for less than five years, a fee of fifteen dollars plus the actual 2823
cost of having background checks performed by the federal bureau 2824
of investigation and the bureau of criminal identification and 2825
investigation pursuant to section 311.41 of the Revised Code. 2826

(d) A set of fingerprints of the applicant provided as 2827
described in section 311.41 of the Revised Code through use of an 2828
electronic fingerprint reading device or, if the sheriff to whom 2829
the application is submitted does not possess and does not have 2830
ready access to the use of an electronic fingerprint reading 2831
device, on a standard impression sheet prescribed pursuant to 2832
division (C)(2) of section 109.572 of the Revised Code. If the 2833
fingerprints are provided on a standard impression sheet, the 2834
person also shall provide the person's social security number to 2835
the sheriff. 2836

(2) A sheriff shall accept the evidence of imminent danger, 2837
the sworn affidavit, the fee, and the set of fingerprints required 2838
under division (B)(1) of this section at the times and in the 2839
manners described in division (I) of this section. Upon receipt of 2840
the evidence of imminent danger, the sworn affidavit, the fee, and 2841
the set of fingerprints required under division (B)(1) of this 2842
section, the sheriff, in the manner specified in section 311.41 of 2843
the Revised Code, immediately shall conduct or cause to be 2844
conducted the criminal records check and the incompetency records 2845
check described in section 311.41 of the Revised Code. Immediately 2846
upon receipt of the results of the records checks, the sheriff 2847
shall review the information and shall determine whether the 2848
criteria set forth in divisions (D)(1)(a) to (j) and (m) of 2849
section 2923.125 of the Revised Code apply regarding the person. 2850
If the sheriff determines that all of criteria set forth in 2851
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the 2852
Revised Code apply regarding the person, the sheriff shall 2853

immediately make available through the law enforcement automated 2854
data system all information that will be contained on the 2855
temporary emergency license for the person if one is issued, and 2856
the superintendent of the state highway patrol shall ensure that 2857
the system is so configured as to permit the transmission through 2858
the system of that information. Upon making that information 2859
available through the law enforcement automated data system, the 2860
sheriff shall immediately issue to the person a ~~temporary~~ 2861
~~emergency license to carry a concealed handgun~~ license on a 2862
temporary emergency basis. 2863

If the sheriff denies the issuance of a ~~temporary emergency~~ 2864
license on a temporary emergency basis to the person, the sheriff 2865
shall specify the grounds for the denial in a written notice to 2866
the person. The person may appeal the denial, or challenge 2867
criminal records check results that were the basis of the denial 2868
if applicable, in the same manners specified in division (D)(2) of 2869
section 2923.125 and in section 2923.127 of the Revised Code, 2870
regarding the denial of an application for a ~~license to carry a~~ 2871
concealed handgun license under that section. 2872

The ~~temporary emergency~~ license on a temporary emergency 2873
basis issued under this division shall be in the form, and shall 2874
include all of the information, described in divisions (A)(2) and 2875
(5) of section 109.731 of the Revised Code, and also shall include 2876
a unique combination of identifying letters and numbers in 2877
accordance with division (A)(4) of that section. 2878

The ~~temporary emergency~~ license on a temporary emergency 2879
basis issued under this division is valid for ninety days and may 2880
not be renewed. A person who has been issued a ~~temporary emergency~~ 2881
license on a temporary emergency basis under this division shall 2882
not be issued another ~~temporary emergency~~ license on a temporary 2883
emergency basis unless at least four years has expired since the 2884
issuance of the prior ~~temporary emergency~~ license on a temporary 2885

emergency basis. 2886

(3) If a person seeking a ~~temporary emergency license to~~ 2887
~~carry~~ a concealed handgun license on a temporary emergency basis 2888
has been convicted of or pleaded guilty to an offense identified 2889
in division (D)(1)(e), (f), or (h) of section 2923.125 of the 2890
Revised Code or has been adjudicated a delinquent child for 2891
committing an act or violation identified in any of those 2892
divisions, and if a court has ordered the sealing or expungement 2893
of the records of that conviction, guilty plea, or adjudication 2894
pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 2895
2953.36 of the Revised Code or a court has granted the applicant 2896
relief pursuant to section 2923.14 of the Revised Code from the 2897
disability imposed pursuant to section 2923.13 of the Revised Code 2898
relative to that conviction, guilty plea, or adjudication, the 2899
conviction, guilty plea, or adjudication shall not be relevant for 2900
purposes of the sworn affidavit described in division (B)(1)(b) of 2901
this section, and the person may complete, and swear to the truth 2902
of, the affidavit as if the conviction, guilty plea, or 2903
adjudication never had occurred. 2904

(4) The sheriff shall waive the payment pursuant to division 2905
(B)(1)(c) of this section of the license fee in connection with an 2906
application that is submitted by an applicant who is a retired 2907
peace officer, a retired person described in division (B)(1)(b) of 2908
section 109.77 of the Revised Code, or a retired federal law 2909
enforcement officer who, prior to retirement, was authorized under 2910
federal law to carry a firearm in the course of duty, unless the 2911
retired peace officer, person, or federal law enforcement officer 2912
retired as the result of a mental disability. 2913

The sheriff shall deposit all fees paid by an applicant under 2914
division (B)(1)(c) of this section into the sheriff's concealed 2915
handgun license issuance fund established pursuant to section 2916
311.42 of the Revised Code. 2917

(C) A person who holds a ~~temporary emergency license to carry~~ 2918
a concealed handgun license on a temporary emergency basis has the 2919
same right to carry a concealed handgun as a person who was issued 2920
a ~~license to carry a concealed handgun license~~ under section 2921
2923.125 of the Revised Code, and any exceptions to the 2922
prohibitions contained in section 1547.69 and sections 2923.12 to 2923
2923.16 of the Revised Code for a licensee under section 2923.125 2924
of the Revised Code apply to a licensee under this section. The 2925
person is subject to the same restrictions, and to all other 2926
procedures, duties, and sanctions, that apply to a person who 2927
carries a license issued under section 2923.125 of the Revised 2928
Code, other than the license renewal procedures set forth in that 2929
section. 2930

(D) A sheriff who issues a ~~temporary emergency license to~~ 2931
~~carry a concealed handgun license on a temporary emergency basis~~ 2932
under this section shall not require a person seeking to carry a 2933
concealed handgun in accordance with this section to submit a 2934
competency certificate as a prerequisite for issuing the license 2935
and shall comply with division (H) of section 2923.125 of the 2936
Revised Code in regards to the license. The sheriff shall suspend 2937
or revoke the license in accordance with section 2923.128 of the 2938
Revised Code. In addition to the suspension or revocation 2939
procedures set forth in section 2923.128 of the Revised Code, the 2940
sheriff may revoke the license upon receiving information, 2941
verifiable by public documents, that the person is not eligible to 2942
possess a firearm under either the laws of this state or of the 2943
United States or that the person committed perjury in obtaining 2944
the license; if the sheriff revokes a license under this 2945
additional authority, the sheriff shall notify the person, by 2946
certified mail, return receipt requested, at the person's last 2947
known residence address that the license has been revoked and that 2948
the person is required to surrender the license at the sheriff's 2949
office within ten days of the date on which the notice was mailed. 2950

Division (H) of section 2923.125 of the Revised Code applies 2951
regarding any suspension or revocation of a ~~temporary emergency~~ 2952
~~license to carry a~~ concealed handgun license on a temporary 2953
emergency basis. 2954

(E) A sheriff who issues a ~~temporary emergency license to~~ 2955
~~carry a~~ concealed handgun license on a temporary emergency basis 2956
under this section shall retain, for the entire period during 2957
which the ~~temporary emergency~~ license is in effect, the evidence 2958
of imminent danger that the person submitted to the sheriff and 2959
that was the basis for the license, or a copy of that evidence, as 2960
appropriate. 2961

(F) If a ~~temporary emergency license to carry a~~ concealed 2962
handgun license on a temporary emergency basis issued under this 2963
section is lost or is destroyed, the licensee may obtain from the 2964
sheriff who issued that license a duplicate license upon the 2965
payment of a fee of fifteen dollars and the submission of an 2966
affidavit attesting to the loss or destruction of the license. The 2967
sheriff, in accordance with the procedures prescribed in section 2968
109.731 of the Revised Code, shall place on the replacement 2969
license a combination of identifying numbers different from the 2970
combination on the license that is being replaced. 2971

(G) The Ohio peace officer training commission shall 2972
prescribe, and shall make available to sheriffs, a standard form 2973
to be used under division (B) of this section by a person who 2974
applies for a ~~temporary emergency license to carry a~~ concealed 2975
handgun license on a temporary emergency basis on the basis of 2976
imminent danger of a type described in division (A)(1)(a) of this 2977
section. 2978

(H) A sheriff who receives any fees paid by a person under 2979
this section shall deposit all fees so paid into the sheriff's 2980
concealed handgun license issuance expense fund established under 2981
section 311.42 of the Revised Code. 2982

(I) A sheriff shall accept evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section at any time during normal business hours. In no case shall a sheriff require an appointment, or designate a specific period of time, for the submission or acceptance of evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section, or for the provision to any person of a standard form to be used for a person to apply for a ~~temporary emergency license to carry a~~ concealed handgun license on a temporary emergency basis.

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 3013
the weapon stripped, or, if the firearm is of a type on which the 3014
action will not stay open or which cannot easily be stripped, in 3015
plain sight. 3016

(D) No person shall knowingly transport or have a loaded 3017
handgun in a motor vehicle if, at the time of that transportation 3018
or possession, any of the following applies: 3019

(1) The person is under the influence of alcohol, a drug of 3020
abuse, or a combination of them. 3021

(2) The person's whole blood, blood serum or plasma, breath, 3022
or urine contains a concentration of alcohol, a listed controlled 3023
substance, or a listed metabolite of a controlled substance 3024
prohibited for persons operating a vehicle, as specified in 3025
division (A) of section 4511.19 of the Revised Code, regardless of 3026
whether the person at the time of the transportation or possession 3027
as described in this division is the operator of or a passenger in 3028
the motor vehicle. 3029

(E) No person who has been issued a ~~license or temporary~~ 3030
~~emergency license to carry a concealed handgun under section~~ 3031
~~2923.125 or 2923.1213 of the Revised Code or a license to carry a~~ 3032
~~concealed handgun that was issued to the person by another state~~ 3033
~~with which the attorney general has entered into a reciprocity~~ 3034
~~agreement under section 109.69 of the Revised Code~~ license, who is 3035
the driver or an occupant of a motor vehicle that is stopped as a 3036
result of a traffic stop or a stop for another law enforcement 3037
purpose or is the driver or an occupant of a commercial motor 3038
vehicle that is stopped by an employee of the motor carrier 3039
enforcement unit for the purposes defined in section 5503.34 of 3040
the Revised Code, and who is transporting or has a loaded handgun 3041
in the motor vehicle or commercial motor vehicle in any manner, 3042
shall do any of the following: 3043

(1) Fail to promptly inform any law enforcement officer who 3044
approaches the vehicle while stopped that the person has been 3045
issued a ~~license or temporary emergency license to carry a~~ 3046
concealed handgun license and that the person then possesses or 3047
has a loaded handgun in the motor vehicle; 3048

(2) Fail to promptly inform the employee of the unit who 3049
approaches the vehicle while stopped that the person has been 3050
issued a ~~license or temporary emergency license to carry a~~ 3051
concealed handgun license and that the person then possesses or 3052
has a loaded handgun in the commercial motor vehicle; 3053

(3) Knowingly fail to remain in the motor vehicle while 3054
stopped or knowingly fail to keep the person's hands in plain 3055
sight at any time after any law enforcement officer begins 3056
approaching the person while stopped and before the law 3057
enforcement officer leaves, unless the failure is pursuant to and 3058
in accordance with directions given by a law enforcement officer; 3059

(4) Knowingly have contact with the loaded handgun by 3060
touching it with the person's hands or fingers in the motor 3061
vehicle at any time after the law enforcement officer begins 3062
approaching and before the law enforcement officer leaves, unless 3063
the person ~~removes, attempts to remove, grasps, holds, or has~~ 3064
contact with the loaded handgun pursuant to and in accordance with 3065
directions given by the law enforcement officer; 3066

(5) Knowingly disregard or fail to comply with any lawful 3067
order of any law enforcement officer given while the motor vehicle 3068
is stopped, including, but not limited to, a specific order to the 3069
person to keep the person's hands in plain sight. 3070

(F)(1) Divisions (A), (B), (C), and (E) of this section do 3071
not apply to any of the following: 3072

(a) An officer, agent, or employee of this or any other state 3073
or the United States, or a law enforcement officer, when 3074

authorized to carry or have loaded or accessible firearms in motor 3075
vehicles and acting within the scope of the officer's, agent's, or 3076
employee's duties; 3077

(b) Any person who is employed in this state, who is 3078
authorized to carry or have loaded or accessible firearms in motor 3079
vehicles, and who is subject to and in compliance with the 3080
requirements of section 109.801 of the Revised Code, unless the 3081
appointing authority of the person has expressly specified that 3082
the exemption provided in division (F)(1)(b) of this section does 3083
not apply to the person. 3084

(2) Division (A) of this section does not apply to a person 3085
if all of the following circumstances apply: 3086

(a) The person discharges a firearm from a motor vehicle at a 3087
coyote or groundhog, the discharge is not during the deer gun 3088
hunting season as set by the chief of the division of wildlife of 3089
the department of natural resources, and the discharge at the 3090
coyote or groundhog, but for the operation of this section, is 3091
lawful. 3092

(b) The motor vehicle from which the person discharges the 3093
firearm is on real property that is located in an unincorporated 3094
area of a township and that either is zoned for agriculture or is 3095
used for agriculture. 3096

(c) The person owns the real property described in division 3097
(F)(2)(b) of this section, is the spouse or a child of another 3098
person who owns that real property, is a tenant of another person 3099
who owns that real property, or is the spouse or a child of a 3100
tenant of another person who owns that real property. 3101

(d) The person does not discharge the firearm in any of the 3102
following manners: 3103

(i) While under the influence of alcohol, a drug of abuse, or 3104
alcohol and a drug of abuse; 3105

(ii) In the direction of a street, highway, or other public 3106
or private property used by the public for vehicular traffic or 3107
parking; 3108

(iii) At or into an occupied structure that is a permanent or 3109
temporary habitation; 3110

(iv) In the commission of any violation of law, including, 3111
but not limited to, a felony that includes, as an essential 3112
element, purposely or knowingly causing or attempting to cause the 3113
death of or physical harm to another and that was committed by 3114
discharging a firearm from a motor vehicle. 3115

(3) Division (A) of this section does not apply to a person 3116
if all of the following apply: 3117

(a) The person possesses a valid electric-powered all-purpose 3118
vehicle permit issued under section 1533.103 of the Revised Code 3119
by the chief of the division of wildlife. 3120

(b) The person discharges a firearm at a wild quadruped or 3121
game bird as defined in section 1531.01 of the Revised Code during 3122
the open hunting season for the applicable wild quadruped or game 3123
bird. 3124

(c) The person discharges a firearm from a stationary 3125
electric-powered all-purpose vehicle as defined in section 1531.01 3126
of the Revised Code or a motor vehicle that is parked on a road 3127
that is owned or administered by the division of wildlife, 3128
provided that the road is identified by an electric-powered 3129
all-purpose vehicle sign. 3130

(d) The person does not discharge the firearm in any of the 3131
following manners: 3132

(i) While under the influence of alcohol, a drug of abuse, or 3133
alcohol and a drug of abuse; 3134

(ii) In the direction of a street, a highway, or other public 3135

or private property that is used by the public for vehicular traffic or parking; 3136
3137

(iii) At or into an occupied structure that is a permanent or temporary habitation; 3138
3139

(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. 3140
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(4) Divisions (B) and (C) of this section do not apply to a person if all of the following circumstances apply: 3145
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(a) At the time of the alleged violation of either of those divisions, the person is the operator of or a passenger in a motor vehicle. 3147
3148
3149

(b) The motor vehicle 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. 3150
3151
3152

(c) The person owns the real property described in division (D)(4)(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. 3153
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(d) The person, prior to arriving at the real property described in division (D)(4)(b) of this section, did not transport or possess a firearm in the motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic or parking. 3158
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(5) Divisions (B) and (C) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle 3164
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if, at the time of that transportation or possession, both of the 3166
following apply: 3167

(a) The person transporting or possessing the handgun is 3168
carrying a valid ~~license or temporary emergency license to carry a~~ 3169
~~concealed handgun issued to the person under section 2923.125 or~~ 3170
~~2923.1213 of the Revised Code or a license to carry a concealed~~ 3171
~~handgun that was issued by another state with which the attorney~~ 3172
~~general has entered into a reciprocity agreement under section~~ 3173
~~109.69 of the Revised Code~~ license. 3174

(b) The person transporting or possessing the handgun is not 3175
knowingly in a place described in division (B) of section 2923.126 3176
of the Revised Code. 3177

(6) Divisions (B) and (C) of this section do not apply to a 3178
person if all of the following apply: 3179

(a) The person possesses a valid electric-powered all-purpose 3180
vehicle permit issued under section 1533.103 of the Revised Code 3181
by the chief of the division of wildlife. 3182

(b) The person is on or in an electric-powered all-purpose 3183
vehicle as defined in section 1531.01 of the Revised Code or a 3184
motor vehicle during the open hunting season for a wild quadruped 3185
or game bird. 3186

(c) The person is on or in an electric-powered all-purpose 3187
vehicle as defined in section 1531.01 of the Revised Code or a 3188
motor vehicle that is parked on a road that is owned or 3189
administered by the division of wildlife, provided that the road 3190
is identified by an electric-powered all-purpose vehicle sign. 3191

(G)(1) The affirmative defenses authorized in divisions 3192
(D)(1) and (2) of section 2923.12 of the Revised Code are 3193
affirmative defenses to a charge under division (B) or (C) of this 3194
section that involves a firearm other than a handgun. 3195

(2) It is an affirmative defense to a charge under division 3196
(B) or (C) of this section of improperly handling firearms in a 3197
motor vehicle that the actor transported or had the firearm in the 3198
motor vehicle for any lawful purpose and while the motor vehicle 3199
was on the actor's own property, provided that this affirmative 3200
defense is not available unless the person, immediately prior to 3201
arriving at the actor's own property, did not transport or possess 3202
the firearm in a motor vehicle in a manner prohibited by division 3203
(B) or (C) of this section while the motor vehicle was being 3204
operated on a street, highway, or other public or private property 3205
used by the public for vehicular traffic. 3206

(H)(1) No person who is charged with a violation of division 3207
(B), (C), or (D) of this section shall be required to obtain a 3208
~~license or temporary emergency license to carry a~~ concealed 3209
handgun ~~under section 2923.125 or 2923.1213 of the Revised Code~~ 3210
license as a condition for the dismissal of the charge. 3211

(2)(a) If a person is convicted of, was convicted of, pleads 3212
guilty to, or has pleaded guilty to a violation of division (E) of 3213
this section as it existed prior to ~~the effective date of this~~ 3214
~~amendment~~ September 30, 2011, and if the conduct that was the 3215
basis of the violation no longer would be a violation of division 3216
(E) of this section on or after ~~the effective date of this~~ 3217
~~amendment~~ September 30, 2011, the person may file an application 3218
under section 2953.37 of the Revised Code requesting the 3219
expungement of the record of conviction. 3220

If a person is convicted of, was convicted of, pleads guilty 3221
to, or has pleaded guilty to a violation of division (B) or (C) of 3222
this section as the division existed prior to ~~the effective date~~ 3223
~~of this amendment~~ September 30, 2011, and if the conduct that was 3224
the basis of the violation no longer would be a violation of 3225
division (B) or (C) of this section on or after ~~the effective date~~ 3226
~~of this amendment~~ September 30, 2011, due to the application of 3227

division (F)(5) of this section as it exists on and after ~~the~~ 3228
~~effective date of this amendment~~ September 30, 2011, the person 3229
may file an application under section 2953.37 of the Revised Code 3230
requesting the expungement of the record of conviction. 3231

(b) The attorney general shall develop a public media 3232
advisory that summarizes the expungement procedure established 3233
under section 2953.37 of the Revised Code and the offenders 3234
identified in division (H)(2)(a) of this section who are 3235
authorized to apply for the expungement. Within thirty days after 3236
~~the effective date of this amendment~~ September 30, 2011, the 3237
attorney general shall provide a copy of the advisory to each 3238
daily newspaper published in this state and each television 3239
station that broadcasts in this state. The attorney general may 3240
provide the advisory in a tangible form, an electronic form, or in 3241
both tangible and electronic forms. 3242

(I) Whoever violates this section is guilty of improperly 3243
handling firearms in a motor vehicle. Violation of division (A) of 3244
this section is a felony of the fourth degree. Violation of 3245
division (C) of this section is a misdemeanor of the fourth 3246
degree. A violation of division (D) of this section is a felony of 3247
the fifth degree or, if the loaded handgun is concealed on the 3248
person's person, a felony of the fourth degree. Except as 3249
otherwise provided in this division, a violation of division 3250
(E)(1) or (2) of this section is a misdemeanor of the first 3251
degree, and, in addition to any other penalty or sanction imposed 3252
for the violation, the offender's ~~license or temporary emergency~~ 3253
~~license to carry~~ a concealed handgun license shall be suspended 3254
pursuant to division (A)(2) of section 2923.128 of the Revised 3255
Code. If at the time of the stop of the offender for a traffic 3256
stop, for another law enforcement purpose, or for a purpose 3257
defined in section 5503.34 of the Revised Code that was the basis 3258
of the violation any law enforcement officer involved with the 3259

stop or the employee of the motor carrier enforcement unit who 3260
made the stop had actual knowledge of the offender's status as a 3261
licensee, a violation of division (E)(1) or (2) of this section is 3262
a minor misdemeanor, and the offender's ~~license or temporary~~ 3263
~~emergency license to carry a~~ concealed handgun license shall not 3264
be suspended pursuant to division (A)(2) of section 2923.128 of 3265
the Revised Code. A violation of division (E)(4) of this section 3266
is a felony of the fifth degree. A violation of division (E)(3) or 3267
(5) of this section is a misdemeanor of the first degree or, if 3268
the offender previously has been convicted of or pleaded guilty to 3269
a violation of division (E)(3) or (5) of this section, a felony of 3270
the fifth degree. In addition to any other penalty or sanction 3271
imposed for a misdemeanor violation of division (E)(3) or (5) of 3272
this section, the offender's ~~license or temporary emergency~~ 3273
~~license to carry a~~ concealed handgun license shall be suspended 3274
pursuant to division (A)(2) of section 2923.128 of the Revised 3275
Code. A violation of division (B) of this section is a felony of 3276
the fourth degree. 3277

(J) If a law enforcement officer stops a motor vehicle for a 3278
traffic stop or any other purpose, if any person in the motor 3279
vehicle surrenders a firearm to the officer, either voluntarily or 3280
pursuant to a request or demand of the officer, and if the officer 3281
does not charge the person with a violation of this section or 3282
arrest the person for any offense, the person is not otherwise 3283
prohibited by law from possessing the firearm, and the firearm is 3284
not contraband, the officer shall return the firearm to the person 3285
at the termination of the stop. If a court orders a law 3286
enforcement officer to return a firearm to a person pursuant to 3287
the requirement set forth in this division, division (B) of 3288
section 2923.163 of the Revised Code applies. 3289

(K) As used in this section: 3290

(1) "Motor vehicle," "street," and "highway" have the same 3291

meanings as in section 4511.01 of the Revised Code. 3292

(2) "Occupied structure" has the same meaning as in section 3293
2909.01 of the Revised Code. 3294

(3) "Agriculture" has the same meaning as in section 519.01 3295
of the Revised Code. 3296

(4) "Tenant" has the same meaning as in section 1531.01 of 3297
the Revised Code. 3298

(5) "Unloaded" means any of the following: 3299

(a) No ammunition is in the firearm in question, and no 3300
ammunition is loaded into a magazine or speed loader that ~~may be~~ 3301
~~used with~~ is inserted into the firearm in question and that is 3302
located anywhere within the vehicle in question, without regard to 3303
where ~~ammunition~~ the loaded magazine or speed loader otherwise is 3304
located within the vehicle in question. For the purposes of 3305
division (K)(5)(a) of this section, ammunition held in 3306
stripper-clips or in en-bloc clips is not considered ammunition 3307
that is loaded into a magazine or speed loader. 3308

(b) With respect to a firearm employing a percussion cap, 3309
flintlock, or other obsolete ignition system, when the weapon is 3310
uncapped or when the priming charge is removed from the pan. 3311

(6) "Commercial motor vehicle" has the same meaning as in 3312
division (A) of section 4506.25 of the Revised Code. 3313

(7) "Motor carrier enforcement unit" means the motor carrier 3314
enforcement unit in the department of public safety, division of 3315
state highway patrol, that is created by section 5503.34 of the 3316
Revised Code. 3317

Sec. 2953.37. (A) As used in this section: 3318

(1) "Expunge" means to destroy, delete, and erase a record as 3319
appropriate for the record's physical or electronic form or 3320

characteristic so that the record is permanently irretrievable. 3321

(2) "Official records" has the same meaning as in section 3322
2953.51 of the Revised Code. 3323

(3) "Prosecutor" has the same meaning as in section 2953.31 3324
of the Revised Code. 3325

(4) "Record of conviction" means the record related to a 3326
conviction of or plea of guilty to an offense. 3327

(B) Any person who is convicted of, was convicted of, pleads 3328
guilty to, or has pleaded guilty to a violation of division (B), 3329
(C), or (E) of section 2923.16 of the Revised Code as the division 3330
existed prior to ~~the effective date of this section~~ September 30, 3331
2011, and who is authorized by division (H)(2)(a) of that section 3332
to file an application under this section for the expungement of 3333
the conviction record may apply to the sentencing court for the 3334
expungement of the record of conviction. The person may file the 3335
application at any time on or after ~~the effective date of this~~ 3336
~~section~~ September 30, 2011. The application shall do all of the 3337
following: 3338

(1) Identify the applicant, the offense for which the 3339
expungement is sought, the date of the conviction of or plea of 3340
guilty to that offense, and the court in which the conviction 3341
occurred or the plea of guilty was entered; 3342

(2) Include evidence that the offense was a violation of 3343
division (B), (C), or (E) of section 2923.16 of the Revised Code 3344
as the division existed prior to ~~the effective date of this~~ 3345
~~section~~ September 30, 2011, and that the applicant is authorized 3346
by division (H)(2)(a) of that section to file an application under 3347
this section; 3348

(3) Include a request for expungement of the record of 3349
conviction of that offense under this section. 3350

(C) Upon the filing of an application under division (B) of this section and the payment of the fee described in division (D)(3) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division.

(D)(1) At the hearing held under division (C) of this section, the court shall do each of the following:

(a) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the Revised Code as the division existed prior to ~~the effective date of this section~~ September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after ~~the effective date of this section~~ September 30, 2011;

(b) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to ~~the effective date of this section~~ September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after ~~the effective date of this section~~ September 30, 2011, due to the application of division (F)(5) of that section as it exists on and after ~~the effective date of this section~~ September 30, 2011;

(c) If the prosecutor has filed an objection in accordance 3383
with division (C) of this section, consider the reasons against 3384
granting the application specified by the prosecutor in the 3385
objection; 3386

(d) Weigh the interests of the applicant in having the 3387
records pertaining to the applicant's conviction or guilty plea 3388
expunged against the legitimate needs, if any, of the government 3389
to maintain those records. 3390

(2)(a) The court may order the expungement of all official 3391
records pertaining to the case and the deletion of all index 3392
references to the case and, if it does order the expungement, 3393
shall send notice of the order to each public office or agency 3394
that the court has reason to believe may have an official record 3395
pertaining to the case if the court, after complying with division 3396
(D)(1) of this section, determines both of the following: 3397

(i) That the applicant has been convicted of or pleaded 3398
guilty to a violation of division (E) of section 2923.16 of the 3399
Revised Code as it existed prior to ~~the effective date of this~~ 3400
~~section~~ September 30, 2011, and the conduct that was the basis of 3401
the violation no longer would be a violation of that division on 3402
or after ~~the effective date of this section~~ September 30, 2011, or 3403
that the applicant has been convicted of or pleaded guilty to a 3404
violation of division (B) or (C) of section 2923.16 of the Revised 3405
Code as the division existed prior to ~~the effective date of this~~ 3406
~~section~~ September 30, 2011, and the conduct that was the basis of 3407
the violation no longer would be a violation of that division on 3408
or after ~~the effective date of this section~~ September 30, 2011, 3409
due to the application of division (F)(5) of that section as it 3410
exists on and after ~~the effective date of this section~~ September 3411
30, 2011; 3412

(ii) That the interests of the applicant in having the 3413
records pertaining to the applicant's conviction or guilty plea 3414

expunged are not outweighed by any legitimate needs of the 3415
government to maintain those records. 3416

(b) The proceedings in the case that is the subject of an 3417
order issued under division (D)(2)(a) of this section shall be 3418
considered not to have occurred and the conviction or guilty plea 3419
of the person who is the subject of the proceedings shall be 3420
expunged. The record of the conviction shall not be used for any 3421
purpose, including, but not limited to, a criminal records check 3422
under section 109.572 of the Revised Code or a determination under 3423
section 2923.125 or 2923.1212 of the Revised Code of eligibility 3424
for a ~~license or temporary emergency license to carry a concealed~~ 3425
handgun license. The applicant may, and the court shall, reply 3426
that no record exists with respect to the applicant upon any 3427
inquiry into the matter. 3428

(3) Upon the filing of an application under this section, the 3429
applicant, unless indigent, shall pay a fee of fifty dollars. The 3430
court shall pay thirty dollars of the fee into the state treasury 3431
and shall pay twenty dollars of the fee into the county general 3432
revenue fund. 3433

Section 2. That existing sections 109.69, 109.731, 311.41, 3434
311.42, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 3435
2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 3436
2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, and 2953.37 of 3437
the Revised Code are hereby repealed. 3438